

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**260<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**June 21-26 & 28-30, 2021**  
Online Meeting due to the COVID-19 Pandemic

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

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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] That takes us then to approval of our June agenda. Let me first ask if there are any proposed changes to the agenda? And if there are not, then I would entertain a motion to approve the agenda. Phil Anderson.

**Phil Anderson** [00:00:32] Thank you Mr. Chairman. I'll wait just for a moment to see if Sandra has the motion already prepared. If not, I will make a motion that the Council approve our meeting agenda for the 260th session of the Pacific Fishery Management Council as represented in Agenda Item A.4.

**Marc Gorelnik** [00:01:06] All right, thank you. We have your motion. I think it's simple enough we don't need to see it on the screen. Let me see if there is a second? Pete Hassemer is that your hand for a second?

**Pete Hassemer** [00:01:21] Yes, it is Mr. Chair.

**Marc Gorelnik** [00:01:23] All right, thank you. Phil, speak to your motion as you deem necessary?

**Phil Anderson** [00:01:32] Thanks Mr. Chair. I don't think there's a need to speak to the motion. The agenda speaks for itself and should guide us through having a good June Council meeting.

**Marc Gorelnik** [00:01:46] Thanks and Sandra that was seconded by Peter Hassemer. All right, I'm simply going to call the question here. All those in favor say 'aye'.

**Council** [00:02:00] Aye.

**Marc Gorelnik** [00:02:00] Opposed, no? Abstentions? The motion passes unanimously. We have an agenda. We have a way forward.

## **B. Open Comment Period**

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

No transcription for this agenda item.

## C. Administrative Matters

### 1. Council Coordination Committee

**Marc Gorelnik** [00:00:00] So this will take us to Council discussion on these issues. So let me open the floor and see what comments folks have or what points of discussion there are for this agenda item. And we touched on some items I know that will be picked up in later agenda items, so I suppose this isn't the last time to provide some input on these topics, but this is an opportunity, but I don't want to twist anyone's arms. Bob Dooley followed by Chuck Tracy.

**Bob Dooley** [00:00:50] Yes, thank you Mr. Chairman. Chuck, I listened to the CCC meeting and on regarding the seamount, because I'm the Council designee for the steering committee that helped create that and all that, and the one comment I would make is I see that, you know, that there's, it's prescribed to have a certain number of members attend, but it would seem that this is the first one, and it's a... you know... it's an ongoing Council, a Council obligation it seems like for each region going into the future that it might be important to have that steering committee as back in the room people, just to be able to critique it from a perspective of being there, maybe not necessarily participating, to be able to, you know help inform the future of it. So, I'm not sure if that's been discussed or not but it seems to me that might be a logical thing. I know, like in the MREP program, we have people in the back of the room that aren't necessarily in the discussion so much but, you know with this being the first one and another region engaging for the second, it might be something to think about. So, I'll stop there so thank you.

**Marc Gorelnik** [00:02:19] Thanks Bob. Chuck, you have your hand up?

**Chuck Tracy** [00:02:22] Yeah, thanks Bob. That's actually a pretty good segue into my comment, which was going to be that if there are issues that you think should be brought up to the CCC sooner or later, so either, you know now or perhaps agenda considerations for the October meeting, would appreciate getting some feedback on that. Since we are the hosts, we are instrumental in setting up the agenda and, Bob, I think your suggestion is a good one. There will be some additional coordination calls probably between some of the parties or at least email exchanges so I will... I think your suggestion is a good one and I will, I'll float that out there and see what the response is, so thanks.

**Marc Gorelnik** [00:03:19] Any further discussion on the CCC Report? Bob.

**Bob Dooley** [00:03:28] Sorry Mr. Chairman. I left this off when I began with another comment not connected to this, but I realize that the, that our Council is hosting the Monterey CCC meeting that's coming up, I believe in October. I was curious just to have a comment on what, you know I know that's for Chairman and such, you know and the Vice Chair and the Executive Director that attend, but I myself.... personally, I'm interested in attending, and what is the procedure for that to just not to attend and participate, so to speak, but to be part of it because it is our region. It's a good, it's close, it's a good opportunity to actually build some relationships in a multiregional basis and understand firsthand rather than watching it online what the CCC does. So, I'm just wondering if there's any official position on that and can we make reservations? Are we included or is there anything like that involved? So just, that's just a question.

**Marc Gorelnik** [00:04:39] Well, it is a public meeting, but I think your question was somewhat different. Whether Pacific Council members could attend with something other than, as something other than a member of the public, and I guess I'll ask Chuck about that because attendance typically is limited to keep it to a manageable number and to not give preference to one region or another, but Chuck what say you?

**Chuck Tracy** [00:05:16] Thanks Mr. Chair. Yeah, so participation is limited as far as a seat at the table to Chairs, Vice Chairs, Executive Directors and region, NMFS regional representation. But I take Bob's point well. I mean it is an opportunity for us to... you know for folks in our region to be close enough to one of these meetings to attend and so, you know, I guess I would encourage people if they're interested to do that. We haven't contemplated, you know, inviting Council Members or authorizing travel that, you know at this point so, you know I think you're probably on your own, but you're right Bob, it is an opportunity to meet some people that are from other regions and talk to them about how they do things and exchange some information so I guess I would encourage that, but beyond that we have not considered doing that. I don't think that's typical practice for other Councils either to, you know to invite or request participation unless there's, you know there are committee members that would be CCC subcommittee members, for example, that are relevant to the discussions and presentations, that might be something to consider further.

**Bob Dooley** [00:07:04] Mr. Chairman, follow-up if I could?

**Marc Gorelnik** [00:07:06] Please.

**Bob Dooley** [00:07:06] Yeah, I wasn't suggesting that we, you know participate, but a more as maybe be included in the hotel, the links to be able to, you know, to be part of that... part of it... to be able to make the travel arrange, not asking for, you know, support as far as financing it, but being able to be on the list and attend in the audience obviously, so that was my intent and so maybe others might have a different view of it, but I my intent was, you know if there's a... a formal process or a process to contact you or, you know, the Council staff to be able to link into the hotel reservations and such like that. That was the point.

**Chuck Tracy** [00:07:55] Mr. Chair if I might... yeah so, well, you know, we do have a room block and of course priority will have to go to the participants. In particular, there's a limited number of federal lodging rate rooms there so, but I guess depending on where we stand with the overall room block, I suppose there might be some opportunities, but I would have to check with our admin staff and look at our hotel contract and see where we would stand on something like that, but, you know there will also be some receptions and social events that that might also be possible for participation in those, so I guess maybe look for an update from us if not at the Septem... prior to or at the September meeting. Don't have the dates right in front of me. I think the announce, or the invitation will go out to participants I think around August 20th if I'm not mistaken. I'm not sure when the room block closes but I will keep Council members updated on that.

**Bob Dooley** [00:09:37] Thank you. That was very informational, thank you.

**Marc Gorelnik** [00:09:42] Virgil Moore.

**Virgil Moore** [00:09:44] Thank you Mr. Chairman. I support Bob on this one. I think it is appropriate for some members of the Council to be at these CCC meetings to interact with our peers across the nation, certainly especially since we're hosting, but I think we should consider selected support for individuals who have articulated the need and the desire to attend those meetings just to see what's going on and to interact with their peers. My experience has been that builds a better program for us locally as we understand what's going on nationally and especially where it's local to some of our members relative to our hosting this. I think we should give serious consideration to having some of the members supported to go to this to observe and participate. Thank you.

**Marc Gorelnik** [00:10:54] Thank you Virgil. Any further discussion on this agenda item? All right I think that concludes Agenda Item C.1, the CCC Meeting Report.

## 2. Standardized Bycatch Reporting Methodology - Scoping

**Marc Gorelnik** [00:00:00] All right, so that takes care of public comment on Agenda Item C.2, and it takes us to Council action, which is to scope the need to amend FMPs for consistency with the final rule and so with that the floor is open and I'll look for a hand to get it started. Frank Lockhart.

**Frank Lockhart** [00:00:28] I thought maybe it would be good to just start off this discussion with a bit of an overview. I'm not going to spend a whole lot of time on this but recall that, you know, I'm not trying to be pedantic here, but it is a discussion on the standardized bycatch reporting methodology, so overall that's what we're looking at. Do we have in our FMP's requirements for a bycatch reporting methodology? And it has to be a requirement, that's the standardized part. So, the FMP has to specify that this is a required part of our management procedure, and as you can see from all of the reports you have groundfish that looks like it's the current analysis. The team has concluded that it is probably already meeting all the requirements of the SBRM rule, but there are some things that they have to tweak. Well, I shouldn't use that word. There may be some things that we could make more clear in the groundfish management process. And then when you look at the other reports, you have HMSMT essentially concluding that they, there are some things that need to be changed and their initial conclusion is an FMP amendment is going to be needed. And then I would say in between there is the CPS and the salmon FMPs. The teams are still looking at that. Probably there will have to be some changes done, whether in the SAFE or the FMP. There's still some discussion needed for, that's in the CPS, and then for the salmon, whether or not you can potentially do some changes to the preseason report. But I think one thing is that right now I think we, NMFS believes that it's the best course of action I think is to identify the changes and then discuss what's the best way to do that rather than coming to a, well rather than necessarily concluding that an FMP amendment is or is not needed. So I guess what I'm trying to say here is that I think there will have to be some additional discussion with the teams and between NMFS and General Counsel on moving forward with this, and at this point in time I don't think any of us can conclude with anything close to certainty that we know exactly what actions are going to have to be taken. But I'll conclude my comments just by saying I appreciate the work that each of the teams have done and I think that we're going to have to ask them to continue the work that they started here fairly soon after this meeting in order to more fully address the potential changes and then work with Council staff, General Counsel and NMFS staff to figure out a way to go forward so that we can have appropriate documents in front of the Council for preliminary action in September. Thank you.

**Marc Gorelnik** [00:03:56] Thank you Frank. Further discussion? Frank has urged us not to put the cart before the horse here. Maggie Sommer.

**Maggie Sommer** [00:04:18] Thanks Chair Gorelnik. I'd just say I appreciate Frank's comments and the path he just laid out makes sense to me. I would be happy proceeding down that route. Appreciate the input in several of the team reports if not all of them, that perhaps there are supporting documentation, SAFE documents or others that are the appropriate places for details that may be changing on a more regular basis and I'm sure that will be part of the exploration, but it sounds like Frank laid out a good path and I would just thank the teams as well as Brett for the efforts getting us to this point so far and moving forward.

**Marc Gorelnik** [00:05:13] Thank you Maggie. Further discussion on this agenda item? It seems the sense of the Council is to continue with the ongoing process and come back in September. Further discussion, suggestions, guidance? Brett how are we doing?

**Brett Wiedoff** [00:06:00] Thank you Chair Gorelnik. I appreciate all the work that the MT's have done



as well, and I can look forward to working with them soon after this meeting and to continue to develop information in support of the September briefing book and the information that you'll need to truly decide whether an FMP amendment is needed. So, I appreciate, too, that the Council will be patient with me and as I work through these issues and then try to develop some documents and solid information for them to work from. Sorry it's been so long since we got to this. I know the rule's been out for a while. I apologize to Frank and Company too, and now we're at the 11th hour to try to get this done, but I think we can get where we need to go in time for this to be final action in November, so I'm confident in that. That's all I really have to say. I think we got a work plan going forward and we'll execute that and be prepared for September.

**Marc Gorelnik** [00:07:08] All right. Maggie Sommer.

**Maggie Sommer** [00:07:11] Thank you Chair. Maybe just make sure we are all clear on what the expectation is, what's going to happen between now and September. I know some of the teams had specific statements that they plan to meet before September to work on this, but I don't think the GMT was planning on meeting. They may have had some more discussion of this item and then some of the other teams and done the work that they need to do to be prepared for September, but you know, I guess maybe this is a question for Brett? Do you have any input on that or do we as a Council need to provide any more clear guidance today on what's expected of everyone involved before September?

**Brett Wiedoff** [00:08:03] Through the Chair, thank you Miss Sommer. I will work with Todd and the Chairs of the GMT to, to dig into this issue and I do anticipate setting up at least some side conversations to get started on this, to try to scope this out and if needed, to develop a report officially. Then maybe we'll schedule just a two-hour meeting to go over that report and decide how we want to, what needs to go into the briefing book regarding the issues they have identified. So, and to added to that, other teams have really taken the step forward to decide to let's meet. Let's have a core group of people to start working on the information and developing the documents and then come together an official Council-type FR notice meeting in the beginning of August. We're stuck with the FR notice kind of approach so the first week of August is likely where most of those MT's would have to come back together to decide on their final reports for this, for the advance briefing book. So, you're right that the management team has not decided on that yet, but we'll work together, like I said with Todd Phillips, the Council staff lead and any Chairs of those, that committee or that team to develop some plan forward to address the issues that they've identified.

**Maggie Sommer** [00:09:41] Thank you.

**Marc Gorelnik** [00:09:44] Any further questions on this agenda item? All right I think that will conclude Agenda Item C.2.

### 3. Update on Executive Order 14008

**Marc Gorelnik** [00:00:00] So then this will take us to our Council discussion and give and take with Sam. So, I'll look for some hands. All right, Corey Niles followed by Phil Anderson.

**Corey Niles** [00:00:24] Thank you Mr. Chair, and thank you for being here Sam. Apologies if I missed it in the presentation, but we heard earlier at our Budget Committee meeting at this meeting that the President's budget has an increase for NOAA. I don't think we had all the details, or I don't at least remember the details, but curious if that, if you know if that budget contains some of those increases focused on this initiative?

**Sam Rauch** [00:00:57] There's nothing in the budget that explicitly mentions this executive order. There is a significant proposed increase to our habitat program to address climate impacts to habitat, restoration work and those kinds of activities. So, there is that part of the budget and then there is a requested increase in our science programs and certain other programs to also better position us for climate. There is in addition, there is a requested increase that would look at this equity principle and participation in those kinds of things. So, a lot of that is in the budget, but it does not specifically reference this executive order, but it would be very supportive of the theories of the themes of this executive order in terms of the goals that the President has laid out.

**Marc Gorelnik** [00:01:55] All right. Phil Anderson followed by Caren Braby.

**Phil Anderson** [00:01:58] Thanks Mr. Chairman. Thanks Sam. Good to hear your voice. Appreciate you coming before the Council here today and providing us this information. That's very helpful. You know I just, I know you've seen the several written communications that we've had, one that went to Paul Doremus that gave probably a fairly high-level summary of some of the things that we do here in the Council that are, at least from our perspective, directly related to this initiative. I also noted those 8 core principles, at least there was about 6 of them that just, you know align perfectly with the way we do business here. And what I'm curious about is in terms of follow through that we can do communicating with headquarters. Do you have some thoughts on what he would like to see from us in terms of follow up, in terms of providing some feedback to the questions that you posed to us? What's the best way for us to do that?

**Sam Rauch** [00:03:28] Well let me, there's two ways to answer that question. One is we, I am currently engaged with the CCC Subgroup, which is for those of you, to the broader audience, that's the Council Coordinating Committee, which is all the eight Councils, the Council Chairs and Executive Directors, and I've had several discussions with the Chair of that Subgroup, Eric Reid from the New England Council, and Dave Witherell, who's the Executive Director of the North Pacific Council, on what their plans are and how, my understanding is that the Councils are, of course, going to do something very similar to what the federal government is doing, which is to create an atlas of all of the Council area based measures. Why they, you know, what the purpose that they're trying to achieve with the various measures and how that might interact. What is good and bad. It is broader than 30 by 30 so it is intended to be a tool that the Council could use. If they're thinking about measures it would be a significant guidance about what is good and what situations you might use, which action. Clearly also, though the desire of the CCC was that this would be input into the 30 by 30 process, and so we talked about that as to how that may happen. There is no current schedule from the Federal Interagency Working Group, although we expect, I expect that one will be developed shortly, and then we'll have to come in and cross-reference that, because our clear desire, and the mandate from this report is to try to get that feedback into the system. So, on the national level working with the CCC Subgroup, that's what we're doing and we're having good conversation. I met with them twice already so far. From this particular

Council we do, I would value any opinions, advice, thoughts this particular Council has. You can either give it to us orally here at this meeting, or there will at some point be a mechanism, specific mechanism to give us written comment. That is not yet set up. I anticipate it shortly. I well know, though that even without that, you know what our address is and you could send it to me or the new head of fisheries, Janet Coit, who I should have apologized, should have expressed her greetings to you all at her excitement at being selected by the President to lead the fisheries service, and at some point, as soon as we can figure out all the computers and everything, I'm sure she's going to want to talk to the Councils. But we've got to figure out how she can talk virtually to anybody at this point. But we will certainly take written comments if the Pacific Council wants to individually send us comments and we would welcome those. And for the broader public at some point here soon there will be a written portal. I don't have that information yet, as soon as I get it moved, share with the Council.

**Phil Anderson** [00:06:33] Just a quick follow up Mr. Chair. Thanks Sam. Yeah, that helps a lot. Of course we're actively engaged with the CCC, our leadership is and that seems like a good forum in which to kind of pull together the various pieces from across the eight different regional Councils and I think looking at those, you know those kind of four key questions for future engagement in particular, and in particular the baseline for conservation actions and the criteria used or something that at least I would like to have a little bit of opportunity to think about, and then we can provide you some... some of our thoughts, either directly back to you and your leaders and Janet Coit's office as well as through the CCC. But I, for one, am heartened to see the commitment that this administration has to conservation and meeting the challenges that climate change present to all of us and so we'll be looking forward to contributing. Thanks. Thanks very much Sam.

**Marc Gorelnik** [00:07:57] All right. Caren Brady.

**Caren Braby** [00:07:59] Thank you Mr. Chair and, Sam, thank you so much for your presentation and allowing us some time to ask you questions. And one of my questions was related to the dialogue you just had with Phil, and I would just underscore that there is a lot of interest and thinking going on around how to define current activity, current regulations, current approaches in terms of the 30 by 30 principles. So, I think there's broad interest, certainly within the Pacific Council to hear about that as that develops and have an opportunity to provide input. So, thanks for offering that. And the other question I had was more in the nuts and bolts. I understand that there are some additional efforts happening in the West Coast region and the Fisheries Science Centers related to marine planning, and I'm assuming that that is both for the exercises we'll talk about in the next agenda item, offshore wind and aquaculture opportunity areas, but also in service to the atlas that's described in the task force report and having better availability of fisheries information in a way that makes it useful for the development of criteria and assignment of conservation status for these areas. Just wanted to hear if you had any more detail on that line of thinking?

**Sam Rauch** [00:09:39] Well I'm sure there's representatives from the West Coast region in the Science Center that might be able to more specifically discuss their regional efforts. From the national perspective, in terms of this interagency working group, you know much like I indicated, we are, we welcome the input of the Councils. We don't want to duplicate efforts. We're in the same position with the Councils in terms of NOAA has a great deal of data about various conservation areas, both Council and non-Council related areas, and we are working with the interagency group to try to figure out how best to bring that to the table. We do not yet have a clear conception and so any, at this point early on, any input that you might have about what the, you know the GIS people or something, you know what are the fields that we need to ask the questions. When we create this sort of atlas what do the questions need to be? Just that then we can apply the criteria to those questions and how would we get that? So, we're really working, and I'm not a GIS person, so we're working on those nuts and bolts now and much like the Council is excited to present its data to us, we're excited to present our data to the international,

the interagency group, but we still are trying to define what the shape of that query will look like. And maybe I will defer if anybody from the West Coast or the Science Center is on the phone who wants to describe more specifically the Region or the Center's efforts.

**Marc Gorelnik** [00:11:16] All right, that's a good idea Sam. So, is there anyone from West Coast Region or Science Center wants to contribute information response to Caren Braby's question? Well, I guess not. I don't see any hands.

**Sam Rauch** [00:11:40] I'm sure they will.....

**Marc Gorelnik** [00:11:41] But Chuck's got his hand up. Chuck did you have.....

**Chuck Tracy** [00:11:47] I'm not going to respond on behalf of the Science Center or the Region, but I just had another question if we're ready to move past that. But if there is anybody from NMFS on the West Coast here, I'll yield.

**Marc Gorelnik** [00:12:01] Well I'm not seeing any volunteers so why don't you go ahead, Chuck.

**Chuck Tracy** [00:12:10] Okay thanks. And, yes, thanks very much, Sam, for coming and giving this information and you know I think there's been a lot of the questions and your answers that kind of get to most of what I was... was interested in hearing about. But maybe just to put a little finer point on a couple of things. You know I think the process of determining what things that have already been done, how they contribute to the objectives of the executive order and, you know the questions for future engagement and the core principles, I think, you know you can expect from our Council to hear on our thoughts about how some of our measures fit into those, but I guess I would also just ask that, you know as you'll be dealing with this on a much broader scale and actually probably presumably on, you know also on the terrestrial scale, but to the extent that you could provide us any guidance on the things that appear to be, you know sort of rising to the top or relative importance of some of those aspects, you know if you could provide us some feedback on how we should be characterizing our input to you to, you know, to address those particular areas of most interest. I think we would... we would really appreciate that. And I hope that we'll be obviously doing some of that through our SSC Area Based Management Subcommittee as well as the SSC, CCC. So anyway, yeah, so any feedback you could provide in that area I think would be appreciated and I guess that's all I've got.

**Sam Rauch** [00:14:23] Mr. Chair, if I could respond to that. I would be happy to do so if we have the opportunity. As I indicated, the administration currently does not have a preconceived notion as to what is or is not conservation other than they want to at least initially take a broad lens. They recognize the....(garbled)....of team approaches. They've talked about Council measures explicitly in the report. They're interested in figuring out how these different suite of measures contribute to the overarching goal of dealing with the loss of natural areas, climate change and disparities in access. So, there's nothing off the table, but there's also nothing on the table. So, I have no leanings to tell you at the moment, but if I do get them and it's appropriate to share them, we certainly will.

**Chuck Tracy** [00:15:17] Just... just a quick follow up Mr. Chair. Yeah, that was my sense of your presentation. So again, you know I think you can be expecting to get some input from us on our thoughts about that. But again, as you sift through our input and all the other inputs you're going to get, you know just sort of a feedback to what things are striking home and what things are striking out, would I think, would be appreciated. Thanks.

**Marc Gorelnik** [00:15:46] Joe Oatman.

**Joe Oatman** [00:15:49] Thank you Mr. Chair and thank you, Sam, for providing this presentation to the Council. I appreciate some of those details that both relate to tribes across the nation as well as here on the West Coast that I represent. I wanted to see if you might be able to expand a bit more, and I do apologize if I might have missed it, but the 6 areas of focus, like there's the bullet that states, support tribally-led conservation restoration priorities. If you could maybe give me more of a sense as to what's meant by support? Is that something like, you know what tribes are doing now to try and benefit fish and habitat, that you might see some more continued or is there a thought to do more of that kind of work? If you could help me out on that I'd appreciate it. Thanks Sam.

**Sam Rauch** [00:16:58] Yes. Thank you, and I think there's a number of different ways that the federal government or the administration intends to use this. It all is based on the understanding that the tribes have a conservation ethic, they have important goals that they're trying to achieve for conservation of our land and water for a variety of different uses, not just sacred and ceremonial, that's very important, their customary treaty rights, but a wide range of things and the tribes are very good managers and stewards of our lands. And so, the two things that when I look at this language, what I look at it as, the two things we're trying to do here is one, is where the tribes are engaged in their own efforts, we should try to figure out ways to assist them in those efforts. Are there ways we can take the federal government and all the tools we have to bear, our partnership ability that we can do that to help the tribes with their own efforts, and that could, there's a lot of kind of different things that you can look at under that. And there's a lot of different tribes and so this report is national and there's no specifics there other than that general idea. The other one is, as the federal government is engaging in its own efforts, such as the Council process or other kinds of things, to make sure that the tribes are included in that discussion. That we look at what's successful about that. How can we better support the tribes? How can we better bring them in? Do we need to make changes to that to better bring those in and to align the federal effort and make sure the tribal goals are included in the federal goals and that we're using the federal tools to support some of these goals? So it's a wide range of things, and I think if you looked at both this executive order and the other executive orders and other actions that the President has done, the President is serious about trying to support and build on the relationship the federal government currently has with the tribes, and to make sure the tribes have input into this and it's a supportive feedback loop between where we are mutually trying to achieve similar objectives.

**Marc Gorelnik** [00:19:27] Joe, did that answer your question?

**Joe Oatman** [00:19:32] Thank you Mr. Chair and thank you, Sam, for providing those additional details. Those are really helpful.

**Marc Gorelnik** [00:19:41] Okay, further questions? Discussion? I know we've already provided some guidance and we'll be working through the CCC to provide additional. Joe your hand is still up. Do you have another comment or question?

**Joe Oatman** [00:20:02] No, sorry about that.

**Marc Gorelnik** [00:20:04] No worries. Chuck Tracy.

**Chuck Tracy** [00:20:07] Thanks. So, Sam, just another question. I've seen there's, recently there's been some discussions and some announcements about some opportunities for listening sessions. There's been some, we've had some outreach from Silver Spring on engagement with underserved communities and so I'm just wondering the relationship of those efforts are those associated with the Executive Order 14008? And do you have any updates or expectations on some of those efforts?

**Sam Rauch** [00:20:57] There is a different executive order that talks about equity, which number

escapes me at the moment, but I do think I mentioned it in one of my discussions with the Pacific Council in the last year and it talks about creating a program, looking at the various programs and access rights that the federal government has with a focus on ensuring equitable participation, equitable use of our natural resources, access, those kinds of things. We have, there's a department led initiative that is stepping down to NOAA and to the fisheries service on that, and I have created a working group across the various elements of the National Marine Fisheries Service to try to look at the various goods and services we provide, various opportunities that we provide and how can we better align those, the things that we do as a federal agency with the objectives of the executive order in terms of equity and that. So that's not specifically 1408 30 by 30, but it aligns well with 30 by 30, but it is technically in support of the other executive order, which seeks to have this broader, more strategic input into equitable issues and environmental justice. So, when you hear those things, unless it's specifically 30 by 30 related, it's not directly a 30 by 30 initiative, but it supports that, that it's all wrapped up, the motivation behind that other executive order on equity and environmental justice is the same motivation behind the third objective here when the administration talks about disparities in access to the outdoors.

**Chuck Tracy** [00:22:55] Thank you.

**Marc Gorelnik** [00:23:00] Further questions for Sam? Further discussion? Any further guidance on the executive order from the Council? Keeping in mind this is hardly our last opportunity. I'm not seeing any other hands. Sam, thanks so much for coming to the Council and discussing these issues with us.

**Sam Rauch** [00:23:27] Thank you Mr. Chair.

**Marc Gorelnik** [00:23:30] And Chuck, have we concluded our business here on this agenda item?

**Chuck Tracy** [00:23:35] Yes, Mr. Chair. I believe we have.

**Marc Gorelnik** [00:23:38] All right. Well thank you, Sam, once again. Don't be a stranger.

#### 4. Marine Planning

**Brad Pettinger** [00:00:00] That takes us to Council action. So, with that, we're to consider the Executive Director Report on Marine Planning Process and Schedule for Future Council Engagement and provide guidance as appropriate. And I'll open up the Council floor for discussion. Caren Braby. Caren.

**Caren Braby** [00:00:27] Thanks Mr. Vice Chair. I actually wanted to open with a question for Chuck if that's okay. And the question is around the use of the terms 'ad hoc committee' versus an 'advisory body' under the more formal, typical Council advisory body and my understanding is that an ad hoc committee could be assembled rapidly without significant process if the Council agrees on what that process looks like, and I just wanted to confirm that.

**Brad Pettinger** [00:01:15] Chuck.

**Chuck Tracy** [00:01:15] Thanks Mr. Vice Chair. Thanks Caren. Yeah, so ad hoc committees can be formed. They can be formed rather rapidly. I don't have the COP in front of me, but basically it says that they will be, the committee will be formed by a vote of the Council, and it will be populated, the appointments can be made by the Chair directly but to the extent possible or practical they would consult with the Council on those appointments. So that's what it says in terms of that process. It also states that ad hoc committees are intended to be sort of temporary for specific purposes or projects. So, with that said, you know those are in the COPs and as was pointed out at some point today I think, COPs aren't always followed to the letter, so we do have some other ad hoc committees like the Ecosystem Work Group that has been long term and has fairly focused on some... well adapts to whatever the issues are, so not particularly focused on one issue. So that being said, yes, the...you know, if you were to establish a committee, for example under COP 2, like the advisory subpanels or three like the management teams, then that would typically go through a more formal process of soliciting for nominations, a vote by the Council to appoint. In the case of management teams, review by the SSC for qualifications. So, you know those are again, more technically oriented now. So, the Habitat Committee's maybe a little bit of a hybrid there where there are some people that are, you know that are on the three-year appointment cycle, industry representatives, whereas there is also some agency folks who are permanently appointed that generally don't have to have their qualifications reviewed by the SSC. So, there's sort of a I guess, the management teams and the advisory subpanels are kind of two extremes. The Habitat Committee is a little bit of a blend of those processes. Ad hoc committees, again you know, again easier to form, easier to populate and replace members as needed through the authority of the Chair. But generally, it's just possible in consultation with the Council.

**Brad Pettinger** [00:04:19] Thanks Chuck. Further discussion? Caren.

**Caren Braby** [00:04:28] Thank you and this is kind of a follow up statement to that. You know one of the things that we've heard today repeatedly is the urgency of this issue and that we need to do something quickly and so that's been very much noted by myself. We heard that also in March as well, the last time we had a formal marine planning agenda item. And so, the thinking through options for me really is thinking about the impacts on Council time, workload on staff and the advisory bodies that currently exist and the speed with which we can get potentially a dedicated advisory body developed. So, thank you for that and look forward to more discussion around the table on those issues.

**Brad Pettinger** [00:05:34] Thanks Caren. Joe Oatman. Joe.

**Joe Oatman** [00:05:34] Thank you Mr. Vice Chair. And appreciate the information that has been

presented on this particular agenda item that the tribes are interested in and so I'd like to share a bit of perspective on that. For the Coastal Treaty Tribes, those being the Hoh, Makah, Quileute Tribes and Quinault Indian Nation. Their rights to fish in usual and accustomed areas were secured by their representatives in both the Treaty of Olympia and the Treaty of Neah Bay. This right is held in perpetuity and exactly tied to a place-based management. Any Council process that includes expansion of marine protected areas near coastal industrialization and future impacts to happen within and adjacent to the UNAs of the Coastal Treaty Tribes necessitates inclusion of the tribes in that process. As we have reviewed this under this agenda item, we note that both options 'A' and 'B' included variations of forming ecosystem-related recommendations utilizing the Habitat Committee. While although currently vacant, the tribes may appoint a representative as necessary. On Option B, you know, all current advisory bodies where the tribes have a multiple advisory body members serving in various capacities, however in this current four-state proposal, Option 'C' does not include any tribal representation in the makeup of a potential new advisory body. If the Council choose to move forward and form a new advisory body that they got within Option 'C', the tribes request that an additional seat be created for a representative on the....(garbled).... thank you for the opportunity to provide that perspective.

**Brad Pettinger** [00:07:43] Thanks Joe. Heather Hall. Heather.

**Heather Hall** [00:07:50] Thank you Vice Chair. I just wanted to offer some... some general comments. First, appreciation to Chuck and Council staff for the analysis on the four-state report and our proposal and for providing your input on that. It was very helpful, and for the discussion. Also wanted to thank all the advisory bodies and the public comment for the really thoughtful input on this issue and it says to me that there's, we're missing something and there's a strong need and so appreciate that we're trying to figure out a way to do that in a way that is efficient, effective, also you know balances the work that the Council's already doing. I know we'll talk about that tomorrow under future meeting, and that's always a struggle and a challenging discussion. So here as we contemplate doing even more, I just want to say I think it's an important thing to be considering and worthwhile to make space for this in the process and to provide that way to get our stakeholder input and funnel it to folks as we're considering wind energy and other marine planning issues, so thank you and I'll probably have more to say later. Thanks.

**Brad Pettinger** [00:09:34] Thanks Heather. Bob Dooley. Bob.

**Bob Dooley** [00:09:38] Yeah, thank you Mr. Vice Chair and thanks for the opportunity here to comment. I have a comment and I have a question. The comment is I don't think we have, after hearing all the testimony and all of the ongoing for several Council meetings now and attending all of several other outreach meetings that have been held, I don't think there's an option here to not move forward in a quick way and get all the information and all the help we can from the very able advisory bodies as been described by everyone here in the options. I'm not necessarily wedded to one particular option. I think getting something on the road is the key importance. I think, you know unlike a lot of other things that we may make a mistake and get wrong, if we don't engage in this with all we have to get it right and to make sure that we do all we can to make sure that is done right, there is no inseason action or anything that'll move these facilities off of our, off of areas where they're conflicted with our critical habitat and our fisheries. So, I think it's important we do all we can. That's my comment. And so, I would support that we do something that gets an ad hoc committee possibly on the ground first and maybe it transcends into something else in the future, I'm okay with that. I'll wait for discussion on that. My question is really maybe to Chuck and possibly the Caren. There's been talk about a planning or a data model, I guess for siting, and we have heard from, particularly from James Morris from aquaculture and his mapping tool and how he's actually invited us to help get industry involved in creating layers that we need, believe should be in there. And I guess the question I have is, Chuck you'd mentioned



that there is, you appoint a mapper to help, or think that's the term, and I'm hoping that the language and the question is, is the language that he is using adaptable to the language that those other platforms that are really coming from government entities and agencies there, see how it appears, are they compatible? Because it seems to me that that's an important concept that we should be taking right up to begin with and I hope you, I hope it already has and I hope it's a, maybe a redundant question so that's the question.

**Brad Pettinger** [00:12:34] Chuck.

**Chuck Tracy** [00:12:34] Thanks Mr. Vice Chair. Thanks Bob. So let me see if I understand your question. So, are you asking about the compatibility of mapping platforms that BOEM and NOAA aquaculture and our contracted mapper are using to make sure of compatibility there? Was that your question?

**Bob Dooley** [00:12:59] Yes, that's exactly it, Chuck, and I'm sorry I'm....

**Chuck Tracy** [00:13:02] That's fine. Yeah, so they are. So the, in a matter of fact the mapper we.....so basically everybody uses our GIS, a very common platform, and Alison Bailey's the person we've contracted with and she did all the mapping for our Amendment 28 groundfish EFH project and so she's I think well versed in the use of that, the purposes that we need and, you know I'm sure it can.....their platforms will be very compatible with what's being used elsewhere.

**Bob Dooley** [00:13:48] Thanks, Chuck, and that makes me very confident that we have a good chance for success in being.....(cut off)....

**Brad Pettinger** [00:13:59] Okay, Heather. Is that a remnant hand?

**Heather Hall** [00:14:04] Yes, sorry.

**Brad Pettinger** [00:14:09] I think you might have done the double click. Okay further discussion? A motion? Caren Braby.

**Caren Braby** [00:14:24] Yes, I am prepared to offer a motion. I think it will generate some additional Council discussion.

**Brad Pettinger** [00:14:30] Well I'm ready to hear one.

**Caren Braby** [00:14:30] And Kris and Sandra have it and apologies, it is a lengthy and I will read it because folks haven't seen it ahead of time. Maybe another increase in font size, please. All right. So, there is a preamble and then a motion and the preamble in consideration of creating an ad hoc marine planning committee is as follows. 1: The timelines for NOAA and BOEM data development analyses and decisions on offshore wind and aquaculture opportunity areas respectively are short and do not necessarily align with the Council's schedule, resulting in potential missed opportunities for PFMC comment. A smaller Marine Planning Committee that could meet during or between Council meetings could be a timely mechanism for the Council family to track and alert the Council members to the need for comment and elevate that need to the PFMC for action. 2: To be effective and responsive to the external planning timelines, the Marine Planning Committee work could be done efficiently via remote meetings. 3: Specific to offshore wind and engagement with BOEM. State task forces are comprised only of government representatives by law. State and federal agencies are participating directly in task force processes and bringing related management and research perspectives to the table. The task force process, processes do not include fishing and fishing industry stakeholders yet fishing grounds and fish

habitat are resources of particular concern to the PFMC and marine planning and are particularly vulnerable to poorly informed spatial planning process. A PFMC Marine Planning Committee with a priority on fishery and fishery-related stakeholder voices would fill a gap in and strengthen the BOEM process. 4: The four-state fish and wildlife agencies support the following approach. Given this context, I move that the Council initiate an ad hoc advisory body to engage in immediate needs in marine planning processes for offshore wind and aquaculture opportunity areas for at least two years. The Marine Planning Committee will provide timely evaluation of these planning processes and facilitate delivery of PFMC input to the action agencies through regularly scheduled PFMC meetings process or through emergency letter process. Purpose and function of the Marine Planning Committee. 1. Purpose: An ad hoc Marine Planning Committee advisory body will provide the Council with an open and transparent process to gather industry and stakeholder input and advice on marine planning, particularly offshore wind and aquaculture opportunity areas, and a mechanism to funnel constructive recommendations to the PFMC for PFMC action and communication with the planning action agency in question. 2. Composition: The ad hoc committee will be led by a dedicated Council staff member and would include a Council staff or contractor with GIS expertise. Six committee members would be chosen from existing PFMC AB membership, for example the GAP or the HMSAS to serve on the ad hoc Marine Planning Committee and act as liaisons to their primary AB to facilitate timely and efficient information flow. 4. Resource managers: Three recommended by CDFW, ODFW, and WDFW and one tribal manager recommended by the Council's Tribal Representative with expertise in offshore wind and marine spatial planning, would also serve on the Marine Planning Committee. Function: The committee will respond to state-specific processes which have independent timelines in a manner that facilitates the opportunity for the PFMC to provide comment letters as needed to directly informed offshore wind or aquaculture opportunity area processes in California, Oregon, and Washington. In addition, the Council staff lead will build a broader network of dedicated specialists from other institutions as appropriate, which may include, but is not limited to NMFS, other state and federal agencies, the sanctuaries, universities or other marine science and fishery experts to serve as a fluid group of subject matter experts that can provide additional information, analysis and advice as needed. 4. Schedule and meeting planning: The committee should meet in conjunction with, but not necessarily during regularly scheduled PFMC meetings and provide update reports to the Council up to three times each year. For travel and cost savings Council staff should consider the option of virtual meetings prior to full PFMC meeting agenda starting. When the offshore wind or aquaculture opportunity area process does not align with a regularly scheduled PFMC meeting, the committee could meet virtually and initiate quick response letter process as determined necessary. Over the next three months the committee should participate in the July working webinars nomination and approval process for the ad hoc membership as below. And the committee should report to the Council in September, including. A. A summary of the July webinars. B. Recommendations to the Council on the need for comment letter to BOEM, and C. Recommendations to PFMC on further augmentation of the committee membership. 5. Term: The committee would convene for at least two years. The PFMC would reevaluate the need for the committee after two years and determination would be made by the Council. On ad hoc committee makeup, there would be twelve members including staff, the first category 'A' fisheries and habitat representatives. There would be six cumulatively include geographic and sector diversity. Each AB would nominate the representative and the PFMC Chair would approve one each from the HMSAS, the CPSAS, the GAP, and SAS as well as one from the EAS and the HC. B. Four resource managers nominated by the appropriate Department of Fish and Wildlife or nominated by the PFMC Tribal Representative with PFMC Chair approval. One resource planning manager from California, Washington, and Oregon with expertise in offshore wind and marine spatial planning and one nominated by the Tribal Representative on the PFMC. C. Council staff. One Council staff person to be determined by the Executive Director and Council staff, as well as one for GIS mapping layers expertise. D. Two co-chairs for the committee are to be selected from among the members by the full committee, one from among the six AB seats and one from among the four resource managers seats. And with a couple of typos that I think are forgivable, that represents my motion.

**Brad Pettinger** [00:23:10] Okay, thank you Caren. That was going to be my next question. And so, a second by Virgil Moore. Thank you Virgil. Caren, do you wish to speak to your motion?

**Caren Braby** [00:00:01] I do, and there are a number of points that I would like to make. I will try and be brief, but we've heard today that this is an exceedingly important issue to the Council and to fisheries on the West Coast, and so I will take some time to describe why this proposal makes sense, given what we've been hearing for the last six months and more. And I want to open by saying that there has been a huge investment in successful West Coast fisheries by the Council, by the federal government and by the state governments, the tribal governments, and this investment is also borne by the private businesses that include tourism, sport businesses, commercial industries across the West Coast. That investment is important to incorporate into adding additional spatial uses in the space where those fisheries have existed for some time, and while this motion could be perceived as being in opposition of offshore wind or in opposition of aquaculture opportunity areas, instead it's offered with the intent that there are opportunities to minimize the impacts of development in areas that are important to fisheries, that are important to the ecosystem, and that the four states who support this motion feel that there is a way to achieve that minimization through engagement with the Council process. We feel that fisheries need a stronger voice in the process, both for the mapping that's planned for this summer, but then beyond that process to the definition of call areas and confirming that those areas are designed with fisheries in mind and are sensitive to minimizing impacts on fisheries. So, in my four points, the first is really focused on the fact that in the marine spatial planning process, there are many voices who are in fact at the table. State agencies, federal agencies are at the table and that represents a huge amount of expertise and habitat science, management and so on, economics. It does not include the fishers themselves, the fishing industry itself. Instead, this group, who has the largest stake in offshore planning and development is instead part of the public and so it is through the Council process that we can organize and coordinate these voices and communicate our concerns about impacts to those industries, to action agencies. In March, the Habitat Committee agreed that their membership was not ideal for engaging in this process, but today we heard that they nonetheless are willing to represent the Council in this discussion in order to meet the urgent need that is, has been identified not only by the Habitat Committee, but by other advisory bodies. That said, there is recognition across many entities, including the Habitat Committee itself, that the membership is not ideal, and so this motion is intended to bring in a better composition reflecting the comments that we've heard today from our advisory bodies and the public. The second point I wanted to make has also been made multiple times today, which is that we are on a rapid timeline and the PFMC is not in control of that timeline. Rather, the timeline is set by the processes that we've heard updates about today, both with offshore wind and aquaculture opportunity areas, and I do want to call out to both BOEM and NOAA representatives who provided those updates today that I very much appreciate their willingness to engage with the PFMC and meet with us many times over the last six months to a year. And so, this motion is not disregarding that willingness, but it is acknowledging that the timeline is set by processes other than the Council process, and the Morro Bay 399 project is an example where public comment will be sought this July and that public comment, I understand, will close prior to the PFMC having an opportunity to comment on that area. The third point I would like to make is about workload, and we've also heard a lot about that today and there have been many discussions over the last several months, Council discussion in March about this. The PFMC's role, primary role is MSA-related tasks and we have a full plate. We have ongoing discussions about how we cannot continue with this amount of workload effectively and in a timely manner, at least the way that we want to participate. However, this issue of offshore development will have a profound impact on PFMC fisheries and industries, as well as the habitats and ecosystems and the scientific endeavors to understand the resources and changes due to impacts like climate change off of our shore. And so, we don't have the choice to engage or not based on workload alone. This is a critical issue and there are ways that I've tried to build into this motion that help manage the impact on workload in terms of Council floor time, in terms of the management teams, staff expertise and their time involvement in the process, but yet gives an opportunity for the fishery voices to be brought to the

fore. The fourth point I'd like to make, and I'm almost done, is that this type of committee that I've proposed for the Council to support today and the input that they will provide will strengthen the marine planning processes overall. This will serve as a focal point for action agencies to engage with and interact with, hopefully to avoid some of the conflict that we have heard about, for example, with offshore wind, public process on the East Coast. These are processes that we do not want to repeat. We're looking for a better way to move forward and in creating a committee and having that committee engage with BOEM for offshore wind or engage with other action agencies on other offshore development, we will create an opportunity for those fishing voices to have a voice in the process. It also benefits the PFMC in making sure that development offshore is careful, precautionary, strategic and has correct information about our fisheries and our resources so that we understand the tradeoffs that are being made if development proceeds. So, with that I'll stop. Thank you for the lengthy motion and the lengthy rationale and I'd be happy to answer questions.

**Brad Pettinger** [00:08:47] Thanks Caren. Questions for Caren? Ryan Wulff. Ryan.

**Ryan Wulff** [00:08:49] Thank you Caren. Thank you for the motion. And also, there's always a very eloquent and comprehensive rationale, which I appreciate here. I wanted to ask a question. I guess if you could scroll down to the committee make up. Obviously from my perspective there seems to be one resource manager notably omitted there and so I just wanted to ask a question about that. I mean, regarding why you would not see a NMFS representative on the Marine Planning Committee? And I raise that for a couple of reasons. One, obviously, because of the aspects I think we could contribute as well as potentially a single rep being able to coordinate with all of the rest of NOAA. We are establishing a pretty robust cross divisional team on this these issues in the West Coast region and setting, in the process of setting up that infrastructure now so there is already a big interest at a regional level on these issues and I could see some natural and overlapping connections. Second, as you noted in some of the discussion, there is obviously these parallel processes and separate rules that NMFS has as a federal agency, especially when engaging with other federal agencies, and I think the more we're engaged in this, the more we're apprised of concerns of the industry, of the committee, of the Council that allows us to augment or to also extend and pass on some of those concerns through our own separate parallel processes. And then finally, of course, as you've well noted from our, from the OA presentation today, from the Executive Order, from a number of discussions that this, these issues are very important to our current administration so I could also see that as another reason why NMFS would be quite interested. So, I guess my question is more along the lines of how would you see, if we're not a member of this committee how do you see our engagement? There's very small reference above to a fluid group of subject matter experts as appropriate, which includes NMFS. So maybe a little bit more clarification for how do you see a federal agency engagement on our end? Thanks.

**Caren Braby** [00:11:22] Thank you for the question Ryan. It's an important one and I am not averse to suggestions for limited additions to this and friendly amendments. That said, I will describe why it is posed the way that it is. The three managers from the three Departments of Fish and Wildlife, you will note, are experts in offshore wind or marine spatial planning, not in fisheries or in PFMC or MSA, and so the intent here is to think about who within those management entities has responsibility for the state for the marine spatial planning aspect and who is engaged in the, for example, state, BOEM task forces on behalf of the states versus the fish and wildlife staff who are engaged in the PFMC process. So that's one part of the explanation. The other part of the explanation is that BOEM is not represented on this ad hoc Marine Planning Committee either, and it was deliberate that neither of the action agencies were included here. But again, it is not critical that it remains so, but it was really in thinking through is there some conflict of interest in having the action agency on the planning committee itself? And so, all of that aside, there is clearly a vast amount of expertise and advice that both the NMFS staff can bring to this committee as well as the PFMC engaged fish and wildlife staff from each of the state agencies. So, in consideration of workload and consideration that this committee is meant to raise up the voices of

the fishing industry, these managers proposed in this committee are more meant to connect those fishery voices to the process within each of the states so that they understand and can engage with that state level process, and instead of engaging with NMFS or the fish and wildlife staff who are engaged in PFMC specifically.

**Brad Pettinger** [00:14:06] Okay, thanks Caren. Bob Dooley. Bob.

**Bob Dooley** [00:14:10] Yeah thank you Mr. Vice Chair. Thanks, Caren, for this really complete motion. I got a question on process I think, and how you envision it. You know I really over the years have valued greatly the process that's been used in the GAP and several other advisory panels, that it's an iterative process and it's not a formal public comment unless, you know unless it needs to be reined in. But typically, they really rely on the input of industry and such and in that this is going to be, I would envision, dealing with several different geographic areas depending on the call area and the fisheries involved and the expertise that the industry could bring forward in the information that it would be really important to have that is an easy to engage in process. And is, how do you envision it? Would be a formal, you know, public comment? Or do you envision this being an iterative process as you go along to the extent it can in keeping order, I understand that, but more like the GAP as opposed to more like the Council?

**Caren Braby** [00:15:31] Thank you. And through the Vice Chair, thank you for the question Bob. I think that because of the urgency in meeting a timeline that is not our own, my vision of this is that this committee would lead to suggestions to the Council for formal comment. That said, and in part that was my reasons for my question to BOEM today about the next opportunity for a formal comment. We can have engagement with the action agencies across the months, but there will be opportunities that will be very specific and very time limited where the PFMC will either provide comment or will not, and if we miss those opportunities, they will be gone. And so, it's... I think that we need to have something that's able to rise to that challenge of having a very specific time limited opportunity to comment and effectively communicate our perspective.

**Brad Pettinger** [00:16:55] Thanks Caren. Phil Anderson. Phil.

**Phil Anderson** [00:17:02] Yeah thanks. Thanks Mr. Vice Chair and thank you, Caren, for bringing forward the motion and for all the thought and coordination that it obviously represents that you have done. I have two, I have a question and then I have a perspective. There is some description about the Council staff member, and actually it's kind of... back up where you were, Sandra... and there's an assignment there that gives me some discomfort. I don't know if that gives me enough discomfort to... to recommend some other language, but as I have said before, and most of you know, my feeling that this Council, we have the ability to direct the Executive Director. We do not have the authority to direct the Executive Director's staff and make assignments to staff. That is in the purview of the Executive Director. So, I'm just... I'm a little bit... I'm twinging a little bit when I read the first sentence there under number two about exactly what the staff member is going to do. But I would defer to Chuck to make any further comments if he has concerns about the way that is represented. That's first. The second is, and if you wouldn't mind scrolling down a little bit for me to the composition of the committee portion. Thank you. I have thought about this quite a little bit about Ryan's point relative to having a representative on the committee from National Marine Fisheries Service, and I believe that it is important that we have a representative on there from National Marine Fisheries Service, and while I understand and appreciate the expertise that the states are thinking about in terms of that the individuals will have who occupy their seats and appreciate that, when I back up and lift up a little bit from all of this, you know I go back to thinking about why are we so concerned about this initiative? And to me, it's twofold. One, we are concerned about how this will affect our ability to protect the living marine resources that are off the West Coast of the United States. And two, we are concerned about how this

activity and these projects will impact the fishing industry and all that encompasses from the people who are on the boats, to the people at processing plants, to our coastal communities, that entire umbrella that's represented by the fishing community... those in my mind is why we are so concerned and why we feel like we need to have a loud voice in what is transpiring, what's being contemplated, what is on the horizon. National Marine Fisheries Service and the Pacific Council have been partners in everything that we do relative to both of those primary elements, and obviously the fishing industry is just as much, they're stakeholders as much as they are the Council's. They have as much concern and stake in this for those two primary elements as the states do and the tribes. And I meant to the tribes in each one of those states. So, it is with that thought that I will offer an amendment to the motion that under 1.b we will, the resource managers would include five and include a representative from National Marine Fisheries Service.

**Brad Pettinger** [00:22:30] Okay, thanks Phil. Does that language accurately reflect your motion to amend?

**Phil Anderson** [00:22:34] If it looks clear to you, it's good with me.

**Brad Pettinger** [00:22:41] Okay. Okay, seconded by Butch Smith. And Phil I don't know if you want to speak anymore to your motion but now would be the time.

**Phil Anderson** [00:22:47] Thank you Mr. Vice Chair. I think I have shared my thoughts with the Council as to my rationale for offering this amendment.

**Brad Pettinger** [00:23:00] Okay. Questions for the maker of the motion? Or to amend the motion? All right.

**Phil Anderson** [00:23:11] And could I speak to one more point, please?

**Brad Pettinger** [00:23:14] Please.

**Phil Anderson** [00:23:16] You know we do have situations that arise from time to time when the Council chooses to take a position in a letter that National Marine Fisheries Service finds themselves in a place where they need to abstain and has their, if letters come forward out of this group, you know that may occur depending on who those letter is addressed to. So again, I think they have the flexibility and the committee will thereby, therefore have the flexibility to bring forward the kind of work products that were looking for.

**Brad Pettinger** [00:23:57] Okay. Discussion of the amendment to the motion? Ryan Wulff. Ryan.

**Ryan Wulff** [00:24:05] Yeah, thank you and thanks, Phil, for the motion. I appreciate it and I appreciate your, the latter point you just raised as well, and I think we would have that flexibility. I think we've done that successfully and have that committee and in other areas and I would be confident we could do it here. I'm also appreciative of the comments that Caren raised regarding the level of expertise, and I do think that NMFS could provide someone to this that was linked in at a broader expertise level in our regional offshore wind, marine spatial planning and national actions too so being able to provide both that expertise as well as, of course, the connections with the Council and the fishery management process. Thank you.

**Brad Pettinger** [00:24:54] Thanks Ryan. Further discussion? Okay not seeing I'll call the question for the amendment to the motion. All those in favor signify by saying 'aye'.

**Council** [00:25:07] Aye.

**Brad Pettinger** [00:25:07] Opposed? Abstentions? Motion passes unanimously. Thank you Phil. Okay, so we're back to the original motion as amended and I see Marci.

**Marci Yaremko** [00:25:30] Thank you Mr. Chair. Question for Caren on the motion. With regard to the composition of the AB representative... thank you, Sandra, for scrolling up... six representatives, one each from the HMSAS, CPSAS, GAP, SAS and then one from EAS and HC. Thinking about our goal here, which is to engage in this process with the view toward recognizing the importance of our West Coast marine resources to our communities and those that rely on those resources for utilization, recreation or enjoyment, I am just wondering how we ensure that there's adequate NGO representation in this composition? While it's possible that these ABs may select a conservation rep to be their representative, there's no certainty there, but yet I think as we develop our recommendations, they have a unique voice that we appreciate hearing from in all of our considerations but in this one, it's doubly important. So, I'm just wondering what we might do there on how to ensure that their input is incorporated. So let me hear your thoughts and we'll go from there.

**Brad Pettinger** [00:00:00] Is that a question for Caren, Marci?

**Marci Yaremko** [00:00:03] Yes.

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

**Caren Braby** [00:00:06] So I'm happy to share some thoughts and welcome thoughts from others. Obviously, as you've pointed out, there are NGO representatives on each of these teams. The motion focuses on raising up fishery voices specifically, but also that each representative should be nominated from within the advisory body to this Marine Planning Committee and that each representative should serve as a liaison back to that home advisory body, if you will. So, the HMSAS representative, whether it's a conservation NGO's seat or an industry seat, should voice the perspective of that full AB in participating in the Marine Planning Committee serving as that liaison and bringing the information back for further engagement by that advisory body. And so, through this iterative kind of connected process we, in my vision have created a targeted, streamlined, nimble group that also connects back to the entire Council ecosystem, if you will. So that's the thinking. I have also in this motion asked the composition of this committee, this ad hoc committee as stated here today, to come back to us in September with recommendations on how the committee could be... should be augmented and that could be a particular comment from the committee itself to the Council in September. The most immediate need, from my perspective, is engagement in and responsibility for tracking the working webinars that are planned for July 22nd and 23rd, and for that it's the fishing voices I think that really need to engage and report back to us.

**Brad Pettinger** [00:02:29] Okay. Thanks Caren. Caren, your hand's up. Was that for, to respond to Marci or is that for a comment for yourself?

**Caren Braby** [00:02:31] It was actually for a comment, and it somewhat relates to Marci's comment and to Ryan's comment, which is that this committee, if it's 12 people, if it's 13 people, clearly is not going to be able to speak to everything that the Council is and everything that the Council has concerns about. And so, I think the burden will definitely be on this committee to work with Council staff to bring in experts as needed to talk with the committee on specific aspects, whether that's a member of the GMT or it's a NMFS staff person who isn't involved in the Council process. It's really identification of the needed expertise, bringing that expertise to the table to have strategic discussions to inform the committee. And that is something that I hope will happen.

**Brad Pettinger** [00:03:49] Okay thanks Caren. Chuck Tracy. Chuck.

**Chuck Tracy** [00:03:52] Thanks Mr. Vice Chair. I just wanted to circle back. Sandra or Kris, could you scroll up to numbers 2 and 3 there? Just wanted to circle back with Phil's question about staff assignments. So... well... from my memory, I think number 2 started off with there will be a dedicated Council staff officer to do these duties. Could we get scrolled up there? Anyway, I guess my thoughts there... yeah.... there we go... led by a dedicated Council staff member. I guess my first thought was that... gee... all our Council staff officers are dedicated, but I'm not sure that's the meaning that was implied there. You know, maybe just to explore a little bit. You know, dedicated as in dedicated strictly to this, to this topic, I would definitely have a problem with that. Dedicated as in unchanging or as opposed to a sort of a tag team thing, I don't typically like to operate that way. Sometimes you might need that flexibility, but I guess I'm not too concerned with that aspect. So, yeah, I guess I do appreciate Phil's comment and would like to make sure that it's understood where the Council's authority lies regarding Council staff. And then I guess I would also note that under 3 there's maybe another assignment. The Council staff lead will build a broader network of dedicated specialists, et cetera, so again that, so if you just left off lead, I would feel more comfortable because I don't think this necessarily has to be a one-person job. I think the... my Executive Director... the Deputy Director, I think and whoever might be assigned to... to lead this advisory body should in this effort, should it proceed, are all people that could contribute to that or take the lead in that, depending on, you know, who's, who you're reaching out to. Sometimes it's appropriate to have staff from different levels making contact with other entities at a similar appropriate level. So, I guess the bottom line here is that I do want to make sure that it is recognized that the Executive Director does have the authority over staff assignments and how things are accomplished within the staff's purview. What needs to be accomplished I understand that being direction from the Council. Thanks.

**Brad Pettinger** [00:07:38] Okay, thanks Chuck. Good points. I see Pete Hassemer. Pete.

**Pete Hassemer** [00:07:44] Thanks Mr. Vice Chair. I guess this, maybe Executive Director Tracy, Chuck just answered my question, but I guess I'm going to be a stickler for some of the rules here. Chuck, as I was looking through the existing ad hoc committees... we don't list staff as part of any of that membership and I'm just trying to think back through the process when we've created them in the past. We simply leave it to you in your duties, just like an advisory body meeting, a subpanel meeting or anything else that you find the ways to staff those committees or those various bodies for us, and that's part of your duties and I think that's what you're saying. Is that correct?

**Brad Pettinger** [00:08:49] Chuck.

**Chuck Tracy** [00:08:49] Yes, thank you Mr. Vice Chair. Mr. Hassemer that's correct.

**Pete Hassemer** [00:08:54] All right thanks.

**Chuck Tracy** [00:08:56] Maybe if I could just continue. I guess I didn't quite read this is as if you were questioning whether the staff officer would be part... a member of the committee... I guess I was not, if that was your question, I'm not sure if it was, but I guess I don't quite read that being the case in how the motion's phrased.

**Pete Hassemer** [00:09:17] Correct. Mr. Vice Chair if I might continue. That wasn't my question. It was just after the Council if it were to create or when they create an ad hoc committee, then as that committee is put in place how the process continues. So, you clarified that. I guess maybe I'm just foreshadowing a possible amendment here, and so to also be a bit of a stickler on the rules. I appreciate the thoroughness and the work that's gone into this but the question for Caren, the maker of the motion, scrolling back



down to the composition or the that... park right there. Under number one, the last part of that I understand, and I think I see the rationale for two Co-chairs and where they come from, but again it's just a slight deviation from our process and it's a good thing we're virtual, nobody can throw anything at me for bringing this up. But they're selected from among the members by the committee and reading our operating procedures again the, there's a process, names are brought up but it's the responsibility of the Chair, the Council to appoint Co-chairs or a Chair and a Vice Chair. So maybe the question there was there consideration as to how this would proceed? And I'm not thinking about going through a big process there, but as and looking up at under 'A' how that goes there are, the advisory bodies who would nominate representatives. The Chair would appoint them through that process then the advisory bodies or appointees could also make that recommendation to the Chair, and we can still keep that responsibility with the Chair. And again, thinking of that, it's just not creating a situation where we weaken the effectiveness of our operating procedures by allowing deviations from it. So, I think there was a question there. Any thought to that? Or is it possible to consider a different way of doing that?

**Caren Braby** [00:12:00] Through the Vice Chair, I would be very amenable to an adjustment there.

**Pete Hassemer** [00:12:09] Thank you and Mr. Vice Chair, I see there's another hand up, but I was ready to propose an amendment to this motion.

**Brad Pettinger** [00:12:20] Okay. Phil's taken his hand down, so I think we'd be amenable to that Pete.

**Pete Hassemer** [00:12:24] All right, thank you Mr. Vice Chair. I'll go through this, Sandra, or whoever is typing this up. So, we need to scroll to the top of the motion and read the first part. Let's see, a little higher than that, back to the top where the issue about.....there under composition. So, I move to amend the motion by number, or first under item number 2 composition, strike the first sentence in that paragraph. And secondly under number 3 and pause while I read sentences. In the second sentence strike the word 'lead' after the word 'staff', and third, now we have to scroll down to the bottom of this so I can read. Apologize. Keep going down. Under the section 1 ad hoc committee makeup item 1.d, Strike the phrase 'selected from among members by the full AH dash MPC and replace it with the word 'appointed'.

**Kris Kleinschmidt** [00:15:24] Can I have you please repeat that last part.

**Pete Hassemer** [00:15:28] Sure. Replace with the word 'appointed'.

**Brad Pettinger** [00:15:52] Okay Pete. It's in place. Does the language accurately reflect your motion?

**Pete Hassemer** [00:15:59] Give me one second to read it. The part there, second under number 3 strike that function in the second sentence. I think they were capturing my rambling. Under number 3 strike the word 'lead' after staff. I think it's clear where that is under section.....yes.

**Brad Pettinger** [00:16:40] Okay, thank you. And looking for a second? Seconded by Marc Gorelnik. Okay Pete, do you wish to speak to your motion?

**Pete Hassemer** [00:16:58] Thanks Mr. Vice Chair. I shouldn't have to, but I think those changes just better reflect our operations, how we do things and in the case of the first part of that, less prescriptive in terms of what the staff does and leave, leaving that to the discretion of the Executive Director. And lastly, again on the last point about selection of a Chair, Co-chairs or a Chair and Vice Chair, simply not to diminish the power of our operating procedures by deviating them, but use the process we have and I don't think this is going to set up a longer meeting process that I fully trust that under the guidance of the advisory body or the nominees and making that, that our Chair could make those appointments

external of a Council meeting that we wouldn't have to go through a process to do that, because that would be done at some point after the appointments were made by the Chair. That concludes it. Thanks.

**Brad Pettinger** [00:18:20] Okay, thanks Pete. Questions for the maker of the amendment to the motion? Phil Anderson. Phil.

**Phil Anderson** [00:18:25] Yeah. Thanks, Pete, for the amendment and thanks Mr. Vice Chair. I wondered if we could ask Sandra just to scroll up a bit here just so I can... let's first go up to number 1 under, or number 2 right there so... just so... so if this motion passed that first sentence under number 2 would be stricken... and so that's what would be left and so there's no mention of the Council staff participation and the composition the way that would be left and so I understand that so if we could scroll down now and see where that... not quite that far.... under number 3.....so is it in the fourth line there after the word 'staff', which is in addition the Council staff lead will.....I'm trying to understand what which, is that's where that was stricken? That's a question for Pete. Do I have that right?

**Brad Pettinger** [00:20:13] Pete.

**Pete Hassemer** [00:20:13] Yes, that is correct. And that was done after I had heard Executive Director Tracy's explanation and discussion about that point that.....I guess it was descriptive of what staff could be but did not describe it as a lead in the process.

**Phil Anderson** [00:20:41] And my concern there, Mr. Vice Chair, my concern there is it really didn't change, it didn't get us to where I thought we needed to be because now it says that Council staff will build a broader....so it's left totally up to the Council staff the way it reads, which is not much different than where it was. And I think the point here was that the Executive Director will assist in building a broader network, blah, blah, blah, so and then Executive Director, then of course, has the purview to assign a staff member to fulfill that function. So, I'm not comfortable that we got there with the wording of that portion of the amendment.

**Brad Pettinger** [00:21:35] Okay.

**Phil Anderson** [00:21:35] And I would need to consult with Dr. Hanson on the appropriate approach to make that change through an amendment to the amendment. That is the way to do that?

**Brad Pettinger** [00:21:59] Dave. Dave you're muted.

**Chuck Tracy** [00:22:07] Mr. Vice Chair? I had a communication from Dave earlier this afternoon that he had something he had to deal with and could be stepping out. It's possible he left his connection open and is still unavailable. So, if that's the case, I guess maybe stepping into that role for a bit. I think that Mr. Anderson is correct in his assumption that we would need to amend the amendment. I think that would be the proper channel here.

**Brad Pettinger** [00:22:59] Okay.

**Phil Anderson** [00:23:04] Mr. Vice Chair, if I may, before I do such a thing, I would like to request that we hear from the maker of the motion. I see that Dr. Braby has her hand up and I don't want to make matters worse here.

**Brad Pettinger** [00:23:24] Okay. Caren.

**Caren Braby** [00:23:24] Thank you. Just got a frog in my throat. I just wanted to offer an observation

that the sentence, and I don't oppose an amendment here at all, the sentence does include the phrase 'as appropriate' and 'as needed' within it, which are relief phrases to a mandate, but I think if the phrase or the word 'consider' building a broader network were included it might add additional flexibility but keep the concept here, which is that there is a rich community of experts who could be brought in strategically to work with the committee, that's all.

**Brad Pettinger** [00:24:26] Thanks Caren. Heather, I see your hand up?

**Heather Hall** [00:24:33] Thank you Vice Chair. I just want to, I might be understanding this a little bit differently and I think the point that I understood Chuck to make is that where we went wrong in this motion is by using the words 'the Council staff', because we don't tell the Council staff what to do. The Executive Director does, and so potentially what I thought I heard Phil say is that the way to keep the intent here but to be more appropriate is to say, 'the Executive Director will build a broader network'. And I'm not making a motion or anything because I don't know the rules and I don't want to make a further mess of it, but I just wanted to throw that out there to make sure I am understanding how to correct this so we're not asking people to do things we don't have the authority for them to do.

**Brad Pettinger** [00:25:40] We'll get there. Thanks Heather. Phil Anderson. Phil.

**Phil Anderson** [00:00:00] Thanks Mr. Vice Chair. I am going to propose an amendment to the amendment.

**Brad Pettinger** [00:00:07] Okay.

**Phil Anderson** [00:00:09] But I can't do it unless I.....sorry, Sandra, I got to look at the... and I'm on number 3.... I'm right where you were. I would move to amend the amendment. In number 3, function, second sentence, delete the word 'the Council staff' and replace it with 'the committee'. And if there's any confusion, that means the ad hoc Marine Planning Committee as what's referenced there.

**Brad Pettinger** [00:01:10] Okay.

**Phil Anderson** [00:01:11] So it's a committee function. The Council's a part of the committee. The Council staff person working on it is part of the committee. But it is the committee with all the caveats that the current maker of the motion put in the sentence, I'm speaking to my motion, and I shouldn't be doing that, but I'll leave it there. The amendment is to delete the words 'the Council staff' and replace it with the AH dash committee.

**Brad Pettinger** [00:01:45] Okay, very good. So, the language is good? So... a second? Seconded by Caren Braby. And I believe you've spoken to it. Phil, is there anything else you want to say?

**Phil Anderson** [00:01:55] Nope.

**Brad Pettinger** [00:01:55] Okay. Discussion? Questions for the maker of the amendment to the amended motion, or the amendment to the motion? Okay. It's all laid out. Okay, all those in favor to the amendment to the amended, to the amendment amended by Phil Anderson signify by saying 'aye'.

**Council** [00:02:31] Aye.

**Brad Pettinger** [00:02:32] Opposed? Abstentions? Okay, now the amendment to the amendment passes unanimously. Okay, so now we're back to the amended motion that Pete put out that's been amended, and I would say is there further discussion on that amended, amended motion? Christa

Svensson.

**Christa Svensson** [00:03:09] Thank you Vice Chair. I just want to say that I'm in support. I appreciate the conversation and the thought that has gone into the motion as it was originally produced, but also for the conversation, the questions and the discussion that's gone around refining it here on the Council floor. I also want to say thank you to all of the public and the advisory bodies who didn't just say okay they're interested but not moving forward so we'll drop it. They kept on bringing this forward and I'm excited that we have, hopefully, if we all agree or most of us agree, have something that we can work towards in a timely fashion. I am appreciative that this is timely in terms of the approach, and I am also appreciative that it is a known time commitment for those that are asked to serve on this committee, both in the two-year component but also that that gives us a chance to review as a Council in timely intervals. And I lastly just want to say I'm appreciative that we have included a wide range of stakeholders, but that we have not got such a large group that it will be difficult, I think, in terms of scheduling for the committee, because time will be of essence, not just in forming the committee but in responding to issues as they come up. And with that, I will close my remarks. Thank you.

**Brad Pettinger** [00:04:59] Thank you Christa, but a little premature because our next vote is going to be to amend, accept Pete's amendment that's been amended to the original motion so.

**Christa Svensson** [00:05:12] I'm in favor of that too. So, there you have it.

**Brad Pettinger** [00:05:15] Very good. Marci Yaremko. Marci.

**Marci Yaremko** [00:05:19] Thank you Mr. Vice Chair. I'm glad that you just reminded us where we were because I wasn't sure. I would like speak on the main motion when we get back there. So, I'll hold my remarks.

**Brad Pettinger** [00:05:32] Okay, very good. Well, with that I'm going to call for the question on the Pete's amendment to the motion. Of all those in favor signify by saying 'aye'.

**Council** [00:05:45] Aye.

**Brad Pettinger** [00:05:45] Opposed? Abstentions? Okay, the motion passed unanimously which takes us to the original, Caren's original amended motion, which has now been amended a couple times and Marci do you do wish to speak to the main motion?

**Marci Yaremko** [00:06:12] Yes, thank you Mr. Vice Chair. And if you'll indulge me. I apologize I do have another amendment. Going up to number 2. Composition. Add a sentence at the end. Says 'One conservation representative would be recommended by conservation representatives presently serving on existing Council advisory bodies'. Then down on, I guess it's down on number....scroll down please. Keep going....there we go under the makeup... change 12 to 13 in item one. And then I guess we could just put, make this in an 'E' below, that would be conservation representative and then parentheses one recommended by conservation representatives presently serving on existing Council advisory bodies. Thank you.

**Brad Pettinger** [00:08:58] Okay. I guess Kris needs to pull this together into a motion so we can take a look at it. Chuck, I see your hand up. You have a question?

**Chuck Tracy** [00:09:18] Yeah thanks Mr. Vice Chair. Just wanted to before we get too far down the road here I just... scroll back up please. Just wanted to make sure that that's okay. I just want to usurp the Chair's prerogative of appointing the conservation representative, so I just want to see if

recommended, yeah, I suppose that's parallel construction with nominated by appropriate while Department of Fish and Wildlife representative, I suppose that's okay. I think I'm okay with that. Thanks for your patience. Mr. Vice Chair, I do have a suggestion to maybe make it a little....how about 'selected from among'. That would be my suggestion to Miss Yaremko if she wants to consider it.

**Marci Yaremko** [00:10:59] That works for me.

**Brad Pettinger** [00:11:13] Chuck's suggestion works for you or what you have before you works for you?

**Marci Yaremko** [00:11:19] His alternative phrasing of so instead of 'would be recommended by'. I think you said 'selected from' is that what you suggested Chuck?

**Chuck Tracy** [00:11:38] Yeah selected from among....

**Marci Yaremko** [00:11:40] From among, yes.

**Chuck Tracy** [00:11:40] Conservation representatives presently serving on existing advisory bodies.

**Kris Kleinschmidt** [00:12:00] Marci, can you please confirm that?

**Marci Yaremko** [00:12:02] Yes. One conservation representative would be selected from among conservation representatives presently serving on existing Council advisory bodies. Yes, thank you.

**Kris Kleinschmidt** [00:12:13] Thank you.

**Brad Pettinger** [00:12:19] Out of curiosity, if I could ask the maker of the motion. Does that preclude a conservation representative representing one of the advisory bodies?

**Marci Yaremko** [00:12:32] Thank you for waiting for a second.

**Brad Pettinger** [00:12:39] Okay, seconded by Ryan Wulff I believe.

**Ryan Wulff** [00:12:43] Sorry I had a question.

**Brad Pettinger** [00:12:44] Okay Ryan.

**Ryan Wulff** [00:12:44] I just want to be clear here before we get too far down the road. I thought we were already at 13 members based on this motion that we had previously amended to add the NMFS representative. So, wouldn't this make it 14?

**Brad Pettinger** [00:13:00] Marci.

**Marci Yaremko** [00:13:09] Great point. I.... yes, thank you.

**Brad Pettinger** [00:13:19] I would have said yes but it's your motion so.....

**Marci Yaremko** [00:13:20] I did say yes. Yes, the membership was at 13 and now it is at 14, proposed to be 14.

**Brad Pettinger** [00:13:32] Okay Marci. Does the motion accurately, on the screen accurately reflect

the language on your motion?

**Marci Yaremko** [00:13:40] Yes it does. Thank you.

**Brad Pettinger** [00:13:43] Okay. Do you wish to speak to...?

**Marci Yaremko** [00:13:45] Yes, I do. I think, I appreciate the response that Caren offered us with regard to her, to my initial question about NGO representation, and while, yes, the group could come back to us later and recommend that they add additional gaps or fill additional gaps after they have convened or....

**Brad Pettinger** [00:14:18] Marci, I'm sorry. I need, I should've asked for a second. It's my bad. Michael Clarke. You have a question? Can Michael second a motion? That's a question for Chuck.

**Phil Anderson** [00:14:40] Yes.

**Brad Pettinger** [00:14:42] Okay.

**Chuck Tracy** [00:14:43] Yes, he can. He just can't vote on it.

**Brad Pettinger** [00:14:45] I just want to make sure. Okay, Marci I'm sorry. You get to proceed.

**Marci Yaremko** [00:14:48] Sure. I appreciate Caren's thinking on the topic and that she had identified a possible solution in that the committee would look to its gaps and how they might be filled as the process develops, but I'm mindful that in our earliest discussions on this topic, we heard very loud and clear from our existing conservation reps that this issue was very important to them, and I know that we certainly have conservation reps on each of our advisory bodies with specific expertise in each of the fishery FMPs that they sit on. But I do feel like when the advisory bodies get together and decide who they're going to wish to represent them on this committee, that there is a very strong likelihood that the selection will be a fishery sector representative, and I think we heard Caren speak to that in her response to my question, and that the goal was for fishery sector representatives. While we're looking to select a diverse group of them, this is their opportunity to serve and dive into this subject matter on behalf of their respective committee. So, I do feel that it's important that because the likelihood will be that fishery representatives will be selected, that we make sure that this particular community has a seat at this table, acknowledging again that they were instrumental in raising the awareness and the need for the Council to engage in this topic. So, with that I propose that we add one conservation member from the existing folks that are serving on our advisory bodies, and I thought that they could get together and provide a recommendation and then that would inform a selection by the Council Chair, as described in the language on the screen. Thank you.

**Brad Pettinger** [00:17:28] Thank you Marci. Louis Zimm.

**Louis Zimm** [00:17:31] Thank you Mr. Vice Chair, and thank you for the motion Marci. It is, I think a good way to go. It's very considerate. I do want to say, however, that the very person that started this up I will give much credit to and got me to push this whole process back to September will be on the Council for, in September and will certainly be involved so I'm sure she'll appreciate that. Thank you.

**Brad Pettinger** [00:18:09] Thank you Louis. Okay, further discussion? Okay and I'll call for the question. All those in favor of the amendment to the amended motion signify by saying 'aye'.

**Council** [00:18:25] Aye.

**Brad Pettinger** [00:18:25] Opposed?

**Virgil Moore** [00:18:30] No.

**Brad Pettinger** [00:18:33] Abstentions? I believe the motion passes, but I'm not sure how many were a 'no'. Chuck.

**Chuck Tracy** [00:18:46] I did not, I heard for sure one voice. I don't know if there is more than one and I don't know who the one voice was. Perhaps if you voted 'No' could just raise their hand. Virgil Moore. Did anybody else vote 'No'?

**Brad Pettinger** [00:19:06] Okay. There we go. Okay and now, we'll go to the original motion that's been amended a couple of times here now. Any further discussion on Caren's original motion that's before you? Seeing none I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:19:36] Aye.

**Brad Pettinger** [00:19:36] Opposed? Abstentions? Okay that one passed unanimously. Whew, okay with that I always ask is there any further discussion on this agenda item? Thank you. Butch Smith. Butch.

**Butch Smith** [00:20:02] Yeah, I'm sorry Mr. Vice Chair. I am glad we did this, and I thank the Council for all their hard work, but from being from a coastal fishing community and having, you know, virtually the people to lose the most not originally invited to the table is troublesome. You know, if you're not at the table you're on the menu and I think somewhat this might have been the case. This didn't go so smooth eight, nine years ago when this was back on back then, and it's already started out not going so smooth now. So, I think this Committee, at the very least is going to have to be respectfully forceful and hit the ground running so we're not all on the menu because nowhere in the ocean off the West Coast, you set one of those things or 600 of those things to cover one Bonneville Dam, are you not going to affect somebody's fisheries? And so I just would like to remind the Council that and the committee of that and I don't have a very good taste in my mouth from eight, nine, ten years ago from this process and so once again, I want to thank Caren and all the hard work by the committee, but I think this committee is going to have to be pretty forceful to kick open that door and be heard. Thank you, Mr. Vice Chair, for the opportunity.

**Brad Pettinger** [00:21:56] Thank you Butch. Okay further thoughts? Discussion? All right with that Todd, I'll look to you if we've, or Kerry, I mean, to find how we're doing here.

**Kerry Griffin** [00:22:11] Yep, I'm still here. If there are no other motions or discussion or guidance then, you know the Council has heard lots of discussion and advisory body reports and state report and the Director's report so, you know you provided a motion. It took a while to work through it, but it's pretty clear and so you know I think that if there's nothing else you have completed your duties for this agenda item, which was to review activity and provide guidance and the process and schedule for future Council engagement.

**Brad Pettinger** [00:22:56] Well very good. Well thank you everyone for their hard work and diligence and patience and we got through it, and we gained most of our time back but not quite all. With that Mr. Chairman, I'm happy to hand the gavel back to you.

## 5. Regional Operating Agreement

**Marc Gorelnik** [00:00:00] All right, that concludes public comment and takes us to our Council action here, which is on the screen there to review changes and to provide guidance for further development, and so the floor is open for Council discussion, suggestions, whatever on this agenda item. Not everyone at once. So, okay Phil Anderson, thank you very much.

**Phil Anderson** [00:00:39] Well, I first of all, I just wanted to say I appreciate the attention to this document. It's an important one and it's not, part of it is what's written on the paper to be sure, but a big part of it is just having our, the partners that make all of this work talking and in coming to an understanding and agreements about workload and how it's going to be shared and who's going to do what? Because obviously if you try to make that up on the fly and or assume that the other party knows what you're going to do and what they're going to do, it generally doesn't work out very well. So this kind of planning and coordination is extremely important from my perspective in terms of making the Council process work, implementing the actions that we've taken, so just... and maybe you could tell that was part of my questioning here was just to understand what may have come out of those discussions and how that may have modified the current condition of workload and how the two entities are coordinating with each other, and I, too, would just acknowledge and appreciate Lori's testimony. She was kind enough to share with me the Tiger Team Report, had a chance to look at it along with Virgil and I think Ryan and Heather also spoke to the value of looking at that and seeing if there's, if embarking on a process like that could help us improve what we're doing here. So that's, those are my comments Mr. Chairman. Thanks.

**Marc Gorelnik** [00:02:53] Thank you very much Phil. Further comments? And I want to agree with what Phil said that the, this is an important document because it shapes the relationship and cooperation between the entities. Maggie Sommer.

**Maggie Sommer** [00:03:15] Thank you Chair. Just also agreeing and appreciate the staff work on both the Council and the National Marine Fisheries Service parts that have gone into putting this information together for us at this point. Look forward to continuing the dialogue and to see further details as they are developed and also appreciate Lori's comments. She also shared the Tiger Team materials with me. I found a lot of value in there and would encourage others to take a look at those if you haven't and look forward to the opportunity to address some of our challenges, both in workload and coordination going forward. Thanks.

**Marc Gorelnik** [00:04:01] Thank you very much Maggie. So, I'm not hearing any detailed suggestions for changes other than to continue working on it and to consider the comments and suggestions of Lori Steele. Chuck Tracy. How are we doing on this agenda item?

**Chuck Tracy** [00:04:33] Thanks Mr. Chair. Well, I think we've had some good presentations, some good discussion. Appreciate Lori's testimony. Sounds like there's some follow up that people are interested in. So, I think that the NMFS and Council staff will pursue that and stick with our plan to have of our next iteration occur at the November Council meeting and hopefully be better informed and a little more fleshed out proposal at that time.

**Marc Gorelnik** [00:05:16] All right, and Ryan Wulff.

**Ryan Wulff** [00:05:18] Yeah thanks. I just want to echo what Chuck just said and just kind of similar to what I told Lori in her testimony. I really appreciate, of course, the detailed look at the New England approach but I think it also will be helpful for us to look at, there's some similar but slightly different



other models that are used in other regions and I think it will be helpful for us to work with Council staff and kind of look at all those that when we come back and report in September. And lastly, just kind of wanted to underscore too that in addition to addressing the kind of workload and the process challenges, I mean part of this type of process that we're discussing and what you just heard in testimony is also getting to analyses that are as complete as possible for the Council final action and stuff that then also prevents us from being in scenarios in the future where things have to come back to not just implementing Council actions, but trying to get the best possible analysis and documentation to support the Council action all the way through the process. So that's what we're focused on here. There's some good feedback we received today, and I'm committed to working with Chuck and Council staff on the actual track changes version and the next presentation we'll bring you back at the next meeting. Thank you.

**Marc Gorelnik** [00:06:52] Thanks Ryan.... and Heather Hall.

**Heather Hall** [00:06:55] Thank you. Thank you Chair. I just wanted to say I appreciate this conversation and look forward to continuing it when we see the next Regional Operating Agreement and highlight something that's come up a bit in the discussion this morning. You know, I realize this is an operating agreement between Council staff and NMFS, or proposed by Council staff and NMFS but just want to and appreciate that there needs to be some clear expectation of who's going to do what. I completely understand that and, but I also want to say, too, that you know when those lines are drawn really tight, you know I don't want to lose the ability to have a really collaborative process and also really just wanted to make the point that, you know, in addition to rulemaking and drafting documents, there's that analysts' component and that often falls to state folks on management teams and just want to make sure that that is incorporated and the understanding of that analysis work is understood in the discussions, and also if working through the Regional Operating Agreement highlights a need for additional analyst contributions in some way, you know that that maybe that could come out of this as well and really improve our ability to get work done efficiently through the Council. So, I just wanted to highlight the link to state agencies in this discussion, even though it might be a bit on the edge, but did want to just add that to your thoughts as you work on the next draft coming to November. And if there is any opportunity to engage the states, I know we would be willing to offer any input if that comes up between now and November. So, thank you.

**Marc Gorelnik** [00:09:17] Chuck Tracy.

**Chuck Tracy** [00:09:19] Thanks Heather for that. Yeah, and really you're touching on something that is I think is relatively unique to the way we do business here on the West Coast, and that is, you know our use of the management teams and their role in this process and so that is something that we are, it's definitely on our radar screen to discuss on how to characterize that correctly in this operating agreement. So I appreciate your offer to add your perspective on that as we go forward so, again, that's something that, you know, I'm not sure how much we're going to, well, I'm just not sure how much other regions, you know, are going to have similar sorts of processes or that we might glean from our look around the other regions but so it's something we'll definitely have to work at here for our own unique perspective on that. Thanks.

**Marc Gorelnik** [00:10:37] All right, thanks Chuck. And unless I see any other hands, we'll conclude this agenda item.

## 6. Fiscal Matters

**Brad Pettinger** [00:00:00] We'll go straight to Council action, and I would look to discussion and a motion eventually. Pete Hassemer. Pete.

**Pete Hassemer** [00:00:20] Thanks Mr. Chair. I don't know if it's appropriate for me to do it, but I'll do it anyway to break some of the silence. Assuming there's no discussion, I could make a motion.

**Brad Pettinger** [00:00:35] Okay please.

**Pete Hassemer** [00:00:38] I move that the Council adopt the recommendations of the Budget Committee as outlined in Attachment C.6.a, Supplemental Budget Committee Report 1, June 2021.

**Brad Pettinger** [00:01:08] Okay Pete. Is that language accurate?

**Pete Hassemer** [00:01:11] Yes.

**Brad Pettinger** [00:01:12] Okay, looking for a second. Seconded by Chair Gorelnik. Okay Pete, speak your motion.

**Pete Hassemer** [00:01:24] Not necessary, but I think it's self-explanatory there. Thanks.

**Brad Pettinger** [00:01:27] Okay. Discussion on the motion? Questions for the maker? Pete your hand's still up. Unless you want to ask yourself a question. Okay we'll go straight to a call for the question. All those in favor signify by saying 'aye'.

**Council** [00:01:47] Aye.

**Brad Pettinger** [00:01:47] Opposed? Abstentions? All right the motion passes unanimously. Okay with that Patricia, I think are we done here?

**Patricia Crouse** [00:02:07] Mr. Hassemer has his hand up.

**Brad Pettinger** [00:02:09] Oh Pete. Sorry.

**Pete Hassemer** [00:02:11] Thanks. Sorry I took it down and I put it back up. Mr. Vice Chair, if I may, I'd like to provide a comment now.

**Brad Pettinger** [00:02:19] Please.

**Pete Hassemer** [00:02:20] Thanks. I just want to highlight again the efforts, the work of the staff on this. If people read the... the audit report, I'm not an economist, my training was in fish management, fish biology, but as we go through that, the audit, what it really looks at is just compliance with federal regulations and it looks at all the records of the Council and see if those records accurately represent the financial position of the statement and so forth, and we all, because of the good work they do, we get those reports, a low risk audit and unmodified report and that's excellent. What the audit report doesn't point to, and when you look in it there is specific language the auditors use, they do not express an opinion on the effectiveness of the organization's internal control. And so that's left up to us to report, I think as a committee to look at that and report back to the Council on it, are we doing a good job of doing that? And I think it's an excellent job. You know, I just want to highlight the work that Patricia

mainly, excuse me, does and the other staff and some of the comments made by the auditors when we met with them to discuss the report, one of them is that with regards to the cash reserve, the Council is in a strong position and that's a very good place to be. I remember, it was a number of years back that that wasn't the case and not because of the fault of the Council staff, which is the way the money moved through the Council in that process, but currently we're in a very good position there. And also a note that the auditors made that because of the pandemic last year, not just this Council, but entities, institutions were at a heightened level of risk with respect to audits and the bookkeeping, and over the past year the staff managed two budgets, we had the no cost extension on the previous no cost extension but that manages a separate budget, and then our operational budget for the year and all the changes in how we conduct our business and the meetings and that, and we've continued to receive those low risk audit, unmodified reports. So that's an excellent place to be and I think on behalf of the committee, I know I'm pleased to say or express to you that the staff, the internal controls are very effective. That we don't have to change anything. That we have good reporting, good tracking of the budget, and we are in a good financial position. And so, again, I just want to reflect the excellent work that's being done by the staff there under the direction of the Executive Director and again, especially Patricia, the work she does. So, thanks very much.

**Brad Pettinger** [00:05:41] Yeah, thanks Pete, for pointing that out. You're absolutely correct. Sometimes it's that the standard's so high that we get used to it and it's, I'm glad you point that out because it really isn't spelled out in the audit like it probably should be. So, okay, anyone else? Okay. Patricia back to you.

**Patricia Crouse** [00:06:04] And it looks like you've actually finished this agenda item and you've done everything you need to do.

**Brad Pettinger** [00:06:09] Very good. Well... thank you and thank you again for all your hard work.

**Patricia Crouse** [00:06:13] Thank you.

## 7. Legislative Matters

**Brad Pettinger** [00:00:00] And so Council action, that's to consider the report and recommendations.....oop, wrong one. Consider the Legislative Committee Report and any recommendations. So, I'll open the floor up for any discussion? Okay seeing none I'll go to, back to Jennifer?

**Chuck Tracy** [00:00:27] Maggie has her hand up.

**Brad Pettinger** [00:00:28] Oh Maggie. Sorry.

**Maggie Sommer** [00:00:31] Thank you Chuck. Thank you Vice Chair. I just wanted to put in a hearty second for the GAP's recognition of an appreciation for Jennifer's excellent summaries of legislative info. It really has been so helpful to have the information provided to us in the manner that you do Jennifer, and please keep it up, it is really helping our process. Thank you.

**Brad Pettinger** [00:01:00] Thank you Maggie. Anyone else? Okay. All right. Jennifer, back to you.

**Jennifer Gilden** [00:01:08] All right, thank you Mr. Chair. Thank you Maggie. Provided that the Council agrees that the Legislative Committee should meet in September, we are done with this agenda item.

**Brad Pettinger** [00:01:23] I think that'd be the case. Thank you.

## 8. Approval of Council Meeting Records

**Brad Pettinger** [00:00:00] All right, and with that we'll go to the C.8, which is to approve the Council meeting record, and I would just ask that there's any comment or corrections on those records? I'm sure everyone has reviewed them thoroughly and at some point, I'd like to entertain a motion. Pete Hassemer.

**Pete Hassemer** [00:00:23] Thanks Mr. Chair. Yes, I did read through those as a matter of discussion and I thought I found the error on page 16 one, but with further research I was incorrect. So, I'd like to make a motion.

**Brad Pettinger** [00:00:40] Okay. Please do.

**Pete Hassemer** [00:00:43] I move the Council adopt the, there it is, I move the Council approve the March 2021 and April 2021 meeting records as shown in Agenda Item C.8, Attachment 1, Draft Council Meeting Record 258th Session of the Pacific Fishery Management Council, March 2 to 5 and 8 to 11, 2021. And Agenda Item C.8, Attachment 2, Draft Council Meeting Record 259th Session of the Pacific Fishery Management Council, April 6 through 9 and 12 through 15, 2021.

**Brad Pettinger** [00:01:23] Okay, Pete is the language on the screen accurate?

**Pete Hassemer** [00:01:26] Yes, it is.

**Brad Pettinger** [00:01:27] Okay. Looking for a second? Seconded by Louis Zimm. Thanks Louis. All right Pete. I don't know if you want to speak to it or not?

**Pete Hassemer** [00:01:36] No, I don't. I made my comments already.

**Brad Pettinger** [00:01:40] Very good. Louis, your hand's up? Do you want to be speak to it? Okay. All right. I don't see any hands for discussion, I will call for the question. All those in favor of the motion signify by saying 'aye'.

**Council** [00:01:53] Aye.

**Brad Pettinger** [00:01:53] Opposed? Abstentions? All right the motion passes unanimously and with that. Thank you everyone.

## 9. Membership Appointments and Council Operating Procedures

**Marc Gorelnik** [00:00:00] That will conclude public comment. We had two folks here speaking at the meeting and, of course, there was a written public comment in the briefing book, and that takes us to our Council action. And I think before we get started maybe I'll ask Mike to remind us of our list of tasks here so that we make sure we don't miss anything.

**Mike Burner** [00:00:27] Thank you Chair Gorelnik. I'd be happy to. So, for Council action here, we have a bunch of things to take care of. I might suggest the following order. We would look to a motion to address the Council Chair and Vice Chair positions, but we would also look to the Council under AB appointments to look for motions regarding the nominations to the Groundfish Management Team and the Groundfish Endangered Species Workgroup. Third, we have a variety of proposals we just heard regarding changes to COPs and perhaps compositions of advisory bodies. So, I think it would be best to look to a motion to propose any changes the Council wishes to put out for public review to our COPs or the compositions. And then last piece of business for this agenda item in my suggested order here is to address the selection of a new Executive Director. And I believe Executive Director Tracy has some comments about a potential process moving forward there and perhaps a motion to create a committee to address that. So that's my scoresheet. I agree, there's a lot of moving parts here and I hope I've captured them all.

**Marc Gorelnik** [00:01:48] All right, thanks. Well, so let's do that in the order you suggested. We have some appointments to be made to the team and workgroup, Chair and Vice Chair. Let's take care of those and then we can move to a longer discussion on the COPs and AB composition and other suggestions we've heard from the public as well as the management teams and advisory subpanels. Chuck Tracy.

**Chuck Tracy** [00:02:28] Thanks Mr. Chair, and thanks for the summary Mike. Just as a point of clarification, I don't have a motion on the Executive Director business, but actually what I wanted to touch on just real quickly was Mr. Conroy's comment about timing, time allowed under public comment, and you know I think maybe we could do a better job of communicating this, but it's difficult to always determine whether somebody is speaking as an individual or a representative of a group or an association, even if they put in their sign up, you know, they may be members but do they represent groups? And so that could be confusing. You'll notice that your time doesn't start until after you introduce yourself. So, if when people are making public comments on behalf of either themselves or groups, if they could make that clear. I'm so-and-so and I represent such-and-such, that would be very helpful. That'll allow me to make an adjustment in the time allotment as appropriate. So just... just wanted to... while people are still listening and had that fresh in their mind... I just wanted to put that out there so thanks.

**Marc Gorelnik** [00:03:44] Thanks very much Chuck. All right, so let me bring up on my own screen here. Unfortunately, I only have one screen, so I have to keep switching back and forth. We have some appointments to make to the Groundfish Management Team. So, let's have some discussion or a motion there. Ryan Wulff.

**Ryan Wulff** [00:04:10] Yeah, thank you Chair. I have a motion prepared on this. We have put forward some nominations and I'm happy to make the motion and speak to them.

**Marc Gorelnik** [00:04:25] So, why don't you go ahead with your motion and then we'll have any discussion, if necessary, after that.

**Ryan Wulff** [00:04:31] Thank you Mr. Chair. I move the Council appoint Miss Abbie Moyer to the National Marine Fisheries Service West Coast Region position on the Groundfish Management Team currently held by Miss Gretchen Hanshew and appoint Mr. Dan Lawson to represent the West Coast Region on the Groundfish Endangered Species Workgroup.

**Marc Gorelnik** [00:04:52] All right. And that language on the screen is accurate and complete?

**Ryan Wulff** [00:04:56] That is correct.

**Marc Gorelnik** [00:04:57] And I'll look for a second? Seconded by Pete Hassemer. Please speak to your motion.

**Ryan Wulff** [00:05:04] Yeah, thank you Mr. Chair. Miss Moyer has been working with NOAA Fisheries in various capacities since 2014. She has broad fisheries experience. She has worked on ecosystem assessment surveys. She's written Endangered Species Act mandated biological opinion, analyzing impacts on protected species from fisheries and most recently she supported groundfish management by developing our exempted fishing permits and rulemaking packages. She led a couple of our inseason actions and has coordinated renewals of several of our West Coast Region data collection. We think she will bring some valuable experience here and is eager and ready to serve in that capacity. And of course, this also goes with saying a big thank you to Miss Hanshew for her recent service on the GMT and for all of her contributions and her insight on groundfish fisheries and her willingness to step up and be in that role over the past number of months. Mr. Lawson has been a longstanding senior staff member of the Protective Resources Division. He is incredibly knowledgeable, not only about the Endangered Species Act protected species issues, entanglements and marine mammal issues, but he has been engaged and is familiar with the Council process and works with us very closely on a number of issues and also was able to participate in the most recent working group meeting and provided some valuable input there. So, with that I'll stop there. I think the rest of those qualifications will speak for themselves. Thank you.

**Marc Gorelnik** [00:06:49] All right thank you Ryan. Louis Zimm.

**Louis Zimm** [00:06:53] Well, thank you Mr. Chair and thank you, Ryan, for NMFS appointing these very able folks and I particularly want to appreciate the fact that we'll have a steady hand, a state representative on the Groundfish Management Team, which is so important to me. But having said that, I just wanted to thank Gretchen, Gretchen Hanshew for the work she's done to help our fisheries down here in Southern California in the months that she was in that position. I've been able to work with her over a number of years and greatly respect her knowledge and ability. Thank you.

**Marc Gorelnik** [00:07:42] Thanks for that Louis. Is there any discussion on this motion? And I'm not seeing any hands so I will call the question. All those in favor say 'aye'.

**Council** [00:07:57] Aye.

**Marc Gorelnik** [00:07:57] Opposed, no? Abstentions? Motion passes unanimously. Thank you very much for that Ryan. Leaving aside for the moment the ED issue as well as the COPs, is there another motion? Perhaps as to Chair and Vice Chair? Phil Anderson.

**Phil Anderson** [00:08:36] Thank you Mr. Chairman. I do have a motion. It gives me great pleasure to make this. I move the Council elect Mr. Marc Gorelnik as the Council Chair, and Mr. Brad Pettinger as a Council Vice Chair for the period August 11th, 2021, through August 10th, 2022.

**Marc Gorelnik** [00:09:04] The language on the screen there is accurate and complete?

**Phil Anderson** [00:09:08] Yes, it is.

**Marc Gorelnik** [00:09:09] All right. It looks like Bob Dooley beat Virgil Moore for the second. Please speak to your motion as necessary.

**Phil Anderson** [00:09:18] Well I know I speak on behalf of all my colleagues around the table in appreciation for both your work Mr. Chairman over this past year, as well as Brad, you've made a great team. You've led us through some very difficult issues, and you've led us through five virtual meetings here when we get done with this one successfully, which is no easy task. And you've kept the Council, the two, you two gentlemen have kept this Council moving through some difficult times, so we very much appreciate the work that you've done.

**Marc Gorelnik** [00:10:02] All right, thank you very much for that Phil, and not seeing any other hands I will call the question. All those in favor say 'aye'.

**Council** [00:10:14] Aye.

**Marc Gorelnik** [00:10:15] Opposed, no? I'm not hearing a no vote. Abstentions? And it appears the motion passes unanimously. I want to say for myself and maybe for Brad, thank you very much for the trust you've put in us, and we'll do our best in the coming year to make you not regret your vote. All right, I think that does it for the current motions and that will take us to probably the most substantive part of this discussion and that has to do with the proposed changes to the COPs that could then be put out for public comment. We received quite a number of suggestions from the various advisory bodies and management teams, some having to do with, and some not having to do with COPs. Some having to do with needing available positions to be filled. But let's talk about changes, because that's what we need to put out for public comment. So, I'll look for a hand. We're running behind but we can keep running behind. All right thank you Maggie. We can count on you to get the ball rolling. I appreciate it.

**Maggie Sommer** [00:11:49] I will wade in. Thank you Chair. I tried to compile a list of the recommendations contained in the advisory body reports and public comment and will offer my opinions on what I heard and look forward to some additional discussion on these or any points I haven't covered. So, I heard one from the HMSAS to relabel the two commercial fisheries at-large seats as north and south of Point Conception. That seems sensible to me. I heard a recommendation from both the HMSAS and the SAS to add a second private recreational seat and to designate the two recreational, private recreational seats as north and south of Point Conception. I heard a recommendation from the GAP to add a fishing industry representative to the Groundfish Endangered Species Workgroup. I would support that. I heard a recommendation from the SSC to allow alternatives for at-large members and I would support that. And then I would like to note my support for the recommendation to address the issue of majority and minority reports. I do think those, I think it is important for us to understand as we are receiving reports whether something was broadly supported in an advisory subpanel or only by a smaller number of members of that group, but I do think that the terms majority report and minority report carry additional connotations that aren't helpful to our understanding in the process. So, I would want those reports to reflect divergent views. I note that in our COPs, boy I'm really wading into the weeds here, but there is early on, if I can get to the right point here, in COP 1 there is a note on report presentation that says advisory subpanel reports should describe areas of consensus and differences. And I think that really captures it. And so, I am in favor of modifying language in COP 2, in the section on reports to Council to remove the terminology for majority and minority. And after we've had further discussion, I am prepared to offer a motion with some brief, specific language suggestions for everyone



to look at, but that describes the concept really just removing those terms from it. Finally, I had one more item on my list that I noted that would be a change, potential change to COP was the HMSAS's recommendation to change the at-large seat to deep-set buoy gear representative. I have no, neither support nor opposition to that at this point but just wanted to flag it and hope for discussion by those of you with more knowledge of that particular issue. Thanks.

**Marc Gorelnik** [00:15:26] Thank you Maggie. And like you I was trying to keep a score sheet here and I think you did a really good job. Bob Dooley.

**Bob Dooley** [00:15:33] Yes, thank you Mr. Chairman. Maggie I just had a question. When you're talking about the alternates on the SSC, and it wasn't brought up in any discussion unless I missed it. I assume that this would follow the same procedures alternates in any of our advisory panels that needs to go through the Executive Director and have a certain amount of notice and a certain amount of approval there, or are you envisioning this being done by the person in the seat and just whatever they want to do it. How do you envision that?

**Marc Gorelnik** [00:16:14] Go ahead Maggie.

**Maggie Sommer** [00:16:15] Thanks Chair. My vision was that it would be the same as the COP currently specifies with prior approval by the Executive Director. Of course, I'm not speaking for the SSC. I'd note that their report just said they recommend the treatment of alternate members be consistent between agency and at-large seats. So, I inferred that that was also their intent, that it would go through prior approval by the Executive Director upon request for an alternate.

**Bob Dooley** [00:16:54] A follow up there Mr. Chairman, if I could?

**Marc Gorelnik** [00:16:57] Of course.

**Bob Dooley** [00:16:58] Yeah, Maggie, that was my exact confusion there as I don't know the procedure that's in the SSC for an SSC agency person, or you know, to be there to get a replacement for a meeting. Is it just they do that, you know, without approval of the Executive Director or is it done differently and that's what I was pointing out. So, thank you.

**Marc Gorelnik** [00:17:32] Further discussion on the points raised either through public comment or from the advisory bodies or of your own creation here? Butch Smith followed by Phil Anderson.

**Butch Smith** [00:17:49] Thank you Mr. Chair. I just want to make sure that, if I'm understanding Councilman Sommer's right, that she just wants to rename the majority minority report. I think it's important that you, no matter what you want to call it, that you keep something like that, and here's why. I went on the SAS in about 2002 and took over the chairmanship in 2004 or 5, and there were a lot of spirited personalities in there and you know, there wasn't it was a consensus only and the SAS was effectively would never have any reports because of the dynamics of the situation, they never could come to consensus. So I was told by the Chair then Jim Lone to fix that and I thought, oh great, but we did and that's what we came up with and, you know after we came up with that, I don't think we probably had five or six of those reports after that, so I just want to make sure that Miss Sommer's just renaming that, but not taking that tool away for these different panels, because it is important that the, I want to say minority, but the people that aren't in the majority have a voice and are able to express themselves and make sure the Council knows that. And thank you, Mr. Chair, that is all.

**Marc Gorelnik** [00:19:39] Yeah, I think the notion maybe is that this labeling is somewhat pejorative, but I'll let Maggie speak for herself, but I think she wants to maintain the all perspectives. Maggie.

**Maggie Sommer** [00:19:55] Thank you Chair. Yes, that is exactly it. The existing language says that reports will describe both areas of consensus and differences, if necessary, majority and minority reports may be drafted to present the divergent views of the subpanel. And I would suggest we consider something like reports will describe areas of consensus and differences. If necessary, reports will present the divergent views of the subpanel.

**Marc Gorelnik** [00:20:27] Okay, thank you for that Maggie. Butch did you have a follow up to your question or....

**Butch Smith** [00:20:35] I just want to thank Maggie for that explanation and that sounds great to me so thank you.

**Marc Gorelnik** [00:20:41] All right. Phil Anderson followed by Ryan Wulff.

**Phil Anderson** [00:20:47] Yeah, thanks Mr. Chair. Just had a few, hopefully, brief comments. And I appreciate all the thought that everyone has put into this step in terms of us taking a look at both the composition of our groups, as well as the operating procedures that guide them, and I know we....but I wanted to speak to just a couple of the other perspectives that have been put out during this review period. There was, there's been a suggestion about term limits and while there may be some, in some cases term limits may make good sense, I don't believe in this case that they do. And you know we are very, very fortunate as a Council to have individuals that are willing to come and be a part of our advisory groups and offer us their expertise and opinions as we go through the various steps in our process and I'm grateful, frankly, to those who have got a lot of experience in tenure in participation on those groups and I would hate to lose that just by virtue of, well, you've been here X number of years therefore you're no longer eligible to serve in that role. I think, so I'm not, I appreciated the thought that was brought forward and some of the perspectives around that idea, but I think... I don't think it would improve, matter of fact I think it would do some significant harm to our process and to the level of expertise that is brought forward to us by our advisory panel. There was also some discussion around training. It was primarily focused on providing some training to the individuals that chair the various advisory panels and I think that's a really good thing for us to think about, but I would not confine it just to the Chairs. There are some, those of us who have worked in state or federal agencies know that there is some good online training material available and our desire to have our APs conducted in such a way that is professional, respectful, and inclusive of all of the opinions around the table, I think, is well known and for the most part we achieve that. But there are, there is training in terms of harassment, bullying and equity in the language in the letter there and inclusion that we may want to consider not only offering, but requiring our members to take, and I've taken a number of them. I think there are ones out there that might be beneficial to our members and to our process and so I would, I'm not signaling that we need necessarily to make a change in the COP, but I thought that was a good idea and one that would be beneficial and wouldn't be difficult to accommodate. So, I think those are the two points that I wanted to hit at. I had some perspectives on the majority minority opinions, but I think the perspectives that have been offered by Maggie I'm in line with those and appreciate her bringing those forward. So, thanks.

**Marc Gorelnik** [00:25:37] Ryan Wulff.

**Ryan Wulff** [00:25:40] Thank you Mr. Chair. Yeah, I had two points as well. The first is identical to Phil's latter point on training. I really think that's an important point that was raised and I completely agree with everything Phil said on this issue. I won't reiterate it. I mean, we've got examples of that as well. I do firmly underscore that that should be, while it's incredibly important for the Chair roles as they are ultimately responsible for holding the kind of decorum of their advisory bodies. I do think it should be extended, you know kind of across the board. Also, not sure what that might mean as far as

a COP change. I mean there's language in there that says that orientations will be given by staff. Maybe that's enough as far as COP language and this becomes just part of that orientation, if you will. But it is important, especially as an agency who frequently has to present things that aren't, that are difficult discussions, and it is a very real issue to try and get.....we talked about getting a pool of applicants. Well, it's the same thing for agencies that are trying to get staff to be on advisory bodies or to present to advisory bodies if they are not treated with the respect that should be, especially in this public forum. So, I fully support that. And then secondly and I was going to raise this in workload planning, but a number of this touches on it. There's some kind of sprinkled throughout some of these reports, discussions of potential uses of virtual versus non-virtual and kind of looking at what things might be like. So, again, I'm not necessarily proposing any changes or additions to the COPs or the operating procedures at this point, but there may be some changes in the future and I want to flag here because of those comments, as well as under our workload planning discussions that I think it would be incredibly helpful to have an actual formal group looking into this, but at the very least, I know our agency will be planning to have discussions with as many people as we can, whether it's advisory body chairs, representation, states, Council members, but looking at lessons learned from this pandemic and how we might change how the Council does business. I'm very reticent to have the only two choices before this Council going forward is either it's 100 percent virtual or it's 100 percent exactly how it used to be before the pandemic, you know looking towards the future, because I do think that there is some lesson learned here. There is some efficiencies that can be gained from what we've learned and some of it comes up into these reports. Obviously, this is probably more relevant to workload planning. I'm not talking about September or even the immediate, I'm looking more longer term here and think that there should be some valuable discussions at this Council and would welcome from advisory bodies as well as the public too on ways that we might improve our processes and procedures based on what we've learned through this time, once we get to a point that we're back to the ability to meet in person. So, I'll flag that here, again like I said, also relevant for the next agenda item, but that concludes my comments. Thanks.

**Marc Gorelnik** [00:29:20] Thanks for that Ryan. Further discussion? There were some other things mentioned, for example, the GAP report suggests that adding an industry member to the Groundfish Endangered Species Workgroup. I don't know if we need some more discussion on that. There was discussion about adding a sport seat to the HMSAS. I think the justifications were articulated rather well in the reports. I don't know if we need discussion or not. Louis Zimm.

**Louis Zimm** [00:00:00] Thank you Mr. Chair and I did attend that Endangered Species Workshop and I was very impressed by Mr. Bob Eder's input and quite frankly couldn't understand how they could have done their work without the input. So, I don't have a motion prepared, but maybe somebody else does or maybe we could just consider it. That I think it's a very good idea. It's not fair to that group to wade into that discussion without the input of industry. They would, without it they can sometimes look a little foolish as we often look foolish without scientific advice. Thank you.

**Marc Gorelnik** [00:00:55] All right, thank you Louis. Well.....Phil Anderson, please.

**Phil Anderson** [00:00:56] Yeah, sorry Mr. Chair not to.....Bob Eder did a, I know he did an outstanding job in participation on the Groundfish Endangered Species Workgroup, and I think Maggie spoke to that in her remarks, too, that adding an industry seat to that workgroup she supported and I share that.

**Marc Gorelnik** [00:01:24] All right. Bob Dooley.

**Bob Dooley** [00:01:25] Yeah, thank you Mr. Chairman. I don't want to belabor this either, but I just want to make one point. I think I support adding an industry seat to that, but I think given you know what, whatever the particular topic is that they're discussing, it might be to leave some flexibility in this

appointment to be able to make sure that the industry person is well versed in the particular topic if it should shift to a different type fishery than.....I mean Bob Eder did an outstanding job on that. I listened to that great group, and I thought he did an outstanding job, but if pertained to a different fishery or a different region in the coast than maybe we need other expertise. I think we need that flexibility built into it to have that, have the right person so it's not linked to a particular member.

**Marc Gorelnik** [00:02:24] Thank you. Heather Hall, followed by Maggie Sommer.

**Heather Hall** [00:02:31] Thank you Chair and thank you, Maggie, for starting the discussion on this and summarizing what you heard from the advisory body and management team reports. I think you captured a lot of the things that I found in the reports too and didn't really see anything missing. I appreciate the input from the SAS and also backed up by the Highly Migratory Advisory Subpanel on the recommendations to, the HMSAS to add seats that would capture input on the increased private effort for tuna in Washington and Oregon. Also, I wanted to respond to the comment in the Highly Migratory Species Management Team report and their interest in having someone appointed to the Washington seat on that and just wanted to let the Council and advisory bodies and management teams know that we're working on that and hope that we'll have a recommendation for the Council to look at on that really soon. The only thing that I also noted in the reports that we haven't really talked about is the GAP mentioned it under this agenda item and the GMT mentioned it under I think it was G.5 or another earlier groundfish agenda item, is the idea that there would be some formal avenue for advisory body participation in the groundfish subcommittee discussions, particularly when they're reviewing data moderate assessments, and I'm pretty sure that's not a change to COP but just wanted to acknowledge that we heard that input and if there's an opportunity when at some point down the road to make that adjustment, I thought it was a really reasonable recommendation and maybe as we develop that, or data moderate assessment process, something we didn't think about how that review could just be more comprehensive to include the advisory bodies. That's it. Thank you.

**Marc Gorelnik** [00:05:14] Thank you. Maggie Sommer.

**Maggie Sommer** [00:05:18] Thank you Chair. As I said, when we are ready, I do have a motion prepared to offer on the areas where I am sensing that we have consensus. I did want to ask if there is any further Council discussion on the HMSAS's recommendation to change the at-large seat to a deep-set buoy gear seat. It seems to me like that is narrowing the scope of that at-large seat. I certainly recognize the interest in representation for the new gear type, but as I am not very much involved in HMS fisheries, I just wanted to make sure that we have some discussion if the Council has an opinion on that? Whether there is interest in seeing that happen? I'd be happy to include it in a motion or leave it to others wiser in the ways of HMS than I. Thank you.

**Marc Gorelnik** [00:06:23] Heather, your hand? Heather, do you have a comment on that? Okay, Christa.

**Christa Svensson** [00:06:30] Yeah, thank you Mr. Chair. I definitely think we need to have buoy gear specifically represented. We've spent a lot of time working on EFPs and getting people involved and engaged in the Council process specific to that gear type. I don't know if that's adding it in addition to one at-large or if that is replacing that, but I do think that buoy gear, particularly as we have more and more people and fisheries involved with that, really does need to have a seat of its own at the table.

**Marc Gorelnik** [00:07:15] Thank you Christa. Mike Burner.

**Mike Burner** [00:07:20] Thank you Mr. Chair. Just a, I don't know if it helps, just a point of clarification that that at-large seat was created the last time we talked about composition, so in advance

of the term we're currently in back in 2018, at that time the Council took action to reduce the number of commercial at-large seats from three to two and created that at-large seat, just for some historical perspective if that helps.

**Marc Gorelnik** [00:07:45] Thank you Mike for that perspective, that's helpful. Maggie Sommer.

**Maggie Sommer** [00:07:53] Mr. Chair, are you ready for a motion?

**Marc Gorelnik** [00:07:57] Please.

**Maggie Sommer** [00:07:59] Sandra should have it. Thank you. I move the Council adopt the following draft revisions to Council Operating Procedures for public review. COP 2: Relabel the 2 HMSAS commercial fisheries at-large seats as commercial fisheries north and south of Point Conception. COP 2 also, add a private recreational seat for north of Point Conception to the HMSAS and relabel the existing private recreational seat as south of Point Conception. This was recommended by the HMSAS and the SAS in their supplemental reports. COP 2: Change the at-large seat to deep-set buoy gear representative. COP 3: Add a seat for a fishing industry representative on the Groundfish Endangered Species Workgroup as recommended by the GAP. COP 4: Allow alternates for at-large SSC members and as recommended by the SSC, and then in COP 2 revise section on reports to Council as follows: The proposed language is 'Reports will describe areas of consensus and differences. If necessary, reports will present the divergent views of the subpanel. The Subpanel Chair will present the reports to the Council'. And included in the motion is the ~~strikeout~~ and underlined version showing the changes. I'll note that the old or the existing version of that COP language currently reads that 'Reports will describe both areas of consensus and differences. If necessary, majority and minority reports may be drafted to prevent, pardon me, present the divergent views of the subpanel. The Subpanel Chair will present both majority and minority reports to the Council'.

**Marc Gorelnik** [00:10:24] Thank you Maggie for the motion. Is the language on the screen accurate and complete?

**Maggie Sommer** [00:10:28] Yes, thanks.

**Marc Gorelnik** [00:10:30] And I'll look for a second other than my whining dog? Marci Yaremko. Thank you. Please speak to your motion?

**Maggie Sommer** [00:10:39] Thank you very much. The advisory body reports provided justification for these, and I would refer to those, and I just have a few additional remarks. I will note that we did have a brief discussion. I appreciate Christa's input at the end that one option for deep-set buoy gear representation could be through the addition of a seat rather than changing the seat. I appreciate Mike's reminder that we just adjusted the composition of that committee in our last time we considered these, and I hear maintaining the total number and going with the subpanel's recommendation as what we are proposing for public review. In terms of adding a fishing industry representative on the Groundfish Endangered Species Workgroup, it's the GAP's recommendation here but I recall that the workgroup itself supported that when we heard their report earlier in this meeting. For SSC members this would standardize the treatment of alternatives across all SSC members, both appointed and at-large, recalling that currently COP specifies that appointed members are allowed alternates but not at-large, so this would propose that change. And then we've had, I think adequate discussion on the topic of majority and minority report labeling. Thank you.

**Marc Gorelnik** [00:12:15] Thank you very much Maggie. Questions for Maggie on the motion? Any discussion on the motion? Marci Yaremko.

**Marci Yaremko** [00:12:30] Yeah, thank you Mr. Chair. I want to thank Maggie for the motion and her amazing synthesis of the content that we had in our reports here today. We've been doing a lot of coordination with various CDFW folks and other state folks on these proposals and CDFW is supportive of all of these. Also, just want to note that on the proposed COP 4 revision on the SSC at-large members, I do hope that the SSC will have some additional discussion of this and provide a little more detail on their recommendation in response to the questions that were asked on the floor here today. So, I'll look forward to seeing that for September. Thank you.

**Marc Gorelnik** [00:13:34] Thank you Marci. Further discussion on the motion? Not seeing any hands, I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:13:51] Aye.

**Marc Gorelnik** [00:13:51] Opposed, no? Abstentions? The motion passes unanimously. Thanks, Maggie, for moving the ball forward. We're not done with this agenda item, but it is 12:23, so we will take our lunch break here. Would anyone object if we came back slightly early at 1:15? I'll look for hands. I'm not seeing any hands, so we'll be back at 1:15 to continue our Council discussion and action on Agenda Item C.9.....(LUNCH BREAK)..... It is 1:15 and we're going to try to get through the rest of our agenda items in a reasonable fashion. We are still on the Agenda Item C.9. We've taken care of some motions and we still have some more work to do, but before we get to the Executive Director topic, I want to make sure we've exhausted our discussion and motions on COPs for public comment, so let's first see if there's a show of hands there and I'm not seeing it, so we will then go on to the next topic under this agenda item. Yes, Brad Pettinger.

**Brad Pettinger** [00:15:44] Yeah Marc. I think I texted it to Maggie is.....lost internet at her house right before we went back online so she's trying to get on with her cell phone here. I don't see her yet but, it doesn't mean you need to stop just letting you know that in case.....

**Marc Gorelnik** [00:16:01] Yeah, I know that she was having some difficulties earlier so she almost made it to the end of the meeting without having these challenges, but so I'm not going to forestall coming back to the COPs, but we should continue to make progress here because we've got more to do here. I see someone with a phone number of 541, is that you Maggie?

**Maggie Sommer** [00:16:32] Yes, it is Chair. Thank you.

**Marc Gorelnik** [00:16:34] Welcome. Maybe I can ask someone to relabel that. There you go. They did it without my asking. So, Maggie, what have you? We're, I was just saying that before we moved on to ED discussion that we would see if there's any more discussion or motions on the COPs?

**Maggie Sommer** [00:16:57] I don't have any. Thank you.

**Marc Gorelnik** [00:16:59] Okay great, thanks very much. All right, then we'll move on now to the Executive Director discussion and I'll turn to Chuck Tracy. Hopefully, I'm not surprising him. He has the schedule he's going to put up.

**Chuck Tracy** [00:17:16] Well, actually, I was not planning on putting up the schedule.

**Marc Gorelnik** [00:17:25] Okay.

**Chuck Tracy** [00:17:26] I could share my screen I guess, but the reason I didn't want to do that is to give the committee a little chance after we're done here to, because I mean we haven't even decided on

the committee membership and I wanted those individuals to be able to review the schedule to see if there's any date conflicts that we might need to resolve and just didn't want to, you know, any expectations until we send out the recruitment announcement, which is due to go out on July 7th, so a week from today.

**Marc Gorelnik** [00:18:01] Okay, so we do have before us a few things. One is the announcement and application materials. And we, if we're going to have a selection committee, that will be an ad hoc committee and that must be formed by Council action. So maybe we can start by getting a motion perhaps on the ad hoc committee that will undertake this task. Brad Pettinger.

**Brad Pettinger** [00:18:48] Yeah, thank you Marc. Well with that I'm ready to offer up a motion. And I move the Council create the Ad Hoc Executive Director Selection Committee.

**Marc Gorelnik** [00:19:05] All right, thank you Brad. It's so simple I'm not even going to ask you if it's correct. We'll look for a second. Seconded by Bob Dooley. Please speak to your motion as you think necessary.

**Brad Pettinger** [00:19:16] Well not much to say. Unfortunately, Chuck is going to be leaving us and we have a big job ahead of us and I look forward to you selecting those committee members and moving forward here. Thank you.

**Marc Gorelnik** [00:19:27] All right. Great. Thank you very much Brad. And this was discussed in closed session, so I suppose it's appropriate to... now that we have... actually we need a vote here. Let's do the vote first. Let me see if there's any discussion? Got ahead of myself there. Okay, no discussion. All those in favor please say 'aye'.

**Council** [00:19:53] Aye.

**Marc Gorelnik** [00:19:53] Opposed, no? Abstentions? Okay the motion passes unanimously. We have a selection committee and the, as an ad hoc committee with consultation with the Council as we've had during closed session, I'll make the appointments. Let me check with Chuck. Is this appropriate to do at this point?

**Chuck Tracy** [00:20:32] Thanks Mr. Chair. Right, so this... right... so the procedure is that in consultation with the Council, that the Chair should make the appointment, so just confirming that the adequate confirmation has occurred, or consultation has occurred. If there's anything additional that you want to discuss here on the floor, otherwise you can go ahead and make the appointments.

**Marc Gorelnik** [00:20:58] Okay. Well let me first ask and see if they're any hands on the topic of the appointments or whether it's fine with the Council if I move ahead with the appointments at this time? I'll look for a show of hands for folks who want to have discussion on this item. Okay, I'm not seeing any hands. So, the motion does not specify the composition of the committee, but the committee will be comprised of one appointed member from each state plus one agency representative. The four appointed members that will serve on this committee are Phil Anderson, Pete Hassemer, Brad Pettinger and myself, and the agency representative on this committee is Heather Hall from Washington. So, I want to thank everyone for agreeing to serve and undertaking the significant and serious work ahead of us between now and when the Council meets to make its selection of its next Executive Director. We have, again I probably should have asked for some guidance here on from Chuck on this, we did, there has been put together some draft materials, application materials. I'm not certain if that is something to be, that we need to bring forward here or whether we bring it forward once the formal announcement is made, which I know is scheduled in the near future. Chuck.

**Chuck Tracy** [00:23:07] Thanks Mr. Chair. So, we did provide some draft materials in the closed session, so people have had a chance to look at that. We have a draft announcement, a draft position description and a draft process and schedule. So, I would suggest that we have received some suggested edits to the announcement so we will incorporate those. And I would suggest that if Council members have other suggestions that they forward them to either myself or the committee Chair or probably both of us or to the committee in general. So, if you've got any suggestions please get them to us quickly, because again the one schedule that's very firm is the announcement date, which is July 7th so over the course of the next week we'll be preparing those materials for a broad distribution. So, I would just say if you've, if there's anything of concern or comments or edits, please get them to the committee and myself as soon as possible.

**Marc Gorelnik** [00:24:27] All right, thank you. Phil Anderson.

**Phil Anderson** [00:24:32] Thanks Mr. Chairman. I mean I know we have a significant number of people that are still with us and I'm just wondering if just a brief summary of the approximate timeline might be appropriate to share with our followers here and our people that are with us throughout without getting into any specific dates or anything, but I'd just rather than leaving everything just up in the air, just a brief summary of the timeline in which we're going to try to find Chuck's replacement might be appropriate, but I'll leave that to you.

**Marc Gorelnik** [00:25:27] I think that's a fair point. So, Chuck, you have the latest projected dates in front of you, so would you mind just running through the key dates, for example for applications open, closed and decision date?

**Chuck Tracy** [00:25:44] Yeah, I can... I can do that. So again, the opening of the recruitment process will occur on July 7th with the distribution of the announcement. There'll be approximately one month, the first week in August for the applicants to submit their materials, in which case there will be subsequently a review by the selection committee and invitations will be extended to the candidates that will be interviewed. Excuse me, the first round of interviews occurring early in September prior to the Council meeting in September. After the September Council meeting, we plan to have a second round of interviews probably in late September. And then the final step will be the Council will meet in a special session in October to interview the final candidates and with the, and that'll probably be about the middle of October. And the objective here is that the new Executive Director will be formally, well, formally hired as soon as possible I guess, but the idea being that selected and hopefully an offer extended and accepted, and some agreement reached that would allow some overlap time with myself and the new Executive Director to do a couple of things. One, if it's possible to be involved or possibly attend the CCC meeting, which we are hosting October 19th through the 21st in Monterey, California, but probably most importantly is to be present for the development of the briefing book for the November Council meeting, which is at about that same.... same time in mid-October to early November. That's a fairly important function and one that I think would benefit the new Executive Director if they were on board at the same time I was still there. So that's the objective, and then some overlap and then be able to attend the November Council meeting as well. So that's the objective and that's the reason that we're planning on having that decision point in October. And again, that will require a special Council meeting with only that on the agenda.

**Marc Gorelnik** [00:28:44] All right, thanks very much Chuck. So let me see if there's any further business of the Council on C.9, Membership Appointments and Council Operating Procedures, and if not, that will conclude this agenda item.



## 10.Future Council Meeting Agenda and Workload Planning

**Marc Gorelnik** [00:00:00] So that concludes public comment. We've had all our reports and that takes us to the heavy work here of Council action and I will turn this portion over to Executive Director Chuck Tracy.

**Chuck Tracy** [00:00:18] Thank you Mr. Chair. Thanks everybody for some good advisory body statements. Thanks to the Science Center for keeping us up to date on the stock assessment issues and thanks for the public comment from Sarah and Heather. So, I think it's, I think I'm just going to dive into the September quick reference agenda, so this will be attachment, Supplemental Attachment 5 and what we've, I guess what we've got to deal with here is we have a few hours, about two-and-a-half, two-and-a-quarter hours of available time. We've got six hours in the purgatory box. We've had a number of other requests for time in September. We've also had one potential removal of an agenda item for September that the GAP seems to have acceded to that to consider dropping the Groundfish Workload and New Management Measure item, so I guess in terms of September, the other things that we heard a request for, again were electronic monitoring items, so that would add to the chore here and so I guess what we didn't, haven't really heard from, and maybe just to kind of get all the pieces out there for consideration. The other one is Marine Planning, whether that is something that the Council wants to put on the, put in there somewhere in the candidate agenda items or not but so I will pause there and see if there's anything else that needs to be put into play here before we start moving some pieces around. John Ugoretz.

**John Ugoretz** [00:02:48] Thank you, Chuck, for that. And I don't know if I missed it, I don't think I heard you say that tentatively planned the Climate and Communities Initiative Final Report on September?

**Chuck Tracy** [00:03:06] That is in the candidate box.

**John Ugoretz** [00:03:09] Okay thanks.

**Chuck Tracy** [00:03:09] Right, so yeah.... so maybe just to remind people what is in the box, the Standardized Bycatch Report, Research and Data Needs Update, the National Standard 1 Tech Memo, ACLs for Data Limited Stocks, Climate and Communities Initiative Final Action, and the FEP Initiative, so consideration of new initiatives. Bob Dooley.

**Bob Dooley** [00:03:39] Thank you Chuck. I guess I might have missed it, you might have said it, but I'm just calling attention to the EM issue and hopefully we'll have some response from the letter that's gone out and it would be nice to have some time to chart a course forward and address the response, depending on which way it goes, and at least have the ability to address it. So, I'll stop there and I'm hoping to include something about it.

**Chuck Tracy** [00:04:11] Thanks Bob. So maybe just to clarify a little bit. So, are you expecting then that, I mean we plan, we will be writing the letter? Are you thinking that we need a response to the letter before we consider whether to schedule floor time in September for that? I'm not sure that that's a very timely way to approach that, in particular, you know we at least have to have agenda items confirmed by the time we file the Federal Register Notice in August, and I'm not sure we, no guarantee we'll get the letter out and get a response back in that time frame, so I guess I'd just like to know maybe something a little firmer on whether the Council wants to schedule some time to consider. You know I believe a discussion earlier this week was to consider proposing a revision to the rule in terms of the third party?

**Bob Dooley** [00:05:25] Yes, I would, I'll try to clarify it. What I'm saying is maybe we should put it on the agenda to be able to address a response, and there are several, you know the response could be a denial of... of all of it... you know that we're going full speed ahead, and the Council then would have to address that. If there's some agreement that we need to address, it would be nice to chart the course forward on a two-meeting process and what we're looking to do, and then once again I think we'll have more information again on this as we get closer to that date, but absent a placeholder to discuss the results of that letter in September, we will be waiting all the way to November to do that, so I think that... I think it's advisable to do that, to be able to have industry input and all of the things we had this time to, and our advisory panels to be able to weigh in on any response to that letter to help us chart the course forward and in the response to the letter, should it be whichever way it goes. So, either way I look at this, since we have implementation coming up in January, and how critical it is to the success of the program to get to do some reaction, hopefully we requested a delay, but if that's denied we have to have a plan B and I'm not sure what that is. So, I think we... that's what I'm trying to get at, is just to have an agenda item on the agenda for September to be able to discuss the response, hopefully that'll be there. If not, we need to discuss that too... so that's what I'm pointing out.

**Chuck Tracy** [00:07:21] Okay thanks. Maybe we can.....well... let's keep that in mind and try and find a place for it and then we can talk a little bit about what we might need in terms of time to accommodate the various possible actions the Council may need to consider at the time. But in the meantime, Ryan.

**Ryan Wulff** [00:07:50] Thanks Chuck. I can respond to that and also kind of dive into a NMFS perspective on the September agenda if you're ready for that now. Are you still looking for just potential new candidate items at this point? Just to clarify.

**Chuck Tracy** [00:08:05] Well, I guess if there's, if somebody has something else they want to add to the mix here, maybe let's do that first.

**Ryan Wulff** [00:08:12] Okay.

**Chuck Tracy** [00:08:16] John.

**John Ugoretz** [00:08:19] One other item we will need to consider is the hard caps item, whether it's on September, we should discuss it and then decide if it doesn't go there where it needs to go.

**Chuck Tracy** [00:08:32] Okay. Anything else? Potential September items? Okay. Well, Ryan, why don't we go back to you then?

**Ryan Wulff** [00:08:51] Thanks Chuck. Let me just, since it's fresh there, the comments Bob made on EM and in your comments, so let me just clarify there, obviously it won't be NMFS recommending for any agenda item or at least myself. But to clarify I do believe, I don't know the motion in front of me, but I believe the letter did discuss a delay and then extending the EFP's again. As you correctly noted, Chuck, that would need to be a regulatory amendment, the delay on its own, similar to what we did last year. It doesn't preclude if the Council wants a broader agenda item, but at the very least such action to delay the implementation of the third-party system just on its own would require a two-meeting process so that would need to go on both the September and November Council meetings and be agendaized as such as part of that, or at least have the Council's ability to have those meetings move forward with a potential final preferred alternative for a regulatory amendment. So that's my understanding on that as far as process. I'll leave that for the Council to debate if and when, whether it goes. I do have some other comments on the September agenda, in particular NMFS would like to kind of support what came a little bit, I think, out of the question and answer to the GAP report. We would strongly support, endorse and propose to remove the Workload and New Management Measure agenda items from both

September and the November agenda's when we get there. We're not going to have capacity for any new items that in the near term, I agree kind of just how Sarah laid it out from the discussions in the GAP. I mean we don't want to give a false sense of our ability to start new items. We have Spex. We have SaMTAAC. We have the Whiting Utilization, the Sablefish Review, Non-trawl RCA. We've got a lot of things that are prioritized and a lot of workload capacity. And in addition, we are, you know over the coming months here between now and September trying to get our groundfish management back up to full staff. We're going to be trying to backfill for Stacey Miller's position. We anticipate the catch share lead at the senior position should be announced sometime next month, and hopefully to have some significant additional resources on the groundfish side come later in the fall. I guess I should have started with the process itself. Your proposal, Chuck, from NMFS perspective we did receive word actually this week that we will have... let me back up for those that were not aware. Right now, any travel for a NMFS employee in whatever region of the country has to be approved by the NOAA front office, basically in the Department of Commerce, so all travel approvals are not at the regional level. They're not even at the NMFS level. They're at the NOAA level, so it is quite a process and is probably going to still be that way for the September meeting. That said, we have received already pre-approval as this won't be the first Council meeting to go back to in-person, so we have received approval for, my understanding is at least two regional designees and two Science Center reps. I can't speak for General Counsel. I think they're going on a separate process, but at least from the regional perspective and potentially Science Center perspective, there will be some travel, so the proposal for the Council to be in-person and advisory bodies remote is something at least from NMFS perspective is something we would be able to... to do. I would support though, however, some of the same noted in the GMT report about having a fully virtual for their reasons, also if there is ways to tweak the agenda days around for that. I wanted to touch on a couple of other things. So that's really it for the agenda. I'll really wait to hear Council discussion and how much room we have as far as the other candidate items, you know I'm happy to defer kindly to the Council. I think we probably put SBRM and the community's initiatives and the FEP update probably in that order, but of course happy to also discuss the tech memo if that's what people would like. Regarding hard caps we would support the MT's suggestion, probably March but or even potentially November, but probably not for September. And then on the GAP request to bring forward an analysis of the cost recovery program, we don't have the capacity to pull together this information over the summer for a number of reasons and I think the Council has heard from the Science Center that the ESSR program manager, Jerry Leonard, is leaving NOAA this week. We also have not backfilled kind of our cost recovery coordinator position. And I mentioned again, we'll be having a catch shares lead come on sometime over the coming months who will be very heavily engaged in cost recovery to some extent going forward. The Council's previously indicated an interest in looking at EDC costs as part of the rationalization program review, even starting that as early as March 2022 and we would support a recommendation on that timing, so I raise that here. I know that's more related to the YAG because the request was for us to do that in September and we won't be in a position to do so. And then finally, I'm not sure, this may be more relevant for the YAG, but there is some salmon methodology discussion on September, so I did just want to address the SSC recommendations and I would welcome hopefully at some point... we'll also hear what Mr. Kormos's concerns are, but regarding their recommendation number one, we think the language in COP 15 is ambiguous about what constitutes a major stock, which is relevant as to what forecast might qualify for a methodology review. Currently, the SSC focuses those reviews on the ACL stocks. Happy to have the Council provide additional clarity, but our concern that this greatly expands the annual workload of the SSC, the STT or state or tribal agencies with technical review processes already in place, so we suggest Council staff investigate archival information and documentation related to development of COP 15 as maybe an initial step. The second recommendation for developing a database, it's unclear how this qualifies as a topic for a methodology review. Methodology review seems to include things more like algorithms, forecasting methods themselves, experimental designs, changes in stock complexes and conservation objectives and depending on the number of major stocks, this could be a substantial workload for the STT and want to keep that in mind. And again, the assertion that those

recommendations relate to BSIA, which is a September agenda item, kind of puts the cart before the horse again. The BSIA directive is specific to catch specifications and stock status determination criteria to apply to some stocks and not other stocks in the FMP. They're relevant to the determination of annual catch specifications for the three ACL stocks and the SSC has conducted or is scheduled to conduct reviews of those methods. So, all those could inform some aspect of BSIA. It's a little bit overly broad to state that and will need further refinement. I imagine we'll discuss this under the BSAI framework agenda item. And that concludes my comments on September.

**Chuck Tracy** [00:17:25] Thanks Ryan. Phil, do you have a follow-up for Ryan?

**Phil Anderson** [00:17:35] That's part of what I want to say.

**Chuck Tracy** [00:17:37] Okay go ahead.

**Phil Anderson** [00:17:37] I wanted to address three items. First is, I'll just, and I can wait for the other two if that's needed, but on electronic monitoring, and this is a question for Ryan, understanding that there's a two-meeting process needed if we were to amend the rule in such a way that would result in a delay if we schedule and used portions of our September and November meeting to complete that two-meeting process, and if there was an affirmative decision by the Council to make that change, is there, what in terms of timing of the implementation of approval and implementation of that change, what does that look like relative to the start of 2022?

**Chuck Tracy** [00:18:59] Ryan.

**Ryan Wulff** [00:19:01] Yep. Thanks Phil. To your question. So, if it's a delay, right, if it's just a delay language similar to what we did last year and final action on that was in November and assuming NMFS approved, there would be time to get that in place prior to January. It will again be a little bit of a challenge, I would imagine, as the process would be ongoing for broader applications, etc. at the same time, but from a strict regulatory standpoint if that's just the action, I don't see why we couldn't do it if we approved it similar to last year. If you are talking about a larger change to the regs, it would be a lot more of a challenge. Actually, I don't know if we noted this in the NMFS Report, but starting very shortly after this Council meeting, Melissa Hooper will be out on maternity leave and Abby Harley will be stepping in as our acting, as a monitoring branch chief. So, we will be without a key EM person. Again, I don't think any of that impacts if the action is a delay, but if you're talking about a more substantive regulatory change, that might be difficult to, to impossible I think to get in place by January 1st.

**Chuck Tracy** [00:20:30] Just continue.

**Phil Anderson** [00:20:33] Yes. Okay, so if we were going to make other changes, we could do that with a follow-up amendment to the rule. So, it'd be a two-step process to get to where we need to go?

**Ryan Wulff** [00:20:53] That's correct. And we did this with EM actually before... right where we added some, we did the delay I think immediately, and then we added some of the other clean up aspects to the forthcoming bottom trawl rule, so we don't necessarily, even if Council's final action was broader than a delay, you could potentially have two separate rule makings, right? We could delay and then take the rest of the Council final action and take the typical six to nine months regulatory rulemaking package timeline. Does that make sense?

**Phil Anderson** [00:21:28] Yes, just one.....

**Chuck Tracy** [00:21:34] You muted yourself Phil. Go ahead.

**Phil Anderson** [00:21:36] I know because there's a bunch of stuff going on here that.....so on my second question is, I see that we have six hours set aside for gear switching range of alternative items on the September agenda, and then I was looking at the, which I know I'm jumping ahead, but I was looking at the future meeting agenda and I did not, and I wasn't able to find that issue scheduled on a future Council meeting, so I was just trying to understand what the next steps were after we take that step in September, if we have any or if we haven't made that decision yet in terms of when to bring that back?

**Chuck Tracy** [00:22:34] Thanks Phil. So actually, we've got eight hours in September

**Phil Anderson** [00:22:37] Oh sorry, eight hours.

**Chuck Tracy** [00:22:39] Split into two, six hour...

**Phil Anderson** [00:22:40] Okay.

**Chuck Tracy** [00:22:41] And, no, the Council has not scheduled further action on that. I think we'll presumably come back and do a... I mean a FPA or PPA and then an FPA, but the Council hasn't scheduled that.

**Phil Anderson** [00:22:59] Okay, and then just one more. I personally don't see the advantage of bringing the Council members together in Spokane while the balance of our Council team, family, advisory panel so forth is attending the meeting virtually, and I just put that out there. I'm not saying there isn't advantages for us being together but I, the advantages quickly dissipate in my view when only a portion of our team is there, and so I just... there hasn't been a lot of discussion about that. Maybe it's a foregone conclusion in everybody's mind or everybody has made up their mind that we're going to go to Spokane and if that's the case, so be it. I'll be there. But I really question whether there are, there are benefits of having us being there without the rest of our team is, makes a lot of sense to me, but I understand that people are anxious to get back together, but whatever we do, at least for me, the sooner we decide the better. I've got about eight days set aside on my calendar for the September Council meeting and so I'm hoping we can get a decision what we're doing here before we leave today. Thanks.

**Chuck Tracy** [00:24:50] Thanks Phil. On that last comment, let me just say that, you know, Attachment 3 is a proposal from staff, and I do hope we have a discussion about that. I guess I would like to save that discussion till after we settle on the agenda. I'm hoping that those two aren't too closely connected, that we could settle on an agenda and then discuss the meeting format and so, again, I don't think this is a, well nothing's a done deal I think until we file the Federal Register Notice.

**Phil Anderson** [00:25:30] I mean the only, there wasn't necessarily a linkage in my mind until the GMT said that they didn't want to meet on the weekend and then all of the sudden that there is a linkage potentially. So anyway, if you want to wait on that, that's fine by me.

**Chuck Tracy** [00:25:51] Okay thanks. Okay, so before I go to Ryan, I do want to touch on something Ryan brought up and again, just sort of, you know setting the table here. We added some things. We want to consider some pieces we want to move around, but there was some talk about Groundfish Workload and New Management Measures and so I would like to touch on that, and see if there is general agreement that that could come off or if people want to discuss the merits of that and that's fine. But if it's a piece of low hanging fruit, I think it would be helpful to have that decision made sooner rather than later so we could, again, see how these other pieces fit. So, we'll just see if there's some

other thoughts on that. So, Ryan, did you have additional thoughts on that or...?

**Ryan Wulff** [00:26:53] No, I just forgot to say one thing to help the rest of the Council discussion. It's really quick if it's okay. There was mention of the letter. I have spoken with headquarters since the EM agenda item, and I do anticipate the Council will get a response by the September meeting if that's helpful for the discussion.

**Chuck Tracy** [00:27:13] Okay thanks. Okay. Heather.

**Heather Hall** [00:27:17] Thank you Chuck. I, we've been, the idea of removing the workload and management measure idea had come up for me and I failed to ask the GMT about it when they read their statement, but we've been chatting with our GMT folks and also thinking about the spex item that comes up in September and I think it's also a natural place to talk about workload and so I think, and for all the reasons that have been mentioned before, that there's really not capacity to consider something new at this point. I think it's reasonable to remove Workload and New Management Measures from the agenda in September and potentially even November when we get to that. I had one other item that I wondered if, I don't think Ryan mentioned it, but if he did, I apologize. But the C.1 agenda item, the Marine Informational Program Update, I'm just wondering if that's something that could be, is time sensitive or could potentially be moved to another meeting? Certainly interested in the update. I've been tuning in to the Recfin meetings, and I know there's some stuff going on. I think the Council would be really interested to hear about it, but just wondering if that's a potential one hour that we might be able to make room in September for some of these other more time sensitive items. Thank you.

**Chuck Tracy** [00:00:01] Ryan.

**Ryan Wulff** [00:00:01] Yeah that's the new recreational data standards and if the Council wants, I think we could delay that. I do think there may be some interest, but I don't think it has to be in September.

**Chuck Tracy** [00:00:18] Okay, well then let me just ask if there's any objection to removing Groundfish Workload and New Management Measures Update or removing Marine Recreational Informational Program Update, and I'm not seeing any, so I am going to, at least for now, consider those removed, so that frees up two more hours. Okay. Any other thoughts about what we've got on our list perhaps and what could go on there? So, I think right now we've got about four-and-a-quarter-hours or so if we're, and again we've got Climate and Communities Initiative for two hours, FEP Initiatives for an hour, Standardized Bycatch Methodologies for an hour. How about the National Standard One Tech Memo, and Research Data Needs, EM, and Drift Gillnet? So those are the pieces to fit in. So... Marci.

**Marci Yaremko** [00:01:37] Yeah, I'm not sure if, I'm not responding to those items but more following up on Phil's mention on the sablefish gear switching item. I see it slated for eight hours. It's our ROA. I know that in our agenda planning discussion back in April we had pushed it forward from June to September to make room for other items at this meeting, but kind of been doing some thinking since April about the Council's action to cap the gear switching level at 29 percent, and I'm thinking about the initial alternatives that had been developed by the SaMTAAC and there wasn't any consideration at that time of a concept of a cap, and now that we have a cap I'm just wondering where we are analytically on building a prospective range of alternatives for approval in September, recognizing that the cap is something we've done. It should be, I think, an element of any of the alternatives that we might consider and one thing that I know, you know, I was expecting to see now that we have a cap would be some additional alternatives that might meet the objective of the cap, but I don't think we're really envisioned back in the SaMTAAC days. So, I'm just wondering if you can give us a bit of an update on where

Council staff are at with preparations on this ROA and, you know we haven't really had any discussion about how to incorporate the cap. We got so far as to establish what a cap level should be, but we didn't speak further, so I'm just looking, I think, for a little more about what all is in the mix in this eight hours and how ripe the work is at this stage.

**Chuck Tracy** [00:04:23] Thanks Marci. Well, I know our staff has continued to work on assembling some alternatives, and then in terms of other alternatives, you know I think that's when we get to establishing a range of alternatives. I think that's the time to give an opportunity for agencies, the public to propose other alternatives to be considered within that range, and if the Council needs more time after that, they can delay the adoption of the range of alternatives or further modify the range at a future, at a future meeting if they want to take that step. But I think if you're probably looking for more than process from me so I'm going to ask Jim Seger if he's available to give you, maybe, a very brief update on where staff is at with that?

**Jim Seger** [00:05:28] Yes. Mr. Chair, may I go ahead?

**Chuck Tracy** [00:05:33] Go ahead Jim.

**Jim Seger** [00:05:37] Thank you. So we are, what we're doing right now is focusing on, given the current range of SaMTAAC alternatives, which have not yet been adopted by the Council, focusing on what it would take with those alternatives in order to get to those 29 percent levels. There's a number of different kinds of trade-offs that will have to be made. Jessi and I are working on a presentation to.....(garbled).....anticipating them to take a look through there that you will want to make some modifications to the alternatives when you establish the range at the September meeting or at a subsequent meeting. It just depends on how much variation you want to, how far away you want to move from the SaMTAAC alternatives in order to get to that 29 percent level. But last November for the SaMTAAC alternatives, we had everything on the table that we thought you would need in order to make decisions at that time. So, there's not a lot more to do there with respect to the structure of the alternatives, how they work and so forth. Then really the only question is how do you modify the alternatives to get to 29 percent? And I think we're going to be in good shape for September and have that, some information and a good presentation for you to help you work through that.

**Chuck Tracy** [00:07:06] Does that answer your question, Marci?

**Marci Yaremko** [00:07:09] Sort of. I almost feel like it somewhat conflicts with what you said yourself earlier, Chuck, in that September would be the time for the GAP, the public, agencies to bring new alternatives into the mix. So, I'm just making sure that, you know, that we're on the same page here. I'll just give an example now that we have a cap and the cap was set somewhat below, but not largely below, kind of the average amount of gear switching. I think there was a lot of thought that precluding the concept of a derby fishery was appropriate, but that may not be appropriate now. We may wish to consider that option, and by derby fishery I would mean you'd let open the fishery, let it go when the point comes in the time of the year when we've attained the 29 percent level of the sablefish north quota then the fishery is shut down, and I'm assuming that the NMFS cost analysis of all of the alternatives will be coming to us at some point later and I would just trust that, you know, we'll want to be giving them a full suite of alternatives to evaluate. And like I said I just I'm not aware that that is among them at this time but... so anyway just wanting to make sure that what you said is correct, that we do have the opportunity to add in new concepts come September. Thanks.

**Chuck Tracy** [00:09:00] Yeah... yeah... well, yeah... I mean... I believe you do, and I don't think I detected a conflict there. I'll see if Jim has a response to that but... you know... Jim is working with what Jim and Jessi primarily, or the leader, they're working with what they have, which are the

SaMTAAC alternatives and the cap, and so to go beyond that we're going to have to have something on the Council agenda to provide an opportunity to add alternatives into whatever range the Council wants to adopt, so I think that's, the first opportunity there would be in September. So is there, Jim, is there anything else that you have to add to that?

**Jim Seger** [00:09:53] No, I think that's exactly right.

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

**Marci Yaremko** [00:09:58] Thank you.

**Chuck Tracy** [00:10:01] Christa.

**Christa Svensson** [00:10:03] Yeah, thank you. I really appreciated the thoroughness of analysis this meeting on the fixed gear catch share review in terms of communities, and I am bringing it up now because we're talking about SaMTAAC, but I have asked on a number of occasions for information around that in prior meetings and I really think it would be helpful, not only for myself but for a number of stakeholders who have reached out to me, to see that type of analysis in terms of what this range of alternatives will look like for impacting communities and not specific to just the gear switchers, but also in terms of the... or sorry excuse me.... trawl vessels that might be participating as well in that gear switching component. So really taking a look at how this is going to play out in communities up and down the coast I think is important and it is why I'm providing additional comments and guidance to that point. So, I am looking forward to seeing how that's incorporated and if I need to talk about it again in September when we get down there, I'm prepared to do that but just wanting to raise it today. So, thank you.

**Chuck Tracy** [00:11:29] Yeah, thanks Christa. Okay any other thoughts about putting things on the agenda, taking them off? So, we've got the sort of candidate agenda items there. You know is there something, and we've got some time available right now, so do we want to discuss what might be the highest priority item to put on there? Or are there some items there that are low enough that we could eliminate them at this point? Phil.

**Phil Anderson** [00:12:15] A priority among those for me is making some time for the EM issue.

**Chuck Tracy** [00:12:29] Anybody else? Does anybody object to adding the EM to moving it out of the box onto the schedule? John Ugoretz.

**John Ugoretz** [00:12:50] I was not going to speak to EM, so if people want to speak to that I'll defer.

**Chuck Tracy** [00:13:02] Well I'm not seeing anybody objecting to that so Ryan.

**Ryan Wulff** [00:13:08] Not objecting, I'm virtually abstaining.....(laughter)....

**Chuck Tracy** [00:13:12] Okay. Okay. Well, I'm going to just at least for now move that one up. I'm not sure what to put for time on that. It typically takes a while, when we talk EM so I'm just going to guesstimate it about, I'm going to go two-and-a-quarter hours since that's what we've got, plus that's what we had, so if we did that then we'd have two more hours from deleting Workload and New Management Measures and MREP Update. So, any other thoughts about priority items to move up or low priority items that we could eliminate from the candidate box? John?

**John Ugoretz** [00:14:15] I do think it's a priority to finish up the Climate and Communities Initiative.



We've been working on that for some time. The report should be ready. I believe the last time we discussed it, that was the plan was to include it in September and linked to that, I think there will be some suggestions for FEP initiative items during that discussion, but I don't think we need to include this FEP initiative items on September. I think those could move later. I believe we had discussed taking them up in March if I'm not mistaken.

**Chuck Tracy** [00:15:02] That would... well I don't know if it's, I think we're actually on a biennial cycle for initiatives, but it's in March, whether even or odd I'm not sure this one, those would normally come up. John did you have more? Anybody disagree with moving up the Climate and Communities Initiative Final Action? Okay, I'm going to move that one up too. Okay, so now we are at five-and-a-half days, so any other movement is going to necessitate some removal. So, we're still talking about September. So, any other thoughts about changing the topics that we are considering in September? Okay, I'm not seeing any so I'm going to, if that's the will of the Council then I think we should move ahead to the Year-at-a-Glance and take a look at what's a little further out in our future and try and make some movement there. So, I guess I will point out one thing I have not heard about is the marine planning item, so right now that is not currently scheduled. So, the other things that I think are sort of in the not-too-distant future are the Drift Gillnet Hard Caps, Limited Entry Fixed Gear, the next step there. There is some advisory body recommendations to look at CPS EFH in November. Let's see, standardized, so we don't have Standardized Bycatch scheduled yet, that is, that might be something to consider that there's a statutory limit there. We're supposed to have our plans amended as necessary by November and we're still two meetings away from that. We've also had recommendations for the Swordfish Management and Monitoring Plan in September, that's a shaded item right now. That's what I see. Other shaded items are Adopt Stock Assessments in November. I think given the mop up recommendations for stocks going into mop up, I think that that's probably one that we need to retain. We've got a few other shaded items in the Year-at-a-Glance down at the bottom, the ROA Final, The Tri-state Enforcement Report and again final action on Standardized Bycatch Reporting Methodology. So, let me pause there and see if there's some thoughts about November? Bob Dooley.

**Bob Dooley** [00:18:51] Thanks Chuck. Actually, I was back in September again. I just want to, just a question. I see that under page three on the Adopt Stock Assessments, that two hours and 30 minutes is underlined, and I know our experience this time. Are you, I guess, are you comfortable with that? And I just bring it up just because better to know about it than overlook it and end up working until eight o'clock at night.

**Chuck Tracy** [00:19:27] Yeah, well I guess on that that one in particular, so we added 30 minutes to that from the advanced version of the Quick Reference, just being sort of unsure of what's going to actually be coming before the Council. I think based on what we heard from Dr. Hastie on this, and I'll probably need a little help interpreting that, but I didn't think I heard very much business for the Council on those, on the issues from this meeting being ripe for coming before the Council again in September. So, if that's the case, then we would just have the normal business to adopt and I think I've got this right, it's just the lingcod and the vermillion sunset full assessments that will be there for the Council's approval. So, you know if that's all then maybe that and they go all right, then two-and-a-half hours might be a little rich, but obviously things don't always go the way you planned so I'm open to suggestions on that.

**Bob Dooley** [00:20:44] Yeah, and one further thing is we didn't, you mentioned marine planning and we've got, you know, an interim meeting with that, the ad hoc committee and just wondering where, how we're going to get advice if we don't have some or give advice or weigh in on it if we don't have it on the agenda somewhere. So just a couple of things to note there.

**Chuck Tracy** [00:21:10] Marc.

**Marc Gorelnik** [00:21:13] Well, two things. One, on the latter point that Bob just mentioned, we have this event in August and we're not going to be meeting between now and August. The motion that Caren put forward put forward a very specific way to appoint these members, for folks to nominate the members for appointment, so it, I guess one question would be, would it be possible for staff to reach out to these advisory bodies, at least on that side of the agenda, to put forward to nominate the names that they wish to be a member of that body for appointment? The other issue I was going to, actually the reason I raised my hand for November was I thought under CPS we were going to talk about COP 9 revisions, but I may have that wrong so those are my two thoughts and I'll shut up.

**Chuck Tracy** [00:22:24] Actually, you are correct. Those were, that was part of the discussion under the management framework for anchovy, that there was a plan to bring back a modified COP 9 to reflect the flow chart and then associated schedule, so that might be something else we need to think about adding in, into that. In response to your first question and the appointment process for the marine planning, the Ad Hoc Marine Planning Committee. Yes, I think we can, staff can reach out to the advisory bodies to accommodate that process. Ryan.

**Ryan Wulff** [00:23:26] Hey Chuck... yeah, I wanted to raise the same point that Marc raised regarding the motion at this meeting to have the CPSMT do that COP 9 revision in November, so I agree with your response there. Looking at some of the other items, we will need definitely to unshade SBRM in November. If we're not doing it in September, I'm going to have to have some conversations with our quarters and about their timeline, as well as, probably General Counsel to see if we can go straight to final action in November or if we'll need to have a separate, or if we'll still need two meetings, but I can be prepared to do that when we come to workload planning in September. I would also support maintaining Swordfish Management and Monitoring Plan on the agenda for November and can also support some of the other YAG comments made by the CPSMT and the HMSMT. Thanks.

**Chuck Tracy** [00:24:43] Okay. Maggie.

**Maggie Sommer** [00:24:52] Thanks Chuck. Hopefully, you can hear me again. I would... yes... I was also going to speak in favor of adding an item for the COP 9 for the anchovy management approach in November. And I'm sorry I did drop off the meeting for a few minutes and missed your wrap up of September. It sounds like we are not putting Standardized Bycatch Reporting Methodology on there. I guess I thought we had to, but I would defer to Ryan on that. Back to the, back to CPS issues, in November I know we had a comment from the team that the management category item is listed as scoping, and yet they thought we had moved beyond the scoping phase. We had some discussion at this meeting of whether or not to amend the FMP language to include a description of an anchovy management framework and approach and I think we are looking forward to more information from NMFS on that and more Council discussion, so it seems sensible to me to leave that as scoping and make sure we have whatever flexibility we need there to move forward. And I guess lastly, sorry I have some comments on September. It's not adding or removing items, but just some comments about timing of it... so I'm happy to wait until we're through the actual item discussion on the Year-at-a-Glance. Thanks.

**Chuck Tracy** [00:26:44] Okay thanks. Yeah, I think I agree that I think scoping is still probably appropriate for that agenda item. The action that we took the last time this was up was not clear to me that the scoping is complete, I guess. Anyway.... so anything else Maggie? Your hands still up? Did I miss something?

**Maggie Sommer** [00:27:20] No, thanks, that is my novice use of the controls here. I will star 9. Uh oh... I think I just raised it again by accident.

**Chuck Tracy** [00:27:32] It's okay.

**Maggie Sommer** [00:27:33] Pardon me.

**Chuck Tracy** [00:27:34] John Ugoretz.

**John Ugoretz** [00:27:37] Thanks. Ryan mentioned Swordfish Monitoring and Management in November. I'm okay with leaving that there. I do think we should discuss where hard caps goes. I think November is... excuse me... yeah... November is an option. I'm not entirely sure if we can guarantee that in terms of how much time is on the November agenda, so I kind of wanted to get a feel for the other members on that item.

**Chuck Tracy** [00:00:00] So the time we have listed on there is five point three out of five point five days so, and so we still have, you know, a couple hours there to give.... I think. Phil, do you have some thoughts on that?

**Phil Anderson** [00:00:22] Just wanted to voice support for putting it on, at least so that we can discuss it when we're finalizing the November agenda in the September meeting, but I would support John's thoughts about putting it on there.

**Chuck Tracy** [00:00:45] Putting Drift Gillnet Hard Caps on there?

**Phil Anderson** [00:00:48] Yes. Yeah.

**Chuck Tracy** [00:00:52] Ryan.

**Ryan Wulff** [00:00:56] Yeah, I don't mind having, essentially, I guess, kind of what we're talking is shaded for November. You know, we have, I mentioned support for the HMSMT's March proposal, and mainly I think we're concerned on what analysis might be needed, and you know especially if there is a revised economic analysis for that action. And also, I wanted to make sure that just for more perspective, it wasn't going to delay any of the buoy gear authorization, but I can easily, we'll have... well I will have more information on both of those questions in September so don't mind having it as part of that discussion for November.

**Chuck Tracy** [00:01:38] Okay. Christa.

**Christa Svensson** [00:01:40] Yeah, I'm also supportive of having the conversation in November. I'm not necessarily in support of hard caps, as we heard earlier this week, but I am supportive in November, and I like the idea that if we are meeting in-person that it's in Costa Mesa. So hopefully we get turnout support to have the conversation from everybody if that is an opportunity and otherwise, I don't care going on the webinar.

**Chuck Tracy** [00:02:10] Okay. Any other thoughts about November? So, the Council spent a fair amount of time on marine planning issues and establishing the committee, and we've got a coordination webinar and it really hasn't been discussed much for either September or November, so I guess I'm maybe just a little curious about how the Council is feeling about scheduling that. You know I think the motion indicated maybe three meetings a year? We typically have one in March, sort of as a regular agenda item so that would make sense but just going to want to make sure we could get some clear thoughts about how to schedule that.

**Marc Gorelnik** [00:03:33] Chuck, your audio is sometimes dropping out.

**Chuck Tracy** [00:03:35] Well then, you know what I would suggest is that, if you can still hear me, maybe we could take a short break here. I could switch out my audio. We've been at this for a while. Maybe we could come back in ten minutes. Would that suit folks?

**Marc Gorelnik** [00:03:56] I think it's a good idea.

**Chuck Tracy** [00:04:00] All right, well let's come back at 4:15 then.....(BREAK)..... I'm now Chuck Tracy two. You'll be happy to know that my new computer finally arrived today just in time. So, Brett Kormos has rejoined us and had a request that he be allowed to speak first, so I'm going to call on Brett here to give him an opportunity to update us on his thoughts, so Brett you haven't missed a thing.

**Brett Kormos** [00:04:45] Thank you Mr. Tracy, and I certainly hope the Council hasn't waited around just for me. Sorry if I missed any discussion on the SSC report to this point, but I appreciate the opportunity. So yeah, I have a few comments just generally to make about the report and the need for further discussion or and adding this item to an agenda or any other advisory body meetings, methodology review, et cetera. So just to begin with, I think just to keep things simple and straightforward I'll say that in my view of things the Council Operating Procedures in the FMP are fine as written and provide both the specificity, but also the flexibility necessary for the Council and the advisory bodies, including the SSC, to do their work. I'm not sure that something more prescriptive or explicit is necessary in order for us to achieve our objectives. I definitely see that the SSC has a role, a very important role I'll add in any sort of scientific review of methodology or best available science, or even as is standard practice, the estimates and data that are used in any given year for management. However, I certainly don't think that review of methodology or new things or things that have been changed needs to be, or even old things for that matter, needs to be automatic, and I certainly want to make sure that the Council retains its ability to exercise discretion on when or if things move forward for a more rigorous review by the SSC or other advisory bodies, or even through some sort of an ad hoc workgroup. And I don't want through a prescriptive nature to give the SSC, or any other advisory body for that matter, a unilateral authority to move things forward without giving the Council to weigh other... you know... the opportunity to weigh other factors in determining whether or not certain actions are appropriate. So, as I said before, I do think that the COPs and the FMP are well written and well designed and have served us well for many, many years. I'm not sure what new information has come available or what things have changed such that that's no longer the case, but I definitely think that conservation objectives and reference points are reviewed when appropriate, but also as directed by the Council, given our other priorities and needs or considerations. So the last thing I'll just say is that I'm not sure that the methodology review venue is appropriate for the items that the SSC has pointed to for that, but I'm also not necessarily opposed to some sort of further discussion or look by the Council and other advisory bodies on how things might be improved, at least in offering some clarity where clarity is needed, but I would not endorse the SSC Subcommittee Report as, quote unquote, gospel in that regard and would welcome an open and deliberative conversation about what changes, if any, are needed. So, I'll stop there and see what others might have to say on the matter. Thank you.

**Chuck Tracy** [00:09:52] Thanks Brett. Any thoughts on that? Marci.

**Marci Yaremko** [00:10:01] Yeah, sorry, Chuck, I had my hand up prior to the break to respond to your marine planning question so I can put my hand down until the time is right.

**Chuck Tracy** [00:10:17] Any responses to Brett's points? Ryan Wulff.

**Ryan Wulff** [00:10:27] I just want to say I support his comments, but I did make some comments with some concerns that I had with some of the SSC remarks as well while you were gone so thank you for your intervention as well.

**Chuck Tracy** [00:10:44] Okay, thanks for that Ryan. Caren Braby.

**Caren Braby** [00:10:54] Hi. This is, this is about marine planning as well so if you are ready for some thoughts from me about that, I'd be happy to weigh in.

**Chuck Tracy** [00:11:08] Well, Marci had her hand up first. I think I would give her the first shot. She had her hand up for the whole break so I'm sure her arm got really tired so Marci.....(laughter).....

**Caren Braby** [00:11:19] I defer to Marci for sure.

**Marci Yaremko** [00:11:23] Actually I'm going to ask Caren if Maggie's hand, which had been up before mine, that she had put her hand up for you, or if Maggie had a remark because she was in the queue before I was.

**Chuck Tracy** [00:11:42] I believe Maggie is driving from her home to her office so she can get a good connection right now, so...

**Marci Yaremko** [00:11:49] Okay. So, all I wanted to comment on with regard to marine planning is I think we clearly need to schedule it at least once in November or December. I think a lot is happening very quickly and we now are equipped to receive advice in I think a consolidated manner. I'm not clear that we need to schedule it for both meetings, but I think I'm leaning toward November, but I'll let Caren weigh in further as she's closer to the topic but what I really was I think thinking about, though, is as I start to look at November, I'm getting concerned. We've now pushed some admin items into November that maybe we should think twice about doing in light of the groundfish items in November that really are not movable, and the expected time allotments for those items I expect could go very long and particularly discussions on stock assessments, but also the spex and management measures, range of alternatives from those spex could be extremely lengthy. So, I guess I'm just flagging that the items in the other category, the admin category, I think as this discussion has unfolded over the last hour I'm getting less, less eager to push off either the Standard Bycatch Report or the Recfin Update, so I'm just throwing that back in the mix. Thanks.

**Chuck Tracy** [00:14:10] Thanks Marci. Yeah, I don't think the Recfin Update has found a home yet. I'm sure we did talk about moving that to November but let's stick with the marine planning issue here and.... Caren.

**Caren Braby** [00:14:30] Yeah, thank you and I am also driving. I am just a fly on the wall for the most part, but felt I should try and call in for this topic and I agree with Marci that we could either accommodate a September or November meeting for the marine planning agenda item with the following concept, which is that we've equipped that committee with the ability to initiate a comment letter outside of the time frame of a regularly scheduled Council meeting, so if the Council is comfortable with the process that Marc suggested, you know this... the Council staff touching base with the advisory bodies in the next week or two to get nominees, and have the Chair appoint people in that committee is active this summer as intended, the report coming back, a recommendation on letter topics and so on could be handled outside of the September Council meeting if need be. So that's my thought on that. I agree it needs to be, to meet the intent of the motion and the discussion that we had, it needs to be on the agenda in September or November, but I feel like we have the tools to do either. And, yeah, I'd be happy for further discussion or other viewpoints, but I think we can do that.

**Chuck Tracy** [00:16:12] Heather.

**Heather Hall** [00:16:16] Thank you. I was going to just tee up the marine planning item too. I know

Maggie is having trouble engaging and so appreciate Caren chiming in and however the most efficient way to do the marine planning agenda item, you know I appreciate if it can be done outside of the Council meeting. I think September is pretty full. Was going to say I had a couple of items if we needed time for marine planning in November, but I also think something that we haven't brought up is the Fixed Gear Five Year Review, which I also would like to see put on the November agenda and keep that ball moving forward and potentially get it finalized by March. You know it's... I think there was a lot of good discussion at this meeting that streamlined that process. There's... it's been one of those things that I don't know that it's going to be a huge workload burden, and if it can keep moving and get through the process I think if we can accommodate that, that would be great. So, I would like to see the Fixed Gear Five Year Review added to November for now. Thank you.

**Chuck Tracy** [00:17:44] Thanks Heather. Any thoughts or comments on Heather's suggestion? Any objections? Okay, that's fine. I guess I'll note that we're, I think we're probably at the point where we're over five-and-a-half days for November but... and nothing new about being over five-and-a-half days going into the Council meeting prior....just be more work to do then... but that's what we're about. So, any other thoughts then about November? It's four thirty and I appreciate the fact that we've gotten beyond September and been able to do some work for November and have some good discussions, I'm going to pencil in a marine planning item for November as well and then I guess we will see how we are, what we're able to do and what the need is coming out of our marine planning coordination webinar in July in terms of putting products to the Council through alternative processes. I see Maggie is back online now. I just want to, I guess I'm getting ready to kind of move off this and talk about just hopefully very briefly about the September Council meeting format, but I want to touch base with Maggie, make sure she's up to speed or doesn't have anything to add to this discussion. Maggie.

**Maggie Sommer** [00:19:39] Thanks very much Chuck. Appreciate the patience. I'm back on a good internet connection. I don't have anything to add on the Year-at-a-Glance. I share the concern Marci voiced about how full November is looking for us now, but we can deal with that. I did want to circle back to September and note again the request from the GMT to spread out some of the big items. I think that is a higher priority than avoiding having groundfish on both weekend days. I would ask that as you are adjusting the September meeting schedule following this discussion, you take a look at whether some of the groundfish items can be moved up earlier, potentially to Friday or if not Friday, maybe Saturday, but it looked like maybe the, possibly the Groundfish NMFS Report and the Adoption of Stock Assessments could occur possibly on Friday and maybe Habitat and Salmon on Sunday, something like that? Anyway, I just... I don't think they're going to probably get away with or escape from having at least groundfish items on one weekend day, but I really do think that spreading out the items is going to be important to help them really be thorough and effective and give us their best input. Thanks.

**Chuck Tracy** [00:21:22] Okay thanks Maggie. We will definitely be looking at how to arrange this agenda. That's... I appreciate that advice. Yeah, so don't count on anything the way it's laid out here... that's always the caveat here at the end of agenda planning.....(garbled)..... that into consideration. Okay, so if there's nothing else on agenda planning then I would like to just touch briefly on the September meeting format. Again, Attachment 3 is our proposal, our Council staff proposal. Our objective here, we have heard quite a lot of interest in meeting again in-person. While we still have some challenges as NMFS mentioned, that the travel restrictions for September I think are pretty, pretty clear. Obviously, California is also, I guess maybe not as clear, but potentially there are some issues there. So, our intent here was to not bite off more than we could chew, and what I mean by that is having meetings where you have a combination of a group in-person, then a number of people being connected by webinar. There are some technical challenges that they can be overcome but given the volume, the number of advisory bodies we have meeting simultaneously, and among of IT staff we have to help with that just didn't seem practical, so we did think that having the Council meet again in-person, that's the message

we were getting, that there were some support for. And then the, I guess the other aspect that maybe I'm not sure has been communicated clearly once the advisory bodies is that while we do expect your meetings to be entirely virtual, we were providing the option for people to travel to Spokane if they wanted to do that and be able to talk with Council members and speak to them and testify in person. You know, have lunch with them. Talk to them after dinner and one-on-one in a little bit more formal or less formal manner, and that the Council would pay for their travel and staying at the hotel just like we would if it was fully in person to provide that opportunity, and we also thought that this would give, for example, state agencies the opportunity to have their staff sit behind them at the Council meeting and be in direct or direct communication and support their Council members in that manner. So that's what was behind our thoughts. Now we did suggest that all Council members would need to be in-person and while we are working on a potential solution that would not require that we might be able to remote Council members in addition to the public, which we can't do. We are working on that. We have not, we're not there yet, and while there's still some time, I don't think we could guarantee that, so I guess I would still like to have Council members thoughts about coming to Spokane, meeting in-person in a ballroom and conducting business in person and the model that would be proposed here in Attachment 3. Butch Smith.

**Butch Smith** [00:26:08] Hey Chuck, thank you. First of all, let me tell you what a marvelous job that Council staff and Kris and you did to get us through this pandemic and how you did this is just an absolute miracle by any stretch of the imagination. I do have some concerns about going to Spokane. I don't have any Covid concerns. I don't have any of that concern, but we heard it kind of in public comments and advisor comments that I worry about the perception of, you know, we being there, some... some people staying home, some people going. On a controversial issue people are going to think because I wasn't there the Council went this way. I, there's nothing more that I want to do is to give old big Ryan Wulff a big old bear hug in person but, you know I just, this Council process has always been the fairest and most transparent that anything that I have ever dealt with in my life, and I want to keep us not that we would do anything to tarnish that, but I wouldn't want the perception of that being tarnished at all and I'm leaning to, if we can when we do this, we open this sucker up like it was, you know, the March of whatever that March was when we were still going or before with maybe some of the new additions of people to be able to, you know, that's up to you guys testify through the computer, but I certainly, you know I'll go, I'll go anywhere you want me to go but that's kind of my thoughts on holding off for September, so thanks Chuck.

**Chuck Tracy** [00:28:27] Marc.

**Marc Gorelnik** [00:00:00] Thanks Chuck. I, we've been hearing for the last year about how inefficient this is, and we've heard from the advisory bodies that they're looking forward to being in-person. Right now, the principal restrictions we have is that it's not clear that the state and federal, or it's not clear what the scope of the state and federal government permissions will be for their employees, and this affects obviously some Council members. It also affects management teams and staff generally. But insofar as the public is concerned, which I think is what Butch was touching on, there are no such restrictions, and I don't know what the status is in Washington. I know that both Oregon and Washington are now free of any restrictions aside from those that private businesses or the feds put in, for example on airplanes and busses and whatnot, and so I think at some point we're going to have to be ready to be back in-person, and I understand and I agree that a full in-person meeting is ideal, but if we can't have, for example, the management teams and the advisory bodies in-person then the question is, is there a benefit to the Council to at least have the Council in-person, because keep in mind even if the Council is remote, so will the management teams and advisory bodies, so to me they're not being in Spokane isn't a greater drawback than we would have from a full remote meeting. So, the question is, can the Council itself be more efficient in this hybrid scenario than being completely remote? And it's, my view is, yes, because this is now our sixth, if I counted correctly, our sixth remote meeting and it's been great.

I mean, I think as Butch said the Council staff has been extraordinary in pulling this together and it's worked far better than any of us feared, but still, it's not the same and so anyway, so I guess my thought is that having the Council meet in-person as a minimum is an advantage over the Council meeting remotely. And I, you know as far as who can show up in September I can't say, but things are moving in the right direction, so that's what I have to say.

**Chuck Tracy** [00:03:31] Louis.

**Louis Zimm** [00:03:34] Well, thank you very much Marc, and this is not my own personal consideration, but just a question about actually how meetings would be held? You mentioned the public can do what they wish. Does that mean the public can sit in on a Council meeting or a, say California delegation meeting, et cetera? Thank you.

**Marc Gorelnik** [00:03:59] Well, my understanding is that the public can still come to the Council meeting. Maybe Chuck can correct me on that, but the delegation meetings may be held virtually so they would have to attend those virtually, which you can do from a smartphone or a laptop or whatever, and the same would be true, my understanding with advisory bodies and management team meetings, but they'll be virtual one way or another they're going to be virtual, so whether the Council meets in-person that doesn't change that.

**Chuck Tracy** [00:04:42] Thanks Marc. And then just... and so we would... we do have the ability to have one in the public be able to comment virtually to the Council, but they would also be able to come and testify in person, just as anybody else who was there. If the Chair of one of the advisory bodies was there in person they could come into the Council chambers, question their reports in person if that's what they want to do. John Ugoretz. Oh sorry.

**Louis Zimm** [00:05:23] Through the Chair, if I may, thank you for that. The image that we had earlier of advisory body members sitting in their room and, you know, watching their computer and then, well, you guys could come down in the evening was not a pretty one and I think this makes it much better. Thank you.

**Chuck Tracy** [00:05:49] Well, I think that image is right. If they want to do that they can, but they don't have to, they can stay, they can stay home, they can go to their office, or they can fly to Spokane and attend their meetings in their hotel rooms, but when they're not in their meetings they would be welcome to come and sit in the Council chambers. John.

**John Ugoretz** [00:06:15] Thanks, unless Louis wants to jump in again. I think, so I'm understanding what the Chair is saying, yes, we would all like to get back in-person. Yes, there's this potential to do advisory bodies remote and the Council itself in-person. I just want to emphasize again, the State of California does not have approval at this time for Marci, Briana, myself, or Brett to attend a Council meeting in any location other than our homes, and so while I would like to be able to meet in-person, we just don't know that that's the case right now and I don't recommend moving forward with planning an in-person meeting when one of the states is unable to guarantee attendance. That could change. It could change before the date you have to publish notice. I don't know but at this point in time I think in order to allow participation by the State of California, we would prefer to do fully remote for September and cross our fingers that we can meet in-person in November.

**Chuck Tracy** [00:07:43] Thanks John. So just to follow up, if that situation in terms of travel approval were to change, would you feel right having traveling to Spokane for the September Council meeting?

**John Ugoretz** [00:08:04] Personally, I have no problem at all. I would greatly enjoy getting off of my



kitchen counter and seeing you all in person. I think it is more effective to meet in person. I do have some hesitation about splitting the main Council from the advisory bodies for a lot of the reasons we've heard, and I have some concerns about, you know the equity of those who can attend from the public versus those who can't for a variety of reasons, so I do prefer that we wait until everybody can be there together.

**Chuck Tracy** [00:08:45] Thanks. Brad.

**Brad Pettinger** [00:08:47] Yeah, thanks Chuck. I just want to support Marc, where Marc's coming from. It was pointed out to me that a lot of meetings, or a lot of the Councils have separate meetings from their advisory bodies, so it's not like it's unprecedented in the management systems in this country and so I think that's not a big deal. Certainly, what John just mentioned about the state not allowing travel is concerning because we certainly want California's participation, but I would point out that it's the end of July or end of June. I see Oregon and Washington, I believe California too have all, they're opening up. You would think, you would think that the state or states would allow folks to travel to a Council meeting you would think. They have similar aims to make this work. I think it would be maybe good for if we request that travel authority maybe here in some time frame to submit this thing one way or the other but anyway.... I just as a... as chairing meetings or Vice Chair, the Vice Chair at these meetings for the last seven, seven meetings, it'd be nice to be in-person. I think there could be efficiencies gained as Marc spoke about. Some fairly big issues up in September and I think that it would be greatly benefited by having that in-person contact, at least the Council members. Thank you.

**Chuck Tracy** [00:10:36] Yeah, I guess I would, I think you do bring up a good point... many Councils just meet with Council-only for their meetings and so I guess it would not be unprecedented. I know that we are different in that regard and that I think that difference has been helpful to our Council and our relationships with our stakeholders, but I do recognize that difference as well. Bob Dooley.

**Bob Dooley** [00:11:09] Thank you Mr., or Chuck. I appreciate it. I, you know there's nothing more that I would like to do better than to get back together in person. I mean I think all the, everyone's talked about that, we benefit from being together and we do a better job when we're together. However, this third alternative that's being...is troublesome to me. I agree with Phil. I agree with the comments of John Ugoretz and Butch and I think that it's problematic to go partially, and I think if we can justify the Council going together, particularly if the states are having troubles now, if we can still justify that, they ought to be able to justify our advisory panels meeting, particularly when they're going to be there anyhow potentially. I'm really bothered by the prohibition of if this was a program, this was a proposal that we accepted that if you're a Council member and you can't come, you can't be in on the virtual meeting as well. I know other Councils have done that. In fact, I just spoke to someone from the Gulf Council this morning that said that they had done it. So, I don't understand the prohibition there, but I guess it is, but then I get in real life or real in normal circumstances why we don't allow that alternates and things like that and Council members, I get that. However, this to me is putting a lot of work into something we've been doing pretty well over the last seven meetings and getting better at it every time. It's not perfect, but to do some halfway measure doesn't make sense to me. I think we should either jump in or jump out. I think we can live through another meeting. We don't have to change a bunch of the... you know... the systems here that we've worked on to get working the way they are. I am, I'm against doing this. I really am. I'm for, I mean the concept of getting together the Council, but I think we lose a lot by not just doing it like we always do with all our advisors and everybody in one place and so that being said, I'm really not in favor of it. Thank you.

**Chuck Tracy** [00:13:45] Marci.

**Marci Yaremko** [00:13:46] I just want to acknowledge Butch's opening remarks about perception and

equity and access to Council members and the need to keep everyone on the same footing. Just to add a little more to that, we've gotten accustomed to the virtual platform. I don't know about all of you, but I think we're all using multiple monitors. I am working off of a computer, a main computer, a secondary computer and two cell phones to maintain all the communications that are needed between email and viewing different things on screens et cetera, and I kind of fear the idea of trying to go and do that in person and sit around a table and keep eye contact with my fellow Council members and, you know which is one of the benefits of being together in person, but then you add that into this multitasking people trying to do and it's a little frightening to try to conceive of doing that. I also want to just and then maintain contact with your delegation that's far, far away. Also wanted to just add a little bit to what John said about the State of California and our situation, and we have been asked and asked and asked about our status and we are, you know we do ask regularly to check in if there's any resolution or any new information available and there hasn't been any, but I want to just explain that it's not going to be a simple snap your fingers and okay now we can travel again. I think all of the states go through an out of state travel approval process, which we put the paperwork in back in April, which is what we traditionally do. We have no word on that. Don't know when we're going to get any word on that. But even if we get that word that's different from the regular approval process that John's explaining, you know that doesn't exist. I mean, the blanket answer is no travel. The other piece now is that we have new technology on our computers and a new directive about telework out of state. So, it's a new hurdle to clear. We're not sure how to clear that yet. It's already caused a few problems for us. So, all I'm saying is, you know we can ask for an answer, but Brad's comment about you'd think that the state would allow it, no, there's no special exception for going to Council meetings. So, I just want to make sure that folks know it's not that we're not trying, but there's only so many different doors we can knock on. So anyway, I just wanted to elaborate a little further. Thank you.

**Chuck Tracy** [00:17:09] Thanks Marci. Maggie.

**Maggie Sommer** [00:17:12] Thanks Chuck. ODFW would be able to send Council members in person in September. I know that I have not talked. We would have the ability for our staff, who are members of management teams to travel, at least as our state rules stand at this time and I don't see any reason to expect a change. I will say that as we heard, for example in the GMT report, there is I think there are a lot of folks leaning toward, well if their meetings are remote, they would prefer to have, just have everybody be remote and stay home. Having said that, I am in the camp of just preferring to wait until we can all be together at once and not... not do a hybrid model like September. I won't belabor or repeat the points everyone has made. I really share most of those. I can't wait until we can all be back in person. Long term I think we, it will behoove us, Ryan has brought up the point of thinking about what the Council's operations look like moving forward. We also heard some really good, I think, comments in written public testimony under this agenda item and I'll say that the carbon footprint of all our travel to Council meetings, that topic really speaks to me, and I think it's something we ought to think carefully about, particularly given our line of work. But for September, I would be in favor of a remote meeting, and one important reason for that is the State of California. I just wanted to support and express understanding for their position they're in and I would not want to go forward with the uncertainty on that.

**Chuck Tracy** [00:19:11] Thanks Maggie. Heather.

**Heather Hall** [00:19:14] Thanks Chuck. Just add the perspective from Washington. We did just get our email from the Governor saying Washington's open and way to go, but in the conversations we've had at Department of Fish and Wildlife, we're actually, it's a little bit of a tighter standard so we're not with this announcement from the Governor's office, you know just going right back to work. There's still a lot of safety protocols in place. Still a lot of working on the transition back to the office, transition back to work, travel and all of that, and while I think, you know we could get approval for Corey and I

to attend and probably then would be, we would have to follow the safety protocols for that. I think there's a, we would have a meeting and have a travel plan and all of that so I think technically it's probably doable, but I just wanted to make the point that just because our State is reopened today, it's still a little bit different for WDFW and... but I also lean in favor of waiting and let this transition for all of the states happen a little bit or get a little farther down the road before we try to do a hybrid. I appreciate the thought that went into it and in trying to figure out can we take a step forward? A lot of our emails that our agency are reflecting on how hard it was to close things down but in contrast that opening things back up is sometimes equally as hard or maybe harder. So, I think waiting and seeing if maybe November is an opportunity for us all to get back together. Also appreciated the comments that the advisory bodies and management teams made in their reports and...and so I think for September I'd be fine keeping us in one more virtual meeting, maybe fingers crossed that we could all be together in November. Thanks.

**Chuck Tracy** [00:21:51] Okay, thanks Heather. Any more thoughts? Louis.

**Louis Zimm** [00:21:59] Well thank you very much Chuck. I really concur with what Heather just expressed and also what Maggie expressed about carbon footprint and those very considerate things. I was just looking at the world news and frankly it doesn't look that good, and what's really bad about it is it doesn't make us look very good either, so I think optically optics and practicality come together here so I support Heather's position. Thank you.

**Chuck Tracy** [00:22:45] Thanks Louis. Virgil.

**Virgil Moore** [00:22:46] Thank you. I guess my concern is just listening to this discussion, my preference's we get together and have a meeting. It's been too long. We can make that work and we know how to make it work. At the same time my concern is we seem to be tending in the direction of justifying remote meetings more often than not, or giving reasons why, for personal reasons, multi-monitors, travel, carbon footprints, family reasons, I mean we can go on and on and on and I've heard them all and I get that. I really, really do get that, but our relationships, our ability to build those relationships, as was noted in one of the public testimonies today, there is just no substitute for that period. And at some point in time, we've got to come out and go... whether it's September or November, we have to make that decision and move on. And I'm, I truly am concerned about the functionality of the Council in terms of its interpersonal relationship. If we didn't already have those relationships this would have been very, very difficult. And with the changes that we've got with new members coming on, some of which I haven't met already and some that I'm sure I won't, it's going to get more and more difficult and so the sooner we can verify with our entities that we're allowed to travel... in Idaho we don't have a problem... then we need to get on with it, and if a hybrid is what's needed to get us back together as a Council because other Council's do it, let's do it. I am concerned with that lack of interactive communication, being able to sit down and have that discussion after the meeting that is so terribly important to how we do things, and so my preference would be to move forward with the meeting, but I understand the logistical issues involved and certainly will support the decision that is necessary to move forward with. Thanks.

**Chuck Tracy** [00:25:00] Thanks Virgil. Anyone else? Bob.

**Bob Dooley** [00:25:04] I won't belabor this, Chuck. You know I agree with Virgil's take on this, however, I think, you know, I think November is really a better choice, and hopefully everything being equal it will be. I would point to an email we got. We're trying to restart MREP. Everyone knows about MREP. We've seen the video and thank you, by the way, for showing that video so many times this meeting, but we've got an email from the agency. We requested an October start up for our science at one of the Science Centers, either Newport or San Diego, and a January meeting for, important for our

management segment and the response was, October is unrealistic for an in-person meeting and that even January, while possible, is not a sure thing. Both Science Center Director's do not feel comfortable moving forward with planning for an October in-person event, regardless of location. So, I get that, but it sure reinforces the fact that maybe September is not that great of an idea when we won't have our federal partners in, you know, to help us along here, it doesn't appear. So, I'm still in the same camp but, boy, I can't tell you how much I want to get back together and meet in person because Virgil, you're exactly right, we need to get this thing started again but I don't know that September is the right time.

**Chuck Tracy** [00:26:47] Okay, well I think we've had a pretty good discussion. We heard from almost all Council members. Pretty easy to see which way the winds are blowing. While I won't pretend I'm not disappointed, but it sounds like September is for it to be all webinar-based Council meeting and advisory bodies and we won't be getting together in person until November at the earliest. So, we will take that direction and make plans accordingly and there... I guess.... Mr. Chair, I'm going to turn it back to you.

**Marc Gorelnik** [00:27:45] All right. I see two hands up, Bob Dooley and Ryan Wulff, in that order.

**Bob Dooley** [00:27:52] Yeah, thank you Mr. Chairman. I appreciate it. I just had a question for Chuck and just so we could get a little pre-notice. A few people had asked that earlier. If we do go back, and it looks like we are going back to a virtual and our agenda shows working through the weekend and we have the concerns about the ground, you know, about groundfish items and from the GMT and such, do you have an idea of what your proposal is for start and stop and if there will be a pause in the middle as we've done in the last couple of meetings?

**Chuck Tracy** [00:28:29] I do not know that answer yet.

**Marc Gorelnik** [00:28:32] Ryan.

**Ryan Wulff** [00:28:34] I was going to raise the same issue and support going back to no meetings on the weekends in supporting the GMT rep request.

**Chuck Tracy** [00:28:47] We will take that under advisement. I look at a number of schedules and.....(garbled).....

**Marc Gorelnik** [00:28:55] Phil.

**Phil Anderson** [00:29:14] I support what we did this meeting. Taking Sunday off, working Saturday.

**Marc Gorelnik** [00:29:15] Is there any other business, and I'm not going to entertain a motion right now, is there any other business that the Council wishes to undertake before we adjourn? I'm not seeing any hands. I'm going to call on Louis Zimm to see if he has a motion for us.

**Louis Zimm** [00:29:41] Why, yes, thank you very much Mr. Chair. It is my honor to propose a motion that we adjourn this June 2021 meeting of the Pacific Fishery Management Council.

**Marc Gorelnik** [00:30:02] Thank you Louis. I'm looking for a second? Seconded by many, but Heather Hall was quickest. If any hands, let me just see if there is any discussion on the motion, which I don't imagine there is but if a hand goes up, I'll call on you. Heather Hall? Hand is gone. All right I'm going to..... Heather, go ahead.

**Heather Hall** [00:30:31] Sorry, I'm just hitting buttons, I think. It was only meant to be a second.

**Marc Gorelnik** [00:30:36] Okay got it, got it all right. All right I will call the question. All those in favor say 'aye'?

**Council** [00:30:43] Aye. Amen.....(laughter)....

**Marc Gorelnik** [00:30:44] Opposed, no? Abstentions? Motion passes unanimously. We'll see you all online in September if not before.

## D. Habitat Issues

### 1. Current Habitat Issues

**Brad Pettinger** [00:00:00] Agenda Item D.1 with some possible actions and most of the GAP. So, with that, that brings us to Council action, discussion. I look to some hands or a hand to get the discussion going. Marci Yaremko. Marci.

**Marci Yaremko** [00:00:29] Yeah, thank you Mr. Vice Chair. I'd like to start by thanking the Habitat Committee for having discussions on so many topics this week and reporting out to us some fairly well-developed recommendations for some work over the summer. Really appreciate the updates that they've provided us on some very important habitat issues of interest, particularly on the Klamath Dam removal and on the C. Shasta crisis, those are just hugely important topics, and we appreciate them following the events and summarizing them for us. I want to note on the Nordic Aquafarms item that this has been an issue that our department has been working on closely and following the events and commenting. I see there's interest here on the part of the Habitat Committee in potentially inviting Nordic to the September Habitat Committee meeting. I think that's something we'd be willing to at least provide our expertise in a discussion on that. Want to talk for a second about the BOEM update on oil rig decommissioning recommendation for a draft letter. I think I feel pretty good about the idea of a draft letter being available for the September briefing book. I realize that the comment period, we just don't know yet when that's going to fall and whether or not we will be able to have an opportunity for review of a letter in the September briefing book or if this needs to be a quick response process letter. That gives me a little bit of concern just because I'm still, I think, struggling a little bit with the clarity on what the content of this letter will be. I know that the GAP is willing to assist, and the Habitat Committee is willing to serve a role in the development of this letter. Not... I think what this letter is going to say is hey... BOEM please include consideration of fisheries impacts in your PEIS analysis and here's why and here are the fisheries of interest that we'd like you to make sure that you focus on in your work. But I'm not, you know I didn't hear huge clarity in the extent of the content that is expected in this letter. That said, I really agree with the need for us to engage and offer comments early into this process and issue that kind of reminder that we would very much like fisheries and habitats considered as this process unfolds and that that should be an element of their PEIS development process, so I support that with the... I guess the cautions that I'm not entirely certain what the scope of this letter might be, but I feel like with the Habitat Committee's leadership, as they suggest, potentially coordinating with advisory bodies independently, I think they're a very capable group and certainly support the concept if they're willing to undertake it. On the comments related to the Humboldt Morro Bay Wind Energy Area and the upcoming lease announcement process. Certainly, this is an issue that we'll hear more about in the marine planning item so I think that the Habitat Committee's suggestion of a letter is good and that potentially the tasking of the drafting of that letter I agree that certainly are decisions under C.4 might influence the tasking of that work, but I'd say I'm comfortable with the Habitat Committee's recommendation there. On the other letter, I didn't mention anything about that they're recommending the National Draft Mitigation Policy. My understanding is that this is a body of work that largely kind of summarizes and standardizes the current mitigation program and adds some transparency for everyone. Nationwide, I think it sounds like it's a good effort that's coming together and I think it's certainly appropriate for the Council to recognize that this work will aid all of us in transparency and creating kind of a more clear road map on some topics relating to mitigation so I think that's a great idea. I think they have a couple of areas that they've suggested provide some specific comment on that sound appropriate to me, so I guess all things considered I support the recommendations of the Habitat Committee and I realize that there are some uncertainty with some of it, but I feel like it's a doable and reasonable work plate for the group over summer. Thanks.

**Brad Pettinger** [00:07:43] Okay thank you Marci. Anyone else? Chris Kern. Chris.

**Chris Kern** [00:07:56] Mr. Vice Chair can you hear me?

**Brad Pettinger** [00:07:59] You're kind of quiet Chris.

**Chris Kern** [00:08:00] Okay how about now?

**Brad Pettinger** [00:08:03] Still kind of quiet.

**Chris Kern** [00:08:08] I'll try and talk really loud.

**Brad Pettinger** [00:08:10] That's better.

**Chris Kern** [00:08:11] Okay, I'll keep it up. And I'll be short because what I was going to say is I just, my thoughts fall pretty, pretty well in line with what Marci just laid out in terms of an approach and so I just lend support to those thoughts. Thanks.

**Brad Pettinger** [00:08:28] Very good. Thank you. Anyone else? Louis Zimm. Louis.

**Louis Zimm** [00:08:37] Thank you Mr. Vice Chair, and also, I do agree with Marci. Specifically on the Habitat Committee writing a letter on the marine planning situation. Notwithstanding, whatever we do the rest of the week I don't think we'll have anything really in stone or set up or people named or whatever is going to happen soon enough to respond to this and the Habitat Committee is certainly equipped to respond so I really do support the Habitat Committee writing a marine planning letter. Thank you.

**Brad Pettinger** [00:09:25] Okay thank you. Phil Anderson. Phil.

**Phil Anderson** [00:09:28] Thanks Mr. Vice Chair. I agree with everything except the need to write a letter on the NOAA Draft Mitigation Policy. I don't, I haven't looked at the policy. I have heard from our Washington member on the Habitat Committee who had some concerns about writing or question the need to write the letter. You know I think Marci's point about it being a good thing in terms of standards and having some standardized things across the spectrum across the nation and increased transparency, those are all really good things and I totally agree with that, but the bit is on the implications and whether or not whether or not it's unclear landscape versus seascape and on this business about making a recommendation on the HAPC's, I'm not ready to support that until I understand it more. So again, I agree with everything else except I'm not convinced we need to write a letter relative to the draft mitigation policy.

**Brad Pettinger** [00:10:59] Okay, thank you Phil. Marci Yaremko. Marci.

**Marci Yaremko** [00:11:02] Yeah, thank you Phil for raising this point. We had some discussion about this in delegation as well and our Habitat Committee member actually did convey that, you know there wasn't in his view, necessity here that we write a letter, so you know I feel like the concerns that you've raised are probably things that we should know a little more about. I was kind of supportive of the idea that we complement NMFS for trying to create some national standards and I think the issue of transparency on this topic is really important so I was kind of thinking that there would be no harm in complimenting NMFS for that effort but as you point out, there are some things in here that we probably need to understand a little better before we touch on. So I guess I defer to either the suggestion we send no letter or we send a very watered down letter with very little content, and I could go either way on that, but I do thank you for raising the point and I mean the fact that you heard it from your Washington rep and that I did hear similar comments from our California rep, you know I'm glad that you raised

your hand. Thanks.

**Brad Pettinger** [00:13:10] Thank you Marci. Further hands? Further comments? Okay. Well, what I think I got out of this, I think I... my summary is that we probably should invite, or maybe invite the Nordic Aquafarms to the September Council meeting and to give a presentation or meet with the Habitat Committee. And also... the, we talk about the draft letter to, maybe do a draft letter. Oh... Phil Anderson. Phil.

**Phil Anderson** [00:13:48] I'm sorry I didn't mean to break into your thought process there you're going down. I just, I wanted, well I've already done it so there we are. I wondered if Frank could, I mean, you know they put the policy up for review and, which is great and the public comments through July 30th. And there's those eight principles that are in that, all which I think look good, improvements, so is there, would it be beneficial if the Council expressed its general support for the new policy? You know, we could potentially....but if we're not, you know, I guess I'd like to hear from you whether that's something that would be beneficial from your perspective. Frank.

**Frank Lockhart** [00:15:03] I am not been fully briefed on this, and so I'm hoping maybe Correigh, I see that he's still on. I don't know if he could respond to this. Matt probably would have been the best one, but I don't see his name on the list, but Correigh are you able to respond to that?

**Correigh Greene** [00:15:26] I'm here, thank you. Can you hear me?

**Brad Pettinger** [00:15:34] Yes.

**Correigh Greene** [00:15:38] The opinion of the Habitat Committee was very complimentary of the report and the policy by and large, and so we did not, aside from those two issues and a couple of minor issues that were up for discussion, we did not have strong opinions. So, if we are to send a letter, we would probably send a very complimentary letter noting its importance and bring up these two issues with a little more detail that we noted in the report. Does that address your question, Phil?

**Phil Anderson** [00:16:13] Yes, thank you.

**Correigh Greene** [00:16:16] Thank you.

**Brad Pettinger** [00:16:17] Okay. Anyone else? Okay, so I guess with that, are we in favor of maybe drafting a letter with what Correigh said and kind of raising those issues in the letter, but generally have it more complementary to the work that's been done? Phil.

**Phil Anderson** [00:16:54] I would be okay with that approach with the caveat that we are softer on our, on those two issues, in particular on number two where we say NOAA should develop a policy for all habitat areas of particular concern, blah, blah, blah, something like, you know NOAA should consider. I just want to be, I want to leave some flexibility there that this is a thought that we had that they might want to consider, but I don't want it to be we think you should do this kind of a statement, and just bringing to their attention that we weren't clear on the implications relative to the landscape or seascape approach implies, but I would want that to be softer than what in particular, number 2, softer than what's in the Habitat Committee's report, but it largely be supportive of the policy, complementary, here's a couple of things you might think about, and if that approach please the remainder of the Council, I could go with that.

**Brad Pettinger** [00:18:15] Okay sounds good. Louis.



**Louis Zimm** [00:18:19] Thank you Mr. Vice Chair. And I completely agree with Phil on this. I'm just trying to come up to speed, just receiving some emails, general emails from NMFS on this right now and I agree that especially since I'm not an expert on this I don't want to, you know jump into 'thou shalt do', I think 'thou shall consider' is pretty much what we're doing and what NMFS should be doing as well, so I agree with Phil completely.

**Brad Pettinger** [00:18:54] Okay. Heather Hall. Heather.

**Heather Hall** [00:18:58] Thanks Vice Chair Pettinger. I really appreciate the direction that this guidance is headed specifically on the National Draft Mitigation Policy and keeping it more narrow and supporting that standardization of the policy that's basically already in place. And also want to say that I appreciate the approach that the GAP put out and willingness to collaborate on the oil rig decommissioning proposal and hope that Council staff can help facilitate that collaboration with the GAP and the Habitat Committee so just wanted to provide my support on where we're headed here. Thanks.

**Brad Pettinger** [00:19:56] Thank you Heather. Marci.

**Marci Yaremko** [00:19:58] Thank you Mr. Vice Chair. Likewise, I am very glad we have this discussion and I support the revised focus of the letter and it being more complimentary and appreciative of the effort and much less on the substance, but I like characterizing it as here are a few, here are a few things to consider. I just note the deadline of July 30th and we have a lot of content that we are working through over summer and, you know I think recognizing the goal of this letter, if it's brief and supportive and you know it doesn't need to be I think very detailed, so you know these quick response processes always are a little bit of a challenge and I think our discussion here should be useful to the Habitat Committee in the development of the letter for our quick response process so appreciate that.

**Brad Pettinger** [00:21:18] Thank you Marci. Phil.

**Phil Anderson** [00:21:22] Yeah, thanks and thanks Marci. My recommendation here would just be that we direct Chuck to, to draft this letter and send it. I don't think we need to, in my view we don't need a quick response kind of that I think he's listening to this as well as staff and that it's largely complimentary and bringing up a couple of points you might consider, and I totally trust them to craft a one-page letter that makes those points, and I don't need to see it for me anyway.

**Brad Pettinger** [00:22:00] Okay thanks Phil. Anyone think different from that point of view? Okay. All right, anyone else on the topic of D.1? Chris Kern. Chris.

**Chris Kern** [00:22:23] Thanks Mr. Vice Chair. First of all, I tried to turn my microphone up so hopefully that helped, but I'm not sure if it did.

**Brad Pettinger** [00:22:29] No... you're good.

**Chris Kern** [00:22:30] Okay good. Turns out there's a way to do that. Yeah, I'm supportive of the discussion that's just occurred. I wanted to circle back to the item on the 399 call discussion and I thought I heard Marci suggest that that might be something that would, not her words, but would be informed by later discussions this week under, I think, it's C.4. Is that the understanding we have right now or are we moving forward with something at this stage instead?

**Brad Pettinger** [00:23:02] I believe you are correct that C.4 will be here under marine planning, unless

someone thinks otherwise? I believe that was Marci's intent. Okay Marci.

**Marci Yaremko** [00:23:23] Yeah just to clarify. I just want to lend support to the HC's recommendation of having a letter. I think what the HC is telling us is that they are available to work on this and depending on what may come out of the C.4 discussion, they will appreciate assistance or leadership from others on the content. So, I'm comfortable saying yes on the letter and I think, you know not knowing anything further at this point that the HC is the appropriate, I guess, designee for taking the lead on the assignment.

**Brad Pettinger** [00:24:12] Okay thanks Marci. All right, so I think we're going to have, what I hear, we've heard so far seeing no hands. We are going to have Chuck write a letter on the litigation. We're going to have the HC do a, where am I at here, draft a letter petitioning the September meeting for BOEM update on the oil rig decommissioning and then the Habitat Committee do a letter, I'll back up a little bit on the... wow... maybe I should go to Jennifer by golly because my notes are all scribbly. Jennifer, give us a review of what we're going to do here.

**Jennifer Gilden** [00:25:26] Sure Mr. Vice Chair. Yes, so Chuck and staff would be writing the letter on the NOAA mitigation policy. The Habitat Committee would be drafting a letter on oil rig decommissioning and also drafting a letter on the Morrow Bay call area, although that process will be informed by discussions under C.4. That's what I understand so.....

**Brad Pettinger** [00:25:53] Perfect okay. All right, seeing no other hands. No further discussion. Jennifer, are we done here?

**Jennifer Gilden** [00:26:04] Yes, we are.

**Brad Pettinger** [00:26:06] Perfect. All right. Well thank you.

## E. Salmon Management

### 1. Southern Oregon Northern California Coast Coho Endangered Species Act Consultation

**Brad Pettinger** [00:00:00] That takes us to Council discussion and action so looking for some hands. We've had a good discussion here. What do you got? Or is everybody wore out? Chris Kern. Chris.

**Chris Kern** [00:00:29] Thanks Mr. Vice Chair. No, I'm not wore out yet. I haven't been on the floor like you guys all day so I'm doing fine. I do have some general comments in discussion. I also had written down several sort of potentially recommendations I might ask the workgroup to put on their list or make note of for future consideration when they meet back up, so maybe I'll try and keep it to more discussion oriented stuff first and then if I, if we come around to a place where recommendations to the workgroup are, I can hold those for that time. Appreciate some of the comment we've heard so far and a lot of the questions. I'd point to one issue that I noticed the SSC mentioned, and that's the absolute versus relative risk question, and it's one that's been on my radar with this report and we've dealt with this issue in the past to at least with the LCN coho and I'm assuming with Tule as well, and that is sort of this analysis we've got in front of us is highly, well most appropriately focused in my view and I think the SSC seems to indicate similar, that it's really about the relative difference between alternatives being evaluated as the primary focus of it as opposed to absolute risk to a population just writ large, so to speak. I'm also not suggesting we completely ignore the outputs that you see, but there's a balance there and that's part of the consultation process I think we all know is faced with looking through, so I won't go into it anymore, but I just wanted to recognize that mention by the SSC because I think it is important. I am interested in some further discussion on a matrix approach. I've got some comments on what might entail with that, but part of the, I just reflect on some of the things that I've heard over the years about the OCN approach, and of course these are not the same stock, I mean, or ESU's because and we've seen that. We saw a dramatic difference in productivity and capacity and some other issues that Dr. O'Farrell pointed out, so not that they are equivalent in any way, and I don't want to overemphasize or overvalue a consistency across the stocks as an end in and of itself or anything, but my recollection from folks who were involved in some of that matrix work for OCN coho was that part of the process was because we didn't have good forecast data and I've even had some folks reflect that part of the process and expectation of that matrix was to have it sort of result in a generation of a range of spawner abundances over time such that maybe they could reevaluate with spawner recruit functions down the road. And so that's not the same situation we're here, but it's not wildly different in that the abundances were not nearly as much as we might prefer, and there are ways to potentially consider dealing with that. When we moved to the LCN coho process, we aggregated down the sort of the Y axis of that matrix into I think just two rows of spawner escapement, and conceivably if the marine survival axis of an approach like this was the primary driver of population productivity and abundance, you could even drop the y axis all altogether potentially, certainly as a technical aspect you can. So that's some thoughts I have that I'd probably put on the list for folks to consider looking into some of those. I can just pass through the work, you know the workgroup membership from Oregon, or at least as comment, and maybe I'll leave it there for now because the rest of my stuff is less discussion and more comment and potential recommendation, but I figured I'd get something going here.

**Brad Pettinger** [00:04:53] Okay. Much Appreciated. Anyone else? Brett Kormos. Brett.

**Brett Kormos** [00:05:05] Thank you Mr. Vice Chair. I as well have a number of comments to make and in addition to that, a fair amount of guidance I would offer. I don't think that adopting a range of alternatives now is something the Council can do. It looks to me like that step, in terms of preliminary preferred alternatives is something that's going to have to wait until the September meeting at the very soonest and latest all at the same time. So, I, like Mr. Kern, will start with my comments as it relates to

the information we've been provided and the things we have to consider, and then I will hold my guidance until such time as it appears to be appropriate. So, the reports review of the available data and forecasting relationships as well as the practical considerations certainly suggests that the main ingredient to abundance-based harvest control rule implementation, and that being a preseason forecast of abundance is out of reach for the majority of the natural origin populations that have been considered. There's a lack of, well, that's just based upon the actual results or the statistical examination of potential around forecasting. There's also a lack of staff and funding and administrative support for implementation of the monitoring and the evaluation that would be necessary for something like that in providing the data to the Council on a timeline, even as late as early March as the workgroup identified. And even with that funding, the data streams, the timelines and the processes necessary would not align with the Council management cycle schedule, whose compressed nature has been the subject of significant scrutiny and critique and even FMP amendment as of late, and this is especially true for any of the natural area or natural origin components of the ESU. It's still an issue for the hatchery components as well, but the timelines for that part of the ESU are a little bit more wieldy and may lend themselves to aligning with the Council's schedule, but that is not a foregone conclusion. So, for reasons articulated in the report, the model runs completed for the, to date for the abundant based HGR's deal with aggregation in a way that underestimates risk and also portrays an inaccurate assessment of potential harvest or fishery opportunity. Seeing the same or less opportunity as it relates to a fixed rate harvest control rule is as likely as seeing more based upon the theoretical work or results of the risk assessment. One thing to think about, though, is that the real-world likelihood of increased abundances for this ESU, as Mr. Kern just stated out due to really low productivity largely driven by habitat, the likelihood of those increased abundances such that fisheries are liberated is reduced by those habitat conditions that govern the productivity and these populations are not likely to improve enough, often enough for that benefit to be substantive. While these results may offer some context for comparing between the abundance-based harvest control rules, they can't be compared to the fixed rate harvest control rules in any meaningful way at this point, given the risk assessment to this point as I stated is very likely underestimating the risk associated with those rules. As Mr., as Dr. O'Farrell pointed out, addressing the modeling shortcoming is not trivial and would probably in the end result in risk levels that very closely approximate the status quo fixed rate exploitation rate cap, and it may even change the rank order if we're just looking at relative risk, as some have suggested we should. It may actually flip the rank order of some of those abundance-based rules versus the fixed rate rules. I think it's important to pay attention to the fact that that issue around aggregation, disaggregation and concurrent modeling is not an issue that affects the fixed rate rules at all. All of those assessments are fairly reliable in terms of risk and harvest or fishery opportunity, and I think that's important to remember because those rules and the results we've been provided are valid and something that we can move forward with at this point. So given that the abundance-based rules will increase, the risk will increase and the rules are governed by the fixed rate exploitation levels and basically what I'm trying to say is that given the fact that they pose a similar level of risk to the fixed rate rules, but they're going to be much more difficult and costly and uncertain to implement, the abundance-based rules should probably not be something that we consider further and not something that the workgroup continues to work on. They're definitely a considerable investment for what is a negligible gain at best. The other thing to remember about the fixed rate rules, in addition to the fact that the assessment for those is reliable, is that they offer the greatest flexibility going forward to incorporate potential changes to fishery impact limits, and in particular for in-river tribal fisheries. During the workgroups activities we have come to find out that National Marine Fisheries Service is engaged in a concurrent tribal consultation with the Hoopa Valley Tribe, and what's important to be thinking about there is that we don't know what's going to come out of that consultation process. We don't know what kind of a harvest control rule it's going to be, whether or not it will be compatible with whatever the Council ultimately adopts if it's not a fixed rate rule, and we don't know what that impact is ultimately going to be such that we know how much, how the ocean fishery might fit in into the overall maximum allowable exploitation. Moving over to just talk about the matrix rule for a little bit. I have a great deal of discomfort with that concept to this stage. I mean first

and foremost, while that matrix rule does a nice job of sidestepping the issues around how timely data might be during the management cycle or at the beginning of the management cycle, it doesn't do anything to sidestep or avoid some of the concerns that have been expressed about how reliable these data streams are going forward. The Department of Fish and Wildlife in California has every intention of serving these populations and continuing to provide the status and trend information that we've been able to provide, but it's important to remember we're not doing that alone, that that work definitely relies upon collaboration with other entities and funding that's provided by other entities, and there's a substantial difference, a fundamental difference between surveys that are designed and implemented to provide that status and trend information such that you can assess the status of an ESU overall in terms of recovery and one that's being implemented for the purposes of annual management decisions. The matrix doesn't have a risk assessment. The workgroup wasn't able to get that far to this point. The matrix suffers from the same aggregate disaggregate concurrent modeling issues that the abundance-based harvest control rules are suffering from, meaning any further pursuit of that is going to require the workgroup to spend a fair amount of time reworking the model so that things can be assessed relative to the fixed rate rules in a way that offers some, one an ability to compare the relative risk and benefit. As we discussed earlier for the matrix rule, all that we have now is a straw man proposal that was brought to the workgroup at a very late date by a subset of the workgroup's membership. There's been no vetting or discussion of that matrix. The values that are included there, the inputs that, or the X and Y axes that are included there, and so I would argue there's a lot more work to do to make that matrix concept something that we can really consider moving forward, and that's just to consider it, it's not to actually get to a point where we have something everyone can subscribe to and implement. Also, I'm looking at the matrix concept. The correlation that was shown or provided to us between those hatchery jacks and the adult seeding is not very strong, it's not very compelling. The R-squared value, while being at point 48 is not horrible, it is certainly not good, certainly not something that suggests that there's a lot of potential there. And I think another thing to remember about the matrix idea is that it's really just another form of abundance-based management. It's a much more coarse, unrefined version of abundance-based management, but as we discussed earlier and was noted, at least to a limited extent by the SSC and some of Will's personal comments, there is an issue around two things. One, the quality and abundance or amount of the data that we have for this ESU as it relates to how fancy or refined we want to get with our approaches to management and also how valid or useful those tools actually are. We could certainly come up with a matrix and use it, but I think that it's pretty clear that two things, one, we won't ultimately be able to validate it and be certain that it's doing what it's supposed to be doing, and two, we've learned a lot already from the abundance based approaches that were analyzed, even if they were not analyzed in a way that estimates risk comparative to, well in a way that we can rely on, so a reliable estimate of risk, we know that the risk is going to be higher than what's been shown already for those abundance-based management approaches, but what we learned about all of those better, fancier models of abundance-based management as compared to the matrix, is that they're offering comparative risk to a number of these fixed rate rules, depending on the rate that you select, but really no benefit, so really no benefit to the resource or recovery, but a significantly greater investment of time. I'm not comfortable with exploring the matrix concept any further at this point whatever form it may take, and that is just up in the air at this point. I would argue that there is a good chance that exploring that matrix concept further would take us out beyond the deadline or the month of November if we were going to do it right and not do it in a hurry, and if we do go beyond November we're essentially prioritizing exploration of a matrix rule over a number of other high priority Council workgroup workload items and the time of agency staff and the workgroup itself that will be invested. There's definitely a number of other things that the Council has identified as high priority items in the salmon management world that would benefit from a workgroup look. Age-based assessment for Sac Fall, revision of the escapement estimate for that stock. There are other consultations I'm guessing, or coming down the pipeline from my read of some of our management performance and the ESU's that we are charged with managing and so I'm finding that pursuing a matrix further is very similar to pursuing the other abundance-based management rules. Further, it's throwing good money after bad.

It's investing more time in something that is not likely to provide any benefit to the resource, not likely to provide any measurable benefit to the fishery, more costly and difficult to implement on an annual basis and, yeah, not basically something that may be more complex and more sophisticated than the underlying data can support. So, I'll stop there. I know I've been long winded already and I have a number of other things to offer in terms of guidance, but I'll wait to see where the rest of the Council discussion goes. Thanks for your patience.

**Brad Pettinger** [00:22:20] Thank you Brett. Anyone else? Susan Bishop. Susan.

**Susan Bishop** [00:00:00] Thank you Mr. Chair. I do have a few observations to offer. I want to again offer my appreciation to the workgroup and the Council for all the progress that's since has been made. I think that we are in a very abbreviated time frame, and I think, in fact, people have been surprised at the amount of work that we have been able to get done in the time that we, since the time we started. Largely that has been due to agency staff and so I want to make sure that NMFS expresses its appreciation for all of the work. As Robin mentioned earlier, it is quite a team, and we are very lucky to have them all together working with each other. But I do want to provide some observations from NMFS's perspective kind of regarding the SONCC coho risk assessment that might be helpful in further discussion and reply to some of the points that you've heard to this point, particularly information that NMFS might be considering going forward in thinking from its role as in the ESU realm or ESA realm. My comments I want to make clear are based on the currently available information and risk analysis results, so obviously with further work the picture could change and we look forward to whatever new information that might be to inform subsequent discussions. As you heard today, we are starting in from a very difficult place. The ESU overall, based on the work from the recovery plan and some of the information that you've seen here is already at high risk of extinction, so pretty much all of the populations around the ESU are at moderate or high risk. There is sufficient data for only about six population or aggregates out of 40 that represent 5 out of 7 strata, and none of the diversity strata currently support viable population. All the populations that the workgroup is working with are essential to the recovery of that ESU so how we manage going forward will be very important and the recovery plan also already noted that fishing is at a medium risk for five of the six populations that we are looking at so increases in risk would be very problematic. I observe that the population and productivity capacity for SONCC coho is less than that of OCN and Lower Columbia River coho, as Mike illustrated, with Dr. O'Farrell illustrated in his presentation, and that there's greater data uncertainty. So, for example, Lower Columbia River Coho, the analysis that was done with regard to that matrix really sort of targeted an 18 percent total exploitation rate over time. So given the results that we've seen today, we would expect the allowable rates for SONCC coho to be lower than that, and I refer back to sort of figure 28 on page 80 of the risk assessment. As noted today, there's significant data uncertainty in the spawner recruit fits, so taking into account the productivity and capacity of the populations relative to other coastal coho populations compounded with that data uncertainty suggests that the exploitation rate's higher than the control rules for those populations would probably further increase risk to the ESU that is already in that difficult position, and that was illustrated with the risk profile graphic that the Council discussed Dr. O'Farrell's presentation. Three of the six population units, Shasta, Bogus and Trinity River, as he illustrated, have high conservation risks that are relatively unaffected, but not entirely unaffected by fishing levels, particularly that's true when the fishing rates are low owing to the generally low abundance and productivity. The Rogue, the Scott and the Freshwater Creek are more abundant and productive and therefore the populations are more sensitive to the level of fishing mortality, but even there the risk profiles for those populations steepen of about, above about 13 percent, although the resolution in the analysis and the risk assessment is really too coarse to say much else, but it appears from the results of the spawner escapements that exploitation rates above about 17 percent on average result in escapements that are less than the quasi-extinction threshold for Bogus Creek and greater than 21 percent doesn't meet the critical threshold for the Trinity Aggregate. I would also note, just as a point of comparison, that the total exploitation rates observed have generally averaged about less than 13

percent since about 2007, so within basically within those rates I just described, and although Trinity River has averaged a little bit higher at about 15 percent, so it's still kind of within the range of rates I discussed in terms of relative risk. The analysis does suggest benefits from the abundance-based management rules relative to the fixed rates rules for the same conservation risk, although as many people, multiple people have already commented, there are questions that merit further investigation by the workgroup. The lack of statistical relationship for most of the California populations at the timing of the data availability and the uncertainty of the data stability, I agree, indicate that the traditional ABM harvest control rules are likely infeasible for further investigation, although the results for the Rogue indicate the same, some potential as an abundance-based management rule, so I don't want to necessarily lump all of those together. I do believe that the matrix-based approach is worth exploring. I disagree with Mr. Kormos in the finality of his pronouncements for some of those things. I don't think that we know enough about the form and function of the matrix-based rule to know whether those benefits would be higher or higher than or equivalent to the fixed rate rules. I think that that what we do, what we have seen is that something like that and what we, and the success we've had in other places may provide some additional flexibility. As Mr. Kormos observed, the matrix-based rule does not have some of the same challenges with regard to data availability and the analysis that we have been able to conduct indicates some promise for the use of the proxies. He indicated his concern about the lack of robust relationship with the hatcheries jack proxy, but I would say that that is just one potential indicator. Mr. Kern suggested a potential other indicator based on his experience with some of those coho populations in the use of the matrix-based rule. I also, and I would also comment that analysis is underway as we heard from Dr. O'Farrell. I did not hear from Dr. O'Farrell the definitiveness that of the fact this would take a long time and a lot of work. I think that's going to depend on the form of the data, the form of the matrix control role. I think we are not starting from scratch. We have experience with other coho control rules. We have information on the relative productivity of SONCC coho to those other populations that we can use to inform what the rates would be further than where they are. There is some indication that there could be some benefit to harvest potentially. I think one lesson we've all learned is that once we think we know what's going on with... with salmon, they do something different. Productivity is very low, but we have seen increased abundances in the past, so I would not want to take that off the table. So, with regard to that, I think it would be important to keep the abundance-based matrix in the range of alternatives at this time for further exploration and to engender some additional comment from the public for example. I think just narrowing it to a fixed rate rules doesn't really give a lot of choices from people to comment on. I understand about, I understand those limitations we have now, but I also know that people are actively thinking of and addressing those, and the workgroup is ready to engage immediately after this Council meeting. So, I guess I would just offer those comments up for consideration as the Council continues its discussion. Thank you.

**Brad Pettinger** [00:09:17] All right, thank you Susan. Joe Oatman. Joe.

**Joe Oatman** [00:09:24] Yeah, thank you Mr. Vice Chair and I'd like to take this opportunity to provide some comment on what we just heard regarding the work that the workgroup had produced, so certainly do appreciate the work and the analysis that has been produced to date recognizing that there are some data limitations and other types of deficiencies that are apparent here with SONCC coho. I do recognize that there are tribal representatives from Hoopa Valley and Yurok Tribe on the workgroup and contributing to this effort. So, I want to provide some general comments to the alternatives that were presented. So, I think from the tribal perspective there would be a desire to have alternatives that would go forward with that include both the marine and freshwater impacts, not just marine impacts. I think that I'd like to see an alternative that includes the Klamath Trinity as the tribes did and not separate out from each other. There's also the thinking that, you know, it does make sense to have an abundance-based harvest control rule rather than just a fixed exploitation rate control rule. I do recognize that that is all dependent upon having certain data or tools, particularly those that relate to our ability to generate wild catch and so I think part of what I heard today is that, you know, there is a need for the workgroup

to continue to investigate alternative model formulations. I think too what I've heard is that there was some interest in seeing development of a Trinity population forecast, although that is something that may not be possible. And then lastly, I think relative to the matrix approach, I think there is interest on the tribal side to have that be considered moving forward, and so maybe with that I will conclude my general comments and I'd like to see how much further guidance is offered up. Thank you.

**Brad Pettinger** [00:12:35] Thank you Joe. Anyone else? Okay well seeing none I think maybe if there's some recommendations being mentioned to be held back until later, we might be there. Chris Kern. Chris.

**Chris Kern** [00:13:08] Thanks Mr. Vice Chair. I'll try for some. I'm going to do a little recapping on some thoughts similar to what Mr. Oatman just did, though, before I do if that's okay. I'm interested in seeing whether the matrix approach can be adapted to the scenario here and be useful. I'm trying to be real clear in my own head, though, by tempering the expectation that it will or will not. There is a, I think Mr. Kormos has laid out some concerns and some of those I think should give us some reason to think that we probably shouldn't expect outright that it's going to provide something particularly useful, but I'm also personally not ready to foreclose on it and say it won't. I will note that in the prior incidences where we've used the matrix, it was much easier for the Council and the public and the advisory bodies I think to get their head around the fishery benefit side of it, and I think that's much more difficult here, at least for the Council fisheries, and so one of my comments was geared towards whether the workgroup can... can find some ways that maybe help characterize that, and what I mean is, you know, from the Council's perspective right now and I understand this Miss Bishop mentioned some potential for a future condition, I get that, but right now this stock is first and foremost incidental mortality in the fisheries and the fishery benefit I can envision from flexibility that might come from a matrix is really tied to access to other things, and that is not something that gets reflected in simply assessing the harvest of the target stock in the model, which in this case is the SONCC coho. The translation of that mortality over to something that like access to chinook is pretty difficult. I have no idea how we do it or how the workgroup would do it, but I think that that's the kind of utility I think we would need or would be useful at least to making that sort of determination. So, for the Matrix, I mean, there's sort of two concerns, or maybe three, population of the model itself with data, the ability to interpret the outcome in a way that was similar to the way we interpreted the outcome from prior matrix approaches, which I think were far more direct even though they have some similarities, and then the timeliness of being able to do it. And so, I do want to be very cautious or at least cognizant of the fact that if we take up further evaluation the workgroup does of the matrix, it has the potential to take longer. If we get to November and the work that has been put on the matrix in the interim between now and then has not been sufficient to demonstrate that we've really nailed down what it's doing and done a good job with it, I am going to be very hesitant to endorse it or even wrap that process up in November, at least that's what I picture. So I mean there is some risk that exploring that is, potentially could push us out, and I think folks probably just need to kind of have their own sense of what they think that risk is and how concerned they are about it, but I do want to see a process done right rather than right now, so to speak, and that's a hard lift, we knew it was going to be coming in. So, I do have some comments and recommendations that I think I'd like to put on the table for the workgroup. I'm not seeing a lot of benefit in the existing abundance-based control rules, given the weaknesses and things we've discussed already that I don't need to go back into but particularly forecasts. I wouldn't be averse to leaving one in there to sort of reflect it some fashion, but I don't see it as an outcome that looks very good going forward or sorry, a structure that looks very tenable going forward. Fixed rates, I think we need more than, I appreciate the SAS comment, but I think we need more than just the zero and 26, recognizing some of the comments a few minutes ago about where this might need to end up, we at least need some in-between numbers in the fixed rate arena. I'll note that I didn't see any model results that sort of tried to capture status quo management for us to kind of look at and contextualize what these other rates do or structures do. There was a 13 percent model run in there that had ocean only and then added the average



in-river on there, but if I'm reading the report right, if the model sought to use all 13 percent in the ocean fisheries plus or minus some variance, and our actual impacts are far lower than that, so I think it's worth looking. It might be useful for the Council to have some context to kind of see where our current control rule actually puts us. I understand that may not jive with a requirement that would have to be in a consultation, but I still think it would be helpful for context. Something we observed I think in the LCN coho process that could occur here, I wouldn't say it will but it might, is the abundance-based frameworks that have been tested so far are far more similar to sort of what we use for some of the chinook stocks, particularly Klamath and Sacramento, in that they've got a sort of a slope in declining harvest rate at lower abundances, whereas the matrix approach is more stair stepped, and that knife edge I believe at some, in some scenarios might actually provide a little bit less risk in the model outcomes compared to that sloped approach, so I would suggest that, and that can be accomplished by looking at the matrix. You don't have to create a new model for that. That would probably come out of that anyway. And I'm almost done. If the workgroup were to continue with either an abundance-based or matrix -based framework, I think some assessment of how frequently the fishery would be in, and I'm talking about the ocean fishery, would be projected to be in a certain area of harvest rate so the sort of frequency occurrence, if it was in the matrix, it would be the frequency of occurrence in each of the cells projected. If it was in the abundance-based framework it'd probably be structured differently. That has been helpful in the past to the public and the SAS and others in looking at what the effect would be in terms of how often they might be and in each place, so to speak. Obviously with a fixed rate not necessary, but if there is going to be a variable rate approach, I think that frequency is something that would be useful to the public and to the Council. I think that might have been the list of my comments and I apologize, I hope Mike and others were writing quickly and fast, but I think I can stop for now.

**Brad Pettinger** [00:21:00] Thank you Chris. Brett Kormos. Brett.

**Brett Kormos** [00:21:01] Thank you Mr. Vice Chair and thank you Mr. Kern. Well, I have a suite of guidance that complements, aligns with some of the things Mr. Kern outlined there and conflicts with some of it. So, it does sound like we have some things to resolve here before we move forward and close this out, but I will list what I would like to see moving forward and we'll go from there. Number one, I would like the workgroup to eliminate all of the abundance-based harvest control rules. Specifically, that would be control rules 8, 9, 10 and 11. I think it's also time to eliminate the conceptual matrix harvest control rule, which is number 12 at this point. So that's the conflict. I do.....here's the complimentary. I do agree that we need some intermediate rates added to at least to the suite of the fixed rate rules. There's a need there I think for more granularity than just half or twice the current exploitation rate cap. So, what I'm thinking there is that we should have, and also taking into account sort of the observations and messaging that Miss Bishop and NMFS just outlined for us on this issue, I think that we need to see exploitation rate caps in terms of, at least in terms of the fixed rate rules of 13, 14, 15, 16, 17, 18, 19 and 20 percent, so essentially a range of 13 to 20. And then also in alignment with and complementary to some of the things that Mr. Oatman outlined, I do think that it is also time to eliminate the ocean only harvest control rules, so that would be rules 5, 6 and 7. And then last and perhaps least important but certainly something I think is necessary in the report is some sort of section devoted to recommendations or considerations around whatever rules are developed for Council consideration, further developed or introduced for the first time for Council consideration in September. So, pros, cons, recommendations, caveats, considerations, essentially a grain of salt with which to take the results, some sort of help in interpreting the risks and the benefits and everything else that's shown there, not just in a conceptual theoretical way, but in a real-world application kind of a way, because the risk assessment is really just that, it's theoretical. It's based on simulations and implementation and real-world use may be substantially different than what the risk assessment suggests. So, I'll stop there, and we can see if there's any other guidance or dig into where we have some conflicting guidance for the workgroup.

**Brad Pettinger** [00:25:12] Thank you Brett. Joe Oatman. Joe.

**Joe Oatman** [00:25:16] Thank Mr. Vice Chair and certainly appreciate the guidance that's provided by Chris and Brett just now and I think, you know there are certainly going to be areas where there's kind of a common view and maybe areas where they may diverge some and so I think that'll be illustrated here too in the guidance that I'd like to provide. And so, for the tribes, we would like to have the following move forward for further analysis and consideration. Those would be rules 3 and 4, rule 9 and rule 12, or the matrix-based control rule. Those that the tribes aren't supportive of would include, as Brett just noted, that only address the ocean exploitation rate so rules 5, 6 and 7 as well as number 11. And also, there's not much support for rule 8 and turning to rule number 2, that one in particular seems too low of an exploitation rate to really give any further consideration to. So, with that, let me stop there in terms of those more specific guidance I wanted to provide at this point. Thank you.

**Brad Pettinger** [00:27:14] Thank you Joe. Anyone else? Chris Kern. Chris.

**Chris Kern** [00:00:00] Thanks Mr. Vice Chair. I want to make sure I was, I may not have been very clear, which is hardly surprising really, it's not that infrequent, but when I was talking about abundance-based framework earlier and mentioned potentially leaving some in. I'm not wedded to that. I was willing to offer up maybe leaving one in if folks thought it was necessary. I am interested in some form of matrix staying on the table for consideration. If other folks are interested in removing the more standard abundant space frameworks that have already been in there, and I don't have the numbers in front of me, I don't object to that. I've heard the suggestion of several of those being removed. I don't have any personal objection to that, but I was going to be a little flexible on it relative to what other folks thought. So, I just thought I'd better be clear on that, make sure it wasn't, that I wasn't misstating what I meant.

**Brad Pettinger** [00:01:04] Thanks Chris. Susan Bishop. Susan.

**Susan Bishop** [00:01:04] Thank you Mr. Chair. I went on at length before, so I won't restate all of that. I will just emphasize my support for retaining the abundance-based matrix, sorry the matrix-based harvest control rule for further exploration and would request that we also include the zero, so basically harvest control rule 1, which is zero exploitation need to provide some contrast with the effect of the fisheries for that purpose only.

**Brad Pettinger** [00:01:40] Okay. Brett Kormos. Brett.

**Brett Kormos** [00:01:52] Thank you Mr. Vice Chair. I, it sounds like I'm alone, at least in terms of those who want to offer comments, but I remain strongly opposed to pursuing the matrix any further. I think I've laid out a very sound argument for why doing so would not be a good investment of Council time, staff resources, the agencies that support the Council. Any flexibility that it might offer, especially considering the comments that NMFS has offered around consultation and maximum allowable exploitation would really just equate to fishery constraint in my estimation and with no benefit being offered to the resource. So, I just continually have to voice my dissension on that topic, and I'll stop there for now.

**Brad Pettinger** [00:03:06] Marc Gorelnik. Marc.

**Marc Gorelnik** [00:03:10] Thanks very much Brad, and I will speak up briefly in support of Brett's position. I don't know this is a topic.....(garbled).....of measures, you have to weigh how much time to spend on prospective measures and compare the benefit it offers versus the burden it threatens, and if a measure comes with the prospective burden but without a commensurate prospective benefit to the resource, I'm not sure that it is the best investment of our limited resources, and I'll leave it there.

**Brad Pettinger** [00:03:57] Thank you Marc. Susan. You're muted.

**Susan Bishop** [00:04:04] Thank you. I just wanted to clarify the statement that I had made earlier, my observations with regard to the exploitation rates, that those were based on what we were seeing now. That was not to speak to the possibility of conditions turning around or years of higher abundance that might indicate more flexibility in the control rule, so I just wanted to clarify that as well with regard to that statement. I also just want to reiterate and a somewhat response to Mr. Gorelnik, I don't know that we have done enough analysis so far to demonstrate that there would not be a benefit, and I think that is just what I am a bit concerned about is trading off future flexibility for lack of analysis or information on which to base that at this point, and I'll conclude. Thank you.

**Brad Pettinger** [00:05:15] Thanks Susan. Chris.

**Chris Kern** [00:05:16] Thanks Mr. Vice Chair. Setting aside for a moment the matrix and discussion of that, I wondered if there's anybody, I tried to write down the range of things that were discussed as potentially keep and potentially drop and I missed a few. I thought I was hearing some fair consistency with a few exceptions, and I guess it doesn't have to be now but before we close out, I would like to have a recap of what those are and whether they are, in fact, consistent. Again, absent the matrix and I guess absent the zero percent fixed rate Miss Bishop just spoke to a moment ago. And I will also add I think while I've got the mic, I appreciate the workload that is necessary to get the matrix sort of analyzed. I hesitate to say it, but I'm going to, I might appreciate it better than most on this call having done it. It is a lot of work and if we do not have a way to assess the fishery benefit coming out the back end in a way that's meaningful for the Council, and I am unclear if that's possible or not, we are likely to find ourselves in a place or not likely, let me rephrase that, we have an increased likelihood of finding ourselves in a place where we do see that maybe it's not that beneficial, that risk exists. I'm personally not ready to dismiss it on behalf of that risk necessarily, but I want to be clear, I do fully recognize it exists, and on that point, I don't disagree with some of the things we're hearing. So, I'll stand down for now. I'd like a recap at some point. Does not have to be right now and maybe shouldn't be, but...

**Brad Pettinger** [00:07:12] Yeah, thanks Chris. Brett. And would you like to hear a summary or commonalties, or do you want to proceed?

**Brett Kormos** [00:07:21] Thanks Mr. Vice Chair. I do want to hear the summary. I think Mr. Kern's smart to ask for that. I also agree with him that it's probably not now. I think we have some differences that are more apparent that we should resolve before we get to summarizing the rest of the issue. I just have a few more comments to make about the matrix and how we should proceed it at this point. One, all one has to do is look at the recent status and trend data for this ESU where we actually have estimates of escapement to see that productivity and abundance has been extremely low for quite some time, and the occurrence where abundance is of sufficient magnitude that some sort of matrix rule would ultimately liberate fisheries is so infrequent that we're going to find ourselves more constrained than we are now in my estimation, much more often than we find ourselves in better shape. And again, one really just has to look at the better, more refined versions of abundance-based management that have already been analyzed to see that the risk is relatively equivalent to the fixed rate rules when you're comparing apples to apples in terms of maximum allowable exploitation. I think there is more than sufficient evidence at this point to understand how a matrix is going to perform going forward. I mean, this is something that may need to be done, in fact I would argue it does need to be done if a matrix rule is pursued, which I will continue to oppose, but a quick look suggests that the populations, perhaps with the exception of the Rogue and Freshwater, are falling behind the critical risk threshold in almost all years, which would ultimately mean that if we implemented a matrix, again with no benefit to the resource, we would find ourselves in the bottom rung of that matrix most of the time. Now, I will recognize Mr. Kern's suggested that a new matrix could be formed that does not have a seeding level

and only looks at marine survival. However, I am further concerned by how a rule like that is essentially becoming less and less refined than sort of the ideal abundance-based rule that that fishery managers typically want to implement for good reason. And it's just that we find ourselves in an ESU that because of climate change is in real trouble and it's not something that fisheries can substantively assist most of the time, if not all of the time, and that's, these are the things that we've learned from the risk assessment, at least I have and I'm also just looking around at the practical considerations, the real world application and where we find ourselves in thinking about this. So, I will stop once again and see where this goes but more food for thought I suppose.

**Brad Pettinger** [00:11:19] Okay. Thank you Brett. Well, we, I think for me personally, we have a little break, a little sidebar but maybe to get some resolution here. Anyone else? Phil Anderson. Phil.

**Phil Anderson** [00:11:44] I hesitate to weigh in on this, but I did have a question for Brett. What I understood you as part of your recommendations was to eliminate all the matrix proposals, well alternatives, and I thought I heard you say that was 8, 9, 10 and 11? And also, the conceptual one, which is 12? And also eliminating the ocean only, which was 5, 6 and 7? Did I capture what you said relative to those points?

**Brett Kormos** [00:12:45] Through the Chair, thank you Mr. Anderson. Almost, but not quite. There's only one matrix rule and it is the conceptual rule. We do not have any matrix rule that's gone beyond the conceptual point. Those other control rules that I suggested we eliminate were the abundance-based rules. That would necessitate some sort of a forecast.

**Phil Anderson** [00:13:14] All right. And Mr. Chair, if I could I also wanted to ask Joe if I heard him correctly, which in terms of the one's that the tribes were supporting moving forward were 3, 4, 9 and 12? Was that, did I capture that correctly? That's a question for Joe.

**Brad Pettinger** [00:13:56] There you go Joe.

**Joe Oatman** [00:13:56] Thank you Mr. Vice Chair. In response to Phil's question that is correct.

**Phil Anderson** [00:14:01] And if Mr. Vice Chair if I may...?

**Brad Pettinger** [00:14:08] Please.

**Phil Anderson** [00:14:08] In listening to Susan. Maybe I could ask Susan to kind of restate which harvest control rule proposals you were advocating stay in the process?

**Susan Bishop** [00:14:41] Through the Chair thank you Mr. Anderson. I was advocating that the, I was advocating I guess elimination of or would not object to elimination of the abundance-based rules. So, 5, 6, 7, I believe that's those. I would recommend leaving in control rule 12, which is the matrix-based rule. I was advocating harvest control rule number 1, which is zero exploitation rates to provide a context for the other, comparison for the other rules, and I would advocate for fixed rate rules, the remaining fixed rate rules, but would be looking for something on the lower than 26 percent on the upper end, and I have no objection to Brett's, and in fact would support Brett's suggestion that we look at some additional granularity to help inform the risk assessment and the performance metrics. And I am not wed to the 7 percent either if that would help relieve workload.

**Phil Anderson** [00:16:18] Okay thanks. Thanks Mr. Vice Chair.

**Brad Pettinger** [00:16:19] Thank you Phil. Okay some clarity I believe has been added to the equation.

Maybe now would be a good time to maybe ask Robin for kind of a summary of where we're at. Robin? Have you followed this?

**Robin Ehlke** [00:16:52] I am doing my best. Thank you, Mr. Vice Chair, and I really appreciate Phil trying to round up the equation, if you will, but we I think are getting to a point to where we do have some recommendations. I do believe that you know the Council task is to actually adopt a range of alternatives, and there has been some support for some of those and some flexibility in some of the things that are on the table. So, for the most part I'm hearing that the Council would prefer to pursue total exploitation rate rather than an ocean-only exploitation rate, and that there's more interest in not pursuing abundance-based rules and that the control rule 1, which is the zero or the no fishing control rule, should stay in the mix just to set the bookend, if you will. And for those fixed control rules, I'm hearing that the 26 percent is probably too high to think realistic that something more in between, and I heard Brett mention, you know somewhere having caps anywhere from 13 to 20 percent might be more realistic. The tribes thought that the control rule 2, which is I believe that's the 7 percent rule might be too low, so maybe we would go from, you know, whatever 7 percent and higher, up to perhaps 20 on the fixed control rule and get a good range there. Abandon the abundance-based and then I think the jury's still out on the matrix. I obviously listened to the conversation. There are pros and cons to both and, you know from this standpoint I agree with both. The workgroup has a bunch of work still to do, that is true, and a small little amount of time to do it, given I think they have one more meeting prior to the, well maybe it's two more meetings before we have to get our advance briefing book in. I don't think the workgroup feels it's impossible, but I do hear that the, we don't want to do work in vain, if you will. So those were the types of comments I heard. I've probably missed something, but I don't know if I confused or simplified things for you.

**Brad Pettinger** [00:20:11] I think you... I think you helped greatly. I see Brett and Chris have their hand up, so let's go to them and see what they say, Brett.

**Brett Kormos** [00:20:21] Thank you Mr. Vice Chair, and I want to be the first to congratulate and thank Robin for what I perceive to be a job very well done. I think she did capture almost everything in terms of where we stand right now perfectly. There was just one additional piece of guidance that I had offered around a component of the workgroup report devoted to considerations or recommendations, just essentially an interpretation of the results and various tradeoffs around implementation of control rules for the Council to digest when we get to September. So that's all.

**Brad Pettinger** [00:21:09] Thank you Brett. Chris Kern. Chris.

**Chris Kern** [00:21:12] Yeah, thanks Mr. Vice Chair, and I'll second that. Thank you for the recap Robin. It was exactly what I was trying to ask for earlier and Mr. Anderson had captured a big chunk of it as well so appreciate that. And I don't want to belabor this too much. Well, I'll make one comment and then I'll go to the belaboring part. I'm going to be amenable today with moving to these rates that include both the ocean and in-river as a total because it seems to be acceptable to everybody here, and I do recognize the potential value in doing that, but I also feel that I kind of have to just if nothing else on principle and I've said this before, there's not a requirement that we do it that way. The Council's actions here are primarily focused on the ocean fisheries. They are focused on the ocean fisheries. This provides an opportunity to look at the total and I understand the effects on the total are a part of the necessary analysis, so I may be in semantics here, but I just want to go on the record and say that it isn't required. Nobody's really said it was, but I feel like I need to reiterate that. And then on the matrix, I don't know if this is something anybody can provide input on it at this point, but I'll throw it out there on the hope that if they can, it might be helpful to moving us forward. The marine survival axis that is in there as the conceptual, I mean so you've got the potential for, I already talked about potential for dropping an axis for the spawner side. You certainly can't drop two axes, otherwise you end up with a

fixed rate, so you're going to need that marine survival or something else and I have no idea what that something else would be. So really if there is no correlation between, or correlation is unreliable or very weak between whatever marine survival index would be used, and at this point I have to presume it would be something like the return of jack's out of cold rivers and Trinity divided by how many smolts were released, which would be analog to what we do in the Columbia, but it might be something else. If there is no correlation in that rate to the returning strength of our population status of these populations, at least at a pretty, pretty broad scale, it will not provide any utility and so I don't know if the first step of the workgroup should this move forward is to evaluate whether that index or an index can be developed and determine if it is potentially useful. I would suggest it should be, because unless I'm missing something, if it's not you're not going to make any progress for sure, and you can cut the losses at that point pretty much right there. So, I'd throw that out. I'm not going to necessarily ask Dr. O'Farrell to come up and answer that question. That maybe what other folks may want to ask that I don't know, or it could just be a comment and recommendation to the workgroup that they really evaluate the likelihood for the most fundamental piece first before tackling the big lift. And again, it's probably Captain Obvious that they would do that anyway, but we haven't really talked about that aspect. I had meant to ask about it earlier and I didn't. So anyway, I'll stop. I don't know if that's helpful or just muddies the water more, but I think it's an important piece. And also, the piece that could be done early and given early indication of whether this is a doable lift or not.

**Brad Pettinger** [00:25:10] Okay Chris. I think we're getting there. Okay, Brett.

**Brett Kormos** [00:25:23] Thanks Mr. Vice Chair and thank you, Mr. Kern, for that comment. You know we have seen a little flavor of what correlation exists, at least between that marine survival and the parental seeding further on down the road or further upstream, I should say. But you know in my asking of, I shouldn't say marine survival, I mean hatchery jacks, but am I asking about was there an... a priority determination of good enough or how do we interpret the utility or draw a line around utility? The answer was there is none. We have, we've not done that. And that wasn't done for any of the abundance-based rules either in the risk assessment, so I'm asking of you Mr. Kern, what guidance could you offer in terms of what that means? What amounts to good enough to move forward? Or that may be a question you can't answer but I certainly, if we're going to pursue a matrix, which I'm vehemently opposed to, there are a number of caveats that I would introduce to that process and that would be one of them, I think.

**Brad Pettinger** [00:27:03] Chris.

**Chris Kern** [00:27:06] Yeah, thanks Mr. Vice Chair. Well, yeah, I appreciate that. I'm going to back away from picking a number because I think I was just really trying to offer a potential quick evaluation or quicker evaluation that could potentially be considered before the full workload took place. I was trying to navigate a way to potentially get us through that. I would say I have some I wouldn't say concern over that particular figure with the hatchery jacks versus the return number, but you know I note that the hatchery jack returns are not just survival based, but they have a relation to the production size of the program as well, and if that's changed over time you would expect some differences so... potentially one could potentially look at the 'A' index of survival, whatever that may be, whether it's hatchery jacks or PDO or some other ocean environmental variable and maybe, I mean you could look at some of the other places where those indexes have been used and see how the SONCC version compares to those. I would be surprised if it's anywhere near as good because the fit in the Columbia is particularly good as you would think, so I'm not going to go to a particular specification, but I recognize the question has value and I just don't have a good answer for it. It's the right question to ask. Maybe just not the person to ask it to.

**Brad Pettinger** [00:28:44] Brett.

**Brett Kormos** [00:00:01] Thanks Mr. Vice Chair and thanks Chris. I perfectly understand and appreciate that response. I only ask that question because I do perceive ourselves to be in a bit of a square peg, round hole situation already with the matrix concept. I mean, not surprisingly given all of my comments, I see this as something that's being a bit forced and totally unnecessary and so I do think it's reasonable to choose some sort of threshold around its viability so that it's not pursued at all costs.

**Brad Pettinger** [00:00:52] Okay. Susan Bishop. Susan.

**Susan Bishop** [00:01:01] Thank you Mr. Chair. I guess I like Chris's idea as a, to extending an olive branch. You know, I just maybe to state the obvious or maybe to overstate the obvious, you know I don't necessarily think that this is the best group to decide on a statistical threshold. I hope I'm not unfair with that, but certainly that is a question that the workgroup could handle. I would again offer up my thanks to Brett for his very talented staff, Pete McHugh who did much or most of the work on the forecast assessments. It sort of characterized the level of strength for those relationships and I certainly think we have the talent and the expertise within the workgroup to address that question and to take it up quickly.

**Brad Pettinger** [00:02:01] Okay, Brett.

**Brett Kormos** [00:02:08] Mr. Vice Chair am I coming through?

**Brad Pettinger** [00:02:11] You are now, yeah.

**Brett Kormos** [00:02:12] Thank you for that and apologies for the interruption there. Yeah, I certainly, first of all I want to thank the rest of the Council and folks following along for their patience here and walking through this and I'm not ready to accept the olive branch, but I will add to it, if you will, and say that I, and to really what I'm trying to do here is to tee off of or build upon Mr. Kern's suggestion, and that is to say that we should, if we were going to evaluate any relationships around the viability of a matrix approach, we would want to definitely look at the relationship between natural origin parent spawners and the hatchery survival index and the observed run size. If there isn't a strong correlation and I won't choose a number, but I will choose a qualitative word, since the workgroup was willing to offer that in their report and in their presentations, not moderate to strong but strong, the matrix concept may have some legs, but again I'm not offering that as a way forward just because I continue to be opposed to the matrix approach but if ultimately myself and Mr. Gorelnik lose in our opposition to that, that would be one of a number of stipulations I would offer.

**Brad Pettinger** [00:04:09] Okay. Chris.

**Chris Kern** [00:04:13] Thank you. I would, taking it in context the way it was offered from Mr. Kormos, I just add the repetition that, and I'm not going to say it should be number two on a list relative to that correlation and other work, but we also will need some, if this goes forward, again needs some contextualization of what it means to the fishery in Council management as it is used. And by that I mean what's its effect on fisheries distinct from the harvest of the stock of the model stock of the SONCC, at least for the ocean component. Again, I would say that if we don't have some way to get a grasp of that, we're going to be struggling with characterizing any benefit of a matrix-based approach and potentially even what would preclude a really good evaluation of even a fixed rate, but particularly sensitive under a matrix approach. I don't know what that means. I don't know what it takes to do that, but that's another piece that I believe we would need at the back of this process should it move forward in order to interpret it.

**Brad Pettinger** [00:05:32] Okay, Phil.

**Phil Anderson** [00:05:36] Well, there's a, you know a number of issues out there that maybe we've gotten closer to closure on a few of them and not so much on others, but on the question of the matrix and whether or not to include that going forward from this meeting, and with this discussion that has just transpired here in the last few minutes, if we had another, I don't know, 18 months or something to work on this, I might be inclined to support those of you who think we ought to pursue it further, but we don't. It seems to me that with all the uncertainties in the workload around, including it in the potential, which seems to me relatively low of it surviving at the end of the day, I am on that question going to be in the camp with Mr. Kormos and Mr. Gorelnik. So, you got three now.

**Brad Pettinger** [00:06:51] Thank you Phil. Louis.

**Louis Zimm** [00:06:54] Thank you Mr. Vice Chair. I haven't held a CPFV salmon license since Phil remembers, I think it was to, well let's see, 1978. But I agree with Phil completely. It seems like this matrix thing is trying to complicate something that's already terribly complex that I'm having a hard time understanding and the KISS principle I think might apply to this. But the other thing is that we repeatedly task NMFS with very difficult tasks and things to bring back to us and it's really hard on them and I have to admit, I have to admire Susan Bishop's, her expressing the need to do work on this matrix stuff that I think is just wonderful, but I also have to listen to what Robin said, and Robin said that that team is stressed as it is, and will be really working hard just to get stuff done absence abundance and matrix, so I think you better count four on this one. Thank you.

**Brad Pettinger** [00:08:20] Thank you Louis. Chuck.

**Chuck Tracy** [00:08:22] Thanks Mr. Vice Chair.....(garbled).....where I wanted to touch on but, well while we ask NMFS to bring back things to us, I think this is an instance where NMFS has asked us to bring something to them. But my question is to Susan or perhaps NOAA GC, but based on Phil's comment about whether we had another 18 months or not, I guess I'm wondering if the schedule, the deadline that we have had our sights set on of November of this year is still as relevant as it was when we began this process? Given the, what I understand there's some other discussions, consultations going on with the tribes, but is there some, is there something that would help us understand whether that schedule, that urgency still is what it was when we started this process? Thanks.

**Brad Pettinger** [00:09:42] So it's a question for Susan I believe. Susan.

**Susan Bishop** [00:09:49] Thank you Mr. Chair. I am actually... Rose Stanley, our GC attorney, would like to comment on that but she's having a little.....oh I see she's found out how to raise her hand. There she goes.

**Brad Pettinger** [00:10:01] Okay.

**Susan Bishop** [00:10:01] So I'll defer to her.

**Brad Pettinger** [00:10:09] Rose, you're muted but there you go.

**Rose Stanley** [00:10:09] Thank you Mr. Vice. Chair. Can you hear me?

**Brad Pettinger** [00:10:10] We can.

**Rose Stanley** [00:10:11] Okay thank you. Thank you Susan. So just quickly to answer the question. So, NMFS and the Hoopa Valley Tribe reached a stipulated agreement and motion to stay the litigation challenging the 1999 biological opinion, so under the terms of the stay, the litigation will continue to



be stayed as long as NMFS initiates consultation, ESA consultation as warranted by December 2021, which would require the Council taking final action by November 2021. That is not a hard deadline for the Council in terms of required action by the Council, but if those time, if that timeline is not met, then the stay on the litigation will be lifted and the litigation can proceed. Thank you.

**Brad Pettinger** [00:11:07] Thank you Rose. Chuck. Your hand's still up. Okay, Brett.

**Brett Kormos** [00:11:18] Thank you Mr. Vice Chair and thanks Rose and thanks Chuck. You know I did talk about the potential for that already and it is one of the primary reasons I'm not interested in pursuing, in pursuing the matrix. I think I have a few primary reasons, which is not really possible, but that's another way of saying I have a number of compelling reasons why we should not pursue it further but I would really hate to see the Council move this issue beyond November such that it's taking up significant time in the summer or early fall of next year or interfering with our management cycle in the spring, and then also deprioritizing some of the other high priority issues that the Council needs to tackle in the salmon management world that I've discussed already. I think that pursuing a matrix at the expense of all of those other things when there are other perfectly viable and risk averse options available to the Council is a really poor decision.

**Brad Pettinger** [00:12:36] Thanks Brett. Rose, I see your hand's still up. Ah ha. Okay, well I've heard four people say they're against including it. Chris.

**Chris Kern** [00:12:57] Yeah, sorry. Thanks Mr. Vice Chair. Yeah, I recognize the time issue here and I've already commented on that. I guess I'll offer something that, I don't know maybe I should have mentioned before, it may not even be all that helpful, but, you know when we started this process and the notion of an abundance-based framework was introduced as sort of the ideal or at least a potential outcome, which it kind of was, I actually expected at that time that that would be the matrix, and so the inclusion of the more sort of traditional abundance-based approaches structured sort of what we do with chinook in some areas was actually the part that surprised me, not the introduction of the matrix. And so... and had it been done at that time, it would be further along than it is now if it had been done instead of the abundance-based matrix. I don't know where that leaves us. I'm on the fence because I see value in potentially, you know I'm by nature want to turn over all the rocks, but I've already said I recognize the risk that the work that might be entailed could push us beyond the time frame, so I don't know if folks want to discuss that more. I know it's late. That does seem to be a primary risk factor here. And I've already spoken to the fact that I think we would need to be at least partially, I don't think I said partially, I think we would need to be willing to accept the risk of pushing beyond that time frame if we went down this road. I think I said that earlier. I still feel that way. So, I don't know if that's something folks want to talk about or if we just try and move on here and I'm struggling myself, so I apologize for just laying that all out there to everybody else, but.

**Brad Pettinger** [00:15:13] Thanks Chris. I think I'm trying to figure out how to move a way out of here also. Anyone else want to comment or anybody else? I'm not sure if we, if we want to hold a vote on including or not, but you know six o'clock will be here sooner than we think. Susan Bishop. Susan.

**Susan Bishop** [00:15:45] Thank you Mr. Chair. Maybe it would help for, I think it was helpful when this question was asked before, but maybe it would help for someone to just recap again what the proposal is at this point, or at least what's on the two, the two tiers or two columns.

**Brad Pettinger** [00:16:08] Okay, and I would again turn to Robin.

**Robin Ehlke** [00:16:15] Thank you Mr. Vice Chair. I'm not sure if my answer is going to be any different than it was 20 minutes ago, but what I'm hearing is that we're going to look at total ERs and

fixed rate ERs only and no abundance-based ERs, and that the fixed ERs would range somewhere around starting at 7 percent up to 20 percent, and would include a zero-fishing harvest control rule. There was also an ask for what status quo looked like just so that we could have it for context, and so we'll ask the workgroup to try to include that. And we also, as far as the risk assessment goes, that a section be included that included recommendations or pros and cons. And we're still on the fence about pursuing a matrix. I think that's the only item right now that is in question and I don't think I quite understood what Miss Bishop meant by two columns, so I may not have answered your question completely.

**Brad Pettinger** [00:17:35] Okay. Susan, does that answer your question?

**Susan Bishop** [00:17:35] Yes, what I meant, I mean I think what Robin did was, to me the only thing that is remaining, or maybe this is the question for the group, the only thing that is remaining at issue is I think a matrix-based control rule. I don't... I didn't hear any objection to including a zero percent, although maybe the question hasn't been asked and I didn't hear objection to the status quo, although that may be included in the granular range that Brett, Mr. Kormos proposed, and I don't, didn't really hear any objection or any follow-up discussion objecting to inclusion of a section in the report. I guess I would only offer a comment also that if all that is on the, if all that is on the table at this point is a, are fixed rate rules with looking at exploit, the risk relative to different exploitation rates, I guess I would just make the comment that I do not think that's a big push for the workgroup going forward, and so I guess I would just ask the question or kind of clarity if we really think that the abundance matrix would be a significant workload in that context. We have a model that whose purpose is to look at exploitation risks associated with different exploitation rates and the model's currently set up to basically do exactly, easily do exactly what's being proposed with a fixed rate, range of fixed rate proposals. So, I guess I would push back a little bit on the thought that it would be a significant amount of work, or it would be a workload on top of a significant amount of workload remaining.

**Brad Pettinger** [00:19:30] Okay. Brett.

**Brett Kormos** [00:19:34] Thanks Mr. Vice Chair and thanks Miss Bishop and thank you Robin. Robin, yes, you have captured everything that I've heard in terms of a proposal for moving forward and I just, with the exception of the matrix of course that's in question or in dispute, and I just want to make sure folks are clear that I would support all of those things going forward, including a status quo, including a zero percent rule, so that we can see the effect of closing fisheries completely. And relative to the matrix rule, there is again, I've said this before, but there is much to do there in terms of what the X or Y axes should be or both. How much granularity should be in there? What the maximum exploitation rate should be? Arguably, there could be many different matrix rules created and evaluated and presented to the Council. There's only a couple of workgroup meetings left between now and November and I just don't see that being something that is going to be possible with the time available. I know for one, folks in California, while I respect and understand that states to the north of us have greater experience with this, we do not, and we would certainly be wanting to take our time to very carefully go through all of the options. And like I said, I have a number of caveats I would suggest or ask the Council to offer in terms of guidance should that get any legs. I do think that it could be quite deliberative.

**Brad Pettinger** [00:21:37] Thanks Brett. Joe Oatman. Joe.

**Joe Oatman** [00:21:37] Yeah, thank you Mr. Vice Chair and I wanted to turn to the list that Robin provided and wanted to verify, at least insofar as it's more that's abundance based, the tribes did support rule 9. And I think when I listened to the list that that wasn't included.

**Brad Pettinger** [00:22:17] Okay, thank you Joe. Well, Bob Dooley. Bob.

**Bob Dooley** [00:22:26] Thanks Mr. Vice Chair. I just want to weigh in and state that I tend to agree with Brett and Phil and Louis and Marc on this. I think of pushing this beyond November, the potential, the higher potential of that is just not worth the effort, and I think, you know it's shown there in all the discussion, and I would rather just get it done here, go let's move forward. I think that it's shown pretty well that we don't have the bandwidth to do all this unless you want to extend it to next November, but if this is drug into our management schedule in the early spring, that's really problematic, so I agree with the fellow Council members on that. I just wanted to weigh in.

**Brad Pettinger** [00:23:24] Thank you Bob. Chuck.

**Chuck Tracy** [00:23:28] Thanks Mr. Chair, Mr. Vice Chair. So, I've got, there may be a process question here. So, you know the Council action here is to review the revised risk assessment and adopt a range of alternatives, as appropriate. So, I guess just on the first one, we haven't really had a discussion about the status of the risk assessment, although I think it was endorsed by the SSC, so I guess before we leave here, I just want the Council to decide if they want to use that as a tool to evaluate some of the alternatives going forward just as a matter of sort of pro forma there. But my real question is, you know adopting the range of alternatives at this point, there's certainly been guidance on the control rules that the Council would like to see further assessed and some that they don't, but that, so I guess my question is, maybe this is to NMFS or NOAA GC again, you know if we don't adopt a range of alternatives, a formal range of alternatives for analysis at this meeting, we still need to do that at September, and so is, or the thoughts that we're not quite ready to adopt a range yet, particularly because we haven't decided on the matrix question and that even if we did adopt one now, we might have to modify that range in September. I guess that's kind of what I'm thinking, so I just wanted to check with the Council on that process step to see where people felt we needed to be at this stage and make sure that we're going to take the necessary steps to properly complete the process.

**Brad Pettinger** [00:25:45] Okay. Thanks Chuck. Brett.

**Brett Kormos** [00:25:50] Thanks Mr. Vice Chair and thanks Chuck. I'm obviously not National Marine Fisheries Service or General Counsel, so I can't speak to your second question, but relative to the first one about adopting the risk analysis, yes, at least for me, the risk assessment has the support from the State of California with one caveat, and it's something I expect the workgroup to do anyway, but that is to change the framework or the modeling such that there's resolution around the disaggregated versus aggregated and concurrent modeling of the population so that we're getting an accurate representation of risk and harvest or fishery opportunity if you're maybe more appropriately characterizing it. So, I think the risk assessment's good with that caveat and that solution being implemented.

**Brad Pettinger** [00:26:49] Chuck.

**Brad Pettinger (cont.)** [00:00:00] Your hand's up.

**Chuck Tracy** [00:00:01] Oh sorry. I'm on two computers now here because, as usual, my headphones is going out at the end of the day.

**Brad Pettinger** [00:00:11] Okay. Maybe I should ask if anybody else is not in agreement with Brett on that? Somebody cross that off the list. Okay, so we're still kind of hung up here on the matrix. We got five Council members weighed in saying they're for it or for removing it. It seems we need to move off this somehow or other, either by someone or folks weigh in or we take it to a vote or not. So... Susan?

**Susan Bishop** [00:00:51] Thank you Mr. Chair, I would just note, Joe had mentioned that the tribal proposal does include one of the abundance-based rules. I think it's... I believe it's rule 9 that would look at an aggregate of the Klamath Trinity abundance, but I could stand corrected Joe if I have that wrong.

**Brad Pettinger** [00:01:17] Joe.

**Joe Oatman** [00:01:17] Mr. Vice Chair. That is correct so far... for number 9.

**Brad Pettinger** [00:01:22] I would, I'm assuming that Robin captured that. Brett and then Chuck.

**Brett Kormos** [00:01:29] Thanks Mr. Vice Chair. Yeah, I certainly acknowledged Mr. Oatman's support for that number 9 abundance-based rule, but I also perceived the Council consensus to be in support of my recommendation to eliminate all of the abundance-based rules, including number 9.

**Brad Pettinger** [00:02:06] Chuck.

**Chuck Tracy** [00:02:07] Thanks Mr. Vice Chair. If it'd help, I do have a little bit of a scorecard here running, maybe I could put it up on the screen just to kind of give people a visual and see if there's anything that needs to be corrected there and maybe pick out some decision points that still need to be done, if that would be acceptable?

**Brad Pettinger** [00:02:31] Please.

**Chuck Tracy** [00:02:39] So these are the control rules down the left side. The four principles and their guidance, so if there's a plus, they want it. If there's a minus, they don't. If it's blank they didn't speak directly to it. There's a couple til days in there which are you know, there was a couple of maybes, I think Joe said maybe eliminate 2 and maybe eliminate 8. I think Chris said maybe keep one of the abundance-based for context, so that's what those til days are. There's a little, in the control rule 4 Brett talked about maybe having some more granular look at something in the 13 to 20 percent range of a fixed rate, and Susan said that something more than 13's okay but it should be less than 26, so then the far side there are ones everybody that weighed in agreed on either with a plus or a minus, and there's some question marks. So, if that helps it's there for discussion purposes or correction or tell me to get rid of it, whatever's the Council's pleasure.

**Brad Pettinger** [00:04:10] Okay. Thank you Chuck and I see Brett's got his hand up. Brett.

**Brett Kormos** [00:04:11] Thanks Mr. Vice Chair. Just thanking Chuck for the scorecard, but also noting that it's missing a number of other Council members that have offered support or opposition to abundance-based rules and rule number 12. So really sort of the issues that are most contentious.

**Brad Pettinger** [00:04:41] Chuck.

**Chuck Tracy** [00:04:44] Yes, that's true. I think Phil had mentioned that 12 seemed impractical. I'm not sure if I, and Louis I think also the same and Marc so, but regardless 12 is as a question mark and it could have, we could add a lot more plus, pluses and minuses there but it would still have a question mark, I guess. I'm not sure I heard too much, too much else but again this was just kind of, anyway.....

**Brad Pettinger** [00:05:26] Okay well maybe a simple way to do this to deal with the matrix. We've heard five Council members who are for removing it. How many... are there any Council members in favor of keeping it, outside of Chris and Susan I believe and maybe Joe? Butch Smith. Butch.

**Butch Smith** [00:05:43] Yeah, I'm sorry for kind of weighing in here on this great conversation. I've been quiet. I went through two of these both the tule matrix and the coho matrix and I have a little different opinion, but I won't give that here, but I do want to recognize the, you know Joe and the tribes from California wanting to keep in at least one. I don't know if that's, I think, you know if it was north of Falcon we would certainly be talking about that and I think his co-managers and in sovereign nations, I know it's a little bit different in California than it is in Washington, but it's still, I would think we'd want to recognize at least one of the tribes wishes to see how it ferreted out and what it looked like, but that's really the only opinion. I mean I could have said a lot more early on, but I'm not going to now. It's way out, way down the road, but that's just one issue I have and would like to hear what Brett thinks and if I'm off base I apologize, but I want to recognize that Joe, Joe Oatman's wishes to at least have number 9 in there. Thank you.

**Brad Pettinger** [00:07:30] Thanks Butch. I see Chuck.... your hand's still up? Brett.

**Brett Kormos** [00:07:33] Thanks Mr. Vice Chair and thanks Butch. Yeah, I understand that and recognize your point. I think that the problem here is that the abundance-based rules are by far and away the most practically infeasible rules to actually implement because we can't forecast abundance for these stocks in any reasonable way. There's no forecast tool. Speaking of workload, we don't have time for even if there was potential for that, and then the data timing issue, just those, that suite of issues just precludes those abundance-based rules from being feasible. So that's my view of things.

**Brad Pettinger** [00:08:35] Butch.

**Butch Smith** [00:08:35] Yes Mr. Vice Chair and I would thank you Mr. Kormos for that explanation. Kind of clears it up a little bit more to me so thank you sir. Thank you Mr. Chair.

**Brad Pettinger** [00:08:50] Okay, thanks Butch. Well, it's not getting any earlier in the evening. Looking for a path out of this. Brett.

**Brett Kormos** [00:09:16] Thank you Mr. Vice Chair. I don't know that I have a path forward. We've asked for folks to weigh in on the matrix issue. We've heard support from some. We've heard for including it. We've heard opposition from others. Right now, the opposition for including it further carries the day. I see a couple of options going forward. We can ask again in terms of a vote, how many folks want to want to keep it in consideration and how many want to get rid of it, although I'm not particularly enamored with that idea. Given we've already asked for input, our votes of confidence and support, our votes of opposition and we've landed on five to three in favor of eliminating it. So, I'll leave it to the discretion of yourself and perhaps Chuck in terms of the best path forward, but it does seem to me that we have done our due diligence in getting the prevailing opinion here on this particular issue and it is to eliminate the matrix at this stage.

**Brad Pettinger** [00:10:44] Thanks Brett. Well currently that's what it is unless someone weighs in here. I think you are correct. And then so.....Pete.

**Pete Hassemer** [00:10:54] Thanks Mr. Vice Chair. I surely hate to speak on this topic, but you keep prodding us, so I guess I'll offer my opinion here on that. We're trying to balance workload with a process that might be best for this stock that's in trouble and ESA-listed, and in thinking about that I hear all the arguments. I'm sympathetic to them, but I guess I support trying to look at an additional model that might work and it might work well in these circumstances then rather eliminating it at this point and saying we've got too much, it takes too much time to do that. So, I would support keeping it in there to explore and determine whether or not it really is worth pursuing down the road. This is simply a range of alternatives, and I understand there's workload associated with that, but it seems

valuable to me to have it in there at this time... so thanks.

**Brad Pettinger** [00:12:27] Thank you Pete. Brett and then Christa.

**Brett Kormos** [00:12:34] Yeah, thank you Mr. Vice Chair. I'll just note, and thanks Pete. I just want to note that the argument for eliminating it is not solely centered around workload. That's just one of a number of reasons for moving away from that at this stage. It's really a weight of evidence approach that tells us that pursuing it further will not only come with all of the workload risk and difficulty, but also is not likely, unlikely to provide any benefit or value in terms of management and protection of the stock under the ESU. So, I just want to make sure that that position or argument has been articulated clearly, that's all. So, thank you.

**Brad Pettinger** [00:13:29] Thank you Brett. Christa.

**Christa Svensson** [00:13:30] Yeah thank you Vice Chair. I really feel like at this point it is kind of a roll call vote for putting numbers in the column and I'm not going to speak for too long because we've been on here for quite a while, but I would say I'm in the positive camp for 12 just so that you've got me down for one way or the other.

**Brad Pettinger** [00:13:55] That'd be for keeping it?

**Christa Svensson** [00:13:55] Yes please.

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

**Christa Svensson** [00:13:57] Thank you.

**Brad Pettinger** [00:13:57] Nothing like going to a tie ballgame. Okay thank you Christa. Your hand's still up. Okay, now it's really becoming clear as mud. So, with that, well I don't think we'll do a bathroom break until we're done here so we need to get this resolved fairly quickly. Heather Hall. Heather.

**Heather Hall** [00:14:34] Thanks Vice Chair. Yeah, I've been much like Pete, holding off commenting on this and really listening to the discussion. Obviously salmon is not where I've spent a lot of time thinking about, but what I have observed just with my experience on the Council is the amount of time and work that goes into preparing for March and April, and what I've heard a lot of today is this really sensitive time that folks on the working group have between now and September and November and in a choice of how they spend their working time on something that, you know may or may not be useful for this next cycle. And so, I think what I've been thinking from my five-thousand-foot level as I listen to this discussion is very similar to what I heard Phil say is, you know, this matrix, something that could be not completely, I mean take it off the table, but explored later. So maybe not within the range of alternatives for right now. Give the working group folks the time that they need to look at the alternatives that people have a strong agreement on and pick up the matrix concept later down the road, so continue to work on it but maybe not necessarily within this decision-making process over the next couple of meetings. So, I'm voting in favor of not moving forward the matrix.

**Brad Pettinger** [00:16:43] Okay thank you Heather. Okay is that the right count? One, two, three. I thought we had six against or we get for removing.

**Chuck Tracy** [00:16:59] So besides Joe, Chris, Brett and Susan, I had Louis, Marc, Phil and now Heather for removing it and...

**Brad Pettinger** [00:17:18] Bob.

**Chuck Tracy** [00:17:20] Bob, Bob Dooley?

**Brad Pettinger** [00:17:23] Yep.

**Chuck Tracy** [00:17:23] Okay, I missed that sorry.

**Brad Pettinger** [00:17:30] Okay, thanks Chuck.

**Chuck Tracy** [00:17:33] Make that column a little wider.

**Brad Pettinger** [00:17:38] Okay. Any other Council members want to weigh in here, or weight in on this here? Joe.

**Joe Oatman** [00:17:52] Thank you Mr. Vice Chair. Maybe just to clarify, not wanting to put in too much on the spot, but I thought I heard Butch indicate support. I believe I heard that advice.....(garbled)...

**Brad Pettinger** [00:18:02] I'm sorry Joe, my speakers. I didn't get that.

**Chuck Tracy** [00:18:22] Mr. Vice Chair. So, I'm not sure I heard Butch, I know he voiced support for 9. I'm not sure what his, if he spoke to 12 or not.

**Brad Pettinger** [00:18:35] Oh. Joe.

**Joe Oatman** [00:18:41] ....(garbled) .....get clarification on. Thank you.

**Chuck Tracy** [00:18:49] Butch.

**Brad Pettinger** [00:18:49] Yep. Butch.

**Butch Smith** [00:18:49] Yeah, I spoke in support, I thought I was supportive of 9 and to leave at least one in and, you know thinking of the time, thinking of the remoteness of the differences, I think I'll just leave it there for right now.

**Brad Pettinger** [00:19:26] Okay Joe, you have you hand up? Chuck.

**Chuck Tracy** [00:19:36] Well Mr. Vice Chair, the way this is going, if we ask everybody individually what they're telling votes in a scorecard, that's going to be a long process. If we just want to get this over with and decide whether to continue with the matrix option, I think you should call for a vote. Ask for a motion and call for a vote and be done with it.

**Brad Pettinger** [00:20:08] There you go. I see Phil's hand up. Phil.

**Phil Anderson** [00:20:16] Just to be absolutely clear, control rule number 12 is the one that we are currently debating and referencing as the matrix. Is that correct?

**Chuck Tracy** [00:20:31] That's correct.

**Phil Anderson** [00:20:34] Then Mr. Vice Chair I would move that we remove control rule number 12

from further consideration.

**Brad Pettinger** [00:20:46] Okay. A second? Seconded by Bob Dooley. Okay, so we have a motion on the floor. Do you want speak to that Phil or call for the vote?

**Phil Anderson** [00:21:01] I think we have adequately discussed the pros and cons of removing it.

**Brad Pettinger** [00:21:18] Okay. I see that there is language on the screen, I'm assuming it adequately reflects your motion?

**Phil Anderson** [00:21:25] Yes it does.

**Brad Pettinger** [00:21:31] Okay, all right. All those in favor of signify by saying 'aye'.

**Council** [00:21:37] Aye.

**Brad Pettinger** [00:21:37] Opposed?

**Joe Oatman** [00:21:46] No.

**Susan Bishop** [00:21:47] No.

**Christa Svensson** [00:21:47] No.

**Brad Pettinger** [00:21:47] Abstentions? Okay.

**Chuck Tracy** [00:21:59] Mr. Chair, Mr. Vice Chair. I didn't, I'm not sure who all voted no on that. So, if you want to do a roll call or can, you want to just identify people?

**Brad Pettinger** [00:22:14] Whatever is quicker? I mean.....

**Chuck Tracy** [00:22:15] Why don't we do a roll call vote?

**Brad Pettinger** [00:22:19] There you go.

**Chuck Tracy** [00:22:20] Bob Dooley.

**Bob Dooley** [00:22:22] Yes.

**Chuck Tracy** [00:22:25] Louis Zimm.

**Louis Zimm** [00:22:25] Aye.

**Chuck Tracy** [00:22:25] Christa Svensson.

**Christa Svensson** [00:22:33] No.

**Chuck Tracy** [00:22:34] Joe Oatman.

**Joe Oatman** [00:22:34] No.



**Chuck Tracy** [00:22:34] Heather Hall.

**Heather Hall** [00:22:34] Yes.

**Chuck Tracy** [00:22:34] Virgil Moore.

**Virgil Moore** [00:22:34] Yes.

**Chuck Tracy** [00:22:34] Susan Bishop.

**Susan Bishop** [00:22:34] No.

**Chuck Tracy** [00:22:34] Chris Kern.

**Chris Kern** [00:22:34] No.

**Chuck Tracy** [00:22:34] Phil Anderson.

**Phil Anderson** [00:22:34] Yes.

**Chuck Tracy** [00:22:34] Butch Smith.

**Butch Smith** [00:22:34] Aye.

**Chuck Tracy** [00:22:34] Pete Hassemer.

**Pete Hassemer** [00:22:34] No.

**Chuck Tracy** [00:22:34] Brett Kormos.

**Brett Kormos** [00:22:34] Aye.

**Chuck Tracy** [00:22:34] Marc Gorelnik.

**Marc Gorelnik** [00:22:34] Aye.

**Chuck Tracy** [00:22:34] Mr. Vice Chair the motion passes.

**Brad Pettinger** [00:23:21] Okay thank you Chuck. All right, back to the, I'd say back to the original motion but we're already there. So, with that I think let's see Chuck your hand's up and then Phil. Phil.

**Brad Pettinger** [00:00:00] Okay. Chuck. Okay. All right, so with that Robin, I would ask you are we good?

**Robin Ehlke** [00:00:13] Thank you Mr. Vice Chair. I am going to recap the guidance that I heard in addition to the motion that the Council made, if I may?

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

**Robin Ehlke** [00:00:23] So for the guidance to focus on those fixed control rules 1 through 4, which are the total ER's and to include the zero or the no fishing and look at a range that's somewhere between

7 and 20 percent and do some increments in between. The workgroup will also look at harvest control rule 9, which is the abundance-based control rule that looks at the KT aggregate, and the workgroup will look to include the status quo abundant, or excuse me, harvest control rule for context, and then we'll ask the workgroup to add a section that will include recommendations or pros and cons of all of the alternatives that they've outlined in their risk assessment and I, we will not be pursuing a matrix control rule or harvest control rule 12 as it is in the risk assessment. So that concludes my guidance and hopefully I got it covered.

**Brad Pettinger** [00:01:43] Well thank you for that and I see Brett has his hand up. Brett.

**Brett Kormos** [00:01:44] Thanks Mr. Vice Chair and thanks Robin. Regarding control rule 9, I did not hear broad support for that. I heard broad support for eliminating all of the abundance-based rules, including number 9. So, I don't want to go to another roll call vote on that. I don't think it's necessary, but I will leave it to others to decide how to proceed on that.

**Brad Pettinger** [00:02:23] Okay, thank you Brett. I would say that since Robin included it in her, what she heard. Is there anybody who wants to keep it in or out, or keep it out or take it out? Louis.

**Louis Zimm** [00:02:41] Thank you Mr. Vice Chair. And I really want to honor Joe's, his proposal to keep 9 in and I want to honor Butch's, his wishes to honor tribal requirements. However, I think in this case, I think the discussion was pretty much in support of Brett's not to allow an abundance thing. I think the abundance number 9 is in the same category as the matrix rule that was so well expressed by our Washington person, Heather Hall, to be looked at. Eventually, you know next year along with things like this that we need to look at and we need to explore, but right now I really think we need to get rolling here and get this very clear for September otherwise we're going to be back in the same position in September that we are now, which is some of us not agreeing and this is not a happy thing because I have to honor everybody's opinion on this and I hate disagreeing with people on this, but right now I don't think that we've made a full support and perhaps we need to vote on this and perhaps somebody will speak to it as a good negotiating position and I could be convinced by that. Thank you.

**Brad Pettinger** [00:04:31] Thank you Louis. Anyone else? Okay. Wow. Well Robin....oh, Brett.

**Brett Kormos** [00:05:02] Thanks Mr. Vice Chair. I hate to do this but perhaps we should just cut to the chase on this one too. The abundance-based rules have all been eliminated, as I described before for very good reason. There's no forecast tool. There's not one under development. The population's under consideration, even those that would be needed for control rule 9 don't show potential for an abundance-based approach. I think all of the information suggests we should eliminate it, but in cutting to the chase I'll just make a motion if that pleases the Council.

**Brad Pettinger** [00:05:49] Well I think you're free to do that.

**Brett Kormos** [00:05:51] All right, thank you Mr. Vice Chair. I move that we remove control rule number 9 from consideration.

**Brad Pettinger** [00:06:00] Second by Bob Dooley. Okay and there's language on the screen, which is very simple, but is that your....accurately reflect your motion?

**Brett Kormos** [00:06:17] Yes it does Mr. Vice Chair. Thank you.

**Brad Pettinger** [00:06:20] Okay. I see Susan has her hand up. Susan.

**Susan Bishop** [00:06:30] Sorry Mr. Chair, I meant to take it down.

**Brad Pettinger** [00:06:33] Okay very good. Phil.

**Phil Anderson** [00:06:40] Did I jump the gun? Are we in Council discussion yet?

**Brad Pettinger** [00:06:44] Yeah.

**Phil Anderson** [00:06:48] Okay. I wanted to ask Joe, you know given what Brett has said about the abundance-based alternatives which applies to control rule number 9, I'm curious the basis for the tribes wanting to have that included in this particular process and consideration.

**Brad Pettinger** [00:07:20] Joe.

**Joe Oatman** [00:07:28] Thank you Mr. Vice Chair, and thank you for the question Phil. So based upon my understanding, so for the tribes, again they participated on the workgroup and they do recognize that there are data limitations along the lines which Brett had laid out for our consideration, but at least in terms of the views from the tribes that it does make sense to have an abundance-based harvest control rule included in the range of alternatives, I think we certainly acknowledge that there's both limitations in terms of the data and the lack of, or the lack of ability to do forecasts and how that maybe hopefully inform whether or not this type of a rule is viable, but there is interest in having some further investigation to that and, you know, I thought I'd heard that there was some consideration with respect to alternative model formulations that may encompass a rule like this and so at least from the views of the tribes, you know their interested in abundance-based. You know this one in particular does consider the marine and freshwater impacts where there is agreement on, as well as addresses the Klamath and Trinity River population that the tribes have. So, they have, you know, expressed to me their support of that and I think maybe a bit more contact, as I can see. You know, I think in my opinion, you know, with the potential for the dams to be removed, that maybe you do see a positive response by some of these populations that may support having some sort of an abundance-based approach where you decrease your exploitation rate, you know and things are pretty low for these populations to increase them if and when that opportunity may present itself and so I think there is kind of an aspect that is, you know, factoring into some of our considerations. Hope that helps. Thank you.

**Brad Pettinger** [00:10:22] Thank you Joe. Brett.

**Brett Kormos** [00:10:29] Yeah thank you Mr. Vice Chair, and thanks Mr. Oatman. I really do appreciate that perspective, especially as it relates to dam removal and anything in terms of status and trend or new information that would ultimately trigger a re-consultation, again, such that an abundance-based rule would make sense, but in this particular scenario, I'll just remind folks that it's impossible at this point and if we're concerned about the time remaining to get work done, which I have heard a number of people voice concern and of course support for that concern, a development of an actual forecast tool between now and November is an even greater, more herculean task than it would be to move a matrix forward between now and then, which we've now eliminated for the reasons I've described... so just offering some, a response and some additional things to consider when we go to a vote here on this.

**Brad Pettinger** [00:11:44] Thanks Brett. Louis.

**Louis Zimm** [00:11:46] Thank you Mr. Vice Chair, and thank you Joe. I've learned a lot from you back when I was sitting next to you and I really appreciate the way that you've gone to bat for our Southern Oregon, Northern California tribes and this is very important to us, but I really worry about Klamath.

We're looking at very reduced flows this year, which are not going to be advantageous. Then we're looking at 23' of taking out a dam or taking out a number of dams hopefully, and that will certainly perturb the system, so I cannot see an increase in coho stock abundance until at least five years out, at which time most likely we will be having another biological opinion so though I really want to honor the Yurok and Hoopa Tribe's position on this, I don't see the practicality of it for the next five years. Thank you.

**Brad Pettinger** [00:12:56] Thank you Louis. Okay anyone else? Okay I'm going to call for the question. All those in favor say signify by saying 'aye'.

**Council** [00:13:07] Aye.

**Brad Pettinger** [00:13:07] Opposed?

**Joe Oatman** [00:13:16] No.

**Brad Pettinger** [00:13:16] Abstentions? Chuck.

**Chuck Tracy** [00:13:26] So I just heard the one no vote, Mr. Oatman.

**Brad Pettinger** [00:13:30] Okay.

**Chuck Tracy** [00:13:33] So the motion passes.

**Brad Pettinger** [00:13:34] Okay there we go. Okay thank you. Okay, so with that I would turn to Robin once again, Robin.

**Robin Ehlke** [00:13:49] Thank you Mr. Vice Chair. I think that we have everything we need. I think after this full discussion, and I do appreciate the Council taking the time to dig deep into this and help understand all the caveats and nuances in doing this job and doing it well. So, thank you for your time. I think the guidance is clear and that we have everything we need now to get back to the workgroup and we look forward to providing you with additional information come September.

**Brad Pettinger** [00:14:30] Very good. Appreciate that. And then Chuck, did you have something to say before we go off this agenda item?

**Chuck Tracy** [00:14:40] Yes, I do Mr. Vice Chair. I did just want to mention, and I don't see, I don't see Wendy Beeghley on the list, but I hope she's watching the YouTube channel or if she's not watching it now, she can watch it later, but I did want to just mention that this is her last salmon agenda item for this meeting and this will be Wendy Beeghley's last meeting on the STT. She's retiring at the end of the month, and I just wanted to acknowledge her many years of contributions and service to the Council process as an STT member and, as you know running, the sampling program on the Washington coast for a long time. I've had the association with her that well precedes my days at the Council back to Washington Department of Fisheries that long ago, so I just wanted to thank Wendy and acknowledge her and give you an opportunity to appreciate her as well as we wish her well in her retirement. So that's all I wanted to say... but thank you Mr. Vice Chair.

**Brad Pettinger** [00:16:07] Thank you Chuck. Brett.

**Brett Kormos** [00:16:08] Thank you Mr. Vice Chair, and thank you Chuck. I just want to say here, here. I had the distinct pleasure of working with Wendy myself for a number of years on the STT and

she is a fine individual and I'm very pleased to wish her well on her post work journey.

**Brad Pettinger** [00:16:37] Thank you Brett. Bob.

**Bob Dooley** [00:16:40] Thank you Mr. Vice Chair. I didn't know Wendy really well until we recruited her to participate in MREP and I found her just to be just a delight and knowledgeable and giving of herself to make sure we have a good, good informed group coming forward and into our process and I thought we're going to, I'm certainly going to miss her but if she's listening we'll certainly tap her on the shoulder if she's available to continue her work in MREP, so going to miss you. Thanks.

**Brad Pettinger** [00:17:15] Thank you Bob. Phil.

**Phil Anderson** [00:17:22] Thanks Mr. Vice Chair and thanks Chuck for remembering to acknowledge Wendy's service to the Council. As I wrote to her, I was like many when I learned about it, it was with mixed emotions. Obviously really happy for her because she's just worked tirelessly and with dedication in every position she's held at DFW, and I had the privilege of having her as a colleague when I was there. I think the things that she brought that is probably most memorable I guess for me is her ability to work with the people and the stakeholders, people in the fishing industry in crafting our seasons, you know implementing any number of inseason management actions and always staying calm and cool and having the same effect on everyone that she came in contact with. I had the privilege to know her before I went to work for the department. She shemped my vote I don't know how many times and I would join all of you in wishing her the very best that the future has to offer and just want to extend my deep appreciation for all that she's done and meant to the coastal fisheries and our communities.

**Brad Pettinger** [00:19:22] I'm sorry you're muted Butch.

**Butch Smith** [00:19:23] Oh I didn't hear you. I am sorry I didn't say. Yeah, I would just like to reiterate Wendy is the best of the best and second to none. I think I started working with her around 1988. You know us fishermen, we argue a little bit with our Washington Department of Fish and Wildlife counterparts, sometimes on disagreement with proposal or even spill over to our Oregon co-parts if you're on the Columbia River. But when Wendy said no, nobody questioned that, and I think that speaks volumes for what we thought about her so congratulations Wendy. Thank you Mr. Chair.

**Brad Pettinger** [00:20:16] Thank you Butch. Heather.

**Heather Hall** [00:20:18] Well thank you and thank you for bringing this up. I, I am, this is like the icing on the cake for the fact that I'm sitting in the seat for a salmon agenda item. I normally wouldn't have had the opportunity to do this, but Wendy Beeghley hired me at Department of Fish and Wildlife back in 1992. She is one of the people that I thoroughly enjoyed working for. I looked up to her and learned a lot in my early years at the department. I'm thrilled for her and the chance she has to retire. It will be a huge loss for our agency. She has this work, that work ethic that is just so impressive and I have had the pleasure of spending time with her outside of work as well and she's just an amazing person. So, yay Wendy.

**Brad Pettinger** [00:21:18] Chris.

**Chris Kern** [00:21:20] Thanks. I have not known Wendy nearly as long as so many folks on the Council. I've probably known her for 10 or 12 years. Just echo so much. When you know somebody or come across somebody that is so skilled and effective and professional and can do it with a smile and a friendly attitude under all kinds of pressure, you can't help but, I mean those folks just stand out, and when I came into this sort of process several years ago, one of the very first lessons I was taught was

never question Wendy. And it wasn't a mean thing. It was because as Butch sort of mentioned, she was very rarely wrong and almost always right. I really wish we were in a place where we could have a round of applause, and all stand up, but I appreciate you giving us the chance to send her off. So, thanks.

**Brad Pettinger** [00:22:17] Thanks Chris. Susan.

**Susan Bishop** [00:22:21] Thank you Mr. Chair. I hope Wendy is listening. I can't tell, but she is an amazing person and a consummate professional. Sometimes something you don't always find in the same package, and I think all of our lives are so much better for having known her. I know mine is. She, I consider her a role model and often find myself muttering what would Wendy do? And her ability, as others have noticed, to stay calm in a difficult situation and so to de-escalate tensions in what we all know are high passion discussions has been an incredible value. So, I wish her well. I'm sure she has great adventures planned and I hope we hear back from her as well.

**Brad Pettinger** [00:23:10] Thank you Susan and congratulations Wendy. I think you guys' testimony says it all really about her so and with that I will pass the gavel back to Chair Gorelnik to finish today.

## **F. Highly Migratory Species Management**

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

**Marc Gorelnik** [00:00:00] So that completes public comment and takes us to our Council action, which is discussion and guidance as appropriate. So, I will open the floor to comments. We had a lot of information there and let's see what the Council wants to do with it. And if the Council....okay Louis Zimm.

**Louis Zimm** [00:00:27] Thank you Mr. Chair, and I just wanted to myself thank Pacific States for coming through with this and trying to give us some illustration of what this fishery is and the areas that it fishes was very informative to me, and I think will help me make decisions later on in the day. I particularly was informed by the maps that showed observer coverage and the fishery coverage. I had never seen those before and that was really helpful.

**Marc Gorelnik** [00:01:15] Thank you Louis. Further discussion? I think as Louis points out the information we received may come back in later agenda items today. But if there is no further discussion at the moment, then I will turn to Kit and see if we have completed this agenda item.

**Kit Dahl** [00:01:44] Thank you Mr. Chair. Yes, I think if you have no more discussion or questions, then you can move on.

**Marc Gorelnik** [00:01:51] All right, thank you very much Kit, and thank you Council.

## 2. International Management Activities

**Brad Pettinger** [00:00:00] To F.2 and Council action and I'll open the floor for discussion on what we heard. The Council action is to provide recommendations on U.S. positions at upcoming meetings and other forums as appropriate. So, if anybody wants to weigh in, they certainly can. Corey. Corey Niles.

**Corey Niles** [00:00:22] Thanks Mr. Vice Chair and maybe get people started here, don't want to leave silence as open to too much interpretation, but I guess generally just want to express appreciation for the work that our U.S. delegation is doing in these forums and Dorothy, yes, I haven't asked the question in a while, but I think that's because I'm very, very grateful you're still, you'll still working towards the goals you were as a Council member for us so want to express appreciation for that. I think folks are moving towards the right policy goals. Maybe I'll ask Ryan here for thinking back to Mike Conroy's response to my question on the timing of the albacore MSE and any kind of harvest control rules, policies that come out of that and with their end goal in mind of their MSE exploration and just I don't... Ryan... and if you have any thoughts you'd be willing and able to share on your views of timelines and follow-up on MSE, those would be nice to hear. Obviously not urgent. Sounds like there will be time, but if you have any reactions to... to what Mike said on behalf of the AS, appreciate hearing them.

**Brad Pettinger** [00:01:56] Ryan.

**Ryan Wulff** [00:01:56] Yeah thank you Mr. Vice Chair. Thanks, Corey, for the question. Yeah, he raised good points. Again, like I noted, I really appreciate the additional comments. I think the U.S. delegation as well as myself share the view that this year is probably more of a challenge, and it may actually hurt us rather than help us to try and push something forward. Plus, you can see the list of kind of additional things that we want to explore, dive into get more information on. We share some of the same concerns raised by the AS. So, we've already started to have some discussions on potentially coming up with language, coming up with what might eventually morph into a proposal. We plan to do that, you know as soon as between already, you know this year, over the next coming months. I do think a timeline of preparing a proposal for the 2022 bolt to the working group, northern committee and then to the IATTC is very reasonable. I'm still optimistic we will get management measures in place that are multi-year. There's general consensus for a three-year measure on tropical tunas, which also lines up with their assessments, so I think that will happen once tropical tunas are in a multi-year measure that significantly frees up the commission for consideration of a wide range of other proposals. So that is, I think that timeline and the U.S., I think, is a very strong position to kind of lead that charge and, of course, after all these discussions with our stakeholders and present those proposals in the next meeting cycle next year, and I think that's what we would target.

**Brad Pettinger** [00:03:53] Thank you Ryan. Anyone else? Christa Svensson. Christa.

**Christa Svensson** [00:04:00] Yeah thank you Vice Chair. I want to express support for what Ryan just said. I am also very appreciative of the work that's been done just around HMS fisheries in general in both forums. And I am appreciative and in favor of the recommendations that have come out in the different reports, but I do think and normally feel like I'm the one really championing to let's talk about albacore, North Pacific albacore, but I do think for 2021 we really should focus and prioritize around tropical tunas and bluefin just because those are pressing and 2022 in terms of getting our harvest control rules, et cetera, strategies lined out, I think will be timely but take some of the pressure off on things that are really critical at this moment in time.

**Brad Pettinger** [00:05:02] Thank you Christa. Anyone else? Corey.

**Corey Niles** [00:05:13] Thanks Mr. Vice Chair. Yeah, just acknowledge thanks for the response Ryan,



and, yes, thanks Christa. I think that does make a lot of sense in looking forward to more on albacore. I appreciate both responses and perspectives.

**Brad Pettinger** [00:05:30] Okay. Thanks Corey. Louis Zimm. Louis.

**Louis Zimm** [00:05:34] Thank you Mr. Vice Chair. Do you pick me up, over?

**Brad Pettinger** [00:05:38] Yeah, we gotcha.

**Louis Zimm** [00:05:40] Okay fine, I just had to change microphones. I particularly want to bring up the discussion about FAD's, and this has been an ongoing problem for a number of years and has been a concern of our San Diego CPF fleet which depends on... on yellowfin tuna showing up and though they won't admit it, are pleased when skipjack do show up, at least the recreational smaller boats. And so, I don't know if you want to make a statement encouraging some action on FAD's, but this is something we need to keep an eye on. It's very important and we talk a lot about bycatch. The bycatch around FAD's is really a problem also, so thank you for that.

**Brad Pettinger** [00:06:34] Yeah thank you Louis. Anyone else? Okay Kit, I'll turn to you to give a... kind of see where we're at here.

**Kit Dahl** [00:06:55] Thank you Mr. Vice Chair. Well, I think, you know there's been a little bit of discussion here and exchange with Mr. Wulff, which I think communicates the Council's interests and concerns relative to U.S. positions moving forward on some of these issues, and I think there is a good summary provided by Miss Svensson and no objections there in terms of a focus for this year and looking towards next year as far as albacore and development of harvest control rules so... and then of course, Mr. Zimm's statement reiterating the importance of getting a handle on the FAD's used in the tropical purse seine fishery and the relevance to the fleet in Southern California and the recreational fleet in Southern California, so I'm sure that Mr. Wulff has taken that on board and will consider that and communicate that when developing positions for the upcoming RFMO meetings. So, with that, I think unless there's any more discussion, we're done here.

**Brad Pettinger** [00:08:24] Thanks Kit. I just look to the Council and see if anybody else has anything to add to that... and seeing none I think we'll head off to F.3.

### 3. Exempted Fishing Permits

**Brad Pettinger** [00:00:00] That concludes public comment and that will take us to Council discussion for Council action, and I'd open the floor for that discussion. John.

**John Ugoretz** [00:00:19] Thanks Mr. Vice Chair. Essentially, we have sort of four flavors of EFP request's here. We've got our usual deep-set buoy gear standard and linked request. We've got two requests and a public comment that relate to various versions of line gear inside the EEZ with varying levels of detail available. We've got Mr. Perez's request that he just spoke to the fish inside state waters, and I'm blanking on the fourth one right now, but regardless, I think the team has provided us some good input. I have concerns about some of the details in some of the non-deep-set buoy gear EFP's that I'd like to hear from some other Council members about, in particular the specificity for the we'll call it snap gear and short line EFP's. And I've got some limited concerns about Mr. Perez's EFP to fish inside state waters. I'm more comfortable with it around the Channel Islands, where we've allowed drift gillnet historically. Along the mainland coast I've got some concerns, both in terms of interactions with other state-managed fisheries and interactions with other user groups, including non-consumptive boaters and commercial boating, but that said, I think given the two-meeting process, I think we could flesh out some of those details. So, I think I'll leave it at that for now and maybe hear from some other folks.

**Brad Pettinger** [00:02:15] Thank you John. Louis Zimm. Louis.

**Louis Zimm** [00:02:20] Thank you Mr. Vice Chair, and thank you for that John. Take note everybody that I'm in complete agreement with John on his last statement. I need to have a lot more information about the non-deep-set buoy gear proposals, whatever you want to call them, snap gear or short line. I also have a real concern about coastal use. The areas that I can think of that are inside three miles would be Hueneme Canyon, Point Dume, Laguna Beach and possibly La Jolla Canyon, and those are all areas of compaction of effort of other fisheries. As John pointed out, presently the gillnet fishery is allowed from one to three miles around the islands and that was made, that law or rule was made with a lot of thought, and I think we can honor that. So, I am also in favor of allowing gear between one to three miles off islands, but not along the coast. Thank you.

**Brad Pettinger** [00:03:51] Thanks Louis. Christa.

**Christa Svensson** [00:03:55] Anyhow thank you Vice Chair. I'm in favor of continuing the discussion on the other three. I mean, I do think we have different categories and for the seven that are continuations on, I don't have any issues with those. For the three that are different, I take it as an encouraging sign. I don't think that we should be looking at only one gear type. I guess I think about it a bit like vaccines, right? One size doesn't necessarily fit all. I'm glad there are choices out there, but I still want the science behind them so that I know what choice that I'm making and that it's been properly vetted. And so that was the challenging part in looking at those three EFP's, well two of them in particular, because I just feel like I don't have enough information. So, I'm very interested in having them come back to us with much more specificity, there we go if I can say it properly, because I do think that that will help us make better choices and really give us a future where we have a pipeline of environmentally sustainable options for harvesting swordfish off of our coasts.

**Brad Pettinger** [00:05:24] Thanks Christa. Marc.

**Marc Gorelnik** [00:05:25] Yeah, I just simply want to add my name to in support of the observations that John Ugoretz made and to support the recommendations of the management team. I know that Dr. Hall's EFP was somewhat controversial, but I supported it because I agreed with the need to use EFP's to explore other gear or related gear. I'm very disappointed that notwithstanding the effort that the

Council and NMFS went through to get that EFP approved, that Dr. Hall could not avail himself of a boat to make that happen. Nevertheless, I would support an extension of the EFP, but I do think that going from zero to five or six boats is probably a bit aggressive for a gear that is, differs in some material ways from the familiar deep-set buoy gear, so I would not support such a broad expansion all of the sudden. You know this is a EFP and so we should be walking before we run.

**Brad Pettinger** [00:06:54] Thanks Marc. Bob.

**Bob Dooley** [00:06:55] Yes, thank you Mr. Vice Chair. I just have a couple comments that of where it has been based on my experience and I have to admit, I have no experience in this HMS fisheries particularly, but just in general fishing. I appreciated Mr. Bateman's comment about a thousand miles of coastline and one vessel out there trying to find fish and the hunt-and-peck method of looking around and the results from that method as opposed to what would be the result of a real fishery. And I can appreciate the thought of having more than one vessel doing this to more, to assimilate what would happen in an actual fishery and get results and data that can inform us whether this is a good fishery or not so, and if it can perform. So, I do take that, and I just wanted to bring that comment up. I know I've spent my lifetime fishing many, many years on the water and a lot of days looking around for a fish through, you know, hundreds if not thousands of miles of coastline to look for fish and test tows and things like that in my fishery that I... at the time that, you know, was not representative of an active fishery with many vessels and a lot of communication. So, I think that that, maybe thinking about that. The other comment I had was the EC comments had a common theme here about marking considerations in proximity to traffic lanes, and I know earlier we heard in the meeting the Coast Guard talking about AIS markings and a determination of whether they can be used or not, and that's pending, and my knowledge on that is that they're talking about drifting away to a different FCC channel that would be specific to that, so you wouldn't see it on your normal AIS, you'd have to have some other device. My comment would be I think it's, you know if we're trying to get ships in the modern day and fishermen that use AIS regularly to be notified that there's gear in proximity, particularly at night, that the AIS gives them a lot of notice and gives them data where this gear is, so that might be something that our groups, advisory groups and industry approach, you know addresses, because I think there is a lot of utility in AIS markings on this gear. There are some people that do use that. If you look at your marine traffic app on your phone there's certain places on the coast where you could actually see the gear that they're using and you can see the vessel, and I know that's really both from a safety point of view and, you know, an interaction point of view would be very helpful. So, I just I hope someone considers that as well. So, I'll stop there. Thank you for.....

**Brad Pettinger** [00:10:14] Thanks Bob. John.

**John Ugoretz** [00:10:14] Thanks. I think with regard to the number of vessels, in 2020 hindsight I think we made an error in the number of deep-set buoy gear EFP's that we approved. Essentially establishing a fishery before the fishery was approved, and I think our zeal to collect data for deep-set buoy gear was perhaps a little too rigorous. Moving forward, I agree a hundred percent that we should walk before we run. I think that one or two vessels conducting effort under an EFP provides the initial data, especially if it's a gear type that we're concerned may not perform the same way as deep-set buoy gear would or other gears would. So that's how I'm sort of thinking of this moving forward and not making a decision about which we might approve or disapprove before we have all of the information. The other thing I want to point out is, you know, some of the applicants are approaching EFP's essentially as they would approach a fishery as a way to make money, and that's not what EFP's are for. EFP's may lead to a gear type that gets approved that is profitable, but the point of the EFP is to test out changes that would enhance the fishery in some manner, be it in reducing bycatch or improving performance and, you know sort of to that end, I think we need to be very cognizant of what the goal of the EFP is, what data are being collected, and importantly, what level of observer coverage we're approving, and I

think for pretty much all of these EFP's that I'm seeing, we would want a hundred percent observer coverage for the non-buoy gear ones where we've already got our established goals for observer coverage on those. Thanks.

**Brad Pettinger** [00:12:38] Thanks John. Louis.

**Louis Zimm** [00:12:39] Thank you Mr. Vice Chair, and once again here I am agreeing with John on the hundred percent observer level. I have some reservations however in the proposal that fishing boats go out to do EFP's for the general good and want to sacrifice any possibility for profit, I think if that was the case you wouldn't see it done. It's possible these people are running on the edge as it is right now. We're not talking about large fleets with big corporations that have deep pocketbooks, but notwithstanding that, the other thing to consider is safety at sea. I spent 24 years at sea in a research ship far, far away from the shore, far away from shipping lanes and I always had that thought in my mind what if something went wrong? When I was in the fishing fleet, I was always within, say 20 miles or 30 miles of other fleet vessels and felt much, much safer for it. So, this is something to consider. Sending somebody in one vessel out by themselves not in a fleet is a safety at sea problem and so I think consideration of at least two vessels that can shepherd each other. And then also the thing I learned when I was albacore fishing was you always wanted to go out and take a flier, which means that you lead the fleet to go out and try to find something that very rarely did that work. We wound up with a motto saying, don't leave fish to find fish, which speaks to the fact that it takes a fleet or at least a few boats to find fish. Another illustration of this is many years ago we hired a commercial albacore boat to go out and find the fish for us so we could jump on them in the commercial fleet, and he went out there by himself. They didn't find him, and it didn't work, and we never did that again. So, these are things to consider. Thank you.

**Brad Pettinger** [00:15:01] Thanks Louis. Anyone else? Lyle.

**Lyle Enriquez** [00:15:08] Thank you Vice Chair. I know I've heard a lot, a few comments mentioned that they support some of these recommendations in the management team report, and I do understand the desire to come back at a second meeting for a handful of these EFP's. I just want to clarify and confirm the stance regarding the standard and linked deep-set buoy gears we already have, that there is support for renewing the existing ones for 2022-2023. And that also includes issuing new EFP's for the people who submitted applications for those gears at this meeting because that is something NMFS could go back and start work on. It's the existing vessels and the new vessels.

**Brad Pettinger** [00:15:52] Thanks Lyle. Pete.

**Pete Hassemer** [00:15:59] Thanks Mr. Vice Chair and I don't have anything related to Lyle's question, I just have something, maybe it's better later before we close out on the data collection and management so I would stand down for now. There's more discussion on review of permits.

**Brad Pettinger** [00:16:21] Okay. John.

**John Ugoretz** [00:16:26] Thanks Mr. Vice Chair, and thanks, Lyle, for bringing that up. I certainly support renewing permits that have already been issued and continuing to issue permits that are on track for issuance. I think the Council has previously provided NMFS guidance on renewing permits and I think NMFS has undertaken that guidance, for example, if somebody doesn't fish the EPP it doesn't automatically get renewed, and I would like to recommend that that process be continued.

**Brad Pettinger** [00:17:05] Thanks John. Lyle, you still have your hand up?

**Lyle Enriquez** [00:17:05] Nope. Thank you.

**Brad Pettinger** [00:17:05] Further comments? Okay. Lyle, I have a question for you on the, what is it, it's the NMFS Report 1. It talks about on page three at the bottom it talks about average swordfish catch being 1.4 fish per day, but why are those numbers up? It comes down to like 1.2. What does the 1.4 fish per day come from?

**Lyle Enriquez** [00:17:50] That would be the number of swordfish divided by the number of total days fished, and I'm not sure if I see the, I see average days fished. Okay, yeah, I see days fished. It should be total swordfish divided by a vessel day at sea.

**Brad Pettinger** [00:18:15] Yeah that's about 1.19 actually.

**Lyle Enriquez** [00:18:18] Okay, I will take a look at that.

**Brad Pettinger** [00:18:23] Okay. Peter Hassemer. Pete.

**Pete Hassemer** [00:00:00] Thanks Mr. Vice Chair. Well, maybe I'll go ahead. I hope I don't disrupt the process here, but just a comment, maybe an observation and a question or a recommendation. The comment is really to the fishers who have participated the last couple of years in their reporting, is that maybe to simply state it, these reports there's no secrets there. You know, we've talked about supporting innovation in the fishery, trying to reduce bycatch, improve performance and those reports go beyond the basic metrics that I think NMFS has in their report on number of sets, number of days fished, and the fish caught. That's good, but my observation then is that there is a lot of other information in there. A lot of it is anecdotal and, you know it's hard to judge what the value is at this time, but it could be important information when we get down the road and we're, if we're at a point to move this into regulation. You know in the report I notice, well some of them are almost written like a lab or an experiment on the water that beyond just the fishing they're talking about the innovations they're testing. When we set up this gear and authorize you could fish multiple hooks on deep-set gear, they noticed quite a number of these successful fishers were fishing only one hook, and it seemed to be more efficient at reduced tangles. Another report stated that when they got outside into the swells, it was hard to pick up the buoy gear, the buoys or the reflectors with binoculars. On radar somebody else put these little GPS monitors on them and they could track that and even detect strikes from their GPS unit there. And there's also information about what one of the things we feared was the crowding. They talk about interaction. So maybe the question, you know and again, I don't know how important it is, but to NMFS and I don't know if it's appropriate to consider asking the HMSMT, but what happens to all this other anecdotal, largely anecdotal information that could be valuable to us? It is simply rolled up into some sort of database and tracked so it would be available now. I'd hate to get down the road in a year or two and then task the HMSMT to going back and compiling it all. It seems that incrementally assimilating this would be a more efficient process, and again not knowing down the road what's useful but when we get down the road, having it at our fingertips to look at that because you know it helps, it could help us make decisions about further refining the gear definitions or that radius or diameter of a fishing area and a lot of other things. So, if it's possible, maybe the question to NMFS is, is there some tracking or compilation of the anecdotal data or are we just going to have to dig for that later on? So, apologize for the time but I did want to make that observation and comment there. Thanks.

**Brad Pettinger** [00:03:51] Yeah thanks Pete. That's really good points you brought up, so Lyle.

**Lyle Enriquez** [00:03:56] Yeah, thank you Vice Chair. Thank you Mr. Hassemer. Right now, the only thing going into a database are observer records, landing records and logbook data. That's the information that we're using to pull for all of our analyses, and right now this anecdotal data that these

fishermen are submitting is a part of their annual reports to the Council. Those do, you know they exist in emails and Google drives and probably the easiest place to find them is the, this annual report that we put together on the Council website, but I don't think it would be too hard for NMFS to create a folder somewhere where we're keeping all of these all at once and make that accessible to management team members too, so I will look into that, making it remain current and accessible for future discussion and maybe decision making. Thank you.

**Pete Hassemer** [00:04:51] Thank you.

**Brad Pettinger** [00:04:52] Okay. John.

**John Ugoretz** [00:04:58] Thanks Mr. Vice Chair. I do have a motion to get us through this if we're ready for that.

**Brad Pettinger** [00:05:08] I'm ready. I don't see anybody saying no, so please.

**John Ugoretz** [00:05:15] Sandra if you could pull that up. Thank you. I move that the Council 1: Move the following deep-set buoy gear DSB GEFP request to the National Marine Fisheries Service for issuance. Attachment 1: Robert Ashe. Attachment 3: Austin Brown. Attachment 5: Miguel Ferre. Attachment 6: Scott and Wyatt Hawkins. Attachment 7: Blake Hermann. Attachment 8: Marcus Medek, Brian Sims and Daniel Fuller. Attachment 10: Matthew Rimal. 2: approve the following EFP request for final consideration at the September Council meeting and request that the applicants further clarify the specifics of their request in writing: Attachment 2: John Bateman. Attachment 4: Austin Brown. 3: Approve Mr. Nathan Perez's EFP request to fish deep-set buoy gear and night-set buoy gear inside California State waters, (Attachment 9) requiring one hundred percent monitoring for any approved effort in state waters for final consideration at the September Council meeting. And 4: Recommend that National Marine Fisheries Service not extend the deep-set short line EFP issued to Mr. John Hall, set to expire December 31, 2021, as requested in his public comment.

**Brad Pettinger** [00:06:43] Okay. I see Chuck you have your hand up?

**Chuck Tracy** [00:06:52] Yes Mr. Vice Chair. Just a question of clarification for Mr. Ugoretz on number 4. I guess when I read through all public comment I thought that he was requesting an extension on another vessel or to allow for another vessel. Did I have that wrong?

**John Ugoretz** [00:07:22] Through the Vice Chair. No, you don't have that wrong. I'm recommending that they not do that.

**Chuck Tracy** [00:07:31] But the phrase as requested in his public comment. Oh, okay I see, so....

**John Ugoretz** [00:07:41] He requested it in public comment. I'm requesting that they not extend it.

**Chuck Tracy** [00:07:46] Okay, not, okay I understand. Just a confusion in my reading of the phrase there. Thanks.

**Brad Pettinger** [00:07:55] Okay. John, does the language on the screen accurately reflect your motion?

**John Ugoretz** [00:08:02] It does.

**Brad Pettinger** [00:08:03] Okay. Looking for a second? Marc Gorelnik. Thank you Marc. John, speak to your motion?

**John Ugoretz** [00:08:10] Yeah, thank you Mr. Vice Chair. I think item number 1 speaks for itself. I think the team has reviewed the deep-set buoy gear EFP's and their recommendation is reasonable. We've previously stated that deep-set buoy gear can be approved to move to NMFS on a one meeting process. For number 2, I think there is more information and detail definitely needed for the Bateman and Brown request. However, based on the discussions at this meeting and recommendations to the team and advisory subpanel, I'm certainly willing to hear what they have to say, clarify some of those things. Hopefully, those requests will come back in writing much more similar to the previously approved John Hall request and could provide some good information. And similarly for Mr. Perez's request, I think a little bit more discussion and consideration is needed. The State has previously, the State of California has previously been opposed to deep-set buoy gear fishing inside state waters. As I mentioned earlier, I think around the Channel Islands where drift gillnet has and currently fishes is something we can certainly consider. I think the other areas might require some more discussion, but between now and September I can have those discussion with other fisheries managers in the State and make some more informed decisions on that. And then the final one, number 4, that we were just speaking about. Mr. Hall has not fished this EFP, nor has he been able to come up with a boat to fish it, and as we discussed in a few moments ago, I think that we don't want to approve a large number of EFP's for this sort of gear type before we have significantly more information about the first EFP. I think that the Bateman and Brown request could potentially provide that information while Mr. Hall, unfortunately, has not been able to do so. I'm happy to have Mr. Hall come back and submit a new EFP at the time that he has a vessel available to use to fish it, but at this time I don't see a reason to extend it in order to allow for the room for the others. Thank you.

**Brad Pettinger** [00:10:54] Thank you John. Discussion on the motion? Louis.

**Louis Zimm** [00:11:05] Thank you Mr. Vice Chair and thank you, John, for the motion. I will be supporting this motion. I think it's well thought out. I'm very sad about the situation with Dr. Hall. I had discussed his EFP in the hall with Dr. Hall, that's terrible but, and I'm very sad that it hasn't worked out, but the point is it would be giving a better chance for Mr. Bateman as Mr. Brown's EFP's to go get through the hoops. It's a good one and so I will be supporting this motion.

**Brad Pettinger** [00:11:49] Thanks Louis. Caren.

**Caren Braby** [00:11:54] Thank you Mr. Vice Chair. I also wanted to extend support for this motion and I appreciate all of the comments and the discussion that really have pointed out our intent around the current EFP process of wanting to encourage innovation, encourage participation and development of data sets that help us with management, and I think this has a mix of approaches that will help us meet that end and also kind of moves things along where needed and appropriate but has that kind of pause to reevaluate, bring more information to the table for others, and I think that's essential. I also regret that some EFP participants have not been able to use their permits, but that's part of the intent of having a quick consideration process for deep-set buoy gear and for HMS EFP's, and so encourage folks who have lost an EFP to come back to us when they're ready. So, I appreciate that. I appreciate the motion and I intend to support it.

**Brad Pettinger** [00:13:13] Thanks Caren. Bob.

**Bob Dooley** [00:13:13] Yes, thank you Mr. Vice Chair. I, too, support the motion. I'm really disappointed in the fact that we're leaving the John Hall EFP out. I know he was very convincing to me when he had the original proposal and made his plea on the floor. He seemed to be just a really experienced person at this. Unfortunate that he could not, you know, get it done with a boat. It would seem to me there would be a better tack to maybe make that a condition that he has to have a boat. You know reflecting on the, on Mr. Bateman's comments that, you know, that of the thousand miles of

coastline, I think we do need to get information on this gear type and they're all similar and I think it would be important to maybe find a way to keep that included. I think that we're going to get more information out of those, particularly if we're going to limit the Bateman proposal to just one or two boats. I think there is room to do this, and I really would value his participation in this. So, I think that those are my comments, but I will be supporting the motion, but I wish we could think outside the box a bit to get Mr. Hall included.

**Brad Pettinger** [00:14:48] Thanks Bob. Caren your hand's still up?

**Caren Braby** [00:14:49] Apologies.

**Brad Pettinger** [00:14:56] No problem. Okay anyone else? All right well we'll call for the vote. All those in favor signify by saying 'aye'.

**Council** [00:15:07] Aye.

**Brad Pettinger** [00:15:08] Opposed? Abstentions? Motion passes unanimously. Okay, well I hope that this, these EFP's are fruitful. I don't want .2 fish a day or 1.4 or whatever it is, it's not enough to make it work for the fleet in general but anyway it's a lot of good stuff going on here so let's hope it pays off. And with that, I'll look to you Kit for where we're at on F.3?

**Kit Dahl** [00:15:39] Thank you Mr. Vice Chair. Well with that motion I believe you have completed your business approving for issuance the 7 deep-set buoy gear applications and asking the other 3 proposals, you know sort of preliminary support, but a desire to have those come back in September with the applicants providing a bit more information and opportunity for some consultations around those proposals. I guess the one thing I just would seek clarification on is, as noted in the NMFS report, in Council endorsement of reissuance of the extant deep-set buoy gear applications, or EFP's and Mr. Ugoretz did say that, I think pretty much in discussion endorsed that the Council endorses the reissuance of EFP's while noting that it has been the Council's policy or position not to reissue EFP's if the recipient didn't fish under the EFP. So, I just wanted to make sure that that is a correct interpretation of the Council's recommendation or position with regard to those extant deep-set buoy gear EFP's.

**Brad Pettinger** [00:17:26] We'll go to John for that clarification. John.

**John Ugoretz** [00:17:30] Thanks Mr. Vice Chair, and thanks, Kit, yes, for the question. I think you've characterized what I recommended and maybe we could look to nods around the table to see if that's the Council's intent to just continue with our current recommendation to NMFS on reissuance.

**Brad Pettinger** [00:17:55] Okay. Very good. Well with that we'll go to F.5.



#### 4. Drift Gillnet Fishery Bycatch Performance Report

**Brad Pettinger** [00:00:00] Now that brings us to Council action, and that is to review annual estimates against performance metrics for bycatch species and with that I'll open the floor up for discussion, or not. John Ugoretz. John.

**John Ugoretz** [00:00:26] Yeah thanks Mr. Vice Chair. Just checking, can you hear me?

**Brad Pettinger** [00:00:32] We can.

**John Ugoretz** [00:00:33] Thanks. I just wanted to thank the team for their work on this, their continued work on giving us information on the bycatch within the drift gillnet fishery and how it's comparing to past years. I feel like their proposal for moving forward makes sense. I don't see any action that the Council needs to take at this time specifically and I look forward to the ongoing annual reporting from, from the team.

**Brad Pettinger** [00:01:14] Okay. Thanks John. Corey Niles. Corey.

**Corey Niles** [00:01:14] Thanks Mr. Vice Chair and, yeah, I think agreeing here with John in large part. Like you say I'll see some room for some better understanding of the approach that Steve presented to us. I understand it better, yet it sounds like they have some ideas for improvement and encourage them to look at that while letting everyone have more time to digest what it means. And going back to the exchange that Steve and I had briefly there, I would also encourage them to the, you know this is, these analyses are a lot of work but to the extent that they could include the uncertainty and the estimates in what they're working on, again, I think that is a very important part of what we do and it's communicating what we know about bycatch. Without a hundred percent observer coverage there's always going to be uncertainty in what these estimates are and what catch really was. So, yeah, echoing what John says and not seeing a need to set clear schedule timelines for now, but just general encouragement and thanks for producing the annual estimates.

**Brad Pettinger** [00:02:43] Thanks Corey. Anyone else? Okay Kit.

**Kit Dahl** [00:03:18] Thank you Mr. Vice Chair.

**Brad Pettinger** [00:03:20] Okay.

**Kit Dahl** [00:03:23] Yes, well I think that... you know... not a lot of discussion there. I will take Mr. Niles last statement. Generally, by off the Council as an endorsement of, so at the end of Dr. Stohs slide show, he noted a couple of recommendations from the team. The first of which was, you know further development of this multi-year trend approach and also he touched on this variable selection methodology and the application of that to the finfish bycatch estimation. So, I'm taking Mr. Niles comment as generally an endorsement that the team continue to work on this along those lines and then also with the addition of expressing that desire that in the future there can be some expression of what the uncertainty or confidence intervals are around the estimates. And so, with that, if my understanding is correct, I think we're done here.

**Brad Pettinger** [00:04:43] Well, seeing no hands I think that's the conclusion we have to take. So, very good.

## 5. Drift Gillnet Fishery Hard Caps

**Marc Gorelnik** [00:00:00] We're on agenda item F.5 as everyone is aware. We've had our reports and our public comment which brings us to Council action, which is there on the screen. This is a pretty weighty agenda item and I think it will be very easy for us to get wrapped around the axle. So, what I'm going to suggest is that we hold off on any motion until we've had, everyone's had an opportunity to offer their thoughts, but then move forward with a motion that will focus our discussion and action and then proceed from there, so hopefully that's okay with everyone. So, let's see who wants to get us started on this agenda item. We've been given a lot to talk about. John Ugoretz.

**John Ugoretz** [00:01:02] Thank you Mr. Chair, and I agree this is an important issue and we've got a lot of information in front of us. I will also point out that we discussed this at great length in November, which is what brought us to the motion that got us to today, and the Council has, at that time and consistently throughout the discussion of hard caps, expressed a desire to move forward with them. And while the team didn't provide what I had hoped they would, based on our direction after November, I do think we have a good starting point. I don't think we have a final range of alternatives to look at specifically. I think we need to get to that. And I do think that the team's draft purpose and need statement gets us closer to what the Council's desires are. I think I might have some thoughts of ways to further simplify what they've said, to really clarify exactly what it is we're getting at in this proposal and why we're getting at it, that address many of the things we've heard today. So, I think I'll stop there for now, but I do feel like we probably have a path forward that will require some more discussion.

**Marc Gorelnik** [00:02:41] All right, thank you John. Further discussion? Louis Zimm.

**Louis Zimm** [00:02:55] Well hello Mr. Chair, and thank you for this opportunity for me to speak on this matter. I realize that from November and from prior Council meetings that the wish of the Council is to investigate this hard caps proposal and to move along with seeing if it's something that's reasonable and fits our goals and, however, and I realize that I may not be able to convince some of you that it's perhaps not needed. I just want to reflect on my city's experience with this kind of situation. When I was in college, I was good friends with a tuna fishing family and lived with them through the dolphin, no take dolphin, no dolphin and canned fish debacle, I have to call it, and the result of that was that most of those fisheries, most of those boats moved offshore to other nations that continue to take dolphins. So, the result of that was perhaps some reduction in the take of dolphin. I'm not sure I know it's been battled out in the IATTC since and I know that Mike Thompson, the representative to IATTC, may be able to tell us more about that. However, the result was clear that the American tuna fisherman was in trouble, and it was only through the medical and computer fields that, and the military that San Diego was able to survive that really tough blow. So here I am looking at it again with the fishery fleet. The one fishery fleet that is able to make a real financial go of it. In the swordfish fleet we've all looked at the deep-set buoy gear work and we see that either people lose money, break even, or maybe make enough money to pay their crew to hold their crew while they pursue other fisheries later in the year. So, I think that we're looking at making this deep-set buoy gear as the main fishery of swordfishing and I think the net result is going to be that we're going to push swordfish fisheries offshore where they already are, and it will not be the response that we can have to reduce take of marine mammals and now I see the concern with bycatch. So even though I don't think I could be able to... to stop this train, I just want to go on record as saying that it is discouraging. At the same time that we have this going on we have just received moderate assessment on quillback of 18 percent, I believe it was, and copper and the result of that will be the closure of our nearshore fisheries, our small boat fisheries on the California coast and most likely the Oregon coast. So, there's another knife in the heart of the local fishermen. I just want you to realize that you need to really take this. This is a very weighty decision you're making here and what I am going to try to do is perhaps amend the motion so that is not quite as onerous. That's what I have to say. Thank you.

**Marc Gorelnik** [00:07:28] All right thank you Louis. John Ugoretz.

**John Ugoretz** [00:07:36] Thanks Mr. Chair. Louis, I'm a little confused as to what motion it is you're amending. I haven't seen one raised yet and I'm curious. My recollection is that when the Council tasked the team to look at this in November we voted unanimously to do so. So, I'm wondering maybe you could explain further what's changed in your mind about hard caps, specifically for the gillnet fishery, because it was my understanding that that was something we were all in agreement about.

**Louis Zimm** [00:08:17] Through the Chair. Thank you very much John. I really appreciate that. Of course, there is no motion up yet. I can only presume that the motion would be to task the team with coming up with alternatives, and since November there's been quite a lot of action. We've had Gary Burke's legal opinion, which I thought was very interesting. We've had the Marine Mammal Commission weigh in on this and bring to light some thoughts that I had not had before. So those things, in addition to the fact that we have a very small fleet left, and in addition, the assessments which I know groundfish assessment should not affect highly migratory, but I'm very worried about the state of the California fishery. So, you see these are things that come into my mind. Thank you.

**Marc Gorelnik** [00:09:23] Okay further discussion? Louis, you have your hand up. Okay. Further discussion? I really don't want to prematurely move to a motion, but we will. Phil Anderson.

**Phil Anderson** [00:09:43] Thanks Mr. Chairman. I don't have a lot to add at this point. I have been a part of the process in terms of considering and having been a part of the action that was taken by the Council on hard caps previously. I continue to support moving forward with having them be a part of the fishery. I think it's going to be important for us in developing our range of alternatives to address the economic concerns that were raised, or economic consequences and the concerns with those that were raised, and I am prepared to do that when the time comes. I appreciate the work that the team did in the draft revised purpose and need statement. I also appreciate the thought that Oceana put into their purpose and need statement, and I found that it hit the target that I think I have generally had in mind and it was, it's simple but direct, so in looking at those two different versions, the Oceana one would be my preference or something close to it. And you know where we go from here is, in terms of what our range of alternatives and what our ultimate decision is yet is, you know, yet to be decided and the analysis of the alternatives that we adopt to put forward when we do that is going to inform us all on what the final decision is. But I think the policy, the general policy that the Council was expressing at the time it took its action to include hard caps for this fishery to be conservative, to look for ways to minimize bycatch of the nation's marine resources was well thought out, well founded. I found the presentation from the Marine Mammal Commission informative, but it did not trump what I think the Council was... was trying to do when they adopted hard caps and nor do I think that the commission's perspective is one that I would substitute for the Council's policy on this issue that it's expressed in the past. Thanks very much.

**Marc Gorelnik** [00:13:25] Thank you Phil. Caren Braby followed by Christa Svensson.

**Caren Braby** [00:13:32] Thank you Mr. Chair. Good discussion and I just wanted to add a couple of comments to reinforce, I think, some of the comments that have already been made. As one of the Council members who was part of the hard caps decision making six years ago now, you know I remember very clearly that this was a decision that was made by the Council in lieu of specific action to close the fishery, to transition the fishery, and it was done with the encouragement of the fleet that they could perform, that they could do this fishery even with restrictive hard caps in place, and wanted the opportunity to show us, to show us that, to show the public that this could be a viable fishery, even with very conservative hard caps and I still believe in that choice that the Council made six years ago to provide that opportunity and continue to manage the fishery. I think the discussion today really has

clarified again in discussion that the choice by the Council six years ago was about incentivization under MSA to reduce bycatch. It was not biological management under an MMPA in trying to address PBR concerns or ZMRG concerns, and so this is something that is not only within the Council's purview, but it's the Council's responsibility, and so I feel strongly that this is part of what we are established to do under the MSA. And so, I understand that there was some clarity needed in terms of what that intent was. I think our discussion today has further clarified that action or that intent and it's really about incentivization. It's about making sure that the fishery is perceived as being able to conduct this fishery with minimization of bycatch, even with very high standards under conservative hard caps. And so, if we can find the right combination of factors to put together to shape the fishery so that it can be prosecuted, it can be held accountable if there is bycatch and continue. That's a good path forward. So, I, there are concerns on all sides on this one and I want us to find a path forward that's viable and really speaks to our management responsibilities under MSA, and I think we have the information to do that. Thanks.

**Marc Gorelnik** [00:17:24] Thank you Caren. Christa Svensson.

**Christa Svensson** [00:17:26] Yeah, thank you Chair Gorelnik. I wanted to comment a bit about... hey... a hundred percent in terms of wanting to talk about management of the fishery and drift gillnet hard caps doesn't necessarily mean that it was a hundred percent unanimous in terms of having hard caps, and I think, you know Louis articulated that today. I am not necessarily a hundred percent hard over that we must have hard caps. I think we heard some very interesting testimony today on that, but I do think that we need management. I think that hard caps, if we put them on marine mammals, has some very interesting implications in terms of imports for the list of foreign fisheries. I realize in asking Mr. Rudie today about importing drift gillnet fish, there may not be much that is coming into the United States, but if we did have hard caps on this fishery and it stayed in existence, other fisheries if they were to import into this country would be required to meet that standard, so I do think that it's worth keeping in mind. I will have further questions, I'm sure about that in the future, and I do think that it is important for us to manage this fishery moving forward for whatever length of time that we are... are going to have it with us.

**Marc Gorelnik** [00:19:13] Thank you Christa. Corey Niles.

**Corey Niles** [00:19:18] Thanks Mr. Chair. I will be brief. I think I'm aligned with all those that spoke and just wanted to address Louis' concerns a bit and Christa just said it in terms of at this stage, and Phil said it as well, at this stage we're talking about a purpose and need and at least beginning to shape a range of alternatives. So, I think those, of those folks who have those concerns, the way it's framed up here I believe, I have faith will help address a lot of the questions folks have. And, yeah, I'll pick up on something Caren mentioned, and there's a lot of negative views about what's being considered here but I really kind of encourage people to think again about, you know, that this is something that, as Caren said, the fleet could accomplish. It looks like in our last analysis, and we still have a difference in views on how NMFS was reading the economics and how the court read the economics, but it was very improbable that the hard caps would be reached. It's not to say we can get... we can't do better now. Again, we're here trying to frame up the debate in a way that will make everyone comfortable and have the information to make an informed decision when it comes time. Yeah, just hearing Louis' concern, it's, I think it's too early to totally dismiss the need, but I hope people, as Caren said, would say if the fleet was able to comply with these, and that should be viewed, and we do think they could, that should be viewed as a conservation and management success story. So, I'm not understanding the total of the negativity. I understand the concerns and the worries and hear Louis' echoes of history of his community and worries about coming changes possibly in groundfish, so I don't want to be dismissive of those at all. I understand them but I think this analysis and the way, if you frame it up correctly, will allow for a really good deliberations here.

**Marc Gorelnik** [00:21:33] Thank you Corey. Well, I'm not seeing any other hands, so maybe if someone has a motion to help us move this forward. John Ugoretz.

**John Ugoretz** [00:21:49] Thank you Mr. Chair. Just doing a sound check, I had to change microphones.

**Marc Gorelnik** [00:21:55] It's loud and clear. The audio quality is beautiful.

**John Ugoretz** [00:21:58] Great. I do have a motion and perhaps Sandra could bring it up on the screen. Okay, I move that the Council revise its purpose and need for hard caps in the drift gillnet fishery to: The purpose is to incentivize fishing practices and tools in an effort to minimize bycatch and bycatch mortality, as well as to conserve other unmarketable non-target species, including ESA-listed species and marine mammals in the drift gillnet fishery to the extent practicable. The need is to ensure that the take and bycatch of unmarketable non-target species, including ESA-listed species and marine mammals in the drift gillnet fishery is minimized to the extent practical, and that such take and bycatch does not result in limitations on the economic viability of the West Coast swordfish fishery. 2: Direct the Highly Migratory Species Management Team to develop a final range of alternatives that meets the purpose and need while aiming to address the NMFS economic analysis results from the original proposal, and it would include a no action alternative as required by NEPA, hard caps equivalent to the original proposal, annual hard caps equivalent to the original proposal with varying closure periods, and hard caps with varying closure periods that apply to individuals and the fleet as a whole where an individual and all unobservable vessels are prohibited from fishing after the specified cap, and the full fleet is closed after the hard cap is exceeded as follows. With the species individual cap and two-year fleet wide cap listed. For Fin whale, one and two. Humpback whale, one and two. Sperm whale, one and two. Leatherback sea turtle, one and two. Loggerhead sea turtle, one and two. Olive Ridley sea turtle, one and two. Green sea turtle one and two. Short fin pilot whale, two and four, and Common bottlenose dolphin for the offshore stock, two and four.

**Marc Gorelnik** [00:24:15] Okay John. Is the language on the screen accurate and complete?

**John Ugoretz** [00:24:19] It is. Thank you.

**Marc Gorelnik** [00:24:20] All right, then I will look for a second? Seconded by Caren Braby. Please speak to your motion.

**John Ugoretz** [00:24:38] Thank you Mr. Chair. I think the Council has discussed this at length. I think that the need in the Council's view of hard caps to help incentivize behavior among fishery participants is one that has not changed. I do think that we need to consider alternatives that address the potential because, of course, our goal is for a viable fishery, which would include economic viability in the fishery. And the numbers listed in the table are those included in our final preferred alternative, but the difference being we have the individual level and the fleet wide level separated out and it gives the team the flexibility in terms of range of closure periods to help address that economic concern.

**Marc Gorelnik** [00:25:42] All right, are there questions for makers of the motion? Louis Zimm.

**Louis Zimm** [00:25:46] Mr. Chair, would this be time for me to suggest a very small amendment?

**Marc Gorelnik** [00:25:56] Well, I'd have to turn to the parliamentarian. I don't know that there's a restriction on that, but maybe we could start by your asking a question about why the motion is drafted in a certain way and that may introduce the need for an amendment?

**Louis Zimm** [00:26:19] Well that's excellent. Thank you Mr. Chair for your counsel. The only thing

that I am a little bit worried about here, besides the whole general thrust of this is on D, and let me bring it up again and so I can read it, where it says hard caps with various, varying closure periods that apply to individuals and the fleet as a whole where individual and all observable vessels are prohibited from fishing at the specified cap and the full fleet is closed after the hard cap is exceeded. Is there any way that we can soften this and put in an 'or' here somewhere to give us a little bit more flexibility so we can examine this more in September on this one... 2.D?

**Marc Gorelnik** [00:27:22] So I interpret that as a question for the maker of the motion.

**Louis Zimm** [00:27:33] That's correct.

**John Ugoretz** [00:27:37] Thank you Mr. Chair, if I may. I'm not sure I understand the question. The intent of that alternative is to provide something where first individuals are closed as they hit an individual cap and the fleet does not close until the full cap is met or exceeded. So, I guess I'm not understanding what the change would be.

**Louis Zimm** [00:28:11] Well thank you. So, I see more than that. I see individual and all unobservable vessels are prohibited from fishing. So that's another wrinkle. It looks like....I agree with holding an individual responsible, but I'm a little hesitant to hold other vessels that are not responsible for the take or the full fleet responsible for the actions of an individual. The illustration of this was the sperm whale take. I've been told and maybe the rest of you have been told that apparently these whales were sighted in an area and the fleet left except for one individual and he's a pretty good whale fisherman and he caught both of them and it seemed to me that he should have been penalized. What happened was probably rational, is that we said there will be no fishing beyond the 2,000 fathom line and that seemed to work. So, you see my point there?

**Marc Gorelnik** [00:00:00] John.

**John Ugoretz** [00:00:03] Yeah thanks Mr. Chair. No, Mr. Zimm I do not see your point. The whole point of this is to do exactly what you're saying, is to hold an individual responsible for their take before holding the whole fleet responsible for hitting a cap. It's a significant change from what the Council originally proposed, which always held the entire fleet responsible. So, the case that you point to, unfortunately as two were caught that would be the fleet wide cap, but if one was caught, the individual would be held responsible, and the fleet would not.

**Louis Zimm** [00:00:43] Through the Chair.

**Marc Gorelnik** [00:00:45] Go ahead Louis.

**Louis Zimm** [00:00:45] Yeah, thank you for that clarification. I'm glad we have that in the record, and it helps me understand it more. Then it does point me, however, to then the lists of individual caps and 2-year fleet wide caps and I know many people who spoke to not wanting to change those, that list. However, I might want to see some flexibility for various species, sperm whale which goes in groups versus, well here we go, a humpback whale, which goes in groups. So, I'm just trying to work this out in my mind. I appreciate your help. Thank you.

**Marc Gorelnik** [00:01:35] Let's see if there are any further questions of the maker of the motion? Phil.

**Phil Anderson** [00:01:41] Yeah, thanks Mr. Chairman and thanks John for the motion. I appreciate it. My question was under the need part of the motion and in particular the last phrase where it says 'and that such take and bycatch does not result in limitations on the economic viability of the West Coast

swordfish fishery', and I'm trying to understand if we have caps in place and whether it's the example that was just used under 2.D, it seems like it's going to be the potential of economic consequences if the fleet or an individual, depending on what alternative we ended up choosing, and that's the individual cap or the fleet wide cap and so it seems inescapable to me in some cases that there wouldn't be harm to the economic viability of the fleet if one or more of either the individual or fleet wide caps were met? So, I'm just trying to understand how that works?

**Marc Gorelnik** [00:03:17] John.

**John Ugoretz** [00:03:19] Thank you Mr. Chair, and thanks for the question Phil. Well, I think first, that's exactly the analysis that we would have to have from a final range of alternatives as to what the economic impacts are and does this range change the analysis that was done on our original hard cap proposal. In terms of the theory behind it, it seems that maybe if I'm understanding correctly, you're considering economic impact the same as economic viability, and the reason for that statement in the need is that if marine mammal or other protected species bycatch continues at high rates, the fishery would be closed and closed frequently and it would no longer be viable, and that is exactly why the Council wants to incentivize behaviors and tools that help limit that.

**Phil Anderson** [00:04:22] Okay, I appreciate that clarification, John. Thanks.

**Marc Gorelnik** [00:04:32] All right, if there are no further questions to the maker, we can have discussion on the motion or amendments. Bob Dooley.

**Bob Dooley** [00:04:47] Yes, thank you Mr. Chairman, and thanks John for the motion. I have a lot of the same concerns that Louis and others have raised and extreme concern with this fishery to tell you the truth. I think it looks like they're going in the right trajectory and paying for the sins of their fathers or something, you know, so that's just a comment, but the question is, you know it seems like this is a, we need a range of alternatives here and the only alternative I see is, is really the no action because the hard caps are specified and you're talking about just the closure periods and things like that. Don't see anything about area closures. That might be another part of it that could be done, and it seems like we're almost into a final alternative here, particularly when we have the list of species and caps that are specified, especially under one, there's not much on what you can do with one, that's kind of an off and on switch. So, it would seem like there might be a better, better way to think about this going forward. I'm just... I'm real uncomfortable with that, just having the cap. So, is there any room for doing, to leaving those caps maybe a little more unspecified or more room in them to have some analysis to show us what's going on? I hope I'm stating that right. So that's the question.

**Marc Gorelnik** [00:06:22] John.

**John Ugoretz** [00:06:24] Yeah thanks Mr. Chair, and I feel like it's deja vu here from November. I'd love it if people went back and looked at that meeting record where these same questions were asked. In my perspective, the goal that we set out in November was to address the economic concerns that NOAA had raised with our original proposal and to do so without changing the species that had been deliberated and debated for many years before we came to a decision on what to do. So no, I personally don't think we need to continue to discuss something that has been extremely well vetted in the public, and I would prefer to move forward with responding to an economic analysis that led to a Council decision not being implemented.

**Marc Gorelnik** [00:07:31] Further discussion? Corey Niles.

**Corey Niles** [00:07:35] Yeah, thanks Mr. Chair, and just needed clarification to John on Bob's concern.

But what you have there as in the phrase 'varying enclosure periods', what you're doing is setting up an analysis of periods of different, like you said, duration and maybe, I don't know if it could be area in that wording, but the idea, as you said, is to look at the economic considerations among other things, varying looking at different alternative closure periods, which in my mind gets to Bob's question about, you know considering different, you know, different time area closures while, in order to compare those economic consequences. And that's just my meaning, my understanding of the meaning varying, you're looking for variation for alternatives.

**Marc Gorelnik** [00:08:41] John, do you want to clarify that?

**John Ugoretz** [00:08:44] Thank you Mr. Chair. And yes, I was hoping for varying closure periods, not closure areas. Frankly, I wish that the team had taken our direction more specifically and given us more to chew on today so that we could actually have a better discussion of a range of alternatives, but given that, given what I read in the team's report, given what I know about the analyzes, this is the range that I was able to come up with.

**Marc Gorelnik** [00:09:23] Christa.

**Christa Svensson** [00:09:24] Yes, thank you. I, you know, I do fall in I think a bit more with Bob in terms of range of alternatives, and I think the part that I'm struggling with is that these really apply both to individuals and fleets. I did like in the management team and it's point three on adjusting how current caps are administered. I liked that they looked at individual hard caps, individual and fleet hard caps and specifically just fleet hard caps. So, I would be more comfortable if there was at least that alternative where it was not always on the individual, but also on just the fleet. And I don't see that in this particular range of alternatives that you're proposing. So, hoping you can speak to that and why that was excluded.

**Marc Gorelnik** [00:10:26] John.

**John Ugoretz** [00:10:29] So the fleet, the fleet is included in what our original proposal was, which was the fleet being shut. This is an attempt to provide an alternative to that that starts with an individual and ends with the fleet.

**Marc Gorelnik** [00:10:48] Christa.

**Christa Svensson** [00:10:50] Sorry, my hand's just not lowered yet, but I'll get there. Thank you.

**Marc Gorelnik** [00:10:55] These are all really good questions, but if folks are dissatisfied with the motion before us, they're free to offer amendments if they want to add something to the motion. Ryan Wulff.

**Ryan Wulff** [00:11:10] Thank you Chair. Maybe just a clarifying question based on some of the discussion that happens here. I mean the way I read this, this is directing the management team to bring back a range of alternatives along these lines. Obviously, there's still some work that would need to be done on what exactly it means, with the varying enclosure periods, et cetera, and bring them back to the Council at a future meeting to adopt that final range of alternatives. Is that correct John?

**John Ugoretz** [00:11:47] Yes.

**Ryan Wulff** [00:11:49] Thank you.

**Marc Gorelnik** [00:11:53] All right further discussion on this motion? Louis Zimm.



**Louis Zimm** [00:12:02] Thank you Mr. Chair, and thank you, John, very much for doing the large part of the work on this and I really admire your ability to pull out the really important parts. And I'd like to just make one amendment, and that is for D. Strike after exceeded period, strike 'as follows' and the following table. So it would read, 'Prohibited from fishing after the specified cap and the full fleet is closed after the hard cap is exceeded'.

**Marc Gorelnik** [00:13:10] I'm not sure that I followed you, Louis. Is that you simply wanted to strike the 'as follows' language?

**Louis Zimm** [00:13:16] Oh no, no. Strike from, have a period after exceeded and strike 'as follows' colon and the table that is below it.

**Marc Gorelnik** [00:13:48] So with your amendment there would be, there would be a closure, as John has explained, but there wouldn't be a standard as in a specific metrics by species?

**Louis Zimm** [00:14:10] That would be discussed when we return back to this. I would like to have the option to discuss based on science, these individual caps and fleet wide cap. I understand that we've discussed this a lot. A lot of it was discussed before some members were not on the Council, so they were unable to put input into it. I realize we discussed this in November, however we have received several amounts of information since. So, I just want to leave flexibility. Thank you.

**Marc Gorelnik** [00:14:48] Let's get a second and then you can speak to your amendment, okay?

**Louis Zimm** [00:14:52] Oh okay. Thank you.

**Marc Gorelnik** [00:14:54] So it looks like there's a second by Virgil Moore.

**Louis Zimm** [00:15:00] Thank you Mr. Chair. May I proceed?

**Marc Gorelnik** [00:15:02] Yes, please now speak to your amendment.

**Louis Zimm** [00:15:04] Yes, thank you. I am in agreement with all the text above understanding that the Council will do their due deliverance and the team will do the due deliverance and come back sometime in the future, hopefully sooner than later, with some avenues for us to do a proper rule. I am leery of excluding completely any other possibility of different individual caps or fleetwood caps, fleet wide caps based on the different species-specific behaviors and their extent of their range in the area fished. So, I am just putting that up for a little bit more flexibility and I hope I can get some support on that. Thank you.

**Marc Gorelnik** [00:16:12] All right. Thank you very much, Louis. Are there questions for Louis on his proposed amendment? Phil Anderson. Hey Phil, you're muted.

**Phil Anderson** [00:16:25] Yeah, I know. Thanks. I apologize Mr. Chairman. I had a comment and a question for my colleague from California.

**Marc Gorelnik** [00:16:39] Go ahead.

**Phil Anderson** [00:16:39] If that's permissible.

**Marc Gorelnik** [00:16:44] Sure, sure.

**Phil Anderson** [00:16:45] Okay. Appreciate the amendment, at least for discussion. Louis, I'm hard pressed to understand two things. One is without having these caps here, I'm having a hard time understanding how we're going.....how the alternative will be analyzed and with particular focus on what is the effect of having these hard caps on individuals and or the fleet, and with the, with particular emphasis on the economic, potential economic consequence and so without these, I don't know how that can be done. I do not think that once we get the analysis, if the table remains in place as is proposed in the original motion, I don't think that precludes us from looking at the analysis that is to come and potentially changing the number, one of numbers or several of the numbers, but without those numbers being there, I just don't think the analysis is going to tell us much and that to me is a problem. So that's why I'll be opposing the amendment.

**Marc Gorelnik** [00:18:33] Thank you, Phil. Louis. Louis, you're muted.

**Louis Zimm** [00:18:42] Thank you. Thank you very much Phil for your wise counsel and for you stating on the record that we could, in fact, review these individual caps and fleet wide caps and that clarifies it for me, and I would like to withdraw the amendment.

**Marc Gorelnik** [00:19:06] Okay. Does your second, Virgil Moore, agree with withdrawal of the amendment?

**Virgil Moore** [00:19:13] I agree with withdrawal.

**Marc Gorelnik** [00:19:14] All right. So, the amendment is withdrawn. We're back to the main motion. Bob Dooley.

**Bob Dooley** [00:19:23] Thank you Mr. Chairman. I liked what Phil had said about being able to adjust these caps and in the analysis if the numbers, and I was a little concerned too with dropping the whole table because you lose the listing of those. But what I'm really concerned about here now is actually the 2.A, no the 2.B and 2.C that specifies the hard cap equivalent to the original proposal, and I guess the same thing applies there to just a question, are those hardwired either? There's no... there's no other alternative there? So, it really specifies, it links right down to the... the table and so does the next one, 'C', annual hard caps equivalent to the original proposal, which I assume is that table. And so that's the question I have. Are we hardwiring this thing to really no choice? I liked Phil's comment that this will be analyzed and could be, it could be suggestions of something else that might fit better into management of this fleet and these levels, and my real concern is the ones and the twos and how it affects everybody. They're so low that if you have one encounter, you could shut the fleet down, or two encounters. And so those are my concerns. I just, it seems like their trajectories are at a good place and we ought to have some flexibility here and I'm not seeing that. So just a question.

**Marc Gorelnik** [00:21:07] All right. Thank you for that question. I'll go to John Ugoretz and then to Phil Anderson.

**John Ugoretz** [00:21:14] Yeah. Thank you Mr. Chair. I am honestly baffled at this discussion. The Council has not selected a range of alternatives. This motion is directing the team to bring us one. The Council has not made a decision on a final range nor a final preferred. This is providing the team with direction on the scope of the range that we can then talk about with some reality in numbers and come to a decision. So, I just, I don't even understand why we're having this level of discussion at this point. With regard to the numbers, no Mr. Dooley, you cannot close the entire fleet with one catch. That is not what this says, nor is it what our original proposal said. It's two and that two was the original Council proposal voted on and adopted and moved to NMFS. The reason we are trying not to change that is the multiple years of public discussion that went into it. Thank you.

**Marc Gorelnik** [00:22:21] Phil Anderson, your hand is down now. All right. Further discussion on this motion? Okay I'm not seeing any hands, so I think it's time for a vote, so all those in favor say 'aye'.

**Council** [00:22:41] Aye.

**Marc Gorelnik** [00:22:41] Opposed, no? Abstentions? I did not hear any nos or abstentions, so the motion passes unanimously. Wait.

**Louis Zimm** [00:23:00] I'm sorry I had a hard time. I had to get away from to get to the thing. I would like to abstain. Have it recorded that I have abstained, abstained from this vote.

**Marc Gorelnik** [00:23:12] Louis Zimm abstains. So that's our vote. Wow. Thank you, John, for the motion, and for your response to each and every question that was asked. Louis, your hand is up. Please go ahead.

**Louis Zimm** [00:23:35] Yeah, I'm sorry. My hearing is probably poor. I did not hear 11 votes. I heard four. Maybe with mine five. I'm not sure what to do about this, but I know there were some specific people that I did not hear their votes. Can you illuminate me on this?

**Marc Gorelnik** [00:23:58] Well, I may go to Executive Director Tracy on this. When there are no recorded no votes do we require a roll call?

**Dave Hanson** [00:24:12] Yes.

**Marc Gorelnik** [00:24:12] Okay. So, on the advice of the parliamentarian, we will have a roll call vote.

**Chuck Tracy** [00:24:27] Okay. Thank you. Yes, a Council member can request a roll call vote. So.... I see Phil has his hand up, so shall I hold off on this?

**Marc Gorelnik** [00:24:42] Yeah, Phil, go ahead.

**Phil Anderson** [00:24:45] So I want to make sure I understand the parliamentarian's advice to us. My understanding is that if there is a request for a roll call vote, then that request shall be granted. The simple fact that there were no recorded no votes in and of itself is not the basis for a requirement of a roll call vote, so my understanding is that Mr. Zimm requested a roll-call vote and that was the basis by which Mr. Hanson gave his opinion. Do I have that correct?

**Dave Hanson** [00:25:27] Correct.

**Phil Anderson** [00:25:30] Thank you.

**Marc Gorelnik** [00:25:31] And I see Louis has his...hand is down now. All right. We can proceed.

**Chuck Tracy** [00:25:36] Okay thank you. So please state your vote as I call your name for the motion on the screen. Agenda item F.5. Butch Smith.

**Butch Smith** [00:25:56] Yes.

**Chuck Tracy** [00:25:58] Phil Anderson.

**Phil Anderson** [00:26:00] Yes.

**Chuck Tracy** [00:26:01] Virgil Moore.

**Virgil Moore** [00:26:03] Yes.

**Chuck Tracy** [00:26:05] Ryan Wulff.

**Ryan Wulff** [00:26:05] Yes.

**Chuck Tracy** [00:26:09] Brad Pettinger.

**Brad Pettinger** [00:26:10] Yes.

**Chuck Tracy** [00:26:12] Caren Braby.

**Caren Braby** [00:26:13] Yes.

**Chuck Tracy** [00:26:15] Louis Zimm.

**Louis Zimm** [00:26:17] Abstain.

**Chuck Tracy** [00:26:18] Pete Hassemer.

**Pete Hassemer** [00:26:20] Yes.

**Chuck Tracy** [00:26:21] Joe Oatman.

**Joe Oatman** [00:26:22] Yes.

**Chuck Tracy** [00:26:25] John Ugoretz.

**John Ugoretz** [00:26:27] Yes.

**Chuck Tracy** [00:26:30] Corey Niles.

**Corey Niles** [00:26:30] Yes.

**Chuck Tracy** [00:26:34] Christa Svensson.

**Christa Svensson** [00:26:36] Yes.

**Chuck Tracy** [00:26:37] Bob Dooley.

**Bob Dooley** [00:26:39] Yes.

**Chuck Tracy** [00:26:43] Mr. Chair, the vote is unanimous in favor with one abstention, Mr. Zimm.

**Marc Gorelnik** [00:26:47] All right. Thank you for that. Well, I learned something new about parliamentary procedure that I probably should have known. So that, we had to have this motion. That may or may not conclude our business on this agenda item. I'd like to see from Council members if there's further action on this agenda item? John Ugoretz.

**John Ugoretz** [00:27:18] Thanks Mr. Chair. Yes, I would just say that the one thing that we need to keep in our minds is that there will have to be a discussion under agenda and workload planning about when this will occur because it is not on the Year-at-a-Glance.

**Marc Gorelnik** [00:27:34] All right, thanks for that head's up. Anything further? Kit, how are we doing?

**Kit Dahl** [00:27:48] Excuse me. Thank you Mr. Chair. Well, I think with the adoption of that motion, your business for today is concluded. You have adopted a purpose and need statement and a, the outline, I guess you could say, of a range of alternatives with direction to the management team to further develop the specifics of the initial set of alternatives that are described in the motion and ultimately or accompanying that, some analysis of the effects that would help to inform. I hope I'm understanding this correctly that there would be an analysis that would help inform the Council adopting a final range of alternatives. So, there is, there would be some expectation of the team both developing more fully fleshed out, more specific range of alternatives and also doing some kind of preliminary analysis that would help the Council in their next decision to adopt a range of alternatives. So, I hope I've got that right and if I have, then we can proceed. We're done except as Mr. Ugoretz just mentioned, there is some business around scheduling future Council action that would come up next week on Wednesday.

**Marc Gorelnik** [00:29:35] All right, thank you Kit. Well, that concludes this agenda item.

## **G. Groundfish Management**

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

**Brad Pettinger** [00:00:00] So that takes us to Council discussions or guidance as appropriate. So, open the floor for discussion and Marci.

**Marci Yaremko** [00:00:12] Thank you Mr. Vice Chair. Thanks again to the Science Center. I think we've heard a number of supportive comments of this report and its breadth, and the work proposed, particularly with regard to how gaps in survey data will potentially influence stock assessment outcomes. I think we're all interested in seeing the results of that analysis so appreciate the offer to do it. I would just note that in our delegation discussion this morning when our GAP folks told the delegation about this presentation, they're very excited about it and how comprehensive it was and useful it was, and our GMT kind of was scratching their head saying what report? We didn't get any report? And so, I'm just, this is an issue that has come up before. I'm just encouraging us to see what we can do about either coordinating so that the GMT and GAP receive a joint report of what the Science Center is bringing to us, or that arrangements be made to accommodate a similar presentation in the GMT room. So again, this is something that's kind of been a longstanding sort of concern or issue and I just again want to express that this information is really important to all of us in the Council family and the GMT was left out this time. Thanks.

**Brad Pettinger** [00:02:03] Thank you Marci. Anyone else? Okay, well we did have some good discussion on that, and duly noted there, Marci, on your point. Todd, how are we doing here?

**Todd Phillips** [00:02:22] Yes, thank you Mr. Vice Chair. Well, I believe that you have heard from the region, the Science Center, and as well as the GAP representative on their statement. You received a very, I guess I'm double speaking here, but you received a very well received presentation from the Science Center and had a little bit of discussion. Based on those findings I would say that you have achieved your Council action, and that's what I would say. Kicking it back to you, sir.

**Brad Pettinger** [00:02:57] Okay. Very good.

## 2. Fixed Gear Catch Share Review - Scoping

**Brad Pettinger** [00:00:00] So with that I'll open the floor up for discussion and Maggie Sommer. Maggie.

**Maggie Sommer** [00:00:07] Thank you Vice Chair. I'd just like to start by recognizing the thoroughness of the scoping and the outline provided to us by Jim and Jessi, who we were uncharacteristically silent when asked for questions following their presentation and I think that does not indicate any lack of interest, but rather the very comprehensive nature of what's in the scoping document, the questions that they considered and presented so clearly for the Council to think about answering and their presentation, so I just wanted to start off by saying that and again offering my thanks.

**Brad Pettinger** [00:00:59] Yeah, thank you Maggie. Yeah, I think you're right that they set a new standard I think for scoping documents, or presentations. Anyone else? Wow. Heather Hall. Heather.

**Heather Hall** [00:01:18] Thank you Vice Chair. I just want to echo that too, and in terms of a starting place for this discussion, I think Jim and Jessi set us and the advisory bodies and the management teams up really nicely to consider the information that we had and updates to that and helped focus where specific questions on where the Council could go in terms of allowing us to either narrow or broaden the scope of this review, so I just, I also wanted to offer my appreciation for this starting place, and that's it. Thank you.

**Brad Pettinger** [00:02:16] Thank you Heather. Anyone else? Well, Jim, I think the silence besides the two comments you got says it all really. Oh... Heather?

**Heather Hall** [00:02:34] Thank you again Vice Chair. I guess if there's no further discussion. I don't want to jump the gun, but I do have a motion that's ready for.....and I just sent it to Sandra, so I'm not sure if she's got it to post, but we could start with that?

**Brad Pettinger** [00:03:01] That'd be a great start.

**Heather Hall** [00:03:05] And thankfully I did send that to Kris?

**Chuck Tracy** [00:03:11] Yes.

**Heather Hall** [00:03:13] Thanks. The talking points are... you can keep them up there. They were really just for me, but that's okay I'll.....doing that. So, I'll just read this. I move that the Council move forward with the 2021 limited entry fixed gear review working from the draft outline provided at this meeting, Agenda Item G.2, Attachment 1, June 2021, and incorporating input from the GAP, GMT, SSC and EC regarding specific areas of the program as described in their reports, also provided under this agenda item.

**Brad Pettinger** [00:04:03] Okay Heather. Does the language accurately reflect your motion?

**Heather Hall** [00:04:05] Yes, it does.

**Brad Pettinger** [00:04:08] Very good. Looking for a second? Seconded by Maggie Sommer. Okay Heather, speak to your motion.

**Heather Hall** [00:04:10] Sure. Thank you. So, as you can see my talking points, I really, the limited entry fixed gear program, you know from what we've seen seems to be meeting the objectives of Council Meeting Transcript  
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Amendment 14. There have been very few changes to the program since the last review and I think that speaks to the success of the program and really that it seems reasonable that we could keep this review narrowly focused, and when I read the advisory body and the management team reports I sensed a support for that concept. And I just wanted to speak a little bit about what I took from those advisory body reports and specifically regarding the questions that were laid out in Attachment 1 that could help the analysts and the further drafting of the outline, and those questions specifically to allocations, eligibility, accumulation limits, cost recovery, data collection and reporting, monitoring and enforcement, and then analysis of the market power and just that the direction at this point that a further deeper look into those issues isn't needed at this time, although I would note that I heard that there will be a NMFS report on cost recovery coming that'll be available for this as the review goes forward. The motion includes input from the GMT and SSC on the value, I believe even the GAP spoke to this too, the value of providing data on sale prices for tier permits. The Attachment 1 outline included that that information would be forthcoming. And also, given this narrow look and review it doesn't seem like a public hearing needs to be scheduled at this time. And then appreciated the willingness of EC to develop a compliance document similar to what is available for the trawl catch share program, and so this motion tends to capture that, that they would develop that compliance document, and then again, you know as was noticed in this agenda item, it wasn't to consider management measures, but there was some teeing up of those ideas I think in a couple of the reports, for example, extending the season close date or that type of thing, so that speaks to why there was no specific recommendations, but I guess the expectation would be that as we move forward that could be included in when we consider this at the next, the next time it comes up. And then at that time is when we would discuss how those measures should be considered, whether they could be, if they're simple, just running parallel to the review process or whether or not they needed to be added to the groundfish workload prioritization process if they're more complex. So, I'd be happy to take any questions.

**Brad Pettinger** [00:08:07] Okay, thank you Heather. Questions for Heather, our discussion on the motion? Okay Ryan Wulff. Ryan.

**Ryan Wulff** [00:08:20] Yeah, thank you Mr. Vice Chair. Not a question. I just wanted to comment and appreciated Heather noting that NMFS will be bringing forward something related to cost recovery. Yes, we have been working with Council staff and we are prepared to bring more analysis on the cost recovery issue to the next iteration. I just wanted to confirm that. Thank you.

**Brad Pettinger** [00:08:43] Thanks Ryan. Maggie Sommer. Maggie.

**Maggie Sommer** [00:08:44] Thank you Vice Chair. Thank you, Heather, and just speaking in support of the motion. I think that the work that's been done so far and the path this motion puts us on really sets us up for a review that is very comprehensive and that will meet the statutory requirements. There... through the process already there has been good coordination with stakeholders through the Council's advisory bodies and the, I'll note that the GAP commented that the option of participating remotely in Council meetings has really facilitated stakeholder participation and we will, we'll see as I suppose as we discuss how Council meetings will work going forward, if that remains an option, but I certainly recognize that that's been under discussion and that that really can be beneficial in facilitating that participation and helping this review be conducted in a transparent manner that is really efficient for those stakeholders. And then finally, on the question of management measures, also wanted to note and concur with the GMT statement that the Council will probably want to think about any proposed management measures holistically in terms of the entire groundfish workload. Thank you.

**Brad Pettinger** [00:10:18] Thank you Maggie. Anyone else? Bob Dooley. Bob.

**Bob Dooley** [00:10:28] Yeah, thank you Mr. Vice Chair. I would agree with the previous commenters



and I really want to compliment Heather on the State to of Washington on their proposal and the motion, and I think it's, I think I also want to compliment Jim and Jessi on the quality of the report, and there's been comments on that as well that I agree with and I think it's, we're on a good path to comprehensively look at this and think there's been some areas of additional analysis that is planned and those will all come into view, and this is a great start so I will be supporting this motion.

**Brad Pettinger** [00:11:09] Thanks Bob. Anyone else? Okay seeing no hands we'll call for the motion. All those in favor signify by saying 'aye'.

**Council** [00:11:24] Aye.

**Brad Pettinger** [00:11:24] Opposed? Abstentions? Motion....oh, Bob I saw your hand come up?

**Bob Dooley** [00:11:32] No it was a mistake. Thanks.

**Brad Pettinger** [00:11:41] Okay. Motion passes unanimously. All right, with that I will look to the Jim... and Jim, how are we doing here?

**Jim Seger** [00:11:54] Thank you Mr. Vice Chairman. Yeah, this is great guidance. I appreciate it. My understanding is that the next time this comes up you will be bringing a public review draft back for your approval. Then you have, as indicated, there'll be a cost, a report on the cost recovery issue from National Marine Fisheries Service. And also, I wanted to note that in speaking to the motion, Miss Hall indicated that at the next stage of the review that you would be looking at whether to include any of these sort of easier to handle new management measures in the review document, so that would mean for the next Council meeting we would be noticing a meeting to let people know that they should be bringing any proposals forward, but also indicating in that, knows or at least a description of what we're doing, that the only thing that would be included would be, in the actual document itself would be, or in a parallel process would be anything that would be really easy, potentially, if the Council decided to do that and that other ideas that they brought forward would then go into the future recommendations, again if the Council decided that they heard some good ideas that they wanted to include. So those would all be things that would be, you would be picking up at the next Council meeting as I understand the directions.

**Brad Pettinger** [00:13:27] Okay, very good, very good. So, well, with that I think we're done with this agenda item unless anyone wants to say anything else. And with that, I will hand the gavel back to our chairman.

### 3. Electronic Monitoring Update

**Marc Gorelnik** [00:00:00] That will conclude public comment on this agenda item and will take us to Council discussion and action, which is on the screen in front of us right now. So, let's see who wants to get us star.....

**Chuck Tracy** [00:00:22] I think we lost you Mr. Chairman.

**Marc Gorelnik** [00:00:24] Okay. Yeah, Ryan Wulff. Yeah, back finally.

**Ryan Wulff** [00:00:29] Thank you.

**Marc Gorelnik** [00:00:30] Ryan, and then Marci. Go ahead Ryan.

**Ryan Wulff** [00:00:32] Thanks Mr. Chair. Yeah, I appreciated hearing a lot of the comments. It's definitely not lost on me, the concerns that are out there. And I also appreciate when Heather referenced some of the questions that have been directed at industry that were probably more appropriately addressed by NMFS. I wholeheartedly agree. I'd like to at least start this discussion off by covering a few issues to hopefully clarify and correct some factual inaccuracies that have been stated. And also, just explain a little bit more about NMFS positions, policies, et cetera, that I think will help color the discussion. So, to Marci's question regarding the regulatory amendment, I don't remember the specific issue occurring, but basically, I'll put it simply that any change to the EM program would need a regulatory amendment that would require a two-meeting process, and this would not be considered the first of those meetings. It was not noticed as such. So, any change program would need to go through that. The bottom trawl and the cleanup rule, that is all past Council actions that we'll be going through. That proposed rule should publish next month. So that's number one. Number two, a lot of comments around the Alaska region issue and what was just done at the North Pacific Council. I can confirm that this, well first of all, let me say we do need to clarify exactly what the region is saying. I was not part of the North Pacific Council. I'm not quite sure how they addressed this as consistent with the cost allocation policy. I do know that some of the things that we've heard in the comments that this has been approved by headquarters is not true. So, there will be discussions between NMFS, the Alaska region and headquarters, not just on the comments that we will get at this Council, but also of course, what happened at the North Pacific, and those conversations still have yet to happen. NMFS is examining the authorities of fee recovery, how we are using them now and how we are proposing to use them in EM, and that's also a part of all of those discussions. But another factual correction is that under the quote unquote, 'sole source' model or under grant, that there would be no audit and no potential for issue, that that's factually incorrect. So let me be clear, even when under a grant, there are terms and conditions of that. NMFS as part of a grant with Pacific States, and if we were to do that program here on the West Coast barring, you know, that were to magically happen, we would have the ability to take possession of the video at any time. We would take possession of some video and do some secondary review, slash quote unquote, 'audit', and that would become a federal record and thus be affordable, et cetera. Or at least excuse me, part of all of the federal record issue that Brett outlined in his PowerPoint. So, I want that to be clear, albeit that being said, if it were someone like Pacific States, where we would expect that secondary review process and probably the amount of federal records to be substantially less than, for example, a new provider, and Brett also had that in his PowerPoint where secondary review priorities would be new providers, new vessels, for example, new reviewers, things like that. Third, even if we could do this, I just want to reiterate that I'm sure everyone is well aware we're not in the same position when it comes to cost recovery that the Alaska region is. I think they're at .2 percent of their cap, right? And so, I don't see a way using cost recovery funds that would allow us to cover, even if we could, our own costs for management as well as the industry costs, which then brings us

directly into the procedural directive on electronic technologies, which explicitly says that if we have those, that kind of situations that NMFS may not approve such a program. And then I'd also like to note, if we were to go down that road, that means you're using cost recovery and Brent Paine hinted at this in his comments regarding priorities. That means you're choosing to use cost recovery funds for EM, but not for the vessels that are paying for human observers, and I would imagine if we're increasing cost recovery fees, that would also impact those paying for human observers as their rate would go up, so therefore you're not quite double charging, but they're paying for human observers and contributing to the funds that would go towards EM. And of course, then that's the broader prioritization, too, just along those lines, right? If you're prioritizing cost recovery funds and we were able to do that, that means you're prioritizing that towards this versus other Council priorities or NMFS staff or other resources who could be working on other Council priority actions for the catch share program, and there's quite a list of those, I believe, waiting to be gotten to. And then finally, of course, just a reminder that it's not just the cost allocation policy. You know, Amendment 20 does lay out that the monitoring costs are to be paid for by industry, and that's the case for human observers. It's the case for electronic monitoring. So that is also an issue and a challenge that we have here. And I'll stop there. Thanks.

**Marc Gorelnik** [00:06:49] Thank you Ryan. Marci Yaremko.

**Marci Yaremko** [00:06:51] Actually Mr. Chair, thank you very much. Ryan answered my question, so I'm good for now. Thank you.

**Marc Gorelnik** [00:07:02] Great anticipation Ryan. Further discussion? Brad Pettinger.

**Brad Pettinger** [00:07:10] Yeah, thank you Chair Gorelnik. The question's for Ryan. Talk about cost recovery being applied to people, these observers, but since we're going to have an audit shop regardless, they're going to be paying for that anyway, I mean we're going to get cost recovery maxed out irregardless, either through using Pacific States or, you know hopefully with the Alaska regions doing it or with a third-party model with an audit shop. Is that going to be the same? I mean, aren't vessels with observers will be paying anyway?

**Marc Gorelnik** [00:07:56] Ryan.

**Ryan Wulff** [00:07:56] Sorry Brad, I'm not sure I understand your question. We, could you, could you restate?

**Brad Pettinger** [00:08:07] Yeah, sorry. I just, I know on page 10 I think of Melissa's presentation, there's Pacific States, under the EFP, Pacific States is getting 430,000 dollars according to your numbers. Under the third-party model there's 378,000 dollars going to the National, Northwest Fisheries Science Center. I assume that's the audit shop. So basically, it's Pacific States you're paid to do it, or you are going to pay your audit shop to do it. That's going to come out of cost recovery either way. So, what I'm saying is that if you have an observer or not, if you've got observers, you're going to be paying for EM or one way or the other, either through Pacific states or the audit shop. It's a wash is what I'm saying, basically.

**Ryan Wulff** [00:09:07] Okay, through the Chair, thanks Brad. I mean, I think I'm still a little bit confused, but that's the administrative costs, that's an administrative cost when you're talking about NMFS secondary review. So that's not, and so I mean I guess I'm still unclear on the question.

**Brad Pettinger** [00:09:33] Under the EM program you're paying, the EFP, we're paying Pacific States four hundred and some odd thousand dollars. Under the third-party model that's being presented, there should be 380,000 dollars that wasn't paid before which is going to be paid into the future, which is

going to be a cost recovery plus extra dollars, so the people using an observer are going to be paying part of that EM program anyway.

**Marc Gorelnik** [00:10:11] Ryan, do you have a....

**Ryan Wulff** [00:10:12] I don't, thanks Brad for that. Let me. Yes, I do think that's correct. Like the EM vessels are paying observer administrative costs. Let me look into this a little bit further Brad based on your question. I think I'm trying to understand it, but maybe I can get back to you in a minute.

**Marc Gorelnik** [00:10:36] Bob Dooley.

**Bob Dooley** [00:10:37] Thank you Mr. Chair. I think I could maybe shine a little light on that, maybe make it more clear. It seems to me the only way for a person that's not going to use EM to avoid being charged for a program that he won't use in this analysis is for there not to be an EM program under either model. That's the only way it would happen, and I think that also holds true to the unfunded mandate. That the only way we get to an unfunded mandate and not have NMFS paying more than they can recover is to go with no EM program, but I don't know that that's the desire of anybody here. Thank you.

**Marc Gorelnik** [00:11:28] Thanks Bob. Further discussion? Chuck Tracy.

**Chuck Tracy** [00:11:42] Thanks. I'm going to try and shine a little more light on this for Ryan. So, Ryan, the, if we do have a third-party review model and NMFS is paying for auditing of those third party, those third parties, is that cost, can that be, is that going to be paid for by cost recovery?

**Ryan Wulff** [00:12:13] So are you, so Chuck, if I'm understanding so that the question here, essentially that our NMFS secondary review cost, NMFS cost of implementing the third-party program for our costs, are those costs recoverable?

**Chuck Tracy** [00:12:26] That, I think, is what is at the heart of Brad's question. Yes.

**Ryan Wulff** [00:12:30] Yes. I mean, yes it would be. Just like we recover observer debriefing costs, administrative costs, which would be analogous to what we're talking about here. So yes, that is correct and that's why in our projections, though, there's, it's not the total amount. I think that's in our March projection, right? Either the cost recovery amount doesn't cover the entire cost, which I think gets at what Bob was saying, but yes... so they would still be funding that would come, I mean NMFS would have to fund but we would, we have been doing so and would expect to do so going forward out of our discretionary funds for those, for an area that we couldn't cover.

**Chuck Tracy** [00:13:10] And so and some of those cost recovery funds for that would come, would be paid by boats that do not use EM?

**Ryan Wulff** [00:13:19] Yes.

**Chuck Tracy** [00:13:20] Thank you.

**Marc Gorelnik** [00:13:28] Thanks for that clarity. Further discussion? Phil Anderson.

**Phil Anderson** [00:13:42] Thanks Mr. Chair. You know I think we find ourselves in a very difficult position. You know there are, there's I think a potential fork in the road here, depending on what the Council action is. We can continue down the road we're on in the face of all of the perspectives that

we've been provided that for the most part suggest that we need to alter our course here, particularly in light of some of the, I'll call them changes in alternative approaches for both sole source contracting and mechanisms for industry to play, to pay for its obligations under the last program. And so, I have given a lot of thought to this. I've talked to a lot of people and in my judgment we need to chart a new path here and deviate from the path that we're on to ensure that we've carefully considered all of the approaches that we can take to getting us to a point where we have an effective program that's efficient, cost effective, and I think based on some of the changes in what some of the sideboards that we originally had to work within demand, in my view, for us to... to make that effort. So those are my kind of initial thoughts. I do have a motion prepared, but I don't want to cut off discussion.

**Marc Gorelnik** [00:16:26] Thank you Phil, and sometimes there's nothing like a motion to focus any remaining discussion, but let's just see if any folks have any comments they want to offer or questions they want to pose to NMFS before we receive your motion. Bob Dooley.

**Bob Dooley** [00:16:46] Thank you Mr. Chairman. I'm sorry, it seems like I'm talking a lot on this issue and I'm sorry for that, but I agree with Phil a hundred percent. I think we have different information. We were told in past meetings that there's nothing new and we're going down this road by the agency, that what would prompt a change of course. There's no new information, nothing new that's being developed, and we've heard that, and I think now we do. It's been described as a sea change, and I believe that we have new information that we should address. I also think that we have heard in all through this that through this venture we've been on that we have wanted to keep Pacific States in the game of this, that's been a Council desire. It's been an industry desire, and it dates back a long time. I think that we are, we're at a precipice here. We, I think Lisa Damrosch said it, we're on a train, on a track that we didn't know there was another track and now we do, and I think we need to think about that. We have heard from industry loud and clear over the years that if this program, either due to confidentiality or cost is, and the combination of two is too high on the road we're going with this regulatory third-party model that industry will not use it. We've heard about the bandwidth issues, but if the whiting sector particularly drops out, that the rest of it is not doable. I think there's been some concern that maybe that wasn't, that was just, you know soap boxing and what I've heard today, which is different, is that there is a different alternative being conceived in Alaska that's going to save, to my knowledge and to listening to those presentations, that industry millions and millions of dollars, and it's a lot of money that can be saved there and I think it's important considering the cross referencing of those fleets in that if they're saving that money, and the conditions that exist in the third-party model that we possibly could correct through revisiting this, are going to lead us to a place where those vessels opt out and pay for observers, human observers to do the same job. You're talking as far as profitability and income, which what appears to be the top of the food chain on the West Coast in the whiting sector, and I think they have the ability to, they have paid for it in the past, they could pay for it again, and when you offset it with the risk that's associated with the third-party model and the savings they're going to achieve appears in the Alaska model, but this is a real possibility that they will not participate, and that would be a disaster because we will have spent years developing this program to have it fail because no one can use it, no one will use it. And that would be disastrous. I think it is time for a pause. I think it is time to explore the options and to address the issues that Ryan has brought up, as well as the issues that the industry and the Council has brought up. I think we need to... we need to stop the train for a while, get out, stretch our legs and figure out how to fix this if we can. And if we can't, understand the full consequences of not doing so. So, to that end, I'll pause there but I really believe with all my heart that we need to look at this. We need to step back, look at this, and we need to keep the EFP going in the interim to the extent we need to, unless this can be fixed in the short term, but I can't conceive of that right now. If it can be done in a way to get implementation by January 1st, I'm all for that, but if there's a way to preserve the program, because I think once it stops, to restart it again is going to be very, very difficult and cost us a lot more time and money than we do now, so I'll stop there and thank you.

**Marc Gorelnik** [00:22:13] All right Bob. Any further discussion? Bob, your hand is up. It was down and then it was up. Okay now it's down again. All right, any further discussion? And we can certainly have more later. I just want to make sure everyone has their say before we receive a motion. So, Phil, it looks like we may be ready for a motion.

**Phil Anderson** [00:22:44] Okay thank you Mr. Chairman. And let me apologize up front for the length of the motion and for the length of the rationale that I will be providing if I get a second. I've tried to stay quiet to try to bank some time here today. We'll see how your patience is for that. But I believe Sandra has my motion and confident that she can display it on the screen. Thank you. So, I move that the Council write a letter to National Marine Fisheries Service that, 1: Describes our desire to continue to work collaboratively with National Marine Fisheries Service and affected stakeholders to develop and implement an electronic monitoring program that effectively meets our goals and objectives, with particular emphasis on the cost effectiveness of the program for the groundfish industry and the wise use of public funds. 2: References the apparent changes in National Marine Fisheries Service policies relative to the use of a sole source contract model with Pacific States Marine Fisheries Commission, based on the recent action taken by the North Pacific Fishery Management Council and the use of cost recovery dollars to fulfill an industry cost obligation. 3: Task National Marine Fisheries Service for a specific explanation of why the Pacific Fishery Management Council cannot use the model that the North Pacific Management Council is pursuing relative to sole source contracting with Pacific States Marine Fisheries Commission and the funding alternatives for the industry to meet its obligations. 4: States the Council's position that it is imperative that a change is made to the EM rule of June 2019 prior to its implementation that among other things removes the third-party contained in the rule, third-party model contained in the rule. 5: Recognizes that National Marine Fisheries Service can move forward with implementing the final rule, including the guidelines and program manual consistent with the implementation date of January 1, 2022, even if the Council believes a new direction needs to be taken. 6: Emphasizes the need to modify the rule before it's implemented to meet the program goals and objectives and one that is accepted and embraced by the fishing industry to ensure high participation rates. 7: Emphasizes the importance of using all the tools at our disposal to achieve a cost-effective EM program and linking that outcome to the future success of the groundfish fishery. 8: Expresses support to use cost recovery dollars up to the 3 percent cap to offset NMFS costs associated with the grant and Pacific States Marine Fisheries Commission for video review and storage under the EFP, and in the longer term when the program is under permanent regulation. 9: Requests that National Marine Fisheries Service delay implementation of the EM regulations until such time that the Council can develop a recommendation to amend the final rule in a manner that takes full advantage of the ability to implement the program utilizing a sole source contract with Pacific States Marine Fisheries Commission for video review and data storage, and addresses the concerns associated with data confidentiality. And request the 2021 electronic monitoring EFP be extended through 2022 with the addition that cost recovery dollars be charged to the mothership and shore-based sectors to reimburse National Marine Fisheries Service for the PSMFC's actual cost of video review and data storage. If insufficient funds are available from cost recovery, EFP sponsors will be responsible for the balance identified by National Marine Fisheries based on PSMFC's actual annual cost. And Mr. Chairman that completes my motion.

**Marc Gorelnik** [00:00:00] Thank you very much. I just want to get verbal confirmation that the language on the screen is accurate and complete?

**Phil Anderson** [00:00:09] Yes, Mr. Chairman, it is.

**Marc Gorelnik** [00:00:11] All right and it looks like I have a second from Bob Dooley. So please speak to your motion.

**Phil Anderson** [00:00:18] Thank you Mr. Chairman. Well first, I want to thank everyone involved in this issue for their efforts to get a quality, cost effective EM program in place. I'll leave somebody out I'm sure, but the GEMPAC, the GAP, stakeholder's, National Marine Fisheries and Council staff have all worked diligently to assist the Council in accomplishing this goal. The additional GAP report and letters and comments from stakeholders has been very informative and I appreciate that it has all been put forward in a constructive manner, and I also want to thank the potential third-party providers and the staff from the Pacific States Marine Fisheries Commission for the work that they have done. As we all know, National Marine Fisheries Service approved the final rule to implement the EM regulatory amendment to the Pacific Coast Groundfish Fishery Management Plan. The final rule allows catcher vessels in the Pacific whiting fishery and fixed gear vessels in the shore based individual quota fishery to use EM in place of the observers, in place of observers to meet the requirements of the trawl rationalization program for a hundred percent at-sea observer coverage. It's been NMFS position throughout the development of the West Coast EM regulations that implementing the program using the sole source model used in the EFP through a permanent regulation was not feasible, primarily because industry must bear cost of the primary review considering sampling costs under the Cost Allocation Policy Directive, and the cost recovery funds, according to the agency are intended to fund NMFS direct costs, not an industry financial obligation. This led to the Council to develop a model that requires industry to directly fund a third party, which in turn requires NMFS to develop a secondary review program to ensure that third parties are meeting standards and requirements. As noted repeatedly over the past four years and most recently elaborated on in the March GEMPAC statement, this program design has raised grave concerns amongst EM stakeholders. In a recent letter sent to us, the stakeholders again voiced their concern by stating, as the recent cost estimates demonstrate, a third-party audit model is cost intensive for both National Marine Fisheries Service and industry and is unduly burdensome to industry relative to models in other regions. The industry also called our attention to the successes of the EFP model that utilizes PSMFC to conduct the primary video review to verify self-reporting discard data in logbooks as it's recorded in logbooks. And as we know National Marine Fisheries Service contracted directly with Pacific States Marine Fisheries Commission for this primary review, I would add much as they do for Recfin and Pacfin, which alleviates NMFS of a requirement to systematically audit or conduct secondary reviews of raw footage. And I want to add here, I'm not so concerned with, I mean my point here is not one to keep PSMFC in the game. My point here is that PSMFC has been a partner throughout the development of our EM program, has proven themselves to be a cost-effective partner in terms of the work that they have done, and I believe that they will be a part of the successful program in the future. The model is proven cost effective, reliable and secure, and by doing so it also minimizes the generation of federal records, which drives up costs and creates data confidentiality concerns for the industry. I readily acknowledge that what I am proposing isn't easy and does not carry with it certainty in terms of the outcome. It leaves open the need to resolve several outstanding issues, particularly with respect to number 10, which deals with funding. We still don't know what additional savings there might be if we move away from a hundred percent video review. In addition, there may be consequences or trade-offs, as Ryan mentioned, of using the remaining overhead in the cost recovery account to pay for the industry obligation. I'm also mindful that this path will require additional work by the Council family, including NMFS, states, and Council staff and stakeholders, however it is my judgment that in the long run it will be time well spent because the alternative is to risk, in my judgment, the failure of the EM program as it has been designed and with it, the loss of all the benefits that we have seen come with a program using the model that's been within the EFP. Mr. Chairman, that concludes my remarks. I'd be happy to try to answer any questions relative to the motion.

**Marc Gorelnik** [00:06:00] Thank you very much Phil. Appreciate the motion. And let's see if there are any hands with any questions for you or for discussion on the motion? Louis Zimm.

**Louis Zimm** [00:06:19] Well, thank you Mr. Chair, and thank you, Mr. Anderson, for your complete and well written motion. I'm sure that others will want to discuss this more, but I just want to thank you

very much from my constituents in Southern California. As you may remember, yesterday there was a very tense discussion about the future of some of our fisheries and one of my questions was who was to pay for a hundred percent observers, which NMFS very graciously has been paying for, but I am under no illusion that that will continue on into eternity or future, I should say. So, I really appreciate this and I back it and I'm standing by to listen to anybody else that has opinions. Thank you.

**Marc Gorelnik** [00:07:25] Thank you Louis. Further discussion on the motion? Christa Svensson.

**Christa Svensson** [00:07:35] Yeah, thank you Chair. I'm also going to speak in favor of the motion, and I really appreciate the thought and tremendous amount of effort that that you've put into the motion. I do want to talk for a moment about technology and EM and I'm going to just recognize that I tipped my toes into West Coast EM at a Flywire presentation in Rohnert Park, and I was a little surprised to get the invitation because I certainly am not necessarily well known in the Pacific Council for interest in EM, and I spent at least 45 minutes afterwards asking questions about what other items could be included that wasn't part of the EM trials that we're currently testing, what those opportunities really would look like. And so, I'm supportive of this. I think we've heard a resounding amount of testimony today and in the past from industry, particularly the groundfish industry, for the need to have this type of motion and I think it is really critical that we recognize that, but I do want to talk a little bit about technology. I think that technology, far more than human observers, benefits from having more than one provider. When I think about Apple, where would they be today if they didn't have Android or vice versa? I do think that that drives competition to provide better products, and I think that my perspective is probably a bit different than those of you that are more familiar with groundfish, because in HMS we don't typically require a hundred percent coverage. EM providers that I've spoken with, and I've spoken with quite a number of them, are trying to figure out how to sell their products in a benefits plus model rather than just focusing on cost. So, I do want us to think about using cameras, not only to evaluate bycatch incidents or as enforcement, but to think about the possibility of using them to reduce workflow injuries on deck, which would allow us to spend more time on the water. It would allow us to pay less in insurance claims. It provides in some cases, the ability to automatically update shoreside owners or fleet managers so that they can go out and potentially sell their product for more money. And in my arena, we are talking about the possibility of maybe training crew so that they could flag events on cameras where if a number of us agreed to it, that that would potentially allow us to flag and document forced or slave labor. Now I realize most of those bells and whistles won't appeal to the whiting fleet, and that's okay, but there might be technological advances that do and so while I'm supportive of this motion, my recommendation would be that for programs outside of the groundfish sector, that they be given the opportunity to independently develop their solutions as we move forward with EM and we may well end up piggybacking on the EM groundfish programs, but just to keep an open mind as we continue to discuss this amongst a variety of fisheries.

**Marc Gorelnik** [00:11:24] Thank you Christa. Vice Chair Pettinger.

**Brad Pettinger** [00:11:29] Yeah, thank you Chair Gorelnik and thank you, Phil, for the well thought out and extensive motion. I'm going to support it, but I'm, on number 10 I'm just having a little bit of...the last sentence of number 10, If insufficient funds are available for cost recovery, EFP sponsors will be responsible for the balance identified by NMFS based on Pacific States actual annual cost. Since industry can't give money directly to National Marine Fisheries Service, could you kind of fill in the blanks on how that's going to happen? Thank you.

**Phil Anderson** [00:12:16] Yeah, through the Chair, thanks Brad. So, this, first of all let me say that I thought the only way that we have a chance, if you will, to have the... the EFP extended among other items, is if the video review and data storage components costs were paid for by industry. I don't think that we can expect to be successful in getting NMFS to pay for that cost again. And in the numbers that



I've seen, and I almost hesitate to say them, so I'll just generally characterize them. My understanding is that about 75 percent of the video review is associated with the inshore shoreside fees and about 25 percent of it is associated with the mothership. I did get a look at the headroom, if you will, between the most current estimates of the proportion of the 3 percent that is currently being used and the 3 percent to see what funds might be available. By my conclusion after looking at that was that in the mothership side, it appeared to me, notwithstanding other things that NMFS may have in mind for that money, that there was sufficient funds to cover their portion of the approximate 400,000 dollars that it would cost. So, and I also did look at the same thing on the shoreside piece, the other side of it, and it's really close. I mean if you just, if 75 percentage of you know 400,000, 300,000 dollars and it's really close. So, there may not be, you know I don't know for sure whether that same amount of money will be generated again and so whether or not that would be exact, so there looked to me like there may be a possibility that the expenses could be more than what is available. I am aware that and I wrote the acronym down and I'm not sure that I can translate the acronym accurately but I'll try it, it's the National Fish and Wildlife Federation, that or it's a foundation, or it may be both, that I learned from talking with Brent Paine that they are, they have been able to obtain funds from that organization to pay directly to Pacific States for their services provided relative to the EM in the North Pacific. So, you know whether or not that is a possibility for the West Coast program, I don't know, but it demonstrated two things to me. Number one, there may be additional funding sources that are available to the industry. And number two, if done correctly, I'll say if it's done correctly, as in if the money is coming from the appropriate sources, it appears that Pacific States Marine Fisheries Commission is able to receive those funds directly from industry with, knowing the source of the money. So, it is because of learning about that, and as another learning point in terms of what is going on in the North Pacific, that might be applied to our program here on the West Coast that I have that language in there in the motion.

**Marc Gorelnik** [00:17:12] Brad, did that answer your question?

**Brad Pettinger** [00:17:16] Yes it does. I appreciate that very much so. I would also just like to if I could....

**Marc Gorelnik** [00:17:22] Sure.

**Brad Pettinger** [00:17:22] Chair Gorelnik. You know everybody's worried about there's very little room in cost recovery. We have the fishery we have today, it's not the fishery we want to have. We're doing 25 or maybe 30 percent maybe of what we can catch. There's a lot of room to grow and really getting this fishery on a sound cost effective cost basis is going to help that, help it grow and increase the value of the fishery and if we don't solve that, we're going in another direction, so I think that we should be thinking about cost recovery of today's value. We really should be thinking about where we think it should be at. So, I'll stop there. Thank you.

**Marc Gorelnik** [00:18:08] Thank you Brad. Phil.

**Phil Anderson** [00:18:11] Yeah, just one more thing and I mentioned it in my rationale, but it was so long winded you may have missed it. You know there's been a lot of discussion about whether or not a hundred percent video review is warranted, needed. We've got a, whatever it is, six, five six-year track record here. My understanding of policy directive from National Marine Fisheries Service that, correct me if I'm wrong Ryan, but it needs to be a minimum of 25 percent if I understand it correctly, but my point is, is that there may be an opportunity to lower the cost by reducing by some amount that the Council can discuss and provide guidance on in terms of the proportion of the total video that is actually reviewed by Pacific States. That may be an opportunity to reduce the cost and then consequently be able to fit the total cost within the amount of funds that are available under cost recovery. Now again, I don't at all want to dismiss in any way what Ryan had to say, and that is that there are other initiatives

on our agenda that I understand that National Marine Fisheries Service might be looking to that cost recovery fund to support. So, there may be some trade-offs here that we will need to consider, but at least to get us through the short term here, get us through 2022, this was the best I could come up with.

**Marc Gorelnik** [00:20:05] Bob Dooley.

**Bob Dooley** [00:20:08] Thank you Mr. Chairman. And Phil thanks for the motion, it's a very good one and I will be supporting it. I just wanted to speak to some of the things, one of them I want to apologize for my free use of language sometimes. I am a fisherman, not in the same league as a lot of my professional colleagues around the table, and I suffer sometimes from understanding words matter, and I think when I said keep Pacific States in the game, I was referring to keeping them doing the good work they have done at being a partner to the agency and to the industry that they have been and not discounting any of that, so I apologize for that. You know this started as a team effort many, many years ago when we had a pilot program and an EFP, and we worked agency, industry, Pacific States hand in hand, shoulder to shoulder and communicated freely, and I know we've heard that that's kind of disappeared when we got into the regulatory part, and that's unfortunate and I'm hoping we can fix all that. But more importantly I think, I reflect back when we discussed cost recovery. I wasn't on the Council then, but I was certainly in the audience and sitting there listening to the discussion. And at that point, Frank Lockhart said something that just stuck in my mind when we were debating who paid for what and whose money paid for what in cost recovery and he made a statement somewhere along the lines of, it doesn't matter whether you pay or the agency pays, industry pays, we should focus on the cost of programs and trying to collectively come up with ways to reduce costs, because it is about that, it is about overall cost and the success of our fisheries and I think that's the spirit this is being done in, and we tend to focus on right in this discussion on cost recovery and who can use it and how it can be used, but I think it's been pretty well demonstrated here that the cost to the agency, regardless if we choose an EM program, whether it be third-party or the hybrid that, or the Alaska model I will call it, the agency cost will be the same. And yes, there might be technicalities and different ways of looking at it, but it would be looked to cost recovery to fund partially to the extent it can, and hopefully all of it with the perceived, and I believe cost savings we can get to in the future with, as this program matures and gets on the road and particularly with the Alaska model. I believe we can get down to lower rates of review and we can be more nimble to make those changes because as we know now in current practice, a lot of those decisions are made without the information of regulation supporting it, and we're not spending Council time and the agency time and Council committee time drafting regulations and getting them promulgated to make minor changes in a program. So, I think that's another cost-effective thing that will come in the future and give us more bandwidth. That being said, I think we, I think we're at a crossroads. I totally support Phil's approach. I don't know that we, you know there's a lot of questions, but the one thing that I reflect back on is if we don't, if we don't take this opportunity, I'm really afraid we lose our program. So, I will be supporting this motion and thank you, Phil.

**Marc Gorelnik** [00:00:00] Thank you Bob. Are there.....any further discussion on the motion in front of us? Marci Yaremko.

**Marci Yaremko** [00:00:09] Yes, thank you Mr. Chair. Just briefly, I will be supporting the motion. The thing that came to mind for me in the testimony as well as the GAP statement and just these discussions we've had over the last few years, I am always, I think, reminded how diverse the interests are that are suggesting to us how important this program is to them. We have large whiting interests that participate in Alaska fisheries as well. We have small boat participants in the bottom trawl sector, and we heard from Lisa Damrosch today. And what we hear from all of them is the importance of this program, not just to the IQ sector, but looking beyond that this is the cornerstone of what's to come in the future. So, with regard to the discussion about trade-offs that might need to receive some Council attention in the future, I look forward to those discussions. I do hear Ryan about concerns with the

headroom, but I am just very much motivated by the engagement that we have and support for this program from such a diverse array of current participants in the IQ program, as well as what's to come, as well as the engagement from our NGO partners that have invested so heavily in development and advancement of this program and the technology and the science behind us, or behind it. Really want to also note another point from both Heather and Lisa about how important having this alternative available to our small ports and communities where observers are not prevalent. We continue to hear about observer shortages and observer deployments that are running very long and recognizing that we do need alternatives to be available to just maintain the flexibility in operations. As Heather noted, yes, cost is an important component but it's not the only component of this program. So those are things that have really resonated with me. That need for flexibility and the investment that Pacific States has made with our partners, and Lisa spoke in detail to that about the piloting of the program and developing it in the way that works and hand-in-hand in partnership with Pacific States. So, for those reasons that I really feel this motion is on the right track and I look forward to continuation of our program and refining the elements. So, thank you.

**Marc Gorelnik** [00:03:49] Thanks Marci. Is there any further discussion on this motion? I'm not seeing any hands so I think I will call the question. All those in favor of this motion please say 'aye'.

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

**Marc Gorelnik** [00:04:08] Opposed, no? Abstentions?

**Ryan Wulff** [00:04:16] Abstain.

**Marc Gorelnik** [00:04:18] That was Ryan abstaining?

**Ryan Wulff** [00:04:20] Correct.

**Marc Gorelnik** [00:04:21] Thank you. All right the motion does pass. Thank you, Phil, for the motion. I don't know if that takes care of all of the Council's concerns so before I go back to Brett Wiedoff, I want to see if there's any further action or discussion by the Council on this agenda item? Bob Dooley.

**Bob Dooley** [00:04:52] Yes, thank you Mr. Chairman. I appreciate the opportunity for a little bit of postmortem here after the motion and I do have an overarching concern. There's a desire to expand this program nationally I believe. I mean I get that message loud and clear by all the efforts that the agency has done to reach out to industry and to reach out to the constituents to try to promote this program. I believe in it. I believe it's the future of our fisheries, but I have a deep, deep concern. Even if we come up with this program that is paid for with cost recovery and we get to a place where we can, the trawl sector can afford it, and I hear the loud cries from, you know, the non-trawl RCA guys that have a need for this. I hear the HMS guys that was talked about earlier this week, a need for more coverage in those fisheries and the looking to EM. I hear the Endangered Species Workgroup, you know, suggesting in the tier fishery and the fixed gear fisheries for sablefish to get more to adapt to electronic monitoring. And I do believe with all my heart that it's the future. However, if we're having this much trouble getting this program on the ground in a program where we have a hundred percent mandated industry paid for observers in the program, in the catch share program, and we have a lab program that's capable of getting cost recovery to help pay for this, and we're having trouble getting that implemented and getting it to a place where it can be successful, I think we need to sit back and really think about how we're going to get into fisheries that have no observer obligation, you know with their fisheries and they have observers but they're paid for and there is no cost recovery, to get them to transition to a program like this, as much as it's needed and as much benefit it is, when you're getting something for free, and I don't know how to change that, and to some pretty high levels in some fisheries and then expecting them,

industry to step forward under the Cost Policy Directive and the different components of a catch share, of a EM program, to part from that and pay for it out of their pocket on all ends, I think we need to at some point in the future address that, because I do see the need for this program and I want it to succeed, and I think it is the future. I think it is the cost-effective method in the future to, you know, to reduce human observers and get to a place where electronic monitoring can do the job, where it's being proven to be very successful in very many regions, but I am having trouble seeing the path. So, I think it's something we should address in the future, and I thank you for the opportunity.

**Marc Gorelnik** [00:08:15] Sure Bob. Thanks for that. Any further discussion or action on this agenda item? Maggie Sommer.

**Maggie Sommer** [00:08:26] Thank you Chair. A little bit of a separate topic, but this is the Council's opportunity to comment on the Draft Procedural Directive on Information Law Application. I wanted to offer a couple brief comments if I may. One, I appreciate the presentation by Mr. Brett Alger earlier with this information. It's been helpful to understanding some of the questions around confidentiality issues related to electronic monitoring data. Specifically on the draft policy, I note that I heard comments from some stakeholders that I would agree with that it was difficult to follow in some parts and so in general my comment would be a request to take a close look at it and look for places where there can be some clarifications and streamlining so that the key messages in there, the key pieces of information really stand out clearly. I want to point out just two places in particular, I'm not about to get into wordsmithing but I'll just note that the introduction section really seems to start right off talking about cost, and while there is a clear connection, I personally found that a little bit disconnected from what I understood to be the primary objective of the directive, which was again to focus on the information law applicability. And then the other area is the section that I asked about earlier following the presentation section 2.b and how that relates to this and just suggest that there might be some opportunity there to clarify the language so that it, again the key information that the National Marine Fisheries Service wants to convey to readers is much more upfront. Thanks.

**Marc Gorelnik** [00:10:36] Thank you Maggie. So, we have some input there on the procedural directive. Further guidance either on program implementation or comments on the procedural directive from the Council? Chuck Tracy.

**Chuck Tracy** [00:11:09] Thanks. Well, I'll step into the process role here a little bit just to kind of follow up on a couple of these things so, and I'll start with the easy one, I hope. So, the procedural directive is out for comment through July 15, so I'd like to see how the Council would like to proceed. I mean and I could suggest that, you know, we could, staff could take a look at the very least those two sections that Maggie just pointed out and perhaps draft some suggestions up and provide those to NMFS. We could continue to work with Maggie if she so desired or could sort of an informal way, I guess. If the Council would prefer something more formal, we could draft a letter, send it around for a quick response approval or so I guess those are kind of the two extremes of the options there. And then, well, why don't we stop there and then I'll want to circle back to the other issue of the letter on that.

**Marc Gorelnik** [00:12:22] So let's see if the sense of the Council is to use a quick response method or something less formal. Maggie.

**Maggie Sommer** [00:12:33] Thank you Chair and thank you, Chuck. My hope would be that there is an informal way to approach this since I did not have any specific changes to the directive to recommend at this time to put in front of the Council for everyone to agree on, but I wonder if the National Marine Fisheries Service has any response right now as to how they feel they would need to receive the type of comment I just provided, which was really general recommendation on looking for ways to clarify it.

**Marc Gorelnik** [00:13:15] Ryan.

**Ryan Wulff** [00:13:23] Yeah thank you. I mean, I think I can speak on behalf of those.....I, Maggie I think in an answer to your question, I would be happy to pass on comments that have been made here during session and those I'm sure would be incorporated as well. So, the Council wants to do a more formal letter or response or some sort of feedback that also will be welcome, but at the very least I will definitely make sure that all the comments that were made today are passed back to those collecting comments on the procedural directive.

**Marc Gorelnik** [00:14:01] Chuck and then Phil unless Chuck's hand remained up inadvertently. Phil.

**Phil Anderson** [00:14:10] Oh I was just going to say that I think the more informal approach sounds good to me. I trust completely Ryan to convey the remarks that Maggie made, and I support those. So, I would not think a letter is necessary.

**Marc Gorelnik** [00:14:30] Okay, well I think that, unless there's any objection, we'll take that route. So Chuck, you had something further after this point?

**Chuck Tracy** [00:14:43] Yeah, so I guess a similar sort of deal. I need to discuss the process I guess for this other letter, which is a little bit more complicated than those brief comments on the procedural directive so. So, I guess how would the Council like to proceed on that? Council staff draft a letter based on the motion that Mr. Anderson provided and then what? Is this something that you can just want to come back before the Council, either at September or for probably more urgently, a quick response process sooner rather than later. And then secondly, there are some, it sounds like in the letter there's some intent to go through a two-meeting process, so I just want to know how the Council wants to address that? Would that be something that would come up under workload planning under C.10 at the end of the meeting? Is there anything the Council wants to request staff do prior to that?

**Marc Gorelnik** [00:16:06] Phil Anderson.

**Phil Anderson** [00:16:09] Thanks Mr. Chair and Chuck. I've got the copy of the December 9th, 2019, letter that we sent on, under..... I don't know that they're similar, but there were similar circumstances I'll call it in terms of us requesting a delay. It was about a page and a half. I was thinking a letter of similar length I guess, or you know within reason. I wasn't looking for you to write a book. And I don't, I'm open to the process that you and the Chair and Vice Chair want to take, but I suspect that some of us would like to at least have a look at the letter, whether or not you want to, and maybe that just means we do the quick response process so that everybody gets a chance to look at it before it goes. I do worry a little bit about how much wordsmithing everything gets done using that process but anyway that's what I thought.

**Marc Gorelnik** [00:17:33] So on that point, does anyone object to the quick response procedure for the letter? Or want to suggest an alternative? So, I think that not seeing any hands I think that is a good path for the letter, which brings us to whether we want, whether the timing of a two-meeting process. Phil.

**Phil Anderson** [00:18:06] Yeah probably goes without saying. I suspect this is something we ought to take up on Wednesday, maybe when we get to our workload planning topic and look out ahead. I mean I know at least the first blush, the September agenda from a groundfish perspective looks really heavy, but I don't know if you want to try to tackle that now, but I do. It's clear that from a process perspective we need it. We need a two-meeting process. It's probably worthwhile to wait and see if we can get this letter out in a reasonable amount of time and see what kind of a response we get, even if it's unofficial,

to kind of give us a sense of, you know, what we've got for a path forward.

**Marc Gorelnik** [00:19:01] Okay, well I agree with you Phil. It probably makes sense to have that discussion under workload planning when we have all the other must dos before us and finite amount of time. So, does anyone disagree with taking up that latter point during workload planning? I think that's what we're going to do. I don't see any hands. Chuck, were there further process issues that need to be addressed?

**Chuck Tracy** [00:19:38] That's what I got off the top of my head. I would check with Brett to see where we're at and what else that might be helpful to get some input on.

**Marc Gorelnik** [00:19:50] Okay, so Brett, have we done what we need to do under this agenda item or are there other things we need to provide direction on at this time?

**Brett Wiedoff** [00:20:07] Thank you Chair Gorelnik. No, I believe you've completed your action here. We'll be drafting a letter to National Marine Fisheries Service as soon as possible and get that out for the quick response review. You're going to go ahead and allow Ryan to relay the responses and comments on the procedural directive informally. So, we will not be writing a letter and we're going, we'll just rely on NMFS to do that. I think that completes this action item and closes this out. I don't have any further issues or comments to provide. Thanks.

**Marc Gorelnik** [00:20:47] Well, Phil has his hand up. Please go ahead, Phil.

**Phil Anderson** [00:20:48] Thanks Mr. Chair, and I probably don't need to say this but, so the response we got from our letter to Mr. Oliver was received by the Council office on February 7th of 2020. It was, I think it was in our March briefing book, Agenda Item H.3, Attachment 9. There's a few things in that response that would be worth taking a look at I think when we develop this letter so that we could anticipate things that we might get back from them ahead of time. So that's all.

**Marc Gorelnik** [00:21:28] Thank you Phil. So, unless I see a hand going up, which we have time to do, I'm going to conclude this Agenda Item G.3, Electronic Monitoring Update. Thank you everyone for your work on this.

#### 4. Groundfish Endangered Species Workgroup Report

**Marc Gorelnik** [00:00:00] So that concludes public comment on this agenda item. As a reminder, we had written public comment as well and takes us to our Council action, and want us to consider recommendations that are in the report to identify measures to be evaluated with spex and three, identify any other actions. So, let's see who wants to get us started. Maggie Sommer.

**Maggie Sommer** [00:00:34] Thanks Chair Gorelnik. If I may maybe just ask staff whether the Groundfish Management Team reviewed the ESA Working Group Report?

**Marc Gorelnik** [00:00:50] Is that for Todd?

**Maggie Sommer** [00:00:53] Yes. Please, thank you.

**Todd Phillips** [00:00:57] Mr. Chair, Miss Sommer, yes thank you for the reminder. I apologize for being remiss in forgetting that. The GMT received a briefing from Mr. Hooper on their June 10th webinar that he went through the presentation, they had a discussion regarding the workgroup report noting, of course, that Caroline McKnight and Lynn Mattes on the GMT are both members of that workgroup. The GMT found that the recommendations contained within the workgroup report, they agreed with them, and they just felt that writing a statement, a single sentence statement was probably lower on their priority list, given the heavy items that are coming up here in the Council session. So short way of saying that the GMT agrees with the findings of the recommendations held in the workgroup report. Thank you.

**Marc Gorelnik** [00:01:59] Maggie.

**Maggie Sommer** [00:02:00] Thank you Chair, and thanks very much Todd. I agree that a report doesn't sound necessary but appreciate knowing that the GMT reviewed it and concurred with the recommendations. Mr. Chair, while I've got an open mic I have two other brief comments, if I may?

**Marc Gorelnik** [00:02:17] Absolutely.

**Maggie Sommer** [00:02:19] Thanks. First is to thank Mr. Bob Eder for participating in the workgroup meeting. As I recall, on relatively short notice, and I will be supportive of adding an industry seat to the workgroup, although I think that's something we may take up under C.9, COPs instead of today. And second, when Todd gave his overview and presentation at the beginning of this agenda item, I caught that he mentioned that NMFS is interested in feedback on what Todd called the snapshot report describing effort in groundfish fisheries from 2002 to 19, and I just offer that I found it very helpful both in considering this agenda item, but also of much broader interest. There are many times during our work that an understanding of groundfish fishery history is needed and this is a great resource, so I'd suggest we all keep that in mind for our own use and it's certainly something I will be pointing others toward when there's interest. I look forward to future updates from NMFS as appropriate. And just a big thank you to Dr. Kate Richardson and her co-authors, as well as a whole lot of observers and data analysts whose work over the years made a summary like that possible. Thanks.

**Marc Gorelnik** [00:03:38] Thank you Maggie. Bob Dooley.

**Bob Dooley** [00:03:45] Thank you Mr. Chairman. I just kind of wanted to circle what concerns I had about this issue that Bob Alverson had brought up about AIS and buoy markings and the FCC and all of those things, and reflecting on Marci's comments about not making it, you know, not making it

mandatory for Dungeness crab and those issues and others said the same, and I think we got to keep that in mind because although it works I think just fine for some fixed geared people, and I think it looks like it demonstrates a lot of utility in there but I think it would be absolutely, and I think you said the same thing, the wrong tool for Dungeness crab to impose, so I wouldn't necessarily prohibit it, but I wouldn't necessarily make it mandatory either so I think it's important that it is an option. And I think, you know, as time goes on it may become better and may have a different idea of it, but I at this time, I think it's important if we write a letter that if we, we're not looking to make this mandatory, and if it's to the FCC, we're looking to have something that all vessels can see. So, I just wanted to kind of put a bow on that with my thoughts. So, thank you.

**Marc Gorelnik** [00:05:04] Sure Bob. Butch Smith.

**Butch Smith** [00:05:08] Yes, thank you Mr. Chairman. And I do support what Councilman Dooley said on the crab industry. I mean if they want to do it, that's they can do it on their own accord, but certainly not a requirement on the crab industry with all the individual pots they have so it'd be impractical and probably a heck of a lot of money added to their industry. So anyway, I just want to support Bob's comments. Thank you Mr. Chairman.

**Marc Gorelnik** [00:05:44] Sure. Phil Anderson.

**Phil Anderson** [00:05:47] Thanks Mr. Chair. Well one of the issues that was brought to us both in public comment as well as the workgroup had to do with short-tailed albatross telemetry and observer data south of 36 and whether or not the data that comes from south of that latitude should be included in future reports. And I'm a strong supporter of saying yes to that question. You know we have, as we all are well aware, we have lots of changes going on in the oceans associated with, particularly associated with climate change, ocean warming, acidification, how that's affecting the lower end of the food web, all those kinds of things, and we have incredible migration patterns and distances that are covered by certain seabirds. I mean, we have Buller's shearwater that show up here in the late summer and early fall and that have come from nests in New Zealand. South polar skua's that are coming from Antarctica that come up here in the summer. We've got sooty shearwaters making, essentially circle the Pacific coming out of nests in places like Chile, and our albatrosses, which you know blackfoot albatross, Laysan albatross, short-tailed albatross that in with respect to that particular species coming from a single island essentially south of Japan. And so, we don't, we don't have a good understanding of how these migration patterns might be affected with all of the changes that are occurring. Short-tailed albatross, as we heard in public testimony, is by far and away the least abundant of the three with numbers, I mean they were, they nearly suffered extinction as a result of a volcano on the island, on the only island where they nested at that time. They're slowly coming back and they're now, I think there's about 2,000 breeding pairs as my memory serves me correct, but so it's going to be extremely important in my mind for us to track any interactions that occur with gears that are authorized through the Pacific Council's actions and so for those reasons I would voice strong support that we continue to get that information summarized in future reports from that area south of 36.

**Marc Gorelnik** [00:08:51] Marci.

**Marci Yaremko** [00:08:51] Yes, thank you Mr. Chair. Following Phil's remarks, I have a motion to offer the Council? Sandra if I may? Thank you. I move the Council request NMFS make the following new information available for review and consideration by the Groundfish Endangered Species Workgroup at its 2023 meeting. 1: Any new short-tailed albatross telemetry and observer data south of 36 degrees for purposes of considering whether the current exemption from the streamer requirement in this area remains appropriate. Number 2: Updates on fulfilling the terms and conditions of the incidental take statement for humpback whales. Number 3: Updates on research into avoidance or



minimization measures to reduce bycatch from floating long line gear, specifically, funded research in FY 2022 currently being planned by NMFS, Oregon Sea Grant and industry collaborators. Additionally, the Council recommends that NMFS continue its financial support of the eulachon spawning stock biomass survey conducted annually by WDFW.

**Marc Gorelnik** [00:10:27] Thank you Marci. Is the language their accurate and complete?

**Marci Yaremko** [00:10:32] Yes, it is. Thank you.

**Marc Gorelnik** [00:10:35] I will look for a second. Wow, Maggie Sommer. All right so we have a motion and a second. Marci, please speak to your motion.

**Marci Yaremko** [00:10:51] Yeah, thank you Mr. Chair. I felt that it was particularly important for us to memorialize our request in a written motion. While guidance might have sufficed and I really appreciate the rationale offered by Phil, I'm actually a little surprised that there was any question as to whether or not the Council wanted the workgroup to receive this information and consider it at its biennial meetings. So, I think it's very important that we specify this and make it clear that we are very interested in new telemetry and observer data south of 36. The decision that the Council made to recommend excluding the area south of 36 from streamer line requirement, we all remember that discussion. I think we're all very excited about the prospect of recovery for this ESA-listed stock. Recent events in Southern California that Anna Weinstein brought to our attention are, I think not only exciting, but give us a lot of encouragement that in fact this species is in fact reoccupying its historic range and I think we have an obligation to continue to consider whether or not this recommendation should stand to provide the exemption from the streamer line requirement, so that is why I felt it was important that we get it down in writing. Also appreciate the updates that NMFS has continued to provide us on fulfilling the terms and conditions of the ITS relative to humpback whales. Just wanted to echo Todd's remarks at the beginning in that the ESA Workgroup really is a great forum that has shown again how effective it is to coordinate activities that originate out of PRD with our Council and with the assistance of Sustainable Fisheries Division and NMFS. It's not lost on me what an effort this is to pull the right people and information together, but I think that the framework we've established with the group again has shown how effective it can be. So, look forward to continuing the workgroups oversight and input on this, and I think it's the right venue and we do appreciate the ongoing information that we're getting from NMFS this on this topic on number two. On the issue of minimization measures to reduce bycatch from floating long line gear, it is very exciting. The research scheduled for 2022 is funded and the planning is underway. I think we all recall the discussions and the uncertainty around the effectiveness of the streamer gear depending on the distance back from the boat that the floating long line would extend and if the streamers would effectively deter birds from the floating long line gear. So, I think we're all interested in following the latest with the research. We also really appreciate the industry's collaborations on this work and look forward to reviewing the recommendations that come out of this work. I think that the venue of the ESA workgroup is the right one and the timeline to hear more in two years looks right so appreciate that. Also, there was a recommendation in the workgroup's report that the Council encourage NMFS to continue its financial support of the eulachon spawning stock biomass survey that's conducted annually by WDFW. It's, when we first heard about the eulachon work... oh, a number of years ago from Kevin Duffy and how effective it was in helping us evaluate the status of this, how important the survey was to evaluating the status of the stock. I think we were all very convinced that this course of action to effectively monitor the species annually was a really good one and appreciate the efforts of WDFW to actually undertake the work. So, I think this is something that we should continue to support NMFS providing funding annually. There are a few other workgroup recommendations that we received today in the overview presentation that aren't part of the language of the motion, for example on the short-tailed albatross, the Council supporting efforts to explore ways to improve streamer lines for gear configurations for purposes of mitigating sea birds. Absolutely, I

think we certainly support efforts to improve streamer lines and that's kind of spoken to in item three, but I don't think there was anything specific that we can do to encourage the explorations beyond the work that's under way. Certainly again, agree with the recommendation from the workgroup that we encourage industry participation in the research, and I think we are very interested in the outcome and application. So anyway, I really appreciate the effort and the work and especially NMFS efforts to coordinate internally on so many different issues of importance in our groundfish fishery and thanks.

**Marc Gorelnik** [00:18:06] Thank you Marci for the motion. Let's see if there are any questions. Phil Anderson.

**Phil Anderson** [00:18:13] Well, I guess maybe I have a question but more of a comment, I guess. First of all, thank you, Marci, for the motion. Hits all the points and also appreciate your perspective in ensuring that we get this written down so thank you. One of the things that was in one of the public comments on this public comment was a recommendation to provide a scope, a schedule and a scope for the workgroup to locate new, potentially new information on short-tailed albatross telemetry and I'm not suggesting that an amendment is needed to the motion, but and I did look over the current membership of the workgroup and I do see a couple of people on there that likely have some expertise in seabirds, but there is an incredible wealth of information that comes from the bird community. I'll call it citizen science and their communication linkages are incredible in how they report sightings and those types of activities, so I would just....and I think that was, saw a little bit of that in some of the email back and forth about what had gone on south of 36 just as it relates to short-tailed albatross. But I would just as part of number one there, would want to encourage the workgroup to reach out to that, to the bird community I'll call them, and because there are, there may be data out there that the workgroup members aren't aware of, and that group of citizen scientists can really be valuable so that's all I have Mr. Chairman and thanks, Marci, for the motion.

**Marc Gorelnik** [00:20:39] Thanks Phil for those comments. So further discussion on the motion? Phil your hand....oh there we go. So, any further discussion on the motion? I'm not seeing any hands. I will call the question. All those in favor say 'aye'.

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

**Marc Gorelnik** [00:21:06] Opposed, no? Abstentions? The motion passes unanimously. Marci, thank you for the motion. So that takes care of some of the business we have on this agenda item but I'm not sure that takes care of all of it. Are there any recommendations not incorporated in Marci's motion that we want to specifically address? Marci.

**Marci Yaremko** [00:21:53] Thank you Mr. Chair, just a follow up for, I believe, Council staff. I concur with Maggie's earlier remark about considering permanent membership from a GAP representative on the workgroup. And I'm just assuming, like Maggie stated, that we'll take that discussion up in membership appointments later in the week, but I didn't know how, I just wanted to make sure we capture that and just wondering if we need more discussion on that here in this item?

**Marc Gorelnik** [00:22:43] Thanks Marci. Well let me see if the Council has any other business on this agenda item? Phil Anderson.

**Phil Anderson** [00:22:57] In my attention to the other parts of the Council action associated with this agenda item, I wasn't sure where we ended up with the potential letter regarding Automatic Identification Systems, AIS, and the use of those on fishing gear, in particular fishing buoys and poles that mark the end of a long lines. I may have missed something along the way.

**Marc Gorelnik** [00:23:36] Well, I don't know that you missed anything. It was requested and Bob

Alverson discussed it. You know there is a reference in the GAP report to the North Pacific letter as Dan mentioned. Heather Hall. Thanks.

**Heather Hall** [00:24:01] Well, thank you Chair. I don't have an answer to Phil's question. It was on my list of things to follow up on and I did just raise my hand because I had a couple of other things too, but I appreciate Phil's bringing up the letter and this recommendation in the GAP report and from Bob's testimony, and I'm unsure what to do with it and I worry. I don't want to miss an opportunity to address something that would be helpful but understand, you know not making a recommendation for it. I had a couple of things on halibut that I wanted to bring up too, but I can wait until we have some resolution on what we're going to do about this letter, if anything.

**Marc Gorelnik** [00:24:52] Okay. Yeah, let's resolve the AIS letter issue and then we'll come back to you, Heather, for on halibut. So, we've got the request. I don't know that the Council itself has had an opportunity to consider the North Pacific letter. I think we're caught a little bit flat footed here, at least speaking for myself on this and when it comes to actually the Council actually taking a position here on this issue. I don't know if Executive Director Tracy can offer any guidance here as to what we can ask staff to do or what's appropriate to do here. Chuck and then Phil.

**Chuck Tracy** [00:00:00] Thanks Mr. Chair. Well, so you're right. I don't think the Council's, you know reviewed the North Pacific letter or, you know had an opportunity to explore this in detail so I guess, you know depending on the urgency of this, I guess I would encourage some more Council discussion about whether they want to, you know request this come back before the Council in September or if they want to, you know, I mean we could take a stab at it, you know and based on the North Pacific letter, but I guess again I'm not sure that's the best way to do business without the Council and its advisory bodies having, you know, specifically weighed in on issues but, you know depending on how the Council feels about it, it's something we could consider. And I suppose perhaps, you know if there was some direction under workload planning for us to follow up on some of this that might give the Council an opportunity to take a look at some of this over the next day or so to provide further direction to staff to carry out their wishes. And I guess, you know as usual, you know scheduling something for September, I guess I'd have to take a close look here and see, you know I can't think of anything off the top of my head where this might fit under groundfish business but.....

**Marc Gorelnik** [00:02:01] I also think there's an issue with timeliness when there's a comment period and I don't remember now exactly what the deadline is but.....

**Chuck Tracy** [00:02:09] It looks like there's plenty of people ready to weigh in on this. I'll step aside.

**Marc Gorelnik** [00:02:13] All right. So, let's go to Phil Anderson and then I'll work down the list. Phil.

**Phil Anderson** [00:02:23] Yeah thanks Mr. Chair. I'm looking at the proposed rulemaking notice released June 16th, says reply comment date is 60 days after date of publication so I suspect it's somewhere in the middle of August. And I mean for those of us that spend a lot of time on the ocean we're very familiar with the AIS tool. It's relatively new. I mean, at least when you're old like me, it's a relatively new tool and it's being widely used by the fishing industry. People turn them on when they want to make sure people know where they, when they want others to know where they are. They turn them off when they don't generally. But in terms of safety at sea they have been, as AIS in particularly with the class B. There's a class A and a class B. It's says class B puts out, I think 5 watts power and the class A 25 watts power. Says that class B is more, it's less expensive. But I've seen it used and I see it virtually every time I go out used by not only the our long line fleet, or be it pot or long line, but they are also using it in our spot prawn fishery out around Gray's Canyon, where there's lots of vessel traffic, lots of ship traffic, tug and barge traffic, so lots of opportunity, and of course there's both bottom trawl,

there's midwater trawl, there's the whiting fishery. There's all kinds of stuff going on out there and so the ability for fishermen to mark their gear and thereby provide, I think a significant increase in its safety, if you will, safety as in not getting run over by other types of activities that are going on out there is a really valuable tool to our long line fishery. Certainly support the remarks associated with the crab fishery. Would never in a million years suggest that every pot have AIS on it, but a lot of our long line operations are out in the shipping lanes and out in and where there's a lot of traffic that can damage their gear. So, I just think it's an opportunity for us to weigh in and show support. I don't think it has to be a long, complicated letter. I suspect that, I haven't had a chance to look at the North Pacific letter, but I suspect it hits the pertinent points and if there are some in there that aren't particularly applicable to our situation we can deal with those, but I just think that this is an important issue and can be an important tool for our fleet, and if we have an opportunity to provide our comment on it I think we should.

**Marc Gorelnik** [00:05:56] Okay, thank you Phil. My screen just expanded so now I can't see hands. They we go. Brad Pettinger followed by Louis Zimm.

**Brad Pettinger** [00:06:05] Thank you Chair Gorelnik. I agree with Phil. I think it's... I think we should write a letter. I think that my time being on some cable ships operating around fixed gear that's been utilizing a AIS like's been described has been extremely valuable for those folks. They really appreciate it. The maritime industry is worried about minimizing lost gear. That will certainly help in that. If we want to go to a... or would like to see people use a one buoy configuration to minimize impacts to marine mammals, obviously the fishermen would be a lot more apt to go to one buoy if they had AIS on it and so I think that we have time here to get that, share the letter with the Council and the least to see what it entails. I don't think it's a big ask and I think we ought to support our industry and for the economic and conservation reasons that have been discussed. Thank you.

**Marc Gorelnik** [00:07:09] All right, thanks for that Brad. Louis.

**Louis Zimm** [00:07:12] Well thank you very much Mr. Chair. Do you pick me up?

**Marc Gorelnik** [00:07:16] I've got you. I see you on AIS.

**Louis Zimm** [00:07:16] Okay good....(laughter)...Oh my goodness. Well, I should have shut it off when I came into port then. As someone that hit prawn buoy gear with my research ship in a shipping lane and we were definitely endangered by this, it was... it was very, very tough and of course I didn't even think about how tough it must have been to the fishermen who lost all his gear and my eight-foot-high props. I really agree with both Brad and Phil on this, and I have taken a quick look at the Alaska letter, and it seems very reasonable. If anybody wants to look at the last chapter, furthering the wise use of nation's fish resources while improving safety at sea should be our common objective and I might note one of the Magnuson-Stevens requirements so I would favor doing some action on this. Thank you.

**Marc Gorelnik** [00:08:32] All right. I'm going to go to Marci, and I note that Brad's hand is still up, so I'll come back to you after Marci. Is that okay Brad? Marci, why don't you go ahead.

**Marci Yaremko** [00:08:44] All righty. Just a question for Council staff. The Council action we have on the screen, item three, identify the appropriate actions to be evaluated as appropriate. I think we're hearing a lot of support for the concept of a letter. I think we heard Scott McGrew tee this up for us early in the week. I'm a little concerned about whether we are in bounds action-wise to be able to task or direct development of a letter here. In this agenda item it seems a little afield from the topic of the Groundfish Endangered Species Workgroup Report. So just asking for confirmation that, in fact we're on the right track.

**Marc Gorelnik** [00:09:36] All right, so we'll go to Todd or Chuck for that.

**Chuck Tracy** [00:09:43] Thanks Mr. Chair. I'll take it, I guess. Well, yeah, so I guess the... you know this issue came up in the Endangered Species Workgroup Report. It's come up in the GAP report. Number three is maybe not specifically worded to address something like this, but I think it is a little bit of a catch all in terms of other appropriate actions and to be evaluated as appropriate. So, I guess the evaluation is do we support this, and the action would be to submit comments, so I think we're probably on safe enough ground here.

**Marc Gorelnik** [00:10:28] Louis, and then I'm going to suggest a conclusion. Go ahead, Louis' hands down. So, here's what I..... Heather Hall. Wait, now we're just talking about this AIS issue right now. So... Phil Anderson.

**Phil Anderson** [00:10:44] After you make whatever remarks you were needed to make there Mr. Chairman, I do have a, I'm going to create a motion for Council consideration.

**Marc Gorelnik** [00:10:57] Okay well go ahead please with your motion.

**Phil Anderson** [00:11:06] Sandra, can you bear with me, and this will be short. I move that the Council write a letter to the Federal Communications Commission encouraging them to reconsider its prohibition of the use of AIS, Automatic Identification System is what that is, AIS, to mark fishing gear.

**Marc Gorelnik** [00:11:53] So Phil... is that right? Should it be reconsider their prohibition on the use of AIS?

**Phil Anderson** [00:12:06] Oh, I thought it said 'of the use of AIS' but....

**Marc Gorelnik** [00:12:09] Yeah, it used to be in there somewhere.

**Phil Anderson** [00:12:11] Yeah, I thought I had it in there. I apologize if I didn't. So that's... that's the motion Mr. Chairman.

**Marc Gorelnik** [00:12:22] All right, thank you. And the language is accurate and complete?

**Phil Anderson** [00:12:27] Yes.

**Marc Gorelnik** [00:12:28] And looking for a second? Seconded by Heather Hall. So please speak to your motion as you deem necessary.

**Phil Anderson** [00:12:45] Thanks Mr. Chairman. Well, I think we've had a fair discussion on it. The language in the motion is what is bolded in the final paragraph of the letter from the North Pacific to the FCC. I would rely on the Executive Director and the Council staff that craft the letter that it utilizes the pertinent points from this discussion as well as pertinent points that are made in the North Pacific's letter to indicate to the FCC what the Pacific Council's position is on this matter or indicate the rationale behind our request in this manner. And I think the balance of the rationale has already been spoken to. Thank you.

**Marc Gorelnik** [00:13:42] All right. Thank you for that Phil. Is there, are there any questions of the maker of the motion or any discussion on the motion? Then I will call the question. Chuck, you have your hand up and then Brad.

**Chuck Tracy** [00:14:00] Yes, thanks Mr. Chair. Just real quick. So just on the process. Just the approval process. Is this something delegated to staff or is this a quick response process?

**Marc Gorelnik** [00:14:17] Well... it's not in the motion, but I would think that wouldn't we typically at least have a quick response on letters from the Council?

**Chuck Tracy** [00:14:31] It's been done either way so just looking for your guidance.

**Marc Gorelnik** [00:14:35] I will defer to the pleasure of the Council on that. Whether the Council wants to review the letter before it goes or feel this direction is clear enough that no further review is required. Brad then Phil then Louis.

**Brad Pettinger** [00:14:56] Yeah, thank you Chair Gorelnik. Not a big deal, but I mean this is a national issue. I think the letter should basically address the fisheries that pertain to the West Coast. It should ask for people do it everywhere and it's probably going to be the way we were going to treat this, but just make sure we refer to we're asking for the West Coast only and not for anyone else. Thank you.

**Marc Gorelnik** [00:15:22] All right. Phil and then Louis.

**Phil Anderson** [00:15:27] Well, if others, if anyone objects, I'm fine with going to the quick response procedure. I think this issue is, from my perspective at least, it's fairly straightforward. We have the North Pacific letter and I understand we've... not everybody's had a chance to look at it. I just looked through it. I think it hits the pertinent points that pertain to the Pacific Council area fisheries and the fisheries that are under our purview so, and I agree with Brad that we are only speaking about fishing gear that's associated with operations under the Pacific Council's purview. So, I am totally comfortable with letting, with having Chuck and the staff craft this letter and send it off but I'm also, if anyone objects to that will certainly be happy to support the quick response procedure if people need that to have come comfort.

**Marc Gorelnik** [00:16:39] Okay, well let's get this motion passed. If it does pass, then we'll address that issue. So, are there any other questions on the motion? Discussion on the motion? All right all those in favor say 'aye'.

**Council** [00:16:54] Aye.

**Marc Gorelnik** [00:16:54] Opposed, no? Abstentions?

**Kelly Ames** [00:17:03] Kelly Ames abstains.

**Marc Gorelnik** [00:17:07] Who was that? Kelly?

**Kelly Ames** [00:17:11] Kelly for NMFS. Thank you.

**Marc Gorelnik** [00:17:13] Thanks Kelly. All right so the motion passes with one abstention. Now I'm going to ask for a show of hands for those who want us to use the quick response procedure. And I'm not seeing any hands so we will not use the quick response procedure and we will defer to staff on this, with staff being aware of the comment deadline on this. We've been going for 2 hours and 15 minutes. I know we have further discussion on this agenda. I know I need to go back to Heather on an issue related to halibut, but since we've been at this for 2 hours and 15 minutes, we're going to take a 10-minute break here, then wrap up this agenda item and go to our last agenda item of the day. So, we'll

be back at 3:25.....(BREAK).....We, we're still on Agenda Item G.4 and we're in Council discussion and action, and I think we just wrapped up the issue with a motion by Phil on a letter to the FCC. And so now I'd like to go to Heather because I know Heather had a halibut issue, I think if I remember correctly, so Heather.

**Heather Hall** [00:18:41] Thank you Chair Gorelnik. Thank you for remembering that. I appreciate it and apologies if I could have brought this up sooner. I don't have a motion or anything like that. I just did want to flag a couple of things from the one from the workgroup report, and that's relative to the green sturgeon, you know bycatch in the directed halibut fishery and I just wanted to flag that for something that I think we should keep on our radar, particularly as we move the idea or the concept forward, slow as it might be, of transitioning to management of the directed halibut fishery and so I just wanted to comment on that. I think the workgroup discussed it and can really understand how it might be a bit awkward to know how to address that and relative to what's in the terms of reference and all of that so... but I didn't want it to go without any notice. And then the other issue relative to halibut in the directed halibut fishery specifically is that I think streamer lines are not required in the directed halibut fishery and it might be an opportunity to minimize interactions with seabirds if that, if we were able to put that requirement in place, and I'm not sure what the mechanism for that is, Kelly might be able to help with this if this is something that we could put in the catch sharing plan and then into federal regulation, if that's a way to do that or if maybe this is just something that needs to wait until we have the management of the directed halibut fishery under the Council, but also wanted to just bring those items up. I guess that is, I will before I finish just maybe pose that question to Kelly.

**Marc Gorelnik** [00:21:01] Okay Kelly. You have a recommended route for that?

**Kelly Ames** [00:21:12] Thank you Chair Gorelnik. Thank you, Miss Hall, for the question. So just to make sure everyone is all aware, the Pacific halibut fishery does have its own seabird biological opinion with no required mitigation measures, and that was primarily due to its limited duration and lack of seabird bycatch at the time of the buy-op development. Around half of the directed halibut fishery also retains groundfish, and when they do, they are required to use the streamer lines. So as I mentioned when the opinion was developed there was a lack of information on seabird bycatch, but the fishery is now observed and so there is some indication of seabird bycatch but no streamer line, or sorry, no short-tailed albatross bycatch, and so certainly under the halibut agenda items as you're developing the regulations for that fishery, you could consider whether to expand streamer line requirements to the halibut fishery.

**Marc Gorelnik** [00:22:22] Heather, does that answer your question?

**Heather Hall** [00:22:26] Thank you Chair. Yes, it does. Thanks very much, Kelly. That's really helpful. I appreciate it.

**Marc Gorelnik** [00:22:34] All right, thank you for that Heather. And what further action do we have on this vis-à-vis, what we see on the screen there with regard to either any of the workgroup recommendations, anything we want to deal with in spex or he miscellaneous item three? I don't want to cut this short, but we do need to move on to the next agenda item. So, if I'm not seeing any other hands, I'm going to assume that the Council has concluded its action here and I'm going to go to Todd to confirm that we've done what we need to do here.

**Todd Phillips** [00:23:24] Yes, thank you Mr. Chair. I believe that you have covered this agenda item appropriately. You have a motion that deals with the Groundfish Endangered Species Workgroup recommendations. The Council did not make any or did not identify any measures that were needed to be evaluated as part of the upcoming harvest specifications and management measures process. And

the Council did note that the letter needs to be written regarding AIS and that would be the tell under identify other appropriate actions to be evaluated as appropriate. So, in my concluding remarks, I believe that the Council has done their job and the issue has been addressed.



## 5. Adopt Stock Assessments

**Marc Gorelnik** [00:00:00] Well that concludes public comment and takes us to Council action. Which you see on the screen there is to approve stock assessments for use in 2023 and beyond as appropriate. So, this little one-hour agenda item we're now about five hours into it, so obviously it's a critically important agenda item. It's going to drive the course of our groundfish spex for some time, so let's get started on discussion. Chuck Tracy.

**Chuck Tracy** [00:00:46] Thanks Mr. Chair. I've got a maybe a question of clarification I'd like to ask the Science Center, perhaps Dr. Hamel might be appropriate or Dr. Hastie, but there's, you know based on the reports we've seen from the states and the advisory bodies and the public testimony, we've heard quite a bit about, particularly taking copper and quillback back here, about the geographic separation of stocks and perhaps some consideration of requesting some additional work be done on at least some of those components. So, my question is, would doing something like that to consider some additional information, whether they are data streams or other analysis or whatnot, would that involve a change in the terms of reference? And also, if that was the case, would that have any implications for the other components of the stocks that maybe people currently have less concern about? So I'm not sure how exactly how to, you know reconsideration of the current assessments would work but I guess I would just see if there's any concern from the Science Center about sort of the connection between the geographic components of the stock assessment and any revisions to one or more of those components but not the others, so hopefully that's something that the Science Center might be able to provide some clarity on.

**Marc Gorelnik** [00:02:57] Okay, well, we'll look.....I see Kelly's hand is up, but I'm not sure if that's in response to your question of the Science Center. Jim Hastie.

**Jim Hastie** [00:03:09] Hello Mr. Chairman. Can you hear me?

**Marc Gorelnik** [00:03:15] Good morning.

**Jim Hastie** [00:03:19] We've talked since last week about different options for what we might be able to do between now and the September meeting. One of the options that we've talked about is, would involve trying to assemble over the month of July information that would bear on the question of stock structure, either directly for copper, quillback off California or related or similar species, and to then facilitate a follow on conversation with the SSC's Groundfish Subcommittee at their August meeting on this question of the appropriate or at least acceptable geographic scales for determining stock status, and so I think that kind of activity is a very purposeful first action that could be taken obviously. In the case of copper rockfish, if the results from the two California assessments were combined for the purpose of, or for the purpose of determining a California wide status, the results of that would be above the minimum stock size threshold. There would be a different set, or a different scale of questions associated with quillback, but based on the fact that the existing model in the south already contains all of California and so the question there would be is a coastwide scale appropriate for that? And you heard some comments yesterday about the concerns for nearshore species, the transport of those and movement of those fish is more limited in many cases than for species that are normally farther offshore. So, I think at least being able to have a broader discussion with the Groundfish Subcommittee on those topics in August will be very useful for the this for having maybe at least some clarification on how to move forward on those questions by September.

**Marc Gorelnik** [00:06:16] Chuck, did that answer your question?

**Chuck Tracy** [00:06:17] Partially. But I guess, so I guess my concern lies with, you know the Council Meeting Transcript  
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possibility of, you know adopting some of the geographic separation of some of the stocks.

**Jim Hastie** [00:06:36] Oh, I see. Relative.

**Chuck Tracy** [00:06:37] Relative. Yeah, at this point and then...yeah... so would that, is there any concern?

**Jim Hastie** [00:06:43] I don't have any concern with that. I don't think any of us from the Centers would have concern over that. Those models have been approved by the SSC for use in as BSIA in managing fisheries and I don't think that there, I don't recall any comments or immediate or short-term modifications of those assessment models so I think that would be fine.

**Chuck Tracy** [00:07:23] Thank you.

**Marc Gorelnik** [00:07:23] All right, thanks, Jim, for that response. Kelly.

**Kelly Ames** [00:07:35] Good morning. Thank you Chair Gorelnik. I have two questions relative to data moderate assessments. The first would be, I think, a question to Chantel or Melissa Monk. My question is, are the data listed in SSC table 2 sufficient to support full assessments for quillback and copper rockfish?

**Chantel Wetzel** [00:08:09] Thank you Miss Ames. This is Chantel Wetzel. I'll go ahead and attempt to answer the question and if Dr. Monk wants to add that would also be great. Of the data type listed in the table provided by the SSC for possible inclusion in a full assessment there's essentially three types of data. There's the historical length data, there's potential recreational indices, and ROV abundance and length observation. Of these data very few are anticipated to be highly influential in a full assessment. We would not anticipate historical length data having a large impact on the relative stock status estimated today, and of those data that are presented on this table, I think there's an important thing to note here that the potential of data sources available for quillback are relatively limited. Dr. Monk looked into the CCFRP data for us and concluded that there appeared to be too few observations in those data to calculate in the index of abundance that could be used for a full assessment. So that essentially leaves primarily the historical length data which we wouldn't expect to have a large influence on the model. Potentially some recreational indices, which also are often highly uncertain and are, have lower influence in many of our models relative to composition data such as length and age. And so, the data in the table, we would probably anticipate a full quillback assessment would be very similar to this data moderate assessment because there's really limited information there that could be brought to bear, to create and new stock assessment. The key data source that really would be a highly influential and useful in our model, our age data, and unfortunately none of the data sources listed in this table, to my knowledge have age data. And that's where I'll stop and see if Melissa would like to elaborate more or if I answered the question.

**Kelly Ames** [00:10:49] Thank you Chair Gorelnik. It does not look like Dr. Monk is online, but I do see Dr. Field raising his hand, so I'm not sure if he would like to elaborate. And I would like to thank Dr. Wetzel for her response.

**Marc Gorelnik** [00:11:04] Yeah, thank you. And I noticed the same thing. So, Dr. Field, do you have a comment here? An answer?

**John Field** [00:11:14] Yes, thank you. I was really just going to agree with Dr. Wetzel. I think she summarized it appropriately. Melissa did take a look at what was available for these two stocks early on in the prioritization process. She was fairly convinced that the on-board indices and CCFRP were

insufficient for quillback, but there was sufficient data for copper rockfish in California and both of these regions to inform a model. We did not, she did not look closely at the ROV data. So, I would say, but I would defer to Dr. Wetzel on her thoughts and comments on that. Thank you.

**Marc Gorelnik** [00:11:58] Thank you. Kelly, did you have a second question?

**Kelly Ames** [00:12:05] I did. Thank you Chair Gorelnik. I believe this question is probably best answered by John DeVore, but would also leave it open if there are others who would want to weigh in. I'm looking at CDFW Report 1, page 2 and I'll let folks get that open. I'm looking specifically at the third full paragraph, and it is the very first sentence that says 'CDF and W would also like to highlight that analysis of length data moderate assessments.....sorry hold on. CDF and W would like to highlight that analysis of length-based data moderate assessments was not completed during last year's methodology review and a number of outstanding issues are slated for review by the Groundfish Subcommittee in the winter of 2021'. So, my question to John is if he could just elaborate on what methods were previously reviewed, how that might influence our understanding of the current assessments, and then what the plan is for that Groundfish Subcommittee meeting in winter 2021?

**John DeVore** [00:13:23] Okay, thank you for the question Kelly. When these new length-based assessment methods were endorsed, it was recognized that there are some outstanding questions that still need to be resolved and we'll potentially be starting that discussion this winter when we do our assessment proc....post assessment process review, otherwise known as the postmortem review. But these potential pieces of... or discussion items include treatment of recruitment and estimating recruitment deviations, how you would might best do that with these models. This concept of ensemble modeling, which was spoken to earlier, incorporation or considerations for incorporation of fishery dependent indices. In that discussion it was noted that this could be particularly important for the applicability to nearshore species stock assessments. You're considering for the next terms of reference on these methods, making sure that there is a section in the assessment that documents the potential data sources that aren't used. And then finally, the length and timing of a Groundfish Subcommittee review that should be put towards, you know, in the future towards these types of assessment reviews, so those points are all sort of teed up for future discussion.

**Kelly Ames** [00:15:17] Thank you.

**Marc Gorelnik** [00:15:20] Thank you Kelly and John. Further discussion here? I know there's more. Marci Yaremko.

**Marci Yaremko** [00:15:34] Yes, thank you Mr. Chair. Thank you for the opportunity for a little more Q&A on these points with the Science Center. In some sidebar discussions over the last week, it's my understanding that the ability of the Science Center is extremely limited in terms of what it can do on the timeline necessary for considering additional work both in August or possibly at the mop up later in September, but I'm mindful that our specifications process is very long, and we aren't actually adopting final specifications until next June. I am just wondering, I know that the assessors certainly want a long time to do a good job, and we've certainly heard overwhelming advice to proceed with full assessments on these stocks. So, I'm just hoping that somebody can speak to the question of whether or not we could consider embarking on full assessments for these stocks straight away in time to inform us for final adoption of the specifications next June.

**Marc Gorelnik** [00:17:23] And that question's to the Science Center? I see John DeVore has his hand up. Go ahead John.

**John DeVore** [00:17:31] Well, I do think you need to hear from the Science Center on their capacity

and ability to quickly do a full assessment. We've heard a little bit about that, but it's best you hear from them. But I do want to point out that when we have done, we haven't done it much because we learned our lesson when we do out of cycle assessments, it's really disruptive to the spex process. I mean, the way the statutory requirements are that when you get an endorsement that indicates a stock is below the minimum stock size threshold and that sort of thing, or if the new redone assessment still indicates that you've got two years to develop, to have a rebuilding plan implemented, and if you don't do that in synchrony with the rest of the specifications, you lose a lot because these rebuilding plans, of course, don't just concern access to the species that are part of that plan, but also co-occurring species in other fisheries. You know, the groundfish fishery is a mixed stocks fishery as you all know, and there's a lot of connections there that need to be explored in a spex process when you're developing a rebuilding plan. So, it's, it turns out to be really disruptive and even if you were to cleave off the rebuilding plan development from the spex process, a lot of the effects and whatnot are still going to be felt in other sectors of the fishery and other communities and you don't really get a good picture there. So, I'm very concerned about out of cycle assessments in general because of that. And I'll just leave it there and I do think the more important discussion is going to be had with the Science Center.

**Marc Gorelnik** [00:19:34] Jim Hastie.

**Jim Hastie** [00:19:37] Thank you Mr. Chair. I guess on the one hand, I'm very hesitant to volunteer our staff to dive back into trying to create full assessments for species in the way that would be envisioned by the SSC recommendation in particular, which would be to consider something as close to a full assessment for all areas along the coast of these species, which was a recommendation for the next full cycle. I don't believe that there is sufficient additional information available for quillback to merit over the winter assessment activity. I mean the one issue that could potentially affect the results of that assessment to some degree would be if we had age data from the, for quillback from California. You may recall mention of the fact that the growth curve for California had to be borrowed from the Oregon area because there just were an insufficient number of agents that were available for California. I don't have any idea whether that situation could be addressed between now and say October. One of the challenges, and I think the first three public commenters today spoke to the importance of the live fish fishery for both of these species in Northern California, and one of the challenges we've had on the commercial side to getting otoliths is that those fish lose a lot of value when they're killed and removing otoliths will kill them, and as a result of that, and the fact that providing those samples is voluntary in California, we just don't get the agents from there. We don't, we haven't been getting any agents to speak of but certainly no routine one collective agents from the recreational fishery in California and so if we could remedy that, that would at least provide some additional information on growing, so it might be possible to run that through the existing model quickly and evaluate whether there was an opportunity for that to have an impact. Probably the one area where there would be enough additional information to warrant considering a full approach would be in the Southern California copper assessment. There were efforts by the staff to examine the potential impact of including some of those recreational CPUE time series, at least up to the prior assessment in 2013, and those were presented to the Groundfish Subcommittee last Tuesday. Interestingly the inclusion of those did not dramatically change the steepness of the status decline in the 70s and 80s. It would be possible that extending those time series from 2012 up through the present could provide greater increase in the biomass. So that's something that we can look at. I would not favor attempting to conduct a single coastwide assessment. The point was made yesterday by John Budrick that one of the challenges when you use more of a spatial design is that you can lose precision because you're spreading your data thinner, and you get more effective data when you go to larger geographic areas. Well, that's not always the case, and in this case a coastwide modeling of the stock would not be able to include the Southern California hook-and-line index and the length-and-age data that come with that index are important to that area because there are very few ages that are available. The only other agents from Southern California, as I recall, were collected by the trawl survey. So it would be possible I suppose to try to expedite a more of a full

assessment look based on what could be assembled quickly that would be conducted, you know, between sometime this summer and the winter, noting that you know as we get into the January through March timeframe, we're also having, you know, other competing processes going on for our time, not the least of which is preparation for next year's prioritization discussions which will likely be lively. So, I don't know if I fully answered that question. I think, you know we certainly learned some lessons back around 2006 with yelloweye rockfish in terms of being careful that you have some idea as to whether you're going to be able to get a positive improvement from rushing into doing additional modeling before you do it. And I'll leave it at that for right now and will be available to respond to further specific questions as needed.

**Marc Gorelnik** [00:27:10] Thank you Jim. Further.....Kelly Ames.

**Kelly Ames** [00:00:00] Thank you Chair Gorelnik. Just a follow up question for Jim, a point of clarification. When you mentioned the full assessment, were you speaking only to copper? Or both copper and quillback?

**Jim Hastie** [00:00:10] I was speaking primarily to copper because I think that there is, you know there were more the historical CPFBL lengths. I think it was something more on the order of several thousand rather than less than a thousand for quillback that would have been available, and there is, we know from 2013 that we can develop CPFBL recreational CPUE index in that southern area. So that would be an additional piece of information that was available. We would also be able to include directly the age composition data to go along with the hook-and-line index. So, I think there's more information that could be added to that model. I don't see that there's much that, what could be added. I mean it would be possible if we didn't get a hold of the earlier length data to add that to the California quillback model and see what it does, but if that's not going to significantly alter the finding then I don't believe that justifies the effort to go through and I guess try and have a Star Panel later on. There's a possibility that, you know the ROV that John Budrick is just mentioning there, as I understand it from John DeVore before it could be used as an index needs to undergo further review and acquire a sufficient number of observation. There might be an opportunity if there's an ability to compare densities of quillback rockfish between reserve areas and areas outside that have been subject to fishing, then that might provide some useful information regarding scale, but I'm not sure how that would be incorporated directly into an assessment and provide a quantitative adjustment to the level of completion. So, I would say that if we were to try and undertake something additional, it would, I would favor focusing on copper rockfish in the southern area and attempting to do the best job that we can to incorporate additional data there.

**Marc Gorelnik** [00:03:48] All right, thank you. Chuck Tracy.

**Chuck Tracy** [00:03:52] Thanks. So, Jim, while we've got you on the hook, so to speak. You mentioned a time frame that you mentioned over the winter. So, you know just as a reminder on our spex schedule, we're scheduled to adopt final OFLs in November. While we do have an opportunity to address corrections in June, that is obviously our final drop-dead date and doing anything that late would severely impact the analysis of the management measures which depend on having those OFLs. So, my question to you is, if that, if you were to do something for copper in Southern California, a full assessment that you've been discussing, what sort of time frame are you looking at for conclusion of that so that the Council might get an idea of when they might have the results and be able to incorporate that into.....?

**Jim Hastie** [00:04:59] Yeah, I don't I don't see any opportunity to bring results from something like that to the Council before March. Certainly, I don't see us being able to do all of that for November and, frankly, I need to give Chantel some time to decompress. That she's led two assessments here that have

fully occupied her over the last nine months and so. And I think just getting all of the relevant information together plus, you know if the intent would be to hold a review that included CIE, we have to plan those things far enough in advance, so I would say in my mind I think potentially January as a time when a review like that could occur and then feeding into the March. That will, you know mercifully nobody who would be directly involved in that is also involved in hake so which, and that process is really coming to a head in the January, February, March time frame as well.

**Chuck Tracy** [00:06:39] Thanks Jim.

**Marc Gorelnik** [00:06:42] All right, thanks for that answer. Further questions of the Science Center or further discussion here? Motions? Marci Yaremko.

**Marci Yaremko** [00:07:10] Thank you Mr. Chair. Sandra, I've provided you with a motion whenever you're ready. Thank you. CDFW motion. Defer approval of data moderate assessments today for stocks off California. Copper rockfish north and south of Conception, quillback rockfish off of California and squarespot rockfish off California. 2: Direct NMFS Science Centers to reengage the STATs to do the following. A: The sensitivity analyses for all stocks requested in G.5, CDFW Supplemental Report 1. B: For copper, reconsider the stock delineation used at Point Conception for appropriateness. Determine if there's any information to support distinct copper rockfish stocks north and south of Conception and whether a statewide assessment for purposes of determining stock status would be more appropriate. C: For quillback and copper north and south. Evaluate if there are errors in point estimates of annual catch in the catch data streams for quillback, so clear outliers in Table 1 and Figure 1 of the assessment. CDFW has reason to believe these inputs are errors as described in CDFW Supplemental 2, and which may be affecting scale as described in the draft assessment. Resolve these errors and rerun the model if necessary. For copper, consider if including additional catch indices are appropriate to better inform catch, as described in CDFW Supplemental 2. 3: Ask the SSC Groundfish Committee to re-review any revisions either at the August subcommittee meeting or at the mop up meeting, and then for review by the SSC before resubmission to the Council for future decision making.

**Marc Gorelnik** [00:09:43] Thank you Marci. Is the language on the screen accurate and complete?

**Marci Yaremko** [00:09:49] Yes, it is. Thank you.

**Marc Gorelnik** [00:09:51] I'll look for a second? Seconded by Bob Dooley. Please speak to your motion.

**Marci Yaremko** [00:10:02] Thank you Mr. Chair. Lots to say here. Let me get going. This motion, what I'm asking the Council to do is press the pause button. We need to think about all of this further and rushing ahead with a decision today to approve these assessments would set us on a course that there's, we just shouldn't do yet. In the Council's request to add data moderate assessments using the length-based methodology to the list of assessments for the 2021 assessment year unfortunately painted us here into a bit of a corner. The goal of what we requested was to use a new length-based data moderate method as a quick substitute for a full. These methods don't include fishery dependent data and so they're much easier to, in theory, conduct and document and review, and the Council's goal when we embarked on this process was to create another tool to give us more information on a quicker timeline than we might be able to get otherwise if we waited for a full assessment. This concept is outlined in CDFW 1, fairly well on page one of our report. It's clear that the SSC had determined that there was enough information to prioritize both copper and quillback rockfish as fulls for the next biennium, but based on the high productivity and susceptibility analysis scores and our recent catch overages of the contribution to the minor nearshore prompted advisers and the Council to pursue length-based data moderate methods to provide a better stock, better information about stock abundance before

the next assessment cycle. So, our intentions were good. They were consistent with the goals of Magnuson to get best available science and use it for management. We identified these stocks as priorities because we had information to work with and because there were some things that we saw in the catch data that prompted us to keep them on the priority list, but at the end of the day the Council recommended full assessments for other stocks with good reason, and we were very much aware of the limitations on the stock assessors and STAT teams and the Science Centers to conduct more than three full assessments this year. So, we did prioritize, but then we added the data moderate assessments to the list in hopes that it would get us some useful information readily to be used for this current assessment cycle. Well, it was a valiant effort. We've learned a lot. One thing that is clear is that these, this particular data moderate method may be creating more questions than answers. I think that is certainly worth review in future work and discussions on applicability. I think there's a lot of information in the record suggesting that we look at what the method for assessing nearshore stocks really should be moving forward. It appears that full assessments may be the path forward and that data moderates, because they only allow certain types of data and certain amounts of data, don't give us the best look at stock status. Because of this and the uncertainty surrounding the method and the clear recognition that there are other data inputs that could be used to better inform assessments on these stocks, I'm asking that we not adopt these today and send them back to the Science Centers for more work. Also want to note that the method itself, the SSC Subcommittee had planned to do more review on the length-based data methods come this winter, and as Kelly Ames pointed out in our report, we do indicate that what was approved for use in 2021 was just really a first review of the method and its appropriateness. So, there was documents, documented need to continue those investigations. And for all data moderate methods, there's no clarity in my mind which methods might be better than one another, and so it does appear that there is a plan for future work and I do hope that we'll be considering in that process whether it's worth exploring additional data moderate methods, or what the best method is, and if in fact full assessments are really the best and only way to proceed to get information that's suitable for management. Turning toward the specifics of the copper and the quillback assessments, the issue of stock differentiation has been raised by the SSC, by the Subcommittee, the assessment authors with regard to the line that was drawn at north and south of California at Point Conception, the SSC notes on page 5 of their report, there's limited evidence that these are actually distinct stocks. Dr. Budrick's response about how these stocks were differentiated and his answer of inertia is troubling to me. I think it's fair to say that well may have been the case because there was a line drawn before. Let's draw it again. And I don't think there was very thorough consideration of that question in the review. I'm also troubled about the inclusion of the hook-and-line survey in the copper rockfish assessment. I heard that it was appropriate for Southern California, but you wouldn't want to apply it for Northern California because it wouldn't be appropriate to apply that survey for the rest of the state, but I question the value of including it at all given the statement on page 17 of the draft assessment, which notes that the index of abundance had relatively high uncertainty intervals by years, likely due to the limited observations of copper rockfish in the survey. So, I have some questions about what might be done to remove that index since it's not appropriate elsewhere, I just question if it's appropriate that all. Moving to quillback. There were questions posed by the STAT as to whether the catch time series is accurate. This is described in the draft assessment on pages 19 and 21 and documented in the draft assessment under unresolved problems and major uncertainties as well as research and data needs. Their words are that this affects model scale and therefore estimates of sustainable yield. Well in the Council process, we manage to those estimates of sustainable yield through our spex process, so we want to be sure that this number is as right as it can be. The SSC also notes that there's substantial uncertainty in the California quillback model, given the sensitivity to assigned, to assumed growth and mortality parameters. So, I think we've heard some responses back from Mr. Hastie that maybe we can look at other data that may be available. It sounds like his responses today are, to me leave open the possibility that there might be some additional discussions to be had about what is possible. Kind of getting to the discussions about the, excuse me just a second. Oh, the Groundfish Subcommittee notes that are appended to the SSC statement. They note that on page 12 for data moderate assessments generally,

one approach might be a preliminary review and one Groundfish Subcommittee meeting followed by a second review more than a month later. Similarly, the TOR itself speaks to multiple reviews on page 36 that a preliminary review prior to the Subcommittee meeting may be beneficial. So, I do think that those paths forward are available to us and allow folks to do a little more research about what else can be done or included. Again, I think we heard from Jim Hastie that there may be things we can do, though there was some uncertainty exactly what is possible at this time, so what that suggests to me is that pausing for now is the right decision and that there is no hurry to approve these assessments. I think we've heard a lot about the magnitude of the decision today and the foreseeable impacts once we make the decision to adopt and begin the process of managing to the new information, that is, at least with this outlook, going to be a monumental effort. So, we want to make sure that we are doing this right. I really want to thank Heather Mann for her testimony today. It was amazing reminding us of our role here in the Council process and our ability to make decisions, of course considering recommendations from the SSC, but that we do have some national standards to keep in mind as we move forward, and I believe that the decision today for the Council to be able to adopt stock assessments doesn't mean that we must, and it also doesn't mean that we should. Otherwise, we wouldn't even have an ability on the agenda to make that decision, so I'm not, I think, in any way questioning the hard scientific look that was taken in these assessments and the quality of work and the task that was given to the assessors and the confines of before. The work was certainly over a number of months. There was a lot of good work done and within the confines of the TOR I do believe they turned over almost every rock, but we want to be sure, and we want to be sure that there aren't flexibilities there that allow us to include additional data that may not have been considered in this initial look. Also want to just note that, you know this is really, in terms of public process, we wanted a truncated review process. We wanted a truncated, both in the scientific realm and in the Council realm, because that was really what our goal was with approving use of data moderate assessments was to get a look and have it be informative and then move on, but I don't think we contemplated how we would use the results of data moderate assessments procedurally, and there is a lot of question on that. There's been discussion over the weekend. A lot of folks have put a lot of energy into digging into the record. I really appreciate those efforts. Looking forward to hearing more about that. I think the end of the day folks were scrambling to dig up meeting minutes from 2012 and 2013 and various flowcharts that suggested one thing or another and sidebar conversations that did or didn't get into the motions or the minutes and there's a lot to dig into and a lot to tease out and appreciate that folks have been willing to start with those investigations and really explore what our process should be forward with regard to applications of data moderate assessments for stock status OFL and ABC. Also noting that we appreciate the engagement on NOAA GC in those discussions about application of data moderates and recognizing that the information in our records and the discussions that took place back in 2012 and 2013 were considering different data moderate methods than what we've had applied today with some of the newer methods that we've now approved, including the length-based method. In any case, I want to also make sure that I point out at the end of the CDFW report how important it is that we get this right. We are potentially, would we adopt the stock assessments today for species that appear to be overfished and embark on a rebuilding plan, that rebuilding plan would not have the benefit of information that would have been made available during a full R review, including advice and recommendations for future research and data needs that would come from that weeklong review process as well as with input from the Center for Independent Experts. So, all things considered, you know if we're going to approve science that makes major course adjustments in management, it's our belief that the science should be comprehensive, compelling and thoroughly vetted in more than just a brief SSC review and a single Council agenda item where we didn't even receive a presentation on the assessments. Yes, we had an opportunity for Q&A, but this hasn't... this discussion hasn't been adequate for me to have any comfort in moving ahead with approval. So, for those reasons, I propose the motion we have on the screen. Thank you.

**Marc Gorelnik** [00:00:00] Thank you very much, Marci. Are there questions for Marci on her motion? Kelly Ames.



**Kelly Ames** [00:00:10] Thanks Chair Gorelnik. Not a question, per say, so let me know if the time is right for this now or later, but given the direction here to the centers and STAT teams, if appropriate I would like to hear from the Center on their ability to accomplish the work that's outlined in Miss Yaremko's motion.

**Marc Gorelnik** [00:00:32] Sure. So, Jim Hastie or Chantel Wetzel?

**Jim Hastie** [00:00:46] Thank you Mr. Chair. I'll take this here. I'm just trying to get my notes visible along with the motion. Some of the aspects of this I was able to research a bit yesterday after Ms. Yaremko was kind enough to pass along the draft of this too. One of the issues that's raised in here is the extreme catch events or the few years in which quillback, either commercial or recreational, have much higher than the surrounding amounts of annual landings and in fact the STAT, Shems or Brian, did a sensitivity test that is reported in the assessment document for the California model for quillback where those high catch amounts in the selected years were lowered to be more in the range of the surrounding time series values, and when the document states that those events are important for the scale, I think there's been an assumption that those, that leaving those events in has lowered the scale, when in fact the sensitivity analysis of reducing those catches resulted in a reduction of the status from 14 percent to 12 percent of the unfished level. And more importantly, a 25 percent reduction in the F50 harvest rate or harvest amount from the base model, and so while I'm all for getting the data correct, the results of finding that the true catches were really a lot lower than that are not going to improve the status determination situation for quillback rockfish. I do, I really need to address the issue that's been raised. There seems to be a perception that we need to do a coastwide or a California-wide model in order to assess status at a statewide level, or establish an OFL at a statewide level, and that simply isn't the case. We have in many cases in the past added together smaller area models, the results from those to achieve OFLs or status results over larger areas and I think that would be the best approach for, you know if we determine that a California-wide stratum is appropriate for determining status, or at least there are no compelling arguments against that, that we're far better off going with the existing models than we would be in recasting this as a coastwide model. Chantel has done some exploration of that, admittedly without the recreational CPUE data included but as I mentioned in my prior comment, dropping the hook-and-line survey and the results from that modeling show the entire State of California to be below the MMST. Now that's not a final answer, and as I said, it doesn't include all the data, but harkening back to the yelloweye situation in 2006, be careful what you ask for because if you don't know the answer in advance, it may be worse than what you're trying to move away from. I do want to make a couple of comments on the modeling choices, because I think the perception that the California being modeled in two areas was simply inertia is completely incorrect. There were considerable discussions among the STAT, which included a member of the California Department of Fish and Wildlife, who in fact argued for maintaining a separate area south of Point Conception, in part because of the additional data that were available for that area. This was not a decision that was made cavalierly or simply rolled over from the prior data moderate exercise in 2015. Let me see here in terms of the model....

**Marc Gorelnik** [00:06:33] Jim, can I interrupt you for a moment. I appreciate your thoughts but I'm not sure that they're responding to the simple question that Kelly Ames asked. Could we get back to that?

**Jim Hastie** [00:06:53] Well, I'm looking at that right now Mr. Chairman. I just I don't feel that I can let, and I don't feel that I should be compelled to allow mischaracterizations of the science to persist and if need be, I guess I can encourage Miss Ames to ask me about those separately. I will say in terms that we would certainly plan to look at the scale and scope issues and engage the Groundfish Subcommittee of the SSC in August on those to better evaluate the scope over which status can justifiably be ascertained. I don't believe that I have any other specific comments on the motion.

**Marc Gorelnik** [00:08:05] Kelly, did that answer your question?

**Kelly Ames** [00:08:12] Yes, thank you.

**Marc Gorelnik** [00:08:17] All right back to questions for Marci on the motion, and if not then Council discussion. And if I don't see any hands for discussion. Louis Zimm.

**Louis Zimm** [00:08:40] Thank you Mr. Chair. Always eager to please and contribute to the discussion as learned over the last three years. I'm going to just switch to my notes here for a second. I am going to try to give the Council view from the fisherman on the water. I did operate and own charter boats and now presently operate a 30-foot sport fishing boat that concentrates on groundfish. It is my passion. What I think what we have here is a classic case of depletion of inshore areas, which is brought out by the information that has been taken from the CDFW surveys on boats, half-day boats that only fish close to the, to their ports because of the time, you only have four-and-a-half hours to do this, and the difficulty of those same samplers to go on overnight boats which actually sample who actually fish offshore. And this has brought out many of our comments this morning about people spending time in the AIS things that you can get into. I spend a lot of time in the FRAM data warehouse, and I look at the trawl, and I look at the hook-and-line thing. And if you look at the figures for the hook-and-line survey of which there are about 15 stations that catch copper rockfish, some regularly, you can see an illustration of what we experience in the sport fishing fleet, and that is on the offshore islands that our overnight trips, the sizes of the animals are much larger. I'm looking at lengths of 38 and 40 centimeters. And then the question is, well though that's, you're sampling shelf species, the such. So, then I looked at the depths and I see the depths for this are mostly under 95 meters for reports of copper, one that I found was 125 meters and a number are approaching 50 meters. So that's right in the ballpark of what we expect adult coppers to do. We expect that the ones on the shore to be smaller, and then you got this ontogenetic movement of copper's offshore into deeper waters. So, I think that illustrates what we have here is we have a stock that is pretty healthy. We had the expected results from concentrated fishery along the shore, and then we had the spawning stock offshore contributing to furthering the stock status and the amount of fish we actually have. Otherwise, that's the only disagreement that I would have with Marci's, some of Marci's approaches, but otherwise I think she's right on. She certainly knows a much bigger picture than I do. I had this one small picture, but it's the picture from the fleet that's going to be impacted by these decisions. So, I do support Miss Yaremko's motion, and I thank you very much.

**Marc Gorelnik** [00:12:57] Thank you, Louis, and thank you for your perspective. Phil Anderson.

**Phil Anderson** [00:13:02] Yeah, and thanks Mr. Chair. I'll be brief. I particularly agree with point number one in the motion. I think it's premature based on what we've heard to adopt these. I do have trouble with the first word under number two, which is 'direct' National Marine Fisheries Service Science Center's, that we... we don't have the ability to direct them. I would rather have that word be 'request' and I'll, but I won't comment on the subsections of the under number two. But I agree with the general thrust of the motion and will be supporting it.

**Marc Gorelnik** [00:13:56] Thank you very much Phil. I'm not seeing any other hands so, well now I do. Kelly Ames followed by a Maggie Sommer.

**Kelly Ames** [00:14:11] Thanks Chair Gorelnik. I would like to make a motion to amend.

**Marc Gorelnik** [00:14:17] Okay, please go ahead.

**Kelly Ames** [00:14:21] Per Mr. Anderson's comment, I would like to amend the item under number two and replace the word 'direct' with 'request'.

**Marc Gorelnik** [00:14:45] Okay is that language, which is simple as it is, complete and accurate?

**Kelly Ames** [00:14:54] Yes, thank you.

**Marc Gorelnik** [00:14:55] And it looks like Phil Anderson has jumped to second your motion to amend. Any discussion or any comment by you on this?

**Kelly Ames** [00:15:06] No, Mr. Anderson covered it well in his points previously.

**Marc Gorelnik** [00:15:11] All right great. Any discussion on this motion to amend? I'm not seeing any. I'll call the question. All those in favor of the motion to amend say 'aye'.

**Council** [00:15:25] Aye.

**Marc Gorelnik** [00:15:26] Opposed, no? Abstentions? Okay the motion to amend passes unanimously. We're back to the main motion as amended. Is there any.....Maggie Sommer.

**Maggie Sommer** [00:15:40] Thank you Chair. Maybe just..... I'm sorry we've had so much discussion on this, and I may have lost an original verbal clarification, but is it in terms of timing, is the intent is that this would at the latest all be concluded by the November 2021 Council meeting? And I'm just thinking about meshing with the spex timeline and... and workload implications there. So that would be a question for Marci.

**Marc Gorelnik** [00:16:17] Thanks Maggie, Marci.

**Marci Yaremko** [00:16:19] Thank you Mr. Chair. Yes, November would be where we would take action on the recommendations that come from the mop up, so I defer to those involved with the Groundfish Subcommittee as to their pleasure as to whether they take these issues up in August or at their mop up, but my intent is that the work that we are tasking here would be done, yes, and with expecting us to be able to move ahead with decisions in November, noting that we will, I think be guided by what comes back in front of us, so I don't want to be pre-decisional about what we would decide in September or November.

**Maggie Sommer** [00:17:18] Thank you.

**Marc Gorelnik** [00:17:18] Any further discussion or questions on this main motion as amended? Kelly Ames.

**Kelly Ames** [00:17:28] Thank you Chair Gorelnik. I am going to support the motion because I do agree that further exploration is needed. However, in response to Dr. Hastie's comments earlier under Council discussion on this motion, I would like to hear directly from the STAT team at the conclusion of this exploration, specifically how we should interpret the results. So, again a request to hear directly from the STAT team versus going straight to the Groundfish Subcommittee and SSC reports, I would like to have the opportunity to hear from them how we should take this additional exploratory analysis into consideration.

**Marc Gorelnik** [00:18:16] And, Kelly, what would be the timing on hearing from the STAT?

**Kelly Ames** [00:18:24] Well it sounded to me like the motion includes the Groundfish Subcommittee review in August or the mop up meeting and I assume that was intended to capture consideration for workload and capacity at the Center, so if it did occur at the August subcommittee meeting, I would

expect to hear from the STAT team under the stock assessment agenda item in September. If it occurred at the mop up, I would assume that would be, Council discussion would then occur in November.

**Marc Gorelnik** [00:18:58] Okay, thanks. I just... for my own feeble mind wanted to understand that. Further discussion or questions on the motion? Okay, I will call the question. All those in favor say 'aye'.

**Council** [00:19:21] Aye.

**Marc Gorelnik** [00:19:21] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Marci, for the motion. We have additional business on this agenda item, but we've been at this for over two hours. So, we're going to take our morning break at this time, and we'll come back to conclude this agenda item. We'll be back at 10:25.

**Marc Gorelnik** [00:00:00] It is 10:25. We're on Agenda Item G.5 and we're in Council action. So, we have had a motion on California, so we need to keep moving. Maggie Sommer.

**Maggie Sommer** [00:00:22] Thank you Chair Gorelnik. I'll move us northward. Sandra, if you would put up, or Kris, ODFW Motion 1 please.

**Chuck Tracy** [00:00:44] Maggie, I think we're searching for your motion. Sandra said she did not have it.

**Maggie Sommer** [00:00:51] Oh, I emailed it yesterday. If you hold on a sec I will email it again.

**Chuck Tracy** [00:01:00] Yeah please email it again.

**Maggie Sommer** [00:01:02] All right, apologies for the delay. It has just been sent off. I will use the pause to note for you and other listeners that ODFW changed our email addresses at the end of April. We all have new email addresses and we have found that, particularly with National Marine Fisheries Service recipients, our emails seem to be ending up in your spam folders unless you email us first. So, if you are expecting an email from us and you don't receive it, reach out in person. And we have been trying to do the same. And I should also note that I sent Sandra a revised ODFW Motion 2 to follow up this first one this morning so if you didn't get that, let me know and I'll try again. I sent this one just now to Sandra, Kris, and John DeVore. It's good to see the magic of the internet is still at work.

**Marc Gorelnik** [00:02:28] Amazing. All right, Maggie, you want to proceed with your Motion 1?

**Maggie Sommer** [00:02:33] Thank you sir. I move the Council adopt the stock assessments for dover sole, sablefish and copper and quillback rockfish in Oregon and Washington, as referenced below, and the stock categories recommended in G.5.a, Supplemental SSC Report 1 for use in 2023 and beyond. And the references listed are Attachments 1, 5, 8, 9, 11 and Supplemental Revised Attachment 12.

**Marc Gorelnik** [00:03:06] All right, thank you. The language there is accurate and complete?

**Maggie Sommer** [00:03:12] Yes, it is. Thank you.

**Marc Gorelnik** [00:03:14] And I'll look for a second? Seconded by Corey Niles. Please speak to your motion.

**Maggie Sommer** [00:03:23] Thank you Chair. These assessments were all recommended by the SSC

for adoption and use in management. Table 1 on page 8 of the SSC report provides a summary of the outcomes describing the assessment type depletion level and stock category that will determine the sigma value and a recommendation on the next assessment type, which we will keep in mind when we go through our next assessment prioritization exercise. So, I will, in the interest of time, keep my remarks on each one here brief. The dover sole assessment was a benchmark assessment, and the SSC found that its results were consistent with the 2011 assessment, although scale was somewhat lower and uncertain. Depletion was estimated to be 79 percent and the stock has been above the target reference point throughout the fishery. SSC noted that the model estimated depletion well. For sablefish, this was the first update of the 2019 benchmark assessment. Finding that depletion is 57.9 percent, and although the general trends in spawning output and recruitment were consistent with the 2019 benchmark, this update assessment increases the scale of spawning biomass and suggests that the stock has never been below the target level of 40 percent of unfished spawning output. Understand that additional data and improvements in the understanding of productivity, including information on recent strong recruitments, are contributing to the updated status in understanding. Regarding the Oregon data moderate assessments, I want to thank everyone for the very thorough discussion of a number of issues and concerns related to data moderate assessment processes, models themselves and in particular the data available to inform them earlier under the motion on California assessments. Here, the SSC endorsed the data moderate assessments off Oregon and along with a category 2. Specifically for quillback, they found that the depletion, the assessment found the depletion is 47 percent. There is uncertainty related to the recreational selectivity and recruitment. ODFW will certainly review the research and data needs related to those and see what we can do to fill in some gaps if possible. I do want to note that Appendices B, C and D in the assessment document provide some information on several ODFW programs for possible, pardon me, several ODFW fishery independent data sources for possible interest in complementing the assessment. These data were not used in the assessment model, but they are interesting to consider as we think about scale, which always seems to be uncertain in our nearshore assessments. In particular the latter two provide, which are the hook-and-line survey we conduct in Oregon's marine reserves.....no, pardon me. Sorry I found the wrong place in my notes, I'll just highlight for quillback in particular, maybe Appendix D, which contains information from our ROV surveys between 2010 and 2019, and we calculated a minimum population estimate for quillback off of Oregon. Again, I want to emphasize this was not used in the assessment, but it is an interesting reference point in thinking about scale. The area represented in our ROV estimate is 75 percent of the rocky habitat between 20 and 70 fathoms off of Oregon. So, it's a limited, it's a subset of the potential quillback rockfish habitat. The estimate doesn't expand to unsurveyed rocky areas in that depth range, including some off of Port Orford on the Oregon south coast or the area's inshore or offshore of that depth range, including a deeper portion of Arago Reef, or any soft bottom habitat, which we heard in public testimony yesterday may also be used by quillback. All this, again, is pointing to the fact that the estimate here is likely a minimum population estimate, and regardless, it was notably larger than the assessments base model estimate. There are numeric estimates, numeric values provide in the appendix. I am not highlighting them here because it's not really an apples-to-apples comparison. But in general, this just leads me to believe that the assessment base model is more than likely at least not overestimating quillback rockfish abundance off of Oregon, possibly underestimating it. And if nothing else, my takeaway from this is that despite the uncertainty in the assessment model and the data supporting it, using it in management will probably result in precautionary specifications. They may result in some changes to our fisheries, but that remains to be seen through federal and state processes on management measures. Moving on to the copper rockfish assessment. I found that depletion for that stock off of Oregon is at 73.6 percent. There are uncertainties here again around selectivities in our commercial and recreational fleets and in recruitment. I'll just note that the subcommittee, the Groundfish Subcommittee report that is part of the SSC's report does note at one point that in some case, fitted selectivities don't match qualitative expectations for the commercial fleet. And I'll just say that we have had a lot of back-and-forth discussions on what those expectations might be, and I think there's a lot of uncertainty there too, so we... that statement may not mean a whole lot, and it's another

area where more information would be very helpful. Again, for this assessment the....there's an appendix that includes information from our hook-and-line surveys in Oregon's marine reserves. This is maybe a little bit less broad of a data source than the other surveys that also provided information for quillback rockfish. And I'll just note that one interesting result here... look... was that the catch per unit effort trend between 2011 and 2019 in those surveys is generally increasing, although it is noisy, and that's a little bit different than the slightly declining trend in biomass estimated by the assessment model over that time frame. I don't think we can draw any conclusions whatsoever from that but it's an interesting point to note. For the Washington data moderate assessments, I will let my colleagues from Washington speak to any of these in detail if they choose after I conclude my remarks in just a moment, just noting that the depletion level in the copper assessment off Washington was 42 percent and quillback at 39 percent. And then just in closing, I want to note the SSC's report contains observations for consideration when stock assessment terms of reference revisions and a work plan for the off year are developed, and these include many good recommendations that the Council should recall when we are at those decision points. Thank you.

**Marc Gorelnik** [00:11:29] Thank you, Maggie, for the explanation of your motion. I want to give Washington a chance here. Corey Niles.

**Corey Niles** [00:11:42] Thanks Mr. Chair. Thanks, Maggie, for the motion. For the sake of time, I'll keep it brief. I will, we will have comments for sure in September when we begin our November and they're on... on how we use these assessments in managements. Appreciate the remarks Maggie made. I'll just, in terms of the Washington, we have a lot of thoughts about the data moderate assessments and how they are used and agreeing, of course, that these are following the SSC's recommendation ready for adoption, has been touched on before. That's just the challenge of assessing these, the stocks in the nearshore it's been a challenge. It will remain a challenge in Washington. We have just a recreational catch whereas the main source of data on lengths, ages of the fish, et cetera and despite lots of concentrated efforts, the data continues to be a challenge. Yeah for the sake of time I'll....well one more thing I'll say is we, you know we tend to focus on the challenges when we take the step, but I do want to note to send a note of appreciation to the stock assessment process overall, and I know there's been good working relationships between our folks at WDFW and NMFS folks on the assessment teams and a lot of good collaboration and discussions going on... so did want to note that appreciation and thanks Maggie for the motion.

**Marc Gorelnik** [00:13:21] All right, thank you Corey. Are there questions for the maker of the motion? Is there discussion on the motion? Not seeing any hands, I will call the question. All those in favor say 'aye'.

**Council** [00:13:43] Aye.

**Marc Gorelnik** [00:13:43] Opposed, no? Abstentions? The motion passes unanimously. Maggie, thanks very much for the motion. Maggie Sommer.

**Maggie Sommer** [00:14:00] Thank you Chair Gorelnik. I have one more motion to offer.

**Marc Gorelnik** [00:14:03] Excellent.

**Maggie Sommer** [00:14:07] Sandra or Kris.

**Marc Gorelnik** [00:14:08] .....be brought up.

**Maggie Sommer** [00:14:30] While we are waiting for ODFW Motion 2.... there we go.

**Marc Gorelnik** [00:14:36] There it is.

**Maggie Sommer** [00:14:38] Magic. Thank you very much. I move the Council request that the Spiny Dogfish Stock Assessment Team conduct additional analyzes to further investigate the West Coast Groundfish Bottom Trawl Survey catchability coefficient or Q assumed in the assessment similar to those described in G.5.a, Supplemental SSC Report 1 prior to Council consideration of adopting the assessment.

**Marc Gorelnik** [00:15:07] Thank you, Maggie, for the motion. Is the language on the screen accurate and complete?

**Maggie Sommer** [00:15:11] Yes, it is.

**Marc Gorelnik** [00:15:12] And looking for a second? Seconded by Butch Smith. Please speak to your motion.

**Maggie Sommer** [00:15:19] Thank you. The new assessment does include many improvements from the 2011 assessment according to the SSC. It does indicate that the stock is in the precautionary zone at 34 percent depletion. Notably the scale of the assessment has changed as a result of revised estimates for catchability for the West Coast bottom trawl survey from .27 to point, in the last assessment to .586 here, as well as new survey composition data and lower fecundity estimates. I will refer to the SSC report, which says the catchability value is subject to considerable uncertainty due to an inability to qualify seasonal migrations during the summer when the West Coast Groundfish Bottom Trawl Survey is occurring, which likely affects the availability of dogfish to the survey, potential net avoidance, given their strong swimming abilities and the midwater, pardon me, distribution of a portion of the stock shoreward of the survey area and availability to the survey given the dogfish semi pelagic habits. These considerations provide an indication that a Q value lower than .586 may be more realistic. The Groundfish Subcommittee proposed, and the SSC supported, a research project to better understand seasonable availability of spiny dogfish to the survey. The... pardon me... Subcommittee report also noted that existing observer data, for example, from the West Coast Groundfish Observer Program, the At-Sea Hake Observer Program or other sources on catch rates during the year could be used in such an examination of the potential effects of seasonal migrations. We heard quite a bit of discussion and consternation about the Q value and received a recommendation from the GAP in its supplemental report to conduct a limited analysis of the seasonal availability of spiny dogfish to the survey in the short term over the summer, given the significant uncertainty around Q and the availability of data to inform a relatively narrow scope of further work. With this motion I'm requesting such a limited analysis prior to finalization of this assessment and its use in specifications and management measures in order to try to reduce some of the uncertainty. I understand that this might help develop an upper bound prior for catchability, which might be reason to consider a lower value given the wide likelihood profile and seeming implausibility of the .586 value. Additional details, including more on the potential data sources mentioned, are described in the Supplemental SSC Report I referenced in the motion, and they're also repeated in the Supplemental GAP report, to which I would refer for their recommendation and rationale. And they are drawing from the SSC report as well. I'll note one slight difference in this motion from the GAP recommendation, which specified mop-up. This motion leaves the timing open for the results to be reviewed by the SSC Groundfish Subcommittee in August and come back to the Council in September, if possible, or at the mop-up meeting that's currently scheduled for late September, coming back to the Council in November. This flexibility is intended to best accommodate the timing and schedules of the Science Center and STAT team members, as well as the SSC and its Groundfish Subcommittee, noting that while the SSC is not named in the motion, their review is implicit. I also want to note that the motion itself is intentionally unspecific on the type of analyzes to be conducted, because I would defer to the judgment and expertise of the STAT team and the Science

Center. But again, my intent is only for a narrow look at the seasonal availability with readily available existing data. I want to thank Dan Waldeck and Kristen McQuaw for their testimony, which also mentioned the available data and the willingness of industry to provide additional information if it could be helpful. And also, Heather Mann, who reminded us of some historical events and a connection to several of the Magnuson Act's national standards. I want to emphasize that I understand, and we should all understand, that the results of further analysis may not be informative or may not result in any change, but I think the effort is important to improve confidence in the assessment and public trust in its outcome and in our management measures that will result from it, particularly in light of how the outcome may affect fishery operations. And finally, I also want to note that there are certainly other substantial sources of uncertainty in the assessment, including in the survey catchability value due to factors other than seasonal availability, as well as uncertainty in historical discards, female age determination and others. These are important to look into, but not in the short term over the summer and not part of this request. That concludes my motion. Thank you.

**Marc Gorelnik** [00:21:04] Thank you very much Maggie. Are there questions for Maggie on the motion? Is there discussion on the motion? Kelly Ames.

**Kelly Ames** [00:21:19] Thanks Chair Gorelnik and thank you, Maggie, for the motion. I just want to note that I will be voting in support of the motion, and I have confirmed with Dr. Hastie that the work described in the scope of the motion is reasonable and could be accommodated within their workload capacity.

**Marc Gorelnik** [00:21:40] Thank you Kelly. Louis Zimm.

**Louis Zimm** [00:21:43] Thank you very much Mr. Chair. And I want to thank Miss Sommer for her motion. It comports with my experience. Even in Southern California we see a marked seasonality in the appearance of the spiny dogfish. And also, judging from my experience with CPS stocks, Q is often the important question, and I would like to see that pursued more. Thank you.

**Marc Gorelnik** [00:22:16] Thank you Louis. Phil Anderson.

**Phil Anderson** [00:22:19] Thanks Mr. Chairman, and thanks, Maggie, for the motion. Just a quick few words of support. I think this is really important to go back and take another look at this question of Q and obviously we all know there was a substantial increase in the assumptions about the proportion of the population that the bottom trawl encounters and given the life history characteristics of the species being more of a midwater fish. In my experience, there is certainly some question about that higher value at 58 percent. So fully supportive of the motion. Thanks very much.

**Marc Gorelnik** [00:22:58] Thank you Phil. Bob Dooley.

**Bob Dooley** [00:23:07] Thank you Mr. Chairman, and thanks, Maggie, for the motion. I really do appreciate that and the description afterwards and rationale. I think I said it earlier, I think this is the nexus between science and management that we, you know that gets our industry advisory panels and everyone involved and I think it's critical that we, if there are large concerns and that seem reasonable and I have every reason to believe that what we've heard in the public testimony, as well as our advisory panels, that checking, making sure we get this right is of critical importance. And you mentioned this whole idea of trust and that's important too and I think we were well informed to... you know... to make sure we get this right and to make sure we listen to everyone, and I don't think we need to rush into anything. So, I like the approach. I think it's rational and I hope at the end we could get some, you know, settle some of the concerns down and get to the right answers so I appreciate it. Thank you so much.



**Marc Gorelnik** [00:24:36] All right, thanks for that Bob. Is there any... any further discussion on the motion? Then I'll call the question. All those in favor say 'aye'.

**Council** [00:24:47] Aye.

**Marc Gorelnik** [00:24:47] Opposed, no? Abstentions? The motion passes unanimously. Maggie thank you for that motion. I'm not aware of any further motions, but there may well be or any further discussion on this agenda item, but before I go back to John DeVore, I want to see what other business the Council has on this agenda item? And I'm not seeing any hands, so now I'm going to go to John DeVore to make sure we ticked all the boxes.

**John DeVore** [00:25:30] Yeah, thank you Mr. Chair, Council members. Yes, you have. You've considered all of the advice you've gotten from the SSC and others on these assessments and from that you've adopted the new assessments for dover sole, sablefish and copper and quillback rockfish in Oregon and Washington. You have requested a second look at spiny dogfish with a narrow, a narrower examination of the scale question in the survey catchability and another look at the data moderate assessments for copper, quillback, and squarespot in California. And so, one of my follow ups will obviously be working with the SSC to schedule those reviews and how the process goes on from here with the intent of providing further advice on these assessments at either the September or November Council meetings, depending on how the plan comes together. So, with that I'd say you have completed all the action under this agenda item.

**Marc Gorelnik** [00:26:44] Thank you very much, John, and thanks to the Council for their hard work on this agenda item.

## 6. 2023-2024 Harvest Specifications and Management Measures Planning

**Marc Gorelnik** [00:00:00] And I still don't see Victor, so that will conclude public comment on this agenda item. Excuse me, takes us to our Council action which is there on the screen, which is to adopt a schedule and process and discuss and provide guidance. So, we have a number of recommendations here. We have a draft schedule so let us see what our preferences are here. I'll look for a hand. I can't raise my hand. Heather Hall.

**Heather Hall** [00:00:49] Thank you Chair Gorelnik. I do have a... I could offer a motion on the proposed schedule, and I have it in writing, but I haven't sent it and I could do that right now.

**Marc Gorelnik** [00:01:12] Why don't you go ahead and send it and in the meantime, we'll give folks another opportunity for discussion before we hear the motion. How's that?

**Heather Hall** [00:01:23] Sounds good. Thank you.

**Marc Gorelnik** [00:01:26] So let's see if there's any discussion to be had here. I'm still not seeing any hands so, oh, there we go, there we go. Marci Yaremko.

**Marci Yaremko** [00:01:40] Thank you Mr. Chair. I actually have a question for Council staff. With regard to the CDFW report, you'll notice that our goal with this report was to get it into the record early so that it could be reviewed by the public and other agencies with plenty of time. We know things, we're trying to avoid things coming in late so we thought we would get in as early as possible with this content, but I'm just curious on the review question. I don't know if we put things out for public review at this stage. Again, our intent here was to increase visibility and have folks take a look at these coordinates and have NMFS staff that work with waypoints take a look at these coordinates and enforcement to take a look at these coordinates so that we have a lot of time to make adjustments if needed, but I'm just wondering if there is a formal step that needs to happen with regard to public review? Thank you.

**Marc Gorelnik** [00:03:04] So is that a question.....(garbled).....or John?

**John DeVore** [00:03:16] I can take a stab at if you'd like. I mean I think that's fine, but I do discourage the Council from getting into the weeds with management measures at this meeting. That's really more appropriate for September and November but, you know, Marci's characterization that she's putting it out early to solicit public comment is fine, but I would suggest that we really get into it at the next meeting.

**Marc Gorelnik** [00:03:51] Marci, does that answer your question?

**Marci Yaremko** [00:03:53] Halfway. Thank you, John. I guess my question really is, do you, do we need, would it be better to put this out for public review, which happens through the Council potentially later in the spex process? Are we okay holding it until then and noting that our intentions are, as I just expressed, for folks to start taking a look at these now and bring any recommended amendments to us? I mean I'm just looking for your guidance on whether we need a motion to put this out for public review formally or if we're fine just approving it to move forward.

**John DeVore** [00:04:44] I would suggest that, you know, a lot of the principal folks who will be providing advice on management measures, the GMT, GAP, folks who are listening in right now have received that notice, so they'll start thinking about this, but I do think it's a little too early to put it out

for a formal review, formal public review. That's really a September action.

**Marci Yaremko** [00:05:09] Thank you. That's just fine. Just wanting your perspective. Thanks.

**Marc Gorelnik** [00:05:15] All right, and I had seen Maggie's hand up. Maggie.

**Maggie Sommer** [00:05:22] Thanks Chair. Sure, I'll go. One of my comments was going to be supporting the schedule in the Supplemental Revised Attachment 1, and my understanding based on that was that September is when we would be identifying a preliminary range of management measures, and that's when... when they would be officially adopted for public review, that range. I would not be prepared I think to vote on any today anyway, so I was reassured to hear the guidance just given on that. I have at least one, I thought I had two other comments, but I think I've forgotten one of them. I have one other, but I saw Phil's hand go up and I, if anybody still wanted to talk about this subject before we move on I'd be happy to pause.

**Marc Gorelnik** [00:06:21] Okay. I also saw Phil's hand go up and back down.

**Phil Anderson** [00:06:26] Oh sorry Mr. Chair. It was on a different topic. It was on shortbelly topic but so....

**Marc Gorelnik** [00:06:32] We'll come back to you then. So, Maggie, further comment?

**Maggie Sommer** [00:06:43] Thank you Chair, and it is on shortbelly. Just briefly, I don't want to take a lot of time today but do want to thank Anna Weinstein for the excellent letter in the briefing book and the recognition of the groundfish trawl sector's avoidance of shortbelly and the very thoughtful recommendations on moving forward with some concrete ideas and including industry representatives. I certainly agree with the importance of shortbelly rockfish as forage and that I don't want to see any targeted shortbelly fishing until or unless there has been an adequate opportunity to address the latest scientific information and consider potential impacts to the ecosystem and dependent predators and fisheries. I don't, however, think there is an immediate conservation concern based on the latest information we have on the stock, as well as on ecosystem information and fishery information catches of shortbelly. I understand the aquaculture feed concerns in particular, and I think the Mid-Atlantic Council example is very interesting. I don't think the risk of a reduction fishery developing here on the West Coast is immediate and would say even before this Council meeting started, we had heard some concerns that developing regulations, some concerns from the National Marine Fisheries Service that developing regulations for a targeted shortbelly prohibition might be significantly time and effort intensive and be... and really add quite a bit to the spex picture. And now, given the potential additional complications at this point from the possible need for one or more rebuilding plans and or challenging management measures for some of the California nearshore rockfish stocks in particular, is further complicating the spex picture. I certainly don't want to jump to any conclusions there, but we can certainly anticipate the possibility of some added spex complications. I do want to note that the intent of the ecosystem species designation the Council took was, is for a species that aren't targeted and it was really in recognition of the ecosystem value of shortbelly rockfish over its fishery value, and I think that the coun... if the Council were to become aware of any interest in targeting or any targeting beginning to happen, we would need to reconsider the ecosystem component species designation. That gives us an existing pathway to respond to that concern and I'm confident that we hear about that concern from industry members, from observers or dockside samplers, at least as soon as any catch data or metrics would show it, if not probably even before then. So, I'm not worried that a targeted shortbelly fishery will appear out of nowhere. I guess my final thought on this is that given all this, I am not inclined to try to combine it with the spex item, recognizing that we aren't making any final decisions on that today as I just also noted in my comments on the calendar, but just wanted to offer my thoughts

right now. However, it might be possible to think about whether there's some policy type language that we could add to the fishery management plan that just clarifies a desire that shortbelly not be targeted, assuming that that is indeed the Council's full desire. And if that wasn't accompanied by any regulatory changes, it could perhaps be done without a big lift. So, I'll be giving that some more thought between now and September and happy to talk with anyone further about that. But that's my thought on shortbelly. Thanks.

**Marc Gorelnik** [00:11:04] Thank you Maggie. Phil.

**Phil Anderson** [00:11:09] Yeah, thanks Mr. Chair. Well, I apologize here at the outset for maybe taking too much time on this topic. But you know I've... the forage fish issue and I think this Council has a pretty strong record over time of recognizing the importance of forage fish and providing protections as appropriate. And I look back and think back to the Managing Our Nation's Fisheries Conference that that Pacific Council sponsored. It was back in D.C. back in 2013 and one of the marquee topics there was forage fish and the need for the regional Councils, as a whole, to pay more attention to forage fish and providing protections. You know we followed that with a thing called Initiative 1 back in 2015, the title of that initiative was 'Protecting Unfished and Unmanaged Forage Fish Species'. And that led that initiative led to an amendment to most of our FMPs, our groundfish FMP being one of them. It was Amendment 25, and it again was focused on protecting and providing protections and making sure that you don't go down the road of starting directed fisheries on forage fish species without fully understanding the science and the consequences of taking such an action. We came along we were asked to comment on... Senator Cantwell asked us to comment on the Forage Fish Conservation Act. We sent a letter on July 11, 2019, extolling all the great things, or many of the great things that we've done in terms of recognizing the importance of forage fish. And then, of course we all know the... and remember what we discussed and the discussion around shortbelly rockfish and in terms of trying to provide some protections for that species while at the same time recognizing that they're incidentally caught in a number of different fisheries, and we wanted to make sure that our actions preserved the ability of that to continue. So, you know, here we find ourselves in 2021 and we have, I don't know that every conservation group was, has expressed a view on this, but the majority have and they've done it respectfully. They've given us some time. They've had some patience and they referenced our action that we took on shortbelly, and as part of that action and the discussion that ensued was the potential of the Council looking at some additional protective measures, visa prohibition on targeted fisheries or a prohibition on the sale, something to ensure that those protections have some meat and some enforceability. And I appreciate Maggie's comments, but I do not want to wait until there's an immediate conservation need. I do not want to wait until there is a fishery on the horizon for reduction purposes. I want to get out in front of this. I want us to walk our talk. We've had lots of strong things come out of this Council about our desire to protect forage fish species and we need to walk that talk. And so, my question, I guess, is if not if not through the spex process and then how, and I don't in any way want to minimize all of the issues that have even been raised today, they're going to make this spex biennial process a challenging one, but I am not ready to agree to take this off the list. I'd like to keep it in on the list, or have some, as I think Maggie said, we're not ready to make final decisions today. And one of the final decisions I'm not ready to take is to remove this as a potential item for the spex process. I would like to get some further understanding from National Marine Fisheries Service, not right now, as well as Council staff as to what degree of additional complexity there is to move forward and how, is there a pathway here? And can we pick one that has the least resistance to it in terms of getting there, but at the same time has that same strong outcome that many of our environmental groups and stakeholders are asking us to take. Thanks.

**Marc Gorelnik** [00:16:51] Thank you Phil. Is there further discussion before we have a motion? Louis Zimm.

**Louis Zimm** [00:17:00] Thank you Mr. Chair. Thank you for considering my input once again. I'm not one known for being a big enthusiast for some of the environmental NGO's propositions, however as everybody knows I am an enthusiastic birder and I really do want to back Anna Weinstein's proposals and I agree with Phil and also looking back on some of the statements we made earlier, I think we need to leave this in for consideration. Thank you.

**Marc Gorelnik** [00:17:42] Thank you Louis. Marci.

**Marci Yaremko** [00:00:02] Thank you Mr. Chair. A couple of remarks. One, I appreciate the discussion we had surrounding the process and what our actions are today in front of us and the clarification that we aren't making any hard decisions on in or out right now. With that, I think I'd like to turn my remarks to the question of incidental salmon troll retention of groundfish for California. And by California, I mean south of 42. I appreciate the request from the GMT for guidance, and I think what I'd like to do here is offer some... some initial thoughts, but again this shouldn't be construed as a hard and fast and that there won't be opportunities down the road if circumstances change. But my initial inclination is that we should not spend analytical energy on looking at additional retention of groundfish in the salmon troll fishery for south of 42. Unfortunately, incidental retention of groundfish in the salmon troll fishery for the area between 42 and 40 10 isn't really... there's not much to discuss there because there is no salmon fishery, as we heard earlier from Harrison. So, the situation isn't really much better working south. The salmon seasons are limited significantly this year by poor forecasts. I appreciate the salmon trollers looking for opportunities to avoid throwing fish back where they could be landed and brought to the dock to make a few extra dollars, but I will say that the efforts that our agency has undertaken this spring trying to untangle the complexities that come with regulations that govern the groundfish fishery and the salmon fishery, and when you stick them together gets very complicated when you're dealing with provisions like VMS and RCA's and what rules apply and what areas on the same trip when you're trolling in and out of the RCA, for example. So, I at this time, it has been a huge lift on enforcement staff, our GMT folks, our STT folks to try to unravel this, so I'm not saying that we wouldn't ever again consider increasing the species or the retention opportunities for groundfish in the salmon troll fishery, but I am not interested right now in putting more analytical energy toward this topic. I think we're, unfortunately, going to have to put some toward the topic just if we were to try to keep the status quo regulations in the next biennium, looking at the possibility of extensive nearshore fishery closures. If that were to come to fruition then, you know, it certainly changes the game as to whether we want to allow any retention of groundfish incidentally with the salmon troll fishery. So, I think we may have to do that just because now we do have an authorization for some retention south of 40 10, but I think so we're going to need to look at that, but in terms of whether we're interested in offering more opportunity in this regard, my initial thought is no. But again, this is an early meeting, and we don't have all the information yet to inform us in our decision making. The second thing I want to talk about is shortbelly. I very much appreciate Phil's remarks. I look forward to hearing back from National Marine Fisheries Service in a little more detail about the regulatory and analytical lift that a directed fishery prohibition would require. Thinking back a few meetings when this topic first came up, I expressed some reluctance with including shortbelly in the scope of the spex discussions just because now that shortbelly is an EC species, we aren't talking about specification. We're talking about something that's different. It's a management measure, but to me it's not really tied to specifications. So, I still think that's the case. That said, I agree with the need to find a vehicle forward now and not delay and that this is all kind of carrying over from prior discussions and decisions and now, unfortunately, we don't have a tool at our disposal in the spex process where we might be able to do something. So, I am hopeful that we will be finding a way to do something soon, but I think the discussion about whether in or out of the spex package, perhaps looking at what might be possible in the whiting utilization item would be appropriate. I'm not trying to suggest I would propose putting that item on a longer timeline. I'm not at all. I just don't know if there might be a vehicle there where inclusion, excuse me, of a directed fishery prohibition might be convenient. So, I guess I just want to,

again, express the need, and I think that we had, you know all kind of agreed that there was a need and that we needed to move forward. So anyway, thank you for the discussion.

**Marc Gorelnik** [00:07:22] All right, thank you Marci. Heather Hall.

**Heather Hall** [00:07:29] Thank you Chair Gorelnik. Before we go to the motion, I just want to add it a little bit to the conversation on the biennial management issues that have been talked about, largely focused on groundfish retention in the salmon troll fishery and in shortbelly. Just really briefly, appreciate everything that's been said about shortbelly and I just, you know when I look back to the motion in March to designate shortbelly as an EC species, I just reflect back on where we were at that meeting, and we had a lot of new information brought to us and it was very challenging to figure out the right path forward. You know I think conservation and protecting forage fish was on the forefront of everyone's mind. I think we were very unified in that sentiment or motivation and, you know the motion to move it to EC species was really intended to maintain the precautionary approach we've taken for shortbelly, and I recognize there's interest in talking about this more, and I really like the idea that Phil teed up and the question to NMFS is there may be a simple path forward that we can look at for that, so just wanted to bring that up and relative to groundfish retention in the salmon troll fishery, really appreciate what NMFS did through inseason to revise that ratio. We thought it was something that we could consider routinely. Lingcod specifically had been analyzed in spex before. The GMT updated that analysis so that we could look at that adjustment and so I realized that it might be more complicated if other groundfish species are added to that retention, but just kind of want to flag that. I know we're not making decisions on these at this meeting but interested in looking at that and the potential for making sure that at least we have the analysis in spex to be able to... to think about that through inseason. And that's it for those two items and I'm prepared to offer my motion on the schedule if there's no more discussion on the other biennial management issues.

**Marc Gorelnik** [00:10:37] Let me give folks a chance to raise their hand, and if not, we'll move forward with your motion. I'm not seeing any hands so please move forward.

**Heather Hall** [00:10:47] Okay. I move that the Council adopt the detailed process and schedule for the development of harvest specifications and related management measures for 23, 2023 and 2024 groundfish fisheries as described in Agenda Item G.6, Attachment 1.

**Marc Gorelnik** [00:11:10] Thank you Heather. Is the language on the screen accurate and complete?

**Heather Hall** [00:11:14] Yes.

**Marc Gorelnik** [00:11:16] And I'll look for a second? Seconded by Marci Yaremko. Please speak to your motion.

**Heather Hall** [00:11:27] Thank you. I think the... the proposed schedule is intended to meet the goal of having our groundfish rules in place by January 1, 2023. I know that even with this detailed schedule meeting that deadline and that timeline is challenging. Acknowledge that we really need to strike a balance between any additional management measures that we put, include in the spex analysis without delaying the rule process, rulemaking process and I think the GMT did a really good job of reminding the Council of some of the key decision points that are critical to allowing their analysis in meeting that goal. So that's it.

**Marc Gorelnik** [00:12:25] All right. Thank you Heather. Are there questions of Heather on the motion? Is there discussion on the motion? Okay not seeing any hands, I will call the question. All those in favor say 'aye'.

**Council** [00:12:46] Aye.

**Marc Gorelnik** [00:12:47] Opposed, no? Any abstentions? The motion passes unanimously. Thank you very much Heather for the motion. Let's go back to our actions here on this agenda item and make sure that we do anything else we need to do. We have adopted a schedule. We've had a discussion on, in particular on shortbelly, but also on the incidental retention of groundfish in the salmon troll fishery. Let me see if there's any more discussion or guidance to be had under number two here. Looking for hands. Let me ask if the Council has any further discussion here? I'm not seeing any hands. I see Ryan Wulff. Welcome Ryan.

**Ryan Wulff** [00:14:13] Yeah, thank you Mr. Chair. Just quickly to note that I know there was a number of comments raised noting for NMFS to be prepared in the September meeting to discuss some of the issues and points that were raised earlier a little further and we're happy to do that and we'll be prepared to do so at the September meeting. Thanks.

**Marc Gorelnik** [00:14:38] Thank you Ryan. So, let's see if there are any other hands and if they're not, we're at a good place to break for lunch. We're going to take, when we come back from lunch at one o'clock, we're going to take things a little bit out of order. We're going to go to agenda item C.3, the Update on the Executive Order because we'll be joined by Sam Rauch at one o'clock when we're.....and then we'll come back to groundfish and then marine planning. So, let me ask Chuck if there are any announcements before we break for lunch?

**Chuck Tracy** [00:15:22] Thanks Mr. Chair. No, I think you've covered it so just plan on being here at one o'clock for our update on Executive Order 14008. Then I would expect we'd take up inseason following that before we move into the rest of our administrative items.

**Marc Gorelnik** [00:15:41] All right. Thanks very much Chuck. Thanks everyone for your work on this agenda item. Actually, let me first actually as a formal matter, let me just go back to Todd and confirm that we've done what we need to do here. I didn't tick that box.

**Todd Phillips** [00:15:57] Thank you Mr. Chair. Yes, looking at the actions or action that the Council did take, I believe that you've met it. I do have one question for the maker of the motion, and this is more of a confirmation of the intent, is that the schedule that was listed, or not schedule, but the attachment that was listed in the motion, you do mean the revised attachment is what my question would be?

**Marc Gorelnik** [00:16:25] Heather.

**Heather Hall** [00:16:28] Thank you Chair Gorelnik. Yes, I did mean revised. Thank you Todd.

**Todd Phillips** [00:16:37] Thank you, Heather, and Mr. Chair.

**Marc Gorelnik** [00:16:40] All right, so we're good then.

## 7. Inseason Adjustments – Final Action

**Brad Pettinger** [00:00:00] Okay, that finishes off the reports and I do not see any public comment cards for this agenda item which would take us to Council action, which is to adopt final inseason adjustments for 2021 as necessary to achieve but not exceed annual catch limits and other management objectives. And with that, I'll open up the floor. Marci Yaremko. Marci.

**Marci Yaremko** [00:00:40] Thanks Mr. Chair. Thanks very much to the GMT and the GAP for their reports, and I also want to send a special shout out to ODFW for their inseason report describing the management activities in their nearshore fishery. It's very helpful for us to understand what's going on at the state level and their activities related to management of the nearshore fishery under their state authorities. So that was very useful and much appreciated that report. Only one action item that was brought forward for consideration on a proposal to increase the canary rockfish OA limit north of 40 10. I want to thank the GMT for their look at the available data and their prudent thinking here on the fact that we just provided a fairly substantial increase in this limit with our new biennial spex. Looks like folks have begun to utilize that opportunity, which is a good thing, but certainly support their recommendation and the GAP's recommendation not to increase the trip limit at this time. The GAP suggests maybe after next year or maybe in next year after we've been able to review the full 2021 data that's available on our attainment. As you can see our... look at Table 2 taking 25 percent, and that was in the early months of the year so it's difficult to project fishing activity that might occur over summer and into fall. So, I really support, appreciate their thinking on this and their eye toward precaution. On the GMT's question about whether inseason updates of sablefish DTL are helpful when there's no request for increases. Gosh, I would say that in the interest of minimizing your workload maybe if, I mean it would be nice for folks to take a look at the numbers and determine if they need to report to us or not. I'd kind of like to leave it at your discretion. We may not need all of the figures that are helpful to us when we are considering actual proposals, but anyway that's just my off the cuff thought on that. On the salmon scorecard I really want to thank the GMT for Table 3 and also Table 4 and just describing to us where the different numbers come from. I would say that since Table 3 now includes the information, I'm sorry... Table 4 now includes the information from Table 3... that maybe we don't need a Table 4 all of the time, but it's nice to see it here and I really appreciate you recalling that discussion from our last meeting and our need to kind of pull all of the chinook bycatch together in one place, so really appreciate that. And it's also nice to acknowledge that we are well within our allowable thresholds and that's good news for all of us. Shortbelly, even though the data is publicly available on the Pacfin report's dashboard, I really appreciate seeing it here in the inseason report. It doesn't look like this is a huge lift to paste this in in each inseason report, at least I don't think it is, but this is certainly, I think, helpful to get a, you know take 15 seconds to look at where we are and what activity has occurred to date this year. So anyway, just really appreciate the work of the GMT and the GAP and their coordination and their evaluation of inseason activities.

**Brad Pettinger** [00:05:36] Thank you Marci. Heather Hall. Heather.

**Heather Hall** [00:05:43] Thank you Vice Chair Pettinger. I also appreciate the GMT and the GAP reports and where the recommendation landed relative to the request to increase the open access canary rockfish limit north of 40 10, given this is a new trip limit already and very little time to see how it's going and how we might end up with it at the end of this year. I think the recommendation from the GMT and the support on that recommendation from the GAP is a good one. And as Marci was talking about the request for feedback on the sablefish updates that the GMT have been providing, I wasn't sure what the history of those updates were. If it was something that maybe the Council had asked for, I just didn't really think of it and thought exactly where Marci was headed with the saving the GMT some time, and I commented at our morning delegation meeting that the GMT report for inseason is 8 pages



with a lot of informational... information on catch that I think is valuable and was thinking we could say, you know, maybe just reserve the sablefish updates until there's a request for inseason changes, but thanks to Corey, who reminded me that maybe those updates actually signal to the GAP or other industry members where things are and give them a way to evaluate whether to put forward a request to increase trip limits, and so I hadn't thought of that, and so I wanted to just mention that that might be a reason to keep those sablefish updates in the GMT report. And then relative to the shortbelly, keeping the shortbelly updates in the report, even though they're available on the Pacfin website, I think there's value to keeping them in the inseason informational section of the report. I find them valuable, and I don't know if everybody knows how to use the Pacfin report's dashboard, although I know Pacfin's worked really hard to simplify that and make it very user friendly. I just thought it would be good to have two different ways for folks to access that information. So, thank you. That's it.

**Brad Pettinger** [00:08:37] Thank you, Heather, and a good point.... Corey has a good point there I think with the sablefish. Further discussion? Okay, I'm seeing none. Todd, I look to you. I think we've had some good discussion here but no real action, so I'll turn to you to confirm that.

**Todd Phillips** [00:09:00] Yes, thank you Mr. Vice Chair. I would agree with your analysis there that the Council has had good discussion, but yet did not take any action based on that discussion. So, I would say that you're concluded.

**Brad Pettinger** [00:09:15] Not quite yet. I see Phil had his hand up before you completed this.

**Todd Phillips** [00:09:16] I'm terribly sorry.

**Brad Pettinger** [00:09:16] Phil.

**Phil Anderson** [00:09:16] Oh, no need for apology. I just, we are, we are losing one of our really outstanding GAP members I believe. Sarah Nayani has written the Council a letter letting us know that she'll be stepping away from her GAP duties, and I may be mistaken but I thought this was the last item, item, GAP item here at this meeting and I just wanted to acknowledge Sarah's outstanding contribution to not only the GAP but the Council process. She's really contributed a great deal, not only in representing the sector of her particular interest, but really has weighed in and helped the GAP on a broader perspective. So just a shout out to Sarah for doing such a great job.

**Brad Pettinger** [00:10:30] Thanks on that Phil. I'm glad you brought it up. Maggie Sommer. Maggie.

**Maggie Sommer** [00:10:37] Thank you Vice Chair. And boy would I like to second that. So, thank you for remembering that this was the last groundfish item and I would also like to echo the value that I think Sarah has brought to the process in terms of bringing people together, sharing information, and really reaching out and being just an exemplary model of contributing to this process and bringing a lot of positivity to it. So, I admire that and appreciate it and wish her the best.

**Brad Pettinger** [00:11:13] Thanks Maggie. Chuck Tracy. Chuck.

**Chuck Tracy** [00:11:17] Thanks Mr. Vice Chair. I also wanted to thank Sarah for her contributions and not just to the GAP, but you know when we first met her she was working for National Marine Fisheries Service in the region and was a real asset to that division and we really missed her when she left NMFS, but she couldn't have gone to a place where she would have been any more valuable to us than the GAP, and she's done an outstanding job. As Phil mentioned, not just representing her sector but pitching in to, you know understand issues and she's been a real asset in terms of making sure that statements are clearly communicating their message and she's just been great to have and I'm just hoping

she goes someplace else that she's not going to leave the Council completely behind because we really value her presence. But in any event, we wish her the best in whatever her next endeavors are. Thank you so much, Sarah, for your contributions to the Council process and for being such a great Council family member.

**Brad Pettinger** [00:12:43] Yeah, thanks Chuck. I just saw a chat there that Dan Waldeck had sent that Sarah will be reading the future workload statement for the GAP, so we have a chance to speak to her then. And I would say that she isn't online, but thanks, Dan, for pointing that out and it shows she's online right now actually, but she can certainly read her, all the kudos that she so richly deserves. Bob Dooley.

**Bob Dooley** [00:13:09] Thank you Mr. Vice Chair. I'll try to be brief. And the reason I want to say something about Sarah now is a lot of people don't stick around maybe for that long on the agenda and it seems like we've got a, sometimes we have a smaller attendance and I want to make sure that more people have the opportunity to hear it. But I can't say enough about Sarah's contributions to this process and not just in her own fishery, but I will comment on some of the things that she did in support of her fishery as well, but just an outstanding job. I just, I'm lucky to be a member of the U.S. Canada Whiting Advisory Panel on the U.S. advisory panel, and her work there this year and all through it has been just amazing, and I can't say enough about how much it meant to the result that we did end up with this year at home and supporting the.... justifying the fact that we maybe didn't come to an agreement, but we did come to a successful place in large part to her contributions. And then I'd also say that she's been such a great support to MREP, the MREP program that the Council values and she just, you know, she's always giving of herself and to the better of all. So, I'm going to miss her greatly. So, I hope she comes back... so thank you Sarah.

**Brad Pettinger** [00:14:40] Thank you Bob. Well, we certainly hope. Butch Smith. Butch.

**Butch Smith** [00:14:44] Yeah Mr. Vice Chair, and I'd just like to echo what everybody said about Sarah, and I know we're short on time and got a long ways to go, and I just, a true rock star of this process and I thank her for all her dedication and working with the SAS and working with the chucklehead from Ilwaco and trying to educate us all. She's a real class act. So, thank you Mr. Vice Chair for this opportunity.

**Brad Pettinger** [00:15:13] Couldn't have said it better myself, Butch. Thank you. Okay and with that, Todd, I'll turn to you so you can officially wrap us up here.

**Todd Phillips** [00:15:23] Yes, thank you very much Mr. Vice Chair. Same remarks as before. I believe that the business for this item has been completed and thank you very much.

**Brad Pettinger** [00:15:33] All right.

## H. Coastal Pelagic Species Management

### 1. National Marine Fisheries Service Report

**Marc Gorelnik** [00:00:00] That will conclude public comment and takes us to our Council action here, which is discussion on this report. I'll look for any hands. Corey Niles followed by Louis Zimm.

**Corey Niles** [00:00:21] Thanks Mr. Chair. A little slow on the mute button there this morning. Just yeah, I just want to again say thank you to the Science Center and our management team and advisory subpanels for having these discussions and I'll, you know, just echoing my questioning with Lorna on the team. I am, I think what we've brought up a number of times the past year, a couple of years about, and as Jeff was summarizing there as well, about just the many questions we have for the scientists about our CPS stocks and how we, as a Council, you know, have time and input and all that on how we recommend priorities for that research, so just want to get that out there for continuing to see the need. I understand we'll have some agenda items this fall where we can, or scheduled possibly for this fall, where we can start to have those but... and these NMFS reports, you always get good information from the Science Center. I'm just wondering how in the future we might maybe take advantage of the time and information to have talks about what our priorities for work on the assessments and research would be. Again, just and thank you again for the time and information.

**Marc Gorelnik** [00:01:56] Thanks Corey. Louis Zimm.

**Louis Zimm** [00:01:58] Thank you Mr. Chair, and I echo Corey's comments that he just made, but I also want to highlight the proposed cooperation between Mexico and the United States and bringing Mexican scientists and observers and their wonderful ship, the Fraser into this, to the survey this year. I was involved when I was a ship captain of the research vessels in similar surveys and they're very productive and it also leads to understanding between the two nations and I think it's a great thing and looking forward to it. Thank you.

**Marc Gorelnik** [00:02:50] Thank you Louis. Maggie Sommer.

**Maggie Sommer** [00:02:55] Thank you Chair Gorelnik, I also want to relay many thanks I heard in our Oregon delegation this morning for this very informative report from the Science Centers, and I would like, if possible, to ask Drs. Koch or Sweetnam, following on the public comment we just heard suggesting that there could potentially be some updating of EMSY in the next sardine assessment. That sounds like a suggestion for something simpler than the larger reevaluation of it than was contemplated in the long-term planning list in your presentation. If you have any thoughts on the potential feasibility and value of doing maybe an update in the next assessment as suggested.

**Marc Gorelnik** [00:04:12] Was that a question for the center?

**Maggie Sommer** [00:04:19] It was if they're still available.

**Marc Gorelnik** [00:04:22] Yeah. So.....

**Dale Sweetnam** [00:04:23] Thank you for the question. This is Dale Sweetnam here. The attempt is to get at the EMSY question, but we're first trying to get at the stock structure question. Hopefully that once we get there and get through the management implications of that stock structure, we can work on the EMSY question. The stat team determined it was not as an important question to tackle right away than a stock structure question. So.... and we're completely booked through the end of the year on

getting the anchovy assessment completed and reviewed so the attempt to get back to EMSY will probably be in 2022 sometime, and hopefully we'll have a response before the sardine benchmark assessment in 2023.

**Maggie Sommer** [00:05:34] Thank you very much.

**Dale Sweetnam** [00:05:35] Sure.

**Marc Gorelnik** [00:05:35] Further Council discussion? All right thanks everyone. I'm just going to share one thought. This was something that I raised at the CCC meeting. We're asking a lot of the Science Centers and they're working with limited resources. Funding has been flat, but things tend to cost more. We also have this national goal of increasing domestic seafood production, and this applies to CPS, groundfish and any other FMP we manage, yet without the current and complete and frequent assessments it's difficult for us to accomplish that national goal. So, I'm just sort of expressing frustration here for the Council and I assume for the Science Center that we don't have the resources we need to get the assessments that we need in order to meet that national goal. So, I guess I'm just venting here and maybe one day the Administration and Congress will fix that, but until then we make do with what we've got. All right, that will conclude Agenda Item H.1.

## 2. Pacific Mackerel Assessment and Management Measures

**Marc Gorelnik** [00:00:00] We are to the action portion of Agenda Item H.2 and we will bring up our Council action here on the screen in a moment. There it is, adopt the assessment, select the metrics and adopt incidental catch allowances. So, let's first see if there's any discussion on this agenda item and once we've had an opportunity for any discussion, we'll see if someone has a motion and then move forward from there. Briana Brady.

**Briana Brady** [00:00:52] Thank you Mr. Chair. I just wanted to express my appreciation to the STAT, Kevin Hill and Juan for completing the catch only projection. I'm supportive of what the CPS Management Team has laid out in their report for the next two-year cycle for Pacific mackerel management at this point. Thanks.

**Marc Gorelnik** [00:01:22] Thank you Briana. Any further discussion? Corey Niles.

**Corey Niles** [00:01:30] Thanks Mr. Chair, and a question maybe for National Marine Fisheries Service and Science Center. I think, yeah, like Briana, I think is supportive of what we're hearing from our advisors here, but thinking about the future and the difference between update assessments and catch only projections, and if memory serves the catch projection was recommended, I think, as a way of saving workload in terms of pressures on the Science Center. So, if they're available and had thoughts on how that has worked, the catch projection versus doing update assessments and if they had any thought at this point. To me, I think I keep hearing a bigger need to have a place for the Council and the Science Center and public everyone to weigh in on assessment priorities, how we spend these, how we recommend assessment, how resources are spent. But just thinking of taking opportunity now to hear if there were thoughts from the Science Center on the difference between an update and catch projections for this stock in particular.

**Marc Gorelnik** [00:03:00] All right, we'll look for a hand from the Science Center to respond to your question or maybe someone from NMFS, someone else from NMFS.

**Frank Lockhart** [00:03:25] This is Frank. So, I'm just wondering is the direct question what are the differences between a catch only assessment versus doing an update assessment? Is that the question you want an answer for?

**Marc Gorelnik** [00:03:50] Corey. You've got to find that mute button Corey.

**Corey Niles** [00:03:53] Thank you. I was talking there to myself. Having problems with the mute button this meeting. Thank you Frank. Thanks Mr. Chair. Yeah if no response is, this could be a question for the future, but not what the difference is in terms of what is done, you know, which one involved, what work each involves, but just on, if there were reactions that the Science Center had to the reports we've heard on the, what is the difference in terms of their workload and the question for the longer term, but if there were responses now, I'd be interested in hearing them. I believe the Council's intent, again, in recommending a catch projection was to save that time, but we're hearing from SSC, from the public, from the team, that maybe the updates would be a better way of going. But again, I think the Council's intent was to save some work, save some time and just general reactions to that is... Frank... is what I was looking for. But again, I'm seeing a need for these topics to come up in the near future at another meeting so don't want to put anyone on the spot, but was just curious if there were reactions to that?

**Kristen Koch** [00:05:16] Mr. Chair, this is Kristen. I can respond.

**Marc Gorelnik** [00:05:19] Thank you.

**Kristen Koch** [00:05:20] Thank you for the question Corey. And just at a high level, I don't have a specific response to that, but just in listening to the conversations this morning I think I really do appreciate the teams and the Council's efforts to try to look for ways to decrease the workload on the Science Center staff, but yet get the Council what they need in the form of trying to come up with different ways to sort of titrate the updates versus full benchmarks versus catch only projections. I don't have a good answer for what the right recipe is among the CPS stocks in terms of timelines for each and what the appropriate level of assessment should be for each of the stocks within the CPS complex, but that's certainly something that I think I can take back to the division and we can have a conversation on that vis-a-vis our sort of stated timelines for stock assessments going forward and see whether or not adjustments need to be made or can be made and we're happy to come back to the Council with that. But I do think we have a stated calendar of stock assessments planned for the future and any adjustments to that based on some of the conversations that have gone on, we can bring back to the Council at a later date.

**Corey Niles** [00:07:02] Thank you. Appreciate it.

**Marc Gorelnik** [00:07:03] All right. Thank you for that, Kristen. So, looking for any further discussion or if someone has a motion that will spur some further focused discussion. Briana Brady.

**Briana Brady** [00:07:28] Thank you Mr. Chair. I have a motion.

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

**Briana Brady** [00:07:35] Sandra can you please display the first motion? Thank you. I move that the Council approve the Pacific mackerel catch only stock assessment for U.S. Management in 2021 and 2022 and 2022 to 2023. Adopt Tables 1 and 2 in Supplemental CPSMT Report 1. If the ACT is met, adopt a 45 percent incidental landing allowance when Pacific mackerel are landed with other CPS with an exception that up to 3 metric tons of Pacific mackerel per landing could be landed in non-CPS fisheries.

**Marc Gorelnik** [00:08:31] Thank you Briana. Is the language on the screen accurate and complete?

**Briana Brady** [00:08:35] Yes. Thank you.

**Marc Gorelnik** [00:08:36] I'll look for a second. It looks like Bob Dooley has the second. Please speak to your motion.

**Briana Brady** [00:08:45] Thank you Mr. Chair. We heard from the SSC that they approved the mackerel catch only stock assessment as the best available scientific information for setting management measures for the next two seasons. As far as using a P star of .45, that was recommended by the CPS Management Team and is consistent with previous Council action. And in terms of the management measures, providing a 45 percent incidental catch allowance is consistent with what the industry needs on the water per the CPS Advisory Subpanel, and the incidental allowance would not prevent them from fishing other CPS stocks. The 3 metric tons is to allow non-CPS fisheries to take small amounts of mackerel if the need were to arise, if the act, ACT is reached. Thanks.

**Marc Gorelnik** [00:09:40] All right, thank you Briana. Are there questions for Briana or is there any discussion on this motion? Corey Niles.

**Corey Niles** [00:09:58] Thank you Mr. Chair. And just briefly, thank you, Briana, for the motion. Speaking in support here. I just also want to say, you know, as my question might have as was getting to, I do hear what Oceana and Geoff are speaking to you in terms of some of the downsides of doing catch only projections and then in the SSC and team and AS, others wanting perhaps something different but for here this year and this motion supportive of this. But again, I think we have some conversations to be had here in the fall, maybe about... about how we do CPS assessments generally. But, yeah, thank you Briana. I just wanted to speak in support.

**Marc Gorelnik** [00:10:48] Thank you Corey. Phil Anderson.

**Phil Anderson** [00:10:51] Thanks Mr. Chairman. I just had a question for the maker of the motion on item number 3. I don't have the information up in front of me here to allow me to understand what the, based on past catches and given the values that are being adopted, kind of what the relative chance of meeting the ACT is based on past performance and landings that we've seen of Pacific Mackerel in the history.

**Marc Gorelnik** [00:11:41] Briana.

**Briana Brady** [00:11:41] Thank you Mr. Chair and thank you, Phil, for the question. Recently, in the near term, the chances are fairly low. If you look further back in history, the chances could be higher. So, I think it's finding a good balance.

**Phil Anderson** [00:11:59] Okay, thanks Briana.

**Briana Brady** [00:12:00] Yep.

**Marc Gorelnik** [00:12:03] Any further discussion on Briana's motion? Bob Dooley.

**Bob Dooley** [00:12:10] Thank you Mr. Chairman, and thanks, Briana, for the motion. I'm just curious, does this, I notice in the CPSAS report that there's a recommendation for the inseason check-ins. Does that something later or how does that fit into this?

**Briana Brady** [00:12:29] Thanks Mr. Chair. Thanks, Bob, for the question. This motion does not include that. The CPSAS recommendation suggested March, which is typically not a meeting that CPS appears on, but I don't know why that would need to be in a motion. I think things could be raised if there really is a need later.

**Bob Dooley** [00:12:58] Thank you for that.

**Marc Gorelnik** [00:13:01] Thanks Bob for the question. Any further questions of Briana or discussion on the motion? I'm not seeing any further hands, I will call the question. All those in favor say 'aye'.

**Council** [00:13:22] Aye.

**Marc Gorelnik** [00:13:23] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Briana. Briana, do you have a further motion?

**Briana Brady** [00:13:41] Thanks Mr. Chair. Well, I guess just to follow up on the discussion points that Corey made about what are the next steps for mackerel and given the SSC statement where they recommend an update assessment rather than a catch projection, and then also trying to find the balance of, you know, finding time to do an MSE to move mackerel to a whole different type of approach for

management. I'm wondering if in the near term the Council would be supportive of changing the catch only projection to an actual update assessment, and, if so, do we need to have a motion for that, or if it's just general guidance that the Council can provide if everyone were to be nodding their heads yes around the table.

**Marc Gorelnik** [00:14:37] Yeah, I don't think we need a motion on that as long as there is a consensus around the table and because we're not physically in the same room and we can't see nodding heads, I guess I would ask if anyone disagrees with that, for them to raise their hand. And I'm not seeing any hand, so I think that is the consensus of the Council. Thank you, Briana. Frank Lockhart.

**Frank Lockhart** [00:15:18] I waited so I wasn't, I didn't want to be disagreeing, but I think, yeah, I think Kristen in answering Corey's question talked about having some discussions with her staff about this and so given that that's going to happen, I think that we can come back at some future date and talk about this in more detail. So that was it.

**Marc Gorelnik** [00:15:46] All right, thanks for that Frank. Let me ask the Council if there's any further action or discussion on this Agenda Item, H.2? Kerry, how are we doing?

**Kerry Griffin** [00:16:07] Thanks Mr. Chair. Well, I think you've completed your business under this agenda item. So, if there's no other guidance or discussion, I think we got it settled. You set harvest spex and management measures for the next two Pacific mackerel fishery fishing years and have given some guidance or expressed a desire to have an update assessment rather than these catch only projection estimates, and it sounds like the center and NMFS will huddle and at some point circle back to the Council on that because it does obviously affect their staffing and resources. But anyway, you have finished your business for this.

**Marc Gorelnik** [00:16:49] All right. Thanks very much Kerry.



### 3. Management Framework for the Central Subpopulation of Northern Anchovy

**Brad Pettinger** [00:00:00] Okay I think that takes us....we're done with public comment, that takes us to Council action. It is to consider the proposed management framework and flowchart and two, to provide further guidance. With that I'll open the floor to discussion. Briana Brady.

**Briana Brady** [00:00:29] Thanks Mr. Vice Chair. I just want to start off by saying that overall, I am very grateful to our advisory bodies, Andre Punt, and members of the public for the many discussions we have all had for anchovy management. We left November 2019 with a draft flowchart to consider, and I have been hesitant about the flowchart, but after much discussion and review of the flowchart, I think that it has merits and is a way to move forward. The flowchart addresses concerns that have been raised regarding the length of time between assessments and how the Council has managed this important forage stock. By using the flowchart, we can better demonstrate our efforts to ensure the stock remains sustainable, and in that context, I'm supportive of the flowchart and the parameters that the CPS management team has selected for use. I appreciate all the thought and the analysis that has gone into the development of the flowchart and the associated parameters. Also, we have... we've heard comments that this flowchart or the components of the management cycle that it includes should be provided in the FMP as an amendment, and having not seen how well the flowchart process will work and given that other CPS management cycles are provided in COP 9, at this point I would like to see the process included in the COP. I think I'll be looking towards Council staff and NMFS staff and the CPSMT to determine whether a modification of the CPS FMP is required, as noted in management team report 3. So, at this time I think that the Council should ask the management team provide a COP 9 that contains the concept of a flowchart so that the Council may review and consider this process for implementation at the November 2021 Council meeting. Thanks.

**Brad Pettinger** [00:02:46] Thank you Briana. Maggie Sommer. Maggie.

**Maggie Sommer** [00:02:49] Thank you Vice Chair, pardon me. I also want to express much appreciation for all of the work that's been done to develop this framework and the flowchart, including the thoughtful written and verbal testimony that we've received at multiple meetings. I support the suggestion Briana just made for drafting revisions to COP 9 to incorporate the concept of the flowchart. I want to touch on a couple specific things that have come up. The management team recommended that we, if the Council goes forward with applying the flowchart management, that we first do so with their recommended parameter values, and I would be in favor of doing that. There has been significant effort in the modeling, evaluation and selection of those values and a lot of good rationale for using those. And then on the issue of an FMP amendment, we've heard issues of accountability and clarity and flexibility raised with some good thoughts addressing those in the advisory subpanel report and in some of the public comment. At this point, I am supportive of the idea of considering describing anchovy management in this framework for it in the FMP. I think it's the appropriate place for a general description of the Council's approach with some details left to the COP so that they can be modified as appropriate in response to new information or changing circumstances, and I think that would be a good step forward in providing clarity in how we are managing the stock, although I do want to say I really don't agree with the idea that there is no accountability inherent in what has been the Council's approach to this point. And I'll just close again by highlighting ODFW's interest in anchovy management and ensuring healthy forage base in the California Current ecosystem as we're heading into a future that we know will include climate and ocean change challenges, among others, and this is an important issue for us. So again, thank you to everyone for the work and discussion.

**Brad Pettinger** [00:05:29] Thank you Maggie. Phil Anderson. Phil.

**Phil Anderson** [00:05:33] Thanks Mr. Vice Chair and I echo many of the remarks made by my colleagues up to this point, including the words of thanks and appreciation to all the work that's gone into bringing this flowchart and framework forward for consideration. Lots of great input from our management team, our advisory panel and members of the public to help us navigate what we do with the work that's been presented and next steps. I do think that this represents a significant step forward in how we manage anchovy. I've been a champion of forage fish conservation and I think... and has been stated anchovies are a particularly important forage fish for a variety of both marine fish species as well as seabirds and other critters. And I'll just speak briefly to this question about, you know where, as we move forward and if the Council takes action to incorporate the framework and flowchart, where does it, where should it reside. And I'm in agreement with Maggie Sommers comments in that regard. When you look at our COPs, you know they're reflective of cycles, schedules, and very.... a general description of activities. I think we have seen where you, there are times when the Council has deviated from COPs, not necessarily in this particular instance, but so we have fishery management plans for a purpose. The content of those plans is clearly laid out in the Magnuson Act, and I think having the general approach and framework of how we're going to manage this species is important to have in our FMP. That doesn't mean that we, it would be written in such a manner that removes any flexibility to react to the changes in the science or other kinds of management considerations, but I think just in terms of where we're going, where we need to put how we are going to manage particular, our particular species within it, it should be in the framework plan. And so, I would first of all support what I think I understood from Briana's recommendation in terms of moving forward in a fairly expeditious manner in terms of putting, having being able to consider and put with using the right terms, language into our FMP incorporating of the schedule and the general description of the activity into our COP. I think COP 9 is where that would...would reside and it would augment and in some cases replace the language that's in there, perhaps relative to CPS species. And then subsequently have, give some additional thought and serious consideration to what portions of this new approach would appropriately reside within a future FMP amendment. And so those are my comments Mr. Vice Chair and Council members. I appreciate the opportunity to make them.

**Brad Pettinger** [00:10:01] Thank you Phil. Further discussion? Corey Niles. Corey.

**Corey Niles** [00:10:05] Yeah, thank you Mr. Vice Chair and supportive of those that spoke before and I think, too, I'm seeing eventually that the FMP would be the right place for at least aspects of this approach, but I do... I'm also agreeing that COP would be a prudent first step. But I just want to take a step back and make some comments about what would make this all work, and I'm thinking back, I don't remember what year it was now and these years just fly by and things you thought were a couple of years ago are ten, seven years ago, but I can remember the worry this Council had over anchovy a few years ago and being in a collapsed state and having an analysis that showed the decreasing index of abundance, but we did not have a biomass estimate to really guide us on what was going on and I think that was one of the least favorite issues I've been involved with here at the Council. It was not a good place to not have the science. So, yeah, again appreciate all the work that's been done, but I think the message I'm hearing and we've heard this today is that we hope the Science Center will have the resources and the staff to support periodic assessment of anchovy and sardine, mackerel and how we use those resources and science resources I think is going to, like in groundfish has for a long time taken those explicit discussions about priorities for research and assessment. So yeah, I'm really, really pleased with the direction this is going and supportive of the comments heard so far.

**Brad Pettinger** [00:12:00] Thanks Corey. Okay, anyone else? Frank Lockhart, Frank.

**Frank Lockhart** [00:12:08] I'll keep it short but agree with everyone that has really appreciated all of the comments from the advisory bodies as well as the public commenters. I thought they were all excellent, both pointing out the importance of what we're doing and also making some really good

suggestions about the direction to go. I think at this point in time the agency has not come to a strong conclusion about whether the COP or the FMP is the proper vehicle or perhaps that the COP is appropriate for some parts of it and the FMP is appropriate for other parts of it. But I think Briana's suggestion that staff and the advisory bodies working with NMFS come forward with something at the November meeting. I think that might be, that might be a way forward that we can further consider everything that we've heard today and then be able to make that decision in November. So, again thanks to everyone and I really appreciate the comments in the discussion we've had here today.

**Brad Pettinger** [00:13:28] Thanks Frank. Okay, anyone else? And Frank your hand is still up. All right. Well not seeing any other hands. I heard someone might be making a motion potentially or not. Briana.

**Briana Brady** [00:14:06] Thank you Mr. Vice Chair. I have a motion that I could put forward for discussion?

**Brad Pettinger** [00:14:18] Okay.

**Briana Brady** [00:14:18] Sandra, could you please post it? I move that the CPSMT provide draft text in COP 9 to the Council in November 2021 that includes the proposed framework for the central subpopulation of northern anchovy from CPSMT Report 1 and Supplemental CPSMT Report 2.

**Brad Pettinger** [00:14:52] Thank you Briana. Does the language of the screen accurately reflect your motion?

**Briana Brady** [00:14:56] It does. Thank you.

**Brad Pettinger** [00:14:57] Okay. Looking for a second? Bob Dooley. Thank you, Bob. Okay Briana, speak to your motion please.

**Briana Brady** [00:15:08] Thank you, Mr. Vice Chair. In general, while current management for anchovy is already ensuring that overfishing is not occurring and that the stock is sustainable, I also agree, given the various comments we have received, that having additional clarity on frequency and the type of management actions that would occur for anchovy could be beneficial. And as stated in the CPS Management Team Report 3, the framework includes the frequency for assessments and changes to harvest specifications. The process outlined in the flowchart provides for regular stock assessments to update the overfishing limit, and the process also includes reviews of short-term stock status with defined triggers for when and how to adjust the acceptable biological catch. Additionally, the flowchart allows for evaluations of how much catch the fishery is landing relative to the ABC and provides for consideration of a stock assessment if needed before the next cycle starts. As noted by the management team report, consideration of anchovy management would be a regular Council agenda item as specified by the flowchart. Thanks.

**Brad Pettinger** [00:16:28] Thanks Briana. Questions for Briana or discussion on her motion? Louis Zimm. Louis.

**Louis Zimm** [00:16:29] Thank you Mr. Vice Chair and thank you, Briana, for this motion. I will be supporting it. I very much appreciate the California Department of Wildlife's long record of doing excellent science based on anchovies and I didn't get a chance to do it, but I wanted to also express the commenters from Audubon, the various Audubon's up and down the coast. Yesterday I had the joy of watching pelicans.....(garbled).....

**Brad Pettinger** [00:17:12] Hey Louis.

**Louis Zimm** [00:17:12] Am I here?

**Brad Pettinger** [00:17:12] You're just, can you adjust your microphone? You're not very clear there. Thank you.

**Louis Zimm** [00:17:27] Oh I'm sorry. Okay I'm going to.....am I better now?

**Brad Pettinger** [00:17:35] Yes, you are. Thank you.

**Louis Zimm** [00:17:38] Oh my goodness.

**Brad Pettinger** [00:17:43] I think we got most of that but it seemed to be getting worse. You are good now.

**Louis Zimm** [00:17:48] Can we try it now?

**Brad Pettinger** [00:17:48] You got it.

**Louis Zimm** [00:17:48] Technology had the best to me. So, I will be supporting this, and I do really appreciate the department's long record of proper management and science of anchovies. And I just wanted to say to the Audubon people that I am a very enthusiastic birder and got to watch pelicans enjoying the amount, the large amount of anchovies off the San Diego coast yesterday. And I got to see something I've never seen before and that was brown footed boobies actually auguring in and eating squid so it's an ever-changing environment we have out there. It's a very demanding one and I agree we really do need to shepherd it well. Thank you.

**Brad Pettinger** [00:18:37] All right, thank you Louis. Bob Dooley. Bob.

**Bob Dooley** [00:18:42] Yes, thank you Mr. Vice Chair. And thanks, Briana, for a good motion. I appreciate it. I do have a question. You know, we heard from the advisory subpanel the need for flexibility in not using the, I'll get the acronym wrong, ACT I think it was or ATC, and I just solely as and rather to use a suite of indices and I also heard from the SSC that their recommendation maybe to begin with to start this way. I like the fact that it's in the COP so that maybe it lends a little more flexibility, but I'm real concerned about getting the best available science and we've heard for years that that is the path that the industry has been wanting to take and the Science Center as well but getting verification on these other ways of assessing the stocks is still being developed. So do you see, I don't see you particularly referencing the fact that the advisory subpanel had a different approach on that. Do you see this, by including it in the COP that it allows the flexibility on an ongoing basis to be able to make those adjustments without a Herculean lift of regulatory structure to guide it?

**Brad Pettinger** [00:20:15] Briana.

**Briana Brady** [00:20:16] Thank you Mr. Vice Chair. Thanks, Bob, for the question. Yeah, I think there have been some good points brought up about what science is best and the availability of it and, you know I think moving forward it would be helpful to be able to use other sources of data, especially if the ATM isn't available in a given year. So, I don't see this motion specifying that specifically. The flowchart itself does rely on the ATM, so perhaps that's something that needs to be considered in November.

**Brad Pettinger** [00:20:56] Thanks Briana.

**Bob Dooley** [00:20:56] Thank you Briana.

**Brad Pettinger** [00:20:59] Corey Niles. Corey.

**Corey Niles** [00:20:59] Yeah, thank you Mr. Vice Chair. Thanks, Briana, for the motion and apologies if I've missed it, but we did hear Frank speak up and say that NMFS was not certain about COPs versus FMPs but and he would like the team to think about it more and with them. The way I'm seeing this is that those conversations will still happen if it gets written down in the COP first. The substance would be there and those conversations about the FMP would still be happening, is that consistent with your understanding?

**Briana Brady** [00:21:39] Mr. Vice Chair.

**Brad Pettinger** [00:21:39] Please.

**Briana Brady** [00:21:39] Thank you Corey for the question. I would say absolutely.

**Brad Pettinger** [00:21:49] Okay. Further discussion on the motion? Okay not seeing any hands we'll call for the question. All those in favor signify by saying 'aye'.

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

**Brad Pettinger** [00:22:10] Opposed? Abstentions? Okay the motion passes unanimously. Okay, and I guess was there any further guidance here we want to do before we, before I turn this back over to Kerry? Not seeing any hands. Kerry, looking towards you.

**Kerry Griffin** [00:22:37] Yes, Mr. Vice Chair. Your task was to consider the proposed management framework and flowchart and provide guidance and you have done that, so the team will huddle up and start working on putting together a proposed COP 9 revision to reflect this framework and flowchart. So, I'd say your business for this agenda item has been completed.

**Brad Pettinger** [00:23:04] Thank you, Kerry, and thanks for all the hard work that went into making the decision.