

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**258<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**March 2-5 & 8-11, 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.

Contents

A.	Call to Order.....	4
4.	Agenda.....	4
B.	Open Comment Period.....	5
1.	Comments on Non-Agenda Items.....	5
C.	Administrative Matters .....	7
1.	Report of the Office of National Marine Sanctuaries (ONMS).....	7
2.	Marine Planning Update .....	8
3.	Legislative Matters .....	18
4.	Approval of Council Meeting Record .....	24
5.	Membership Appointments and Council Operating Procedures.....	25
6.	Future Council Meeting Agenda and Workload Planning.....	26
D.	Habitat Issues .....	44
1.	Current Habitat Issues .....	44
E.	Salmon Management.....	46
1.	National Marine Fisheries Service Report.....	46
2.	Reintroduction of Salmon Above Grand Coulee Dam.....	47
3.	Review of 2020 Fisheries and Summary of 2021 Stock Forecasts .....	50
4.	Identify Management Objectives and Preliminary Definition of 2021 Management Alternatives.....	57
5.	Recommendations for 2021 Management Alternative Analysis.....	62
6.	Further Direction for 2021 Management Alternatives .....	67
7.	Further Direction for 2021 Management Alternatives .....	70
8.	Adopt 2021 Management Alternatives for Public Review .....	76
9.	Appoint Salmon Hearing Officers .....	82
F.	Pacific Halibut Management .....	83
1.	Annual International Pacific Halibut Commission (IHPC) Meeting Report .....	83
2.	Incidental Catch Recommendations: Options for Salmon Troll and Final Action on Recommendations for Fixed Gear Sablefish Fisheries.....	84
G.	Groundfish Management .....	86
1.	National Marine Fisheries Service Report.....	86

2.	Workload and New Management Measure Priorities .....	88
3.	Pacific Whiting Utilization in the Mothership Sector .....	109
4.	Inseason Adjustments – Final Action.....	116
5.	Electronic Monitoring Program Update .....	117
6.	Emergency Rule to Consider Changing Seasonal Processing Limitations in the At-Sea Whiting Fishery 125	
H.	Highly Migratory Species Management .....	136
1.	National Marine Fisheries Service Report.....	136
2.	Review of Essential Fish Habitat – Phase 2 .....	137
3.	Recommend International Management Activities.....	143
4.	Deep-Set Buoy Gear Permit Clarifications.....	144
5.	Biennial Harvest Specifications and Management Measures .....	150
I.	Ecosystem Management .....	152
1.	California Current Ecosystem and Integrated Ecosystem Assessment (IEA) Report and Science Review Topics.....	152
2.	Climate and Communities Initiative Workshop Report .....	155
3.	Fishery Ecosystem Plan (FEP) Five-Year Review – Final Action .....	164
	Sam Rauch Presentation on Monday, March 8, 2021 .....	168

## 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] We'll move on then to approval of the March agenda. Let me first see if.....we'll get that up. Well, you all have copies of the agenda. It's on the website. It was in the briefing book. So, let me see if there are any suggested changes to the agenda, additions or deletions? And I'm not seeing any suggestion so at this point I'll entertain a motion to approve the agenda? Phil Anderson. Thank you.

**Phil Anderson** [00:00:50] Thanks Mr. Chairman. I move that the...we approve our Council agenda under Agenda Item A.4.

**Marc Gorelnik** [00:01:01] Thank you Phil. Bob Dooley your hand is raised is that to second?

**Bob Dooley** [00:01:07] Yes, it is.

**Marc Gorelnik** [00:01:09] Okay. Any discussion? Not seeing any I'll call the question. All those in favor of the motion to approve the March meeting agenda say 'aye'.

**Council** [00:01:21] Aye.

**Marc Gorelnik** [00:01:25] Those opposed, no? The motion passes, well any abstentions I don't imagine. The motion passes unanimously so thank you everyone for that. I believe that concludes this portion of the agenda, the call to order and unless, well Corey Niles has his hand raised followed by Phil Anderson.

**Corey Niles** [00:01:59] Thanks Mr. Chair. I just didn't get my hand up fast enough before that vote there. I just wanted to acknowledge that we will be hearing a request to maybe to alter the agenda here under the open public comments and just maybe whether or not, the team didn't discuss it earlier but just flagging that we are interested in hearing that and expect to be taking that up later in the agenda.

**Marc Gorelnik** [00:02:30] Okay, and I guess procedurally we can do that later if there is a reason to amend the agenda, but I guess right now we don't have that so, or proceed at least for now on the agenda as published. Anything further on this agenda item? All right.

## B. Open Comment Period

### 1. Comments on Non-Agenda Items

**Brad Pettinger** [00:00:00] And Council discussion on B.1? With that do we....any Council members want to weigh in? Nobody? I know....Corey Niles. Corey.

**Corey Niles** [00:00:07] Thank you Mr. Vice Chair. Yeah, sorry having problems with my mute and raise hand buttons this morning. I do hope we can have a bit of discussion on the testimony we heard here about the emergency rule. We've had some virtual hallway talk about some ideas and so I wanted to get Chuck's reaction and Ryan's, see Ryan's with us here in the NMFS seat on ways we can talk about the tradeoffs, workload being the one that we're seeing as potentially of interest, otherwise this emergency rule seems to clearly meet the criteria. I'm wondering why, not remembering why we didn't use the public health provision the last time this was done, which allows a rule to stay in place as long as the public, a public health emergency, the conditions still exist, so in large part I'll stop there... just that's saying if it was simple to do as it now stands it seems like we would want to do it again, but a process question for Chuck and Ryan. I know we used the model last September where we talked about the issues during our groundfish workload planning, that seems like a good place to do that again but expressing interest and have that discussion and ideas on how that might go forward?

**Brad Pettinger** [00:01:55] Okay. Thank you Corey and I see Ryan's hand is up, so Ryan?

**Ryan Wulff** [00:02:02] Yes, thanks Corey for the question. So, on your latter point regarding the public health aspect in Magnuson for emergency rules, that wouldn't be applicable here for this, since the emergency rule, well we could have used that if the emergency rule was still in effect. The emergency rule expired for the previous one from last year, expired in December so there's no opportunity to use that, although we are very aware of that clause now for emergency rules and paying attention to it across the country. We utilize it for observer waivers for example. Getting to this request just on process I would agree with I think what you said Corey. This is definitely...if the Council wants to take this up it would be more relevant to have a discussion on this under G.2 along with all of the other priorities. There, an emergency rule that would take precedence by its own nature so therefore it would have implication for workload as well as potential delays on non-emergency rules, and then I think I hear, heard you say that you thought it meets the emergency criteria and I think a discussion does need to happen around that a little bit more deeply. There, the, me in particular, you know, how this situation is different from last year and any additional justification and I think we could have that discussion in G.2 if that's where the Council wants to take it. And I'll stop there.

**Brad Pettinger** [00:03:42] Thank you Ryan for some clarity on that. I think that's been the discussion we had earlier today was that we would, that the G.2 would be where we did it to get at that, so anyone else?

**Chuck Tracy** [00:03:55] This is Chuck. I'll just pretty much echo Ryan's response there. I think having an opportunity to look at the, you know, the prioritization exercise under G.2, putting this in with that I think would be appropriate. I think it would also give folks some time to think a little bit about the last point, about emergency rule justification and laying that out so I guess that would be my recommendation as well.

**Brad Pettinger** [00:04:33] Okay. Ryan your hands up.

**Ryan Wulff** [00:04:38] Sorry about that.

**Brad Pettinger** [00:04:41] No problem. Okay. Further discussion? Maggie.

**Maggie Sommer** [00:04:45] Thanks Mr. Vice Chair. Certainly agree with discussing it in the context of groundfish workload prioritization and hope that the National Marine Fisheries Service can provide us with some thinking at that time on the amount of workload and effort involved and any details on potential delays to other items, and I know we will as a Council also want to be thinking about potential impacts on GMT and Council Staff.

**Brad Pettinger** [00:05:22] Okay. Thank you. Anyone else? All right, Bob Dooley. Bob.

**Bob Dooley** [00:05:30] Thank you Mr. Vice Chair. I would ask too that, you know, I appreciate the comments before me here and Ryan I appreciate your response. I would just ask that you comment at the time when it's appropriate on the ability to use the data, or the analysis that was done in the previous EM last year and how that might truncate the process and maybe actually enable us to get it done without so much workload so just curious of that and it might take some time and willing to hear it when we get to the agenda item that was mentioned before.

**Brad Pettinger** [00:06:11] Thank you Bob. All right. Okay seeing no further hands, I guess we'll conclude open comment.

## **C. Administrative Matters**

1. Report of the Office of National Marine Sanctuaries (ONMS)

No transcription for this agenda item.

## 2. Marine Planning Update

**Brad Pettinger** [00:00:00] Takes us to Council discussion and consider the presentations from NOAA and BOEM and provide the recommendations and guidance as appropriate. So, I'll open the floor for hands to get this discussion going. Marci.

**Marci Yaremko** [00:00:22] Thank you Mr. Vice Chair. Actually, if it is all right, I'd like to take a second and ask NMFS a few questions.

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

**Marci Yaremko** [00:00:38] I believe it's Ryan that's in the seat. I really appreciate the introductory remarks made by Diane here today. They definitely weigh heavily on my thinking about this agenda item and how we proceed. I'm wondering if you can help us think about future Council agenda scheduling and what NMFS's plans are or thoughts with regard to engaging the Council at all meetings now here forward on the topic of marine planning or aquaculture specifically. What is your vision as to how that is going to occur? Are you thinking about just the regular NMFS report item on the Council agenda that includes a briefing on aquaculture or will we have kind of a pre-meeting similar to the February 24th hearing that NOAA staff will engage in and lead and direct or do you have, I guess I'd just being curious to hear your thoughts as to how this is going to commence looking forward.

**Brad Pettinger** [00:02:11] Ryan.

**Ryan Wulff** [00:02:14] Thank you Mr. Vice Chair and thank you, Marci, for the question. I mean, you know, I think NMFS is flexible on this. I think you heard Diane offered to continue to come back. You know I think we're open. It might be useful to have regular marine planning agenda items but that said, NMFS would be very open to, I mean obviously we don't, we have NMFS reports again, not on an FMP basis, but just like we utilized open comment for the survey updates at this session. You know there still are ways that we could continue to update the Council on various processes and then, you know, for times when we do have potential Council meetings that overlap with comment periods, for example, on the PEIS process, that might be another option to maybe schedule a more focused agenda item, but again NMFS is committed to being, and NOAA, National Ocean Service, who we heard from today are committed to being as available and as transparent as we can.

**Brad Pettinger** [00:03:21] Okay. Marci, you good?

**Marci Yaremko** [00:03:22] Yes, thank you.

**Brad Pettinger** [00:03:25] All right. Thank you Ryan. Caren Braby. Caren.

**Caren Braby** [00:03:31] Yeah, I would be happy to just kind of get some discussion going and I am just, I'm so grateful for the work of BOEM and NOAA in putting together the presentations for February 24th as well as joining us today. It has raised so much interest and so many questions and so many opportunities for improving those processes, and I think we'll all benefit from that so I just, I very much appreciate that, and one example of those presentations stimulating good work is certainly in the products we saw from all of our management and advisory body teams, just an amazing depth of thought and comment in there and questions and so I think we have a lot of really good information just from this one Council meeting to help us move forward. I wanted to capture some of the concerns that I heard and that really resonate with me. I think overwhelmingly what I heard today was that there's great concern from across the Council family that maps that are being used generally in aquaculture and offshore wind siting are potentially incomplete, are either out of date or could quickly become so and



are unvetted and I say that and I think our advisory bodies said that not to throw anybody any under the bus, but rather to point out that there is an opportunity to improve the information that we're using, and that we should do that in order to make better decisions in the upcoming months and years. So, I didn't hear today specific concerns about the models, the suitability calculations and so on, I heard a lot of concern about those underlying maps, the underlying information on which all of that additional analysis and science is based and that is a problem that we can help fix, because we have the expertise around the Council table and around the Council family to help fix that. And so I think from there in my thought process I heard from our advisory bodies that we want to understand more about those foundational maps, how they were developed, what assumptions went into those, know more about the vetting process, know more about the timeframes that were used because we are talking about a lot of things changing in the future and we've, of course, been going through a fairly significant process to anticipate what the future holds for us in terms of changing oceans. We heard from multiple advisory bodies just looking at history, that our regulatory history is complex and areas open and close based on direction from this Council and other reasons, and so fishery effort and footprint over the last 5 years or the last 10 years or the last 15 years is different in those different time windows and in some cases, maybe not all, but in some cases can be very different from what will happen in the next 5, 10 or 15 years, and so those changes need to be reflected in the mapping and then the analyses that come next from there. I also heard about missing data sets, that's again something we can fix in terms of things like underrepresented sportfishing, we can help with that. I also heard that we have these parallel processes happening within NOAA and BOEM in mapping fishery effort for these marine spatial planning exercises and from stakeholder public perspective, as well as representing a management entity. Having those two processes happening simultaneously is confusing and seemingly redundant in terms of asking our public and our stakeholders to engage but make no mistake, I think we heard very strongly everyone wants to engage. Everyone wants the opportunity to provide input, meaningful input into the process. It would be great if we could combine those processes in some way to make that engagement more streamlined. The other thing I'm thinking about is challenges in weighing different uses against others, and you've heard me ask a question, for example, about interference between offshore development and fishing and that as just one example of the challenges that we have in trying to decide what can happen where offshore of the West Coast, transit being a key issue. So those are things that I'm thinking about in terms of the content of what we heard today in the comments from our advisers, and I am compelled, motivated, enthusiastic about providing leadership at the Council level and in meeting this head on and being meaningful partners with NOAA and BOEM in terms of fixing those problems. My challenge is how we do that, how we engage, how we allocate Council resources and Council floor time to do that in a way that maintains connectivity among our advisory bodies and this process, gets the expertise that we need, and I have some ideas from my own perspective about what that is, and that gets going really quickly because the timing is now, it's not a year from now and so I feel an urgency to do something. So, I'll stop there but I would like at some point to get to thinking about shaping that engagement.

**Brad Pettinger** [00:11:55] Thank you Caren. Bob Dooley. Bob.

**Bob Dooley** [00:11:59] Yeah, thank you Mr. Vice Chair. Caren, thank you so much for that. That was about every thought I had in my mind and I agree with everything you said, every last detail. It was just, I could not say that better, I know I couldn't so... but... I do, you know, if I could Mr. Vice Chair... could I ask Mr. James Morris a question?

**Brad Pettinger** [00:12:23] Yeah, James, are you still here?

**James Morris** [00:12:27] Yeah... hey Bob.

**Brad Pettinger** [00:12:29] Okay. Bob.

**Bob Dooley** [00:12:30] Thank you through the Chair. James, it was really great to hear you today. I know we visited a few times and met a few times and but I'm sure you heard Harrison Ibach and what he was talking about is getting the group together to do a bunch of mapping, and I know this is not an area that's applicable yet to an aquaculture opportunity area but it could be, and I would assume you have been mapping the entire coast here or at least gathering the data, would, can you see or can you see a way that you can work together with those folks to maybe gather more information and be more granular and kind of understand that it would be additive to what you already have, but maybe would focus what you already have and be more inclusive? Can you talk about that a little bit?

**James Morris** [00:13:33] Sure. Thanks Bob. Yeah absolutely. We have to remember with this AOA process that the first step is an initial spatial planning screening exercise, right? And then the EIS and NEPA process will, which is still happening every... a couple of years, will bring in additional review and additional information through public review, peer review, all that kind of stuff, so there's going to be ongoing opportunities for input into this process. We, you know this first day lay effort is in federal waters. Now we know that obviously there are interactions between state and federal waters in as much as Harrison's work is in state and federal waters you know, it's very relevant but we definitely would like to learn more about that. I do also want to make a point that I, you and I have had long conversations about how we got to get fishing where people are fishing right, not just today but also tomorrow. We, NOAA have, you know, we have an interest, a very vested interest in making sure we get this right, and we have experience in developing participatory mapping processes that can support that conversation, but I think this conversation is spot on and we look forward to talk with you more about this stuff.

**Bob Dooley** [00:15:03] Thanks James. I really appreciate it and thank you, Mr. Vice Chair, for giving me this....(garble)....

**Brad Pettinger** [00:15:09] Okay, thanks Bob. Further discussion? Christa Svensson. Christa.

**Christa Svensson** [00:15:22] Yeah, thank you Vice Chairman. You know I have a lot of thoughts and they are not as cohesively gathered as Caren, although many of the points that she has made I definitely would not have been able to make so succinctly, but the points that really have surfaced to me over the course of this agenda item and more specifically today, in addition to the urgency of really monitoring and having robust conversation is how far reaching and how engaged all of us are and I am, just as we navigate how we engage on this topic. I do want to remain mindful of that so that we don't somehow silo into a marine spatial planning group of some way, shape or form and lose that connectivity and engagement, because I do think that the interest is there but really, more importantly, the depth of knowledge by all of us coming together is greater, it's more. The other component that really struck me and I want to say thank you to Amy, I believe your last name was Trice, was the need to reach out to stakeholders on the East Coast, Council members on the East Coast and Councils on the East Coast to learn what they're doing. I think we're going to have to invent our own wheel because our geography, our cultural aspects, there are a lot of differences between the East Coast and the West Coast, but there are also a lot of similarities and I think learning from what they have done would be very helpful in terms of keeping the momentum because there is an urgency to this and taking those lessons and being able to run maybe not faster because we're not going by ourselves, but putting it together so that we can go farther in terms of supporting fisheries and other uses. It's going to get more and more crowded, and I mean we've talked a lot at the Council about wind energy and we've talked about aquaculture, but there's so many other items out there, whether you're looking at blue economy or other issues, that just this is going to get bigger and more complex and having some folks that are thinking about it on a regular basis will be important. So, thank you.

**Brad Pettinger** [00:18:26] Okay, thank you Christa. Louis Zimm. Yep Louis Zimm.

**Louis Zimm** [00:18:32] Oh yes, it's me. Thank you Mr. Vice Chair. This question is actually out to those folks that have been deeply involved in the CCC Council Coordination Committee, who I know members are from the East Coast. Have these discussions taken place in that venue? And I'm not sure who I'm addressing that to but if some member of our Council that's informed of that or our Executive Director could address that I'd appreciate it.

**Chuck Tracy** [00:19:05] Mr. Vice Chair I can speak to that.

**Brad Pettinger** [00:19:10] Please.

**Chuck Tracy** [00:19:10] So there's been, so we haven't really talked about how all each regional Council is engaged, but, but during this agenda item, since I am the CCC Coordinator this year and keeping a running list of potential agenda items, I did put that on my list to discuss with the other Executive Director's. Whether we want to include that in our May CCC meeting to see if there's interest in sort of having a roundtable discussion about how each of us has been engaged in marine planning issues, so that definitely piqued my interest and I thought that was a good suggestion and so I plan on following up on that. Whether it cracks the priority list for the CCC itself, I think that at the very least there will be some discussions amongst the Executive Director's about how we all do that and try and learn from each other's experience on that, so yes, again not a lot up to this point on exactly how we do that, but on the other hand we have, you know, sort of engaged in similar sorts of things. You know we've been commenting on monument designations and those sorts of things as a group, but nothing directly related to energy development or aquaculture. There's been a little bit more discussion about aquaculture, but not really in terms of the aspects that we've been discussing here today.

**Louis Zimm** [00:21:08] Through the Chair, thank you very much.

**Brad Pettinger** [00:21:11] Thanks Louis. Virgil Moore. Virgil.

**Virgil Moore** [00:21:14] Thank you Mr. Chairman. My concern, a phenomenal amount of work to start with. I appreciate what I've heard from the very large expanse of our advisory groups, our technical committees, and the time they took to bring themselves up to speed on this and the work the Habitat Committee made and did to bring everybody together so that we could get the benefit of this discussion in addition the public input. I'll express my concern in that the amount of human resource that it takes to track all of this stuff and comment on it, I fear it detracting from the technical and advisory roles that we have established in the Council and I assume other Councils to provide us with information relative to our decision making. Now we're being asked to partic....or suggesting participation in somebody else's decision-making process so that our goals and objectives are maintained, and that's appropriate, but perhaps this comment might go to Chuck relative to his discussion on a national basis. If this is our future from the Council's standpoint of rolling up the concerns that we heard so well-articulated during this discussion, then we need to look at those folks that are needing that input, paying for it and establishing that kind of structure in the Councils to provide that without burdening unduly the existing structure we've gone from a human resource standpoint. As a state administrator we dealt with this and had to expand staff so that our management staff, our population and technical staff could do their work and still have staff that were competent to comment to others about the effect they would have on our ability to manage that, and it appears we're getting closer and closer to that with the Councils and the limited resources we have. Some of it's up to NOAA, but I'm not so sure that NOAA is totally the person to task this. So, with that, those are just general comments. I do believe we have excellent information to put together a written response to the entities that are proposing these things to let them know that they have fell terribly short of including the complex information that's out there that's needed for decision making. Thank you.

**Brad Pettinger** [00:23:59] Thank you Virgil. Anyone else? Caren Braby. Caren.

**Caren Braby** [00:24:03] Thanks and thanks, Virgil, for sharing that perspective, one that I share and that is my key concern here is that our Habitat Committee, our Ecosystem Working Group, do not have the capacity to carry the workload that I see is needed in order to support meaningful engagement just on vetting those foundational fishing effort maps that we've been talking about, let alone the marine spatial planning piece of it, which really goes beyond our purview and expertise. This is more about we want to make sure our fisheries are well represented in those processes, but how do we do that? Where do we get the capacity because I don't see it coming from existing staff and existing advisory bodies without an additional infusion. So, thank you for articulating that.

**Brad Pettinger** [00:25:29] Okay thank you Caren. Corey Niles.

**Corey Niles** [00:25:29] Thank you Mr. Vice Chair. I'll just be brief. I don't want to repeat, but I will, yeah, I am lucky enough to be on the Ecosystem Workgroup. I was also heavily involved in our marine spatial plan, and I'm... it was a lot of work. I think the Ecosystem Working Group, you know, has just added to recently with we doubled or tripled our number of PhDs and have some folks who did some really neat mapping work, cutting edge stuff, but given what I've seen it takes and what we did in Washington, it would take the Ecosystem Working Group working harder than the GMT, meeting more I think to get the kind of engagements that people are talking about, or I hear being talked around the table, so expressing that I'm, my thoughts are still coming together on what we need to do. I'm agreeing with Caren it would take more resources or redirecting existing resources to do. It was a very intensive look and in Washington we were talking about even just theoretical scenarios and we put a bunch of maps together. I think they were good maps. We used a lot of the Council's groundfish EFH maps, which I don't know what we would have done without those, overlayed them, did some marks and analyses and really what it just said to us is everywhere out there you're going to have to have a tough discussion about tradeoffs and it's going to have to be a public process. It's not going to be a data exercise. So, point being just underscoring, it is I think going to take pretty, a lot of time and I don't know at this point I see the clear way of how the Council does that.

**Brad Pettinger** [00:27:23] Thank you Corey. Caren your hands still up.

**Caren Braby** [00:27:27] Sorry Mr. Vice Chair.

**Brad Pettinger** [00:27:28] Okay we've had some good discussion... oh Marci.

**Marci Yaremko** [00:27:31] Thank you Mr. Vice chair. Just want to really again thank BOEM for joining us and our Council process over these past two weeks quite actively and being willing to bring their discussion under our umbrella for a bit. I guess my thought is I hope you'll stay. Exactly what that looks like I'm not totally sure, but I really appreciate the opportunity for you to come and join us and get to know our diversity with our fisheries and how we, how widespread they are. These things that were mentioned about speed and need for something to happen rapidly, yeah, I mean these things have come up very quickly. I mean just in the last year the landscape has changed dramatically, and I think it is incumbent on us as a Council to find a way to be responsive, especially to those agencies that are so willing to work with us and hear us and our stakeholders. I think by its nature, however, our Council is about fisheries first and the reason that folks have come to engage with us in the process that we have is, is because we are a, an open and transparent public process, for we do value the input of our stakeholders, and everybody does have a chance to join and participate. We're all very committed to it for that reason. You know this is an amazing process that we come and live in for about 40 days every year so I feel like we really can take advantage of organizing things maybe somewhat in a way that allows for meaningful input on projects as they emerge but I feel like, you know, we want to strive to

be inclusive and balancing inclusivity and involving everyone in our Council family, you know the tradeoff is that maybe there's not as much drilling down and engagement by a few folks with particular expertise, so it's kind of a tradeoff. I guess I'm still feeling like, you know I want to thank the Council staff for planning this particular meeting and drawing in the advisory bodies and public to engage on this topic and I think, you know, we've heard so much about the overwhelming response that it just shows how successful I think that possible model can be. One thing I guess I would really not want to see is us spending a lot of time kind of debating membership or how many members are right members for a group. I feel like there's so much emerging that gosh, anybody that has an interest that's part of our Council fisheries family, we should find a way for them to come have a voice and engage and participate. So, I guess that's some my thought after all the wonderful work we've seen today. So, I don't know where that leaves us, but I don't have any firm recommendations other than to say thank you for all of the documenting and really encourage our colleagues at the NMFS and National Ocean Service and BOEM to reflect on the remarks of our knowledgeable advisers. Thank you.

**Brad Pettinger** [00:32:11] Thank you Marci. Caren.

**Caren Braby** [00:00:03] Thank you Mr. Vice Chair. So I feel too like we're kind of at the end but I feel like we don't have very clear next steps and that concerns me because I think we need them and so not wanting to put Mr. Tracy on the spot but wanting to put Mr. Tracy on the spot, I am looking for Council staff advice on what those next steps might be, and I'm looking for feedback from you as the Director and Council staff on some of the things we've talked about today. We've talked about bringing additional capacity. We've heard a lot of comment about new advisory body, standing up a new advisory body and either of those options as well as the status quo have tradeoffs and your expertise in running this Council well is what we need to hear in order to choose any of those three paths forward, and so I think it's part budget, it's part staff capacity, part Council mandate and just wondering what you're thinking, and how we can come back to this issue either in workload planning or another agenda item this Council meeting or in April.

**Brad Pettinger** [00:01:55] Well Caren, your timing is impeccable. Chuck actually, right before you, spoke that he would want speak right after you, so Chuck.

**Chuck Tracy** [00:02:07] Thanks Mr. Vice. Chair. Yeah, that was pretty good timing. I've actually been, I've unmuted myself several times, but hands keep going up and I don't have a hand so... but yeah, I did want to just speak to the points Caren brought up. So, I guess kind of starting with maybe a little bit of the big picture. You know we, the Council expressed interest in additional engagement in mostly ocean energy development a year ago or maybe it was a year ago in April, and so we started having staff level conversations with BOEM prior to each Council meeting to see if there's any issues that are ripe for Council discussion or information that needs to be included, meeting notices or outreach notices and those sorts of things and that was successful I think, and it eventually resulted in this engagement in the mapping issue. And by coincidence, the aquaculture area opportunity mapping that kind of came along the same time so we decided to lump them together so... but I think we've been pretty successful in our at least communicating and kind of staying in touch with them. The... to me it seems like what the Council is really seeking is an avenue into BOEM's for example, or I'm just going to talk about BOEM for now just again as an example. It could be any other development agency or process, but we're kind of seeking a, you know, an avenue into their decision-making process. We want to be heard. We want them to engage with us and so I think we've had some success there. I think, you know when I, you know we had some preliminary discussions with AOA and James Morris and you know we kind of brought up some of these mapping issues about, you know, whether the fishing effort was being accurately characterized and that was kind of, you know, I think an a-ha moment for them. Oh okay, you know, maybe there's something here that we haven't considered yet or we need to look deeper into and so it kind of precipitated all this, so I think that's good. You know but it's difficult to, you know, to

get an official sort of avenue in I guess, if you will, to somebody else's process, just like it's hard for somebody to get an avenue into ours. You know, we listen, and we value that input and obviously everybody's input into the Council process is very open, but you know we listen to our advisory bodies about our issues and make decisions based on that and the public input we get, but you know it's just not the same as having a seat at the table I guess, if you will. So, I think we just have to sort of keep that in mind as to how effective we can be or how much influence we can have but I think, again I think, so far I've been very encouraged. I think there's been a lot of openness and willingness to talk and consider our, you know, our input and I think they're looking to improve their process and they're willing to do that with our help, so I think that's been good. In terms of how the Council processes issues and delivers its feedback or input into BOEM or aquaculture issues, you know I really, first of all I appreciate Louis Zimm's questioning everybody of how they see, you know, what do we need to make that advisory body that people are interested in happen? So, we didn't get a lot of good answers but the answers that I did hear was that the habitat, the February 24th webinar that the Habitat Committee posted and that we had liaisons from all of our advisors, advisory bodies attend was pretty successful. I would say highly successful. Habitat Committee did a great job. They turned their report around very quickly and that was available to all the other advisors, the advisory bodies to work from and we got a tremendous response I think from our advisory bodies. I think we identi.....they were capable of identifying all these issues that are important to the Council and that, you know, were identified for the aquaculture program and for BOEM to consider and to recognize where our concerns lie and perhaps where they might want to look a little closer or engage a little more fully or broadly. So, in my mind, I thought that was I thought that was a pretty darn successful first go at a model you know....so, I did think a little bit about, well, you know, yeah, we did a pretty good job but there's probably things where we could use some more help, and so I did write down a short list of what sort of expertise might be needed, and it started with habitat expertise. Certainly, all of these projects have habitat impacts and that's what our Habitat Committee is good at, has been forever, and that's why they're there so we obviously need their expertise. We obviously need fishing industry experts, you know, particularly the marine industry, fishing industry, you know, so we get that, we've got that in our advisory bodies. We've got some amount of that even within our Habitat Committee. So some other areas I think we could, maybe, I don't know if we, I detected a desire for, from some of the comments I got and one of them is sort of an ocean development process expertise so people that, you know, are either part of, you know, part of the system or a watchdog for the system to kind of make the Council aware of what's going on, how it's going on and how and when to engage. I also thought that somebody with some of the cable placement expertise might be important. We heard a little bit about electromagnetic fields, and we heard about placement in state waters versus federal waters and there's, I think there's certainly some, you know, the ocean energy development is going to have cable placement so...but we, on the other hand we've got some expertise in our Council family on that as well. So, I heard a little, you know, some concerns about transit and safety issues and the need to engage the Coast Guard who, of course, is also within our Council family. So, you know, I think there's, I think we've got a lot of what we need. Do we need, you know, mappers to develop layers for these other action agencies to consider? I don't know. I guess I would rather have their mappers be the ones that promote, you know, looking at the issues that we've identified. You know I think if there's that internal buy in I think it's better than if we're submitting a competing product or, you know, I want to avoid that so. So, I guess those are kind of my thoughts about the committee. I'm reluctant to, you know, to establish a whole new committee and, you know again that can be a lot of work. Obviously, that's a lot of work staffing that. I recognize that, you know, the Habitat Committee the way it exists now doesn't have everything I just talked about, but I think it's present within our Council family and perhaps with some, or some modifications we might be able to make that work. I've also talked with a couple Council members about an idea of perhaps having, you know, perhaps expanding the Habitat Committee. Perhaps having a subcommittee model, sort of like the SSC has to make it a little more focused with the expertise necessary to tackle any particular item, so I guess those are kind of my initial thoughts about the process, how we engage and how we might do this going forward. I guess Caren did mention,

you know, what about how are we going to figure something out here pretty soon? So maybe I'll let there be some discussion about my ideas. I would note, I think Marci asked about what's NMFS plans for engaging going forward? I will point out we've got an update on Executive Order 13921 that's scheduled for the April Council meeting so I think that's how they will, that's how we will engage with them on the aquaculture issue at least, and presumably we'll get further updates as additional steps are taken. I think we've got a pretty good commitment from NMFS on that, so I think I'll pause there and see if there's any thoughts, comments or discussion.

**Brad Pettinger** [00:14:26] Okay Chuck. Thank you for the, having hopefully some clarity. Caren, your hand's still up?

**Caren Braby** [00:14:35] It's up again but I'd be happy to let others talk if others want to jump in, but I'm not seeing anybody's, and I do have a thought, and so, Chuck, I very much appreciate your description there and I agree with you wholeheartedly that we have the kind of expertise for the most part in the Council family to help with the problems that I see and that I outlined earlier in testimony or in my comments. The problem that I see is in the time to get that expertise synthesized and out there and to work closely on vetting those mapping products, not doing the marine spatial planning exercise part of it, but on the maps themselves, and do those data really represent our fisheries and our hopes for our fisheries for the future and how we expect them to change and adapt to changing conditions? And so it's that capacity piece and how we get there and my only comment about the February 24th webinar, which I think is a great model in part, is that it didn't allow almost any time for questions and answers and there were a lot of questions, and there were a lot of questions that were documented in the reports that we received around the table today. And so I think that is, that's an opportunity to answer some of those questions, and then finally I didn't speak earlier about the expertise that the gaps that I think are there and I think, I think largely it's capacity, but I think there is expertise in understanding some of the technology that we might expect to see and really understanding what the spatial needs of those devices are relative to what our expectations are of spatial needs of our fisheries, which we understand quite well, so that's a gap there that I feel is kind of understanding how those devices are going to work on Seascapes, and from the Council's perspective understand where the problems lie and that's something that I think the Council could do as well as synthesize and track and make sense of the large amount of information that's going around on these issues so I do appreciate that and I'll stop there.

**Brad Pettinger** [00:17:45] Thanks Caren. Louis Zimm. Louis.

**Louis Zimm** [00:17:46] Thank you Mr. Vice Chair. I have one little thing that we could do. What Chuck and Caren we're talking about I entirely support, but I just wanted to interject that we'll be considering a Chapter 5, I'm going to bring it up here real fast, in the F.2 policy priorities for ocean resource management and if we could somehow incorporate so much of this data, this input's that we've had this last couple of days this week and the 24th into that it would at least be a portal out to these other agencies. I mean this is what it's supposed to be. They're supposed to be able to go to this and say, my goodness, we didn't realize that this was so important. So that's just one little thing that maybe we could do, and I don't know, you'd have to talk to Yvonne, her group on what extent and how much you want to put in there, but there's certainly something to be gained by putting some of this discussion into that. Thank you.

**Brad Pettinger** [00:19:04] Thanks Louis. Anybody else? Okay well it's certainly been a great discussion and I'll just throw my two bits in here. I thought the message from the advisory bodies was, you could almost cut and paste a lot of that, as far as the concerns are. Remember about the East Coast and their issues and how they're dealing with them a little bit, but they've got a continental shelf that's two or three times or four times bigger than ours and I think that's one of the fears I think of just the industry folks is that we don't have much of a shelf here and if wave energy or wind energy, we don't

plant them in the ground like they do on the East Coast. We're talking about cable ray systems which take a big footprint and so anyway just a lot of angst in the industry across all gear sectors. I'm not sure where to go from here but Chuck had some really good comments, so Chuck you want to help me out here?

**Chuck Tracy** [00:20:36] Yeah sure. Well, I'm not sure where to go from here either but I'll talk anyway. So well, you know, I think we will continue to engage on a regular basis with BOEM and obviously we've got aquaculture coming up in April. I think, you know we've got our three year advisory body term coming up here this year and we're going to be talking in June about the, we've expanded that so we're going to be talking about advisory body composition and COPs at that time, so I think there's an opportunity to, you know, if we want to pursue some sort of either expansion or modification of the duties associated with the Habitat Committee or any other committee related to this issue or maybe all committees related to this issue. I think we have an opportunity to do that in June, so June's going to be here really fast, so I guess my suggestion is that we think about some ideas between, between now and June. If any issues come up or any opportunities come up prior to that, I suggest we just try this, the model that we used for the February 24th webinar again. While that I understand Caren's, you know one concern was no time for questions or discussion perhaps. We did, that was a big large two topic meeting so with any luck maybe we can, we'll have a smaller bite or we can schedule more time for it if something comes up between then and now but I suggest we run with that model for a while and then we get another data point if the opportunity presents itself, then I think having it in advance sufficiently in advance of a Council meeting such that, you know, we can have the meeting, have the liaison model there and allow advisory bodies to meet subsequently to develop their statements, I think that we should give that a go.

**Brad Pettinger** [00:23:27] Okay. Thank you Chuck. Anybody want to respond or comment on that or are we good? Or maybe I should ask Kerry if we're good seeing no hands.

**Kerry Griffin** [00:23:49] Yes, thank you. My mute button got hidden off to the side. Well, you were not required to take any action in particular here. This Council action was discussion and provide recommendations and guidance. You had lots of very good discussion. It's clearly something that is of great importance to the Council and its advisory bodies, and you know so all the questions that came up from both the process side and I think the technical and the planning side are really helpful to keep in our, you know, in our records and guidance to move forward. I have about five pages of notes on this topic and that'll be helpful in moving forward. And we have other opportunities for sort of general engagement, like the West Coast Oceans Alliance Stakeholder Forum that's coming up and the AOA or the Executive Order update, as Chuck mentioned, and we have an upcoming notice of intent coming our way so there will be no shortage of work and, you know, and we'll, you know, make sure that we address it appropriately and keep engaging with both BOEM and NOAA and try to identify, as Chuck mentioned, you know data points are opportunities and if we have another largish webinar like we did on February 24th, we'll be better prepared and I take the comments to heart, making sure we have capacity and adequate time for questions and whatnot. So anyway, that's my long-winded way of saying that if there's no other comment, you have completed your business under this agenda item. Mr. Chair.

**Brad Pettinger** [00:25:50] Well thank you, Kerry, for that and I'll just note that if we would've took a one hour lunch break we would have finished on time. Think about that as we move forward into this next week, and with that I'll hand the gavel back to our esteemed chairman and we'll go from there. Marc.

**Chuck Tracy** [00:26:09] I think Bob Dooley has his hand up.

**Brad Pettinger** [00:26:12] My bad. Bob.



**Bob Dooley** [00:26:13] Sorry Mr. Vice Chair. Kind of fumbling for the button there before you went to Kerry. I just, you know, I guess, you know part of Caren's statement and others as well is this you know this train's running down the track and there's a lot of issues that are coming forth and I guess what I gathered, just kind of almost a question here, the central repository, the place where we would, where questions and actually comments to the Council would come from was I guess the Habitat Committee or all of the above? All of those? You know there's so much information that's coming forward and so many avenues to engage that, and I think, you know, as many have said this thing is going down the tracks and if we wait a year, we will have missed a little bit of opportunity so I understand and totally agree with all the comments that were made here that this is a, you know, pretty tough to do on the fly but I guess if we're going to bring something up, where would it originate?

**Brad Pettinger** [00:27:30] And that question is to who Bob?

**Chuck Tracy** [00:27:34] So this is Chuck. Maybe I'll weigh in here a little bit. So, I think where it comes from that, you know, I think if it's BOEM again I've been meeting with, Kerry and I have been meeting with BOEM leadership prior to each Council meeting, and actually Caren Braby and Eric Wilkins have also been in on those conversations so that we could stay abreast of developments. So through that we would, you know, put something, you know, talk with the Chair, Vice Chair about it. See about, you know, putting it on probably the Habitat Committee agenda and asking the other advisory bodies to liaise with them, you know, to attend the meeting and, you know, schedule something on the Council agenda, you know, as appropriate. I typically, if there's nothing on specific on the Council agenda, I cover what's happened in my Executive Director's Report. If there is something bigger than that, then we would see about getting in front of the Council.

**Bob Dooley** [00:28:54] Thanks Chuck.

**Chuck Tracy** [00:28:54] I guess that's how it would come through, yeah.

**Bob Dooley** [00:28:57] Thank you. I'm just trying to get some clarity on where all this, there was so much input and I heard loud and clear from the Habitat Committee that the bandwidth there is lacking so as far as being able to take on another task, and that's a common problem so anyhow, I appreciate it. Really good discussion. Thank you.

**Brad Pettinger** [00:29:20] Okay, with that I'll pass the gavel to our chairman. Marc.

**Marc Gorelnik** [00:29:26] Thank you Vice Chair Pettinger. Good job on the agenda item.

### 3. Legislative Matters

**Marc Gorelnik** [00:00:00] So that will conclude public comment on Agenda Item C.3 and will take us to our Council action, which is to consider the report and recommendations and that would include the draft CCC letter as revised. So, looking for a hand to get us started. Virgil Moore.

**Virgil Moore** [00:00:26] Thank you Mr. Chairman. Can you hear me fine?

**Marc Gorelnik** [00:00:29] Loud and clear Virgil.

**Virgil Moore** [00:00:31] Okay. I'm going to jump down on the Simpson proposal since that was the last comment we heard, and I thank Joel for his comments on that. We did talk about that in the Legislative Committee and the point I want to make is that it is still a proposal slash concept that the congressman is still actively working on with his staff and if there are items missing from it, then we have an opportunity or other people have an opportunity. I want to relay, though, that there is an opportunity for us to get fully briefed on this proposal directly from Simpson's office in the near future if we desire and I would recommend that. I don't know how we work that into our agenda but I've been in contact with Simpson's staff and they see an opportunity to answer questions and explain the breadth of this proposal as it moves forward, and if in fact he does try to get it into the budget this year, which I believe he will, we need to be front and center on our ask as that thing gets put together to see whether or not we can get some of the needs that we've identified taken care of. Thank you, Mr. Chairman.

**Marc Gorelnik** [00:01:58] Thanks very much Virgil. I think getting information on that proposal would be useful but it's, as you point out as yet, it's not legislation. Joe Oatman.

**Joe Oatman** [00:02:19] Thank you Mr. Chair. On this particular item, on the Representative Mike Simpson's proposal...this is one that the four Columbia River Treaty Tribes are reviewing and is of interest to them and maybe others. So, I too, would support, if the opportunity presents itself, to have a direct briefing by Simpson and his staff when it might they be available and look forward to additional conversation as we address this early. Thank you.

**Marc Gorelnik** [00:03:09] Thanks for that Joe.

**Chuck Tracy** [00:03:12] Mr. Chairman, it's Chuck.

**Marc Gorelnik** [00:03:13] Yes sir.

**Chuck Tracy** [00:03:14] Yeah just the usual cautionary note. You know we need a request from a legislature to, legislator to comment on legislation or draft legislation or proposals so we would need something official, I guess or semi-official, even an email that requesting Council input or a briefing and you know probably a copy of the proposal in whatever its most current state is before we could, you know, put that on our agenda, so I know there's, sounds like there are people that are in contact with, with the representative on that and so if that could be part of the message that they need to contact, make that request directly to the Council that would be appreciated.

**Marc Gorelnik** [00:04:24] Good point Chuck. Joe, do you have anything further? All right, looking for further discussion on the Legislative Committee Report? The input we received from our advisory bodies or public comment. Bob Dooley.

**Bob Dooley** [00:04:41] Thank you Mr. Chairman. I just have a comment and it's probably treading a little ground that's been treaded but just I think it's worth emphasizing. You know we continue to see

members of Congress strongly backing 30 by 30 without knowing exactly how conserve is going to be defined or as interpreted. It is imperative for us, the Council, to be involved in this process and be heard on the hill and in the administration. I strongly support the CCC letter and also strongly encourage the Council to keep track of this closely and stay as involved as we can. So that's pretty much my comment there. I really appreciate the fact that Jennifer is doing such a bang-up job of keeping us informed and the staff is doing such a great job of responding to a request, but I think this is really a present threat and our Council really needs to be involved in this. I think this is the forum to deal 30 by 30, not remove us from the process so, thank you.

**Marc Gorelnik** [00:05:46] Thanks for that Bob, and I think you speak for a lot of folks when you say that. Maggie Sommer followed by Corey Niles.

**Maggie Sommer** [00:05:56] Thank you Mr. Chair. I would agree with Bob. Support the draft CCC letter in Attachment 9, and also in thinking about the comments that Heather Mann just made that we consider also addressing the 30 by 30 issue and the issue of definition of conservation and the activities that we already undertake under Magnuson within the EEZ, within this Council's jurisdiction, I think it makes sense to include addressing that item in the letter that was proposed in the Council motion under I.2 which in that motion and discussion was intended to focus on providing information to the National Marine Fisheries Service on the Council's actions already to prepare for climate resilient fisheries, provide some information on our Climate and Communities Initiative and Fisheries Ecosystem Plan and it makes sense to me to also reference, address the 30 by 30 issue in there and would suggest that in preparing a draft letter for Council review, staff could draw from some of the language and concepts in the CCC letter. Thanks.

**Marc Gorelnik** [00:07:28] Thank you Maggie. Corey.

**Corey Niles** [00:07:31] Yeah thank you Mr. Chair. In connecting somewhat to what Maggie said and maybe a question for the Legislative Committee or...please, a request for response is it was all of yesterday afternoon, but I've somewhat forgotten the plan for Section, I think it's 216(c) of the Executive Order on the climate resilient fisheries topic that Maggie mentioned. There's a few things Maggie mentioned that, specifically on what Sam Rauch came to talk to the Council with at the beginning of the week. I think that I spoke to it yesterday, but I think there's an opportunity, it's in the Ecosystem Working Group Report and I thought the Council's motion from yesterday was great on outlining what should go into the letter on that provision. There's also an opportunity to even speak more strongly as the Ecosystem Workgroup points out about the need for investment, continued investment, growing investment in science and monitoring to support our fisheries and ecosystem based management in the future as the climate change becomes more variable, so long way of asking maybe Chuck, if you could go over the plan for, I see the CCC letter only really speaks to 216(a). What is the plan for putting that letter together that speaks to 216(c) and I do not mean to distract from the other points that Maggie just brought up.

**Marc Gorelnik** [00:09:20] Well before going to Chuck on that, Maggie has raised her hand again so maybe she has something to say on that.

**Maggie Sommer** [00:09:32] Thanks Mr. Chair, not in response to Corey's. I was just going to add one more comment that I forgot to include but if the Council wishes to take up the suggestion to include addressing the 30 by 30 issue and conservation and what we already do, that might fall under a definition of conservation in a letter from the Pacific Council to the National Marine Fisheries Service and certainly also suggests we have the opportunity to use some examples specific to our region and what we do and that might strengthen the letter.

**Marc Gorelnik** [00:10:08] All right thanks Maggie. Chuck, could you respond to Corey's question?

**Chuck Tracy** [00:10:16] Yeah. Yes thanks. So I haven't quite got to my notes yet, but my recollection is that the suggestion is that we would, Council Staff would work to draft a letter on the ways that we already have been making progress towards climate resilient fisheries and any other suggestions we have to advance that goal of the Executive Order and that we would bring that to the Legislative Committee who has, assuming their recommendation is adopted, would like to meet in April. And then that would facilitate maybe the first round I guess of this, you know, probably a long term engagement in our recommendations but that would give us our first opportunity to develop a letter and send that off to National Marine Fisheries Service and again, they have agreed that there is time beyond the 30 day public comment notice period for Councils to engage in this and they will consider their comments and again, expect it to be an iterative process over a substantial period so...and again that was, so that was on 216(c), the you know, NMFS's outreach to how to make fisheries and protected resources more climate resilient. So, I guess, while I have the floor, Maggie, I thought I heard you mentioning the possibility of a separate Council letter weighing in on the conservation of 30 percent of our lands and waters issue and how to characterize that or define that? So again, that one there is a time constraint, at least initially on that one so the Secretary of Interior in their report, which is due April 20th, the Executive Order says the report shall propose guidelines for determining whether lands and waters qualify for conservation. And it also shall establish mechanisms to measure progress towards a 30 percent goal. And then the Secretary of Interior shall subsequently submit annual reports to monitor progress. So, I think the window for, well at least getting comments to the Secretary of Interior and Secretary of Commerce on what constitutes conservation. How do you measure it? That window is pretty, is closing rapidly I guess so I'm not sure what opportunities there will be after that, if there's an opportunity to interact directly with the task force who will receive that report? But I think the initial opportunity is now, and probably the most meaningful opportunity is right now in this CCC letter.

**Marc Gorelnik** [00:14:06] Maggie.

**Maggie Sommer** [00:14:09] Thanks Chair, and thank you very much Chuck for that reminder of the deadlines and I very much appreciate the CCC Report for exactly that purpose, however I don't see this, you know, the topic of conservation and a 30 percent target, for example, it's certainly not going to close and then be static once the Department of Interior's Report is produced and I think there is still value in providing information in this letter that the Council has already determined to draft to the National Marine Fisheries Service relating to climate resilient fisheries. It's certainly a very related topic and it seems appropriate to me to also include, as I said, some of our positions and examples of what we have done in our fisheries management that we suggest can be considered conservation under that framework. In that letter it seems, as I said, potentially beneficial to do that so I just offer that for Council consideration.

**Chuck Tracy** [00:15:26] Yeah, okay, I understand that. Thank you.

**Marc Gorelnik** [00:15:30] Further discussion? Corey Niles followed by Bob Dooley.

**Corey Niles** [00:15:44] If Bob's going to speak to the 30 by 30 I'll yield to.....I'll, well I'll just quickly say I hope, and thanks, Chuck, for the reminder and if, I hope when we see I'll just put it in the pitch for when we see the draft of the 216(c) material in April, I hope it does include statements along the lines of what the EWG reminded us of just emphasizing the importance of investment in science. Monitoring has got to do more than keep up with inflation if we're to be climate resilient. We can look at that draft in April is what I'm hearing.

**Marc Gorelnik** [00:16:23] Thank you Corey. Bob Dooley.

**Bob Dooley** [00:16:26] Yes, thank you Mr. Chairman. I was listening to Maggie's concerns there and I agree with her and I'm wondering, are we not, I guess, are we prohibited from writing a separate letter separate from the CCC letter addressing those concerns? And should we be doing that? I think that, you know, it's important that we emphasize what we are doing and how, you know, that all the points that Maggie made, I won't expound on that. So, I just, I'm wondering is it, are we thinking about just including this in the CCC letter somehow or just, or actually having our own letter?

**Marc Gorelnik** [00:17:08] Chuck, could you respond to this specific question about whether we're prohibited from contacting an executive agency?

**Chuck Tracy** [00:17:16] Yeah, no, we are not prohibited from advocating a position or lobbying, if you will, the Executive Branch, so those are cabinet level positions so there's no prohibition like there is for the Legislative Branch, so we can certainly do that. We can send a letter to the Secretary of Interior, Secretary of Commerce on that issue and I think including it in the letter that we are sending to National Marine Fisheries Service on the climate resilience, including that subject matter in that letter I think is fine as well. Again, I'm hoping that NMFS and NOAA will be engaging and they did say that they would be engaging with this Department of Interior led effort to kind of define what counts towards conservation so, but I guess what I'm, well I think there's maybe two, that I'm kind of getting the sense that maybe there's two letters that to be most effective that we should respond to the NMFS request for information and include some additional information, requests for information on climate resilient fisheries, include some additional information on defining conservation or what we've done in regards to conservation, our Council specifically, but then again I think if we wanted to send a letter to the Department of Interior for them to consider in their report to the task force, I think that should be a separate, a separate effort.

**Marc Gorelnik** [00:19:15] Chuck, I agree it should be a separate effort. The audience is different in that the Department of Interior has the leading role on 216(a), which is 30 by 30 section. Timing is an issue here, although I think that our position is, the Council's position if I sense from comments as well as the approval of the, I'm hearing of the CCC letter, that would it be possible for us to use the quick response method to get a letter done before the April meeting and on 216(a), or alternatively seek to approve a letter on 216(a) at the April meeting and getting it in under the April 20th deadline for the Secretary of Interior to act. Do either of those seem to work?

**Chuck Tracy** [00:20:24] Yeah, well given the time between March and April, the quick response is likely to get approved about, you know, probably the day after the April Council meeting adjourns so I would think that we would, if we wanted to do something that the April Council meeting would be about as soon as we could generate a letter and get it approved. I think we should just focus on going through our normal process since we could get something to them prior to their April 20th report. Again, you know, I mean obviously we're not really privy to the whole timing issue here, you know, our hope is to get, well we want to get the CCC letter like tomorrow because they need, our idea was that the Department of Interior would need time to consider it and include it in the report. Coming in early April, you know, just narrow the opportunity to consider those, consider those climates, but again, you know, it may be a longer process than is laid out in the Executive Order, you know, in practice so I think it's worth, you know, worth sending that letter and if nothing else it will just sort of reiterate and reemphasize the CCC letter with some more specific examples from our Council, but I think at the April meeting is where we should target it, and if that means that, you know, that's a higher priority than the letter to NMFS on 216(c), well again, I think we have that, I think we have that flexibility for that letter. You know maybe that's something that we could send later either you know in June or if we want it more quickly, a quick response process after the April meeting, if we weren't able to do both for the April meeting but it's just a matter of, you know, how much staff resources we have available. Again, between April and, March and April it's crunch time.

**Marc Gorelnik** [00:22:55] I'm sensing that 216(a) and (c) are important to the Council. The Council has already made the decision to put a letter together on 216(c) and I guess I'd want to get a feeling from the Council if they want to prioritize one or the other. I think the 216(a) there's been a fair amount written about it already including in the CCC letter, so I'm not sure how much extra time that would take, it certainly will take some, but Chuck if you're suggesting we may have to choose one over the other for April, I guess I want to look to Council input on that so that we can provide the appropriate guidance to staff. So, I'm looking for hands? Maggie.

**Maggie Sommer** [00:23:57] Thanks Chair. I'll fill the gap or start by suggesting that it sounds reasonable to me to prioritize a Council letter on 216(a) for the April meeting and then potentially follow up with a quick response procedure review of a 216 letter to the National Marine Fisheries Service so that we can get that out the door potentially before the June meeting if that makes sense to folks?

**Marc Gorelnik** [00:24:36] All right does anyone disagree with that process? I'm not seeing any disagreement. So, I guess we will, that will be our guidance to staff as well as approval of the CCC letter. With regard to the various planned, various pieces of planned legislation such as the Simpson bill and the Huffman Bill and even the MSA reauthorization by Congressman Young, I guess we haven't received any requests for comments on that. That may come in by April and that will be a significant task for the Legislative Committee, but obviously legislation that's critical to our Council. So, let me see if there's any more discussion around the table on the Legislative Committee report? Anything I missed which is.....

**Chuck Tracy** [00:25:47] Mr. Chairman.

**Marc Gorelnik** [00:25:50] Yes sir.

**Chuck Tracy** [00:25:51] Typically the Council has a consideration of the committee report and approves it or, so there's recommendations in it.

**Marc Gorelnik** [00:26:03] Okay. So are we, do we approve the recommen....I'm going to bring back the Legislative Committee report. So, does the Council have any? Right now, the Legislative Committee plans an April 21 meeting, and I don't see any recommendations in the committee report, mostly because we had not received any requests for comment. So, Chuck, I'm not sure what further guidance staff needs from the Council? Maybe you can help me out here.

**Chuck Tracy** [00:26:41] Thank you Mr. Chairman. Yeah, I guess I was just kind of going through the motions there without looking too closely but I think if they recommend a Legislative Committee meeting in April so it sounds like that is the Council's wishes and that we would bring one if not two letters forward for that and we'll see what we get in terms of other requests for comments on legislation or anything else that may fall in the Legislative Committee area of responsibility.

**Marc Gorelnik** [00:27:18] Okay that sounds good to me. Corey Niles.

**Corey Niles** [00:27:26] Thanks Mr. Chair. I didn't mean to, if you were trying to synthesize the input there, I didn't mean to distract you, but I did have one last comment on the 216(a) topic, but yeah if you, I didn't mean to interrupt you there if you're about to....

**Marc Gorelnik** [00:27:45] No, no, go ahead please.

**Corey Niles** [00:27:49] Okay thanks. Yeah just it's, it goes without saying I'm sure but in discussions

around the Council and hearing comments, I just think on this point about what it means to conserve, I think sometimes we're so familiar with what we do and we are, we're proud of what we do, but to other audiences. I mean, someone comes off as if we're doing everything we thought we could do, so I'm hoping the letter, it's a nuanced issue as we talked about this meeting in the context of how HMS EFH, not to use so many acronyms and what it means to conserve habitat, you know we have a closure from deeper than our fathom closure, our deep closure. Does that count? So, it's a very nuanced issue and I just hope we don't, sometimes we, for lack of a better word, I think come off as defensive in some of these letters but so I have full faith that Council Staff can put together a letter that captures the nuances and the challenges we have in the ocean and in conserving habitat, and having the resources to even measure the conservation objectives we have now.

**Marc Gorelnik** [00:29:08] I think that's a great point Corey. I know that from my experience in dealing with AB 30 30 in California, the environmental groups that I, were sponsoring the legislation were utterly unfamiliar with what the Council did and were under the belief that nothing was being done. So, you know on the other hand, there are some NGOs that work closely with the Council that do appreciate and know what the Council does. So, we've got multiple audiences out there. For the letter though, I think the letter, the audience is the Secretary of the Interior, but I do think that you raise a good point that we shouldn't assume that the, you know those who read the letter know what we do and the import of what we do. All right, is there any further discussion on this agenda item? Jennifer, how are we doing?

**Jennifer Gilden** [00:30:06] Mr. Chairman we're doing well. Let me just summarize what I heard. So, we are approving the CCC letter, Supplemental Attachment 9 as written. We are drafting a letter to the interior on Section 216(a) for them to consider in their report to the task force, and that will be for the April briefing book and it will be based on the CCC letter, but with more examples from our Council. And then we're drafting a letter to NMFS on Climate Resilient Fisheries, or Section 216(c) with details about what we've done, what our Council has done in regard to conservation and that will be submitted to the April briefing book with the intention of sending it for the June Council meeting and we will be holding off and waiting to hear if we receive a request on the Simpson proposal and then the Legislative Committee will be meeting in April. So, if that's all correct then this agenda item is complete.

**Marc Gorelnik** [00:31:09] Thanks very much Jennifer. And that completes this Agenda Item C.3.

#### 4. Approval of Council Meeting Record

**Marc Gorelnik** [00:00:00] We'll move on to Agenda Item C.4, which is approval of the Council meeting record, which is Agenda Item C.4, Attachment 1. I'll look for, I say do we have any public comments on this? I don't believe so.

**Chuck Tracy** [00:00:29] No.

**Marc Gorelnik** [00:00:29] We have no public comment. We have no reports so it's Council discussion and action. Action typically is a motion to approve or offer any corrections, so I'll look for a hand from the Council to get us going on this agenda item. I can wait. Christa Svensson. Thank you very much.

**Christa Svensson** [00:01:00] You're very welcome Mr. Chairman. I, if nobody has any comments would be happy to make a motion to approve the Council meeting record.

**Marc Gorelnik** [00:01:08] That would be in order. Thank you. And if you look on the screen, there's a motion right there.

**Christa Svensson** [00:01:22] Thank you. Do you need me to read that or?

**Marc Gorelnik** [00:01:24] Yes, if you would be so kind. It's brief.

**Christa Svensson** [00:01:27] I would be happy to. I move the Council approve the November 2020 meeting record as shown in Agenda Item C.4, Attachment 1, draft Council meeting record 257th, 257th session of the Pacific Fisheries Management Council, November 19, sorry, 9 and 10, 12 and 13 and 16th through 20th, 2020.

**Marc Gorelnik** [00:01:57] Okay that language on the screen is correct?

**Christa Svensson** [00:02:00] Yes.

**Marc Gorelnik** [00:02:01] And it looks like Virgil Moore has seconded your motion. Let me see if there's any discussion? I'm not seeing any hands, so I'll call the question. All those in favor say 'aye'.

**Council** [00:02:13] Aye.

**Marc Gorelnik** [00:02:13] Opposed, no? Abstentions? The motion passes unanimously. Thanks very much. That takes care of Agenda Item C.4.



## 5. Membership Appointments and Council Operating Procedures

**Marc Gorelnik** [00:00:00] So that will take us directly to Council discussion and action and as Mike said, there is at least one motion required. Mr. Zimm.

**Louis Zimm** [00:00:14] Well thank you Mr. Chair. I do have a motion. I'm not sure if Sandra has that to display. Oh, looks like she does. So, I would like to make the motion. I move the Council appoint Dr. Michele Zwartjes to the U.S. Fish and Wildlife Service position on the Groundfish Endangered Species Workgroup formerly held by Ms. Robin Bown.

**Marc Gorelnik** [00:00:51] All right, is the language on the screen correct Mr. Zimm?

**Louis Zimm** [00:00:54] Yes, it is Mr. Chair. Thank you.

**Marc Gorelnik** [00:00:56] It look like we have a second from Bob Dooley. Please speak to your motion as you feel necessary.

**Louis Zimm** [00:01:03] Well I just wanted to say that we appreciate the service of Miss Bown in this position, and we certainly look forward to the very qualified Dr. Michele Zwartjes from the, to the U.S. Fish and Wildlife Service position on that said Groundfish Endangered Species Workgroup.

**Marc Gorelnik** [00:01:24] Great, thanks very much. Are there any questions for Louis or discussion on the motion? I'm not seeing any hands so I will call the question. All those in favor say 'aye'.

**Council** [00:01:39] Aye.

**Marc Gorelnik** [00:01:41] Opposed, no? Abstentions? The motion passes unanimously. Thanks everyone. So, let me ask before going back to Mike, let me just see if there's any other business from Council members on this agenda item? And I'm not seeing any hands, so Mike, how are we doing?

**Mike Burner** [00:02:08] Thank you Mr. Chair. You've completed your formal business under this agenda item. I would like to take a brief moment to remind folks that the current three-year term for non-agency seats on the SSC, on the Habitat Committee and all of our advisory panels expires December 31st of this year and as shown on the Year-at-a-Glance, we will have some business to do the last three meetings of this year. The Council made some adjustments to this process to spread that reappointment process over three meetings, so in June, look to the business of reviewing the composition of our advisory bodies and make sure we have the appropriate representation there, of the idea being to put any proposed changes out for public review between then and September, where we will finalize those compositions and request nominations with the goal of filling those seats formally at the November Council meeting in time for the new term starting January 1, 2022, so thanks for that. And that completes business here under C.5. Thank you.

**Marc Gorelnik** [00:03:10] Thanks for that reminder Mike.

## 6. Future Council Meeting Agenda and Workload Planning

**Marc Gorelnik** [00:00:00] And that concludes public comment on this agenda item and therefore for the March meeting, brings us to Council action, Council discussion and guidance. I will open the floor and then I think Chuck oftentimes you take the lead on this portion of the discussion, so usually because we're making changes in the agenda but.....Phil Anderson.

**Phil Anderson** [00:00:31] Thanks Mr. Chair. I just wanted to ask, I know this is primarily focused on the April agenda however it's also the future meeting agendas, and I just want to make, I have a suggestion that I want to make relative to the June agenda, but I just want to make it at the appropriate time so perhaps Chuck has a strategy laid out to walk through those two items, the April agenda and some of the forward supported agenda item.

**Marc Gorelnik** [00:01:16] All right Phil, I think that you and I are both hoping that Chuck has a plan there... so Chuck?

**Chuck Tracy** [00:01:22] Thanks Mr. Chair. Thanks, Phil, for the question. Yeah, I think, I'm hoping that the April agenda, the discussion will be fairly brief and then we can move on to the Year-at-a-Glance. I think there's been a number of issues identified again. I think, you know, we should have the time and if these are pretty straightforward or maybe even if they're not, if the Council members want to get into that, I'm fine with that. I'm always anxious to look ahead if we can but maybe I'll just, maybe if we could just start with the April agenda here quickly, and then maybe a couple of observations from this meeting. So again, nothing occurred really over the course of the Council meeting that would require us to update the April agenda. I know there's been some ideas but nothing official I guess I would say, so I guess just maybe some, again some observations for this meeting. The GMT pointed out the issue with emergency rules and short turnaround time on that and so I think that's certainly a valid point, and again I'm not sure the best way to address it. They had a couple of ideas. I do think when the, I think when you get the groundfish issues, I do think it's important to put them in the context of everything else that's going on in the groundfish world since that definitely seems to be the dominant FMP and are in the Council's agendas, so we do have a prioritization process at most meetings. We don't have, typically have one in April but on the other hand moving that up to the, you know, day one you know that presents its own challenges too, I would guess, but I think it is a valid point and to the extent that the Council could, you know, make a determination on whether they want to consider that or even when, if they are going to consider it, I think doing that early would be good. Typically these proposals come up during open comment which occurs right after we've adopted the agenda so... but I think it would be probably easier to reconsider the agenda immediately thereafter and put something, for example, at this meeting we could have changed the agenda, put something on for later in the week, sometime after workload planning. And then, you know, if we got to workload planning and the groundfish workload planning and decided the emergency rule didn't fit then we could cancel it. Of course, that would save the GMT from having done work that wouldn't have gone to, you know, if the agenda items cancelled, but at least would, considering these emergency rules so far have all been prioritized by the Council I think it would probably be a safer bet that would give them some time to do that, so I might think a little bit about that. The other thing I wanted to bring up was just kind of staying on topic within what's identified in the Council action, and I just really want to encourage the Council members to take that into consideration. I know issues come up and that when we develop the agendas and we develop, you know, both the titles and the actions for the agenda that are noticed, that we really do need to stick to that so that people are aware of what decisions the Council is going to be making and have an opportunity to comment appropriately and that we don't stray off of that, so I just want to keep that in mind as we look ahead and how we conduct our business. So those are my main comments for April. The GMT did request to meet on Tuesday the 6th. I think that would probably, we could accommodate that easily enough so maybe I'll just stop there, see if there's any other thoughts

about the April agenda in the context of what's been done over the course of the week or what other ideas people might have and it looks like there's a few hands up, so we'll start with Maggie Sommer.

**Maggie Sommer** [00:07:02] Thanks very much Chuck for your remarks, appreciate them. On this question of how to adjust our process to better accommodate potential emergency rules, I certainly see the pros and cons of moving a groundfish workload prioritization item up to day one. I think we have some time to think about that. I would not suggest we add a groundfish workload item, prioritization item to our April agenda just given how full it is already so I don't see that as an imminent decision. One other idea that came to mind when I heard the GMT report this morning was I wonder if it is possible to, for the Council to hear open public comment before approving the meeting agenda, and it may not be but that's just their suggestion of including the potential for an action item to make changes to the agenda under the open comment item made me think maybe there is just an order switch that could occur to accommodate that. Thanks. That's all for now on April.

**Chuck Tracy** [00:08:21] Okay thanks. Yeah, I guess we could consider some or order switch there. I'm always a little reluctant to start down our agenda before we've approved our agenda but on the other hand, we do some things before the approval of the agenda, such as the Executive Director's Report as well, so we might think a little bit about restructuring our preliminaries there. Corey Niles.

**Corey Niles** [00:08:53] Thanks, Chuck, and thanks for those comments and for Maggie's ideas. I don't want to take a bunch of floor time here and, yeah, communication could be better among all of us but I would just note that we were aware of the situation we were putting the GMT, and then, Heather, Miss Hall spoke to that specifically that we weren't expecting the GMT to be producing too much information for us. So, yeah, in the future hopefully we don't need to do too much more of this, but of course that's probably going to happen, but we could all communicate better. Appreciate the GMT's hard work. We did anticipate that and the likelihood of it coming. We could all think harder about it, but I'll just stop there.

**Chuck Tracy** [00:09:41] Thanks. Ryan.

**Ryan Wulff** [00:09:45] Thanks Chuck. As this is workload planning and a good deal of implementing Council action falls on NFMS staff, as you well know, as you all well know. Before my comments on April, I did want to take a moment to thank all of my staff for their impressive work since this Council has last met, especially under the challenging conditions that we have all been in. By my rough count this morning since we last met, that includes completion and publication of 15 Federal register notices, 11 rulemaking, six rebuilding plans, two ESA consultations, two FMP amendments, an emergency rule and over 20 letters of authorization, scientific research permits and exempted fishing permits and that's not even counting the multiple associated NEPA, PRA, RAR and all the other applicable law documentation for those. So, I wanted to take a moment to give a huge thank you to all my staff, especially those who did so in large part over the holidays and New Year to ensure that fishing could continue, management measures were in place are not overly delayed by the anticipated regulatory freeze that typically comes with a change in administration. And again, note, as we said at the November meeting, you know, this is all part of our prioritization of existing regulatory and legally required actions as our priority. So, turning to the April agenda, I actually don't have many suggested changes. Again, along the lines that I just mentioned, the non-trawl Emley/Platt EFP into regulation. That scoping is a new action and of course, just to manage expectations consistent with my earlier remarks so we don't have staff available for that at this point, so we may have a little bit more limited engagement on the action in April, but we do hope to have the capacity to engage more later on and definitely in the summer and by early fall. My one request actually is not related to the Council agenda, it's related to the SSC. I was hoping that prior to the April meeting the SSC could review our first annual Quota Share Owner Survey. This was a data collection specifically requested by the Council as a result of the last five-year

review not to be used in the next five-year review, however we think that if we could have the SSC review this prior to April that it might be helpful and allow for this information to be used in the gear switching SaMTAAC agenda item that is currently scheduled. So that is my one request for April, and I will stop there.

**Chuck Tracy** [00:12:37] Ryan so that was the quota share owner.....is that right or...?

**Ryan Wulff** [00:12:42] The Quota Share Owner Survey.

**Chuck Tracy** [00:12:43] Survey. Thanks. Okay, we'll take that under advisement. Joe Oatman.

**Joe Oatman** [00:13:05] Thank you Chuck. I wanted to, maybe a clarification for the April meeting, so under Salmon, E.2, the methodology review preliminary topics. Under E.3.a of this meeting in the Tribal Supplemental Report 1 the tribes indicated that they support Council discussion on the potential for the Oregon production....(garble) hatchery forecasts review for April and want to just to verify if this can occur under E.2 for April?

**Chuck Tracy** [00:14:11] Joe, I was, I don't think I quite caught the whole, your whole message there so you were asking if there could be a review of something that goes into the modeling for this year under that agenda item? Is that your question?

**Joe Oatman** [00:14:35] So in the Tribal Joint Report under E.3, we suggested Council discussion on the potential for a OPI hatchery forecast review in April and I was just wondering if that could be taken during that item E.2 in April?

**Chuck Tracy** [00:15:04] So the agenda item is for.....(audio cut out)....I'm going to have to switch out my audio here again. It looks like I'm having problems. Okay, can you hear me now? Can you hear me now?

**Marc Gorelnik** [00:15:57] Yeah, Chuck, you're good.

**Chuck Tracy** [00:16:05] Sorry about that. So, the April agenda item, to identify topics to be reviewed over the course of the .....(audio cut out)

**Marc Gorelnik** [00:16:16] Hey, Chuck, we've kind of lost you again.

**Chuck Tracy** [00:16:17] So, if you were suggesting that the OPI hatchery forecast could appear on that list and then be prioritized for review this fall, that is appropriate. If you are requesting whether the OPI forecast for this year could be potentially revised, that would, that is not something....(audio cut out)....

**Marc Gorelnik** [00:16:57] Hey, Chuck, I don't know if you can hear, but your audio has again failed. So, where I think Chuck was going here, I think he was seeking some clarification from Joe Oatman on his request, if I remember correctly, so maybe Joe, you could repeat your guidance and while Chuck tries to get his audio straightened away?

**Joe Oatman** [00:17:36] Okay. Thank you Mr. Chair. And I think if I caught him accurately, so I don't think that the tribes are suggesting any changes for this year. I think that they are interested in having this be considered I believe this upcoming fall, but they wanted to have some discussion at the April meeting to ensure that that occurs.

**Marc Gorelnik** [00:18:11] All right, thank you Joe. Chuck, are you back with us? All right, I'll take the wheel here for a minute. Hopefully, I don't drive off the road. Marci Yaremko.

**Marci Yaremko** [00:18:28] Thank you Mr. Chair. In regard to the draft April agenda and the testimony we've heard today from the AB's to have four comments to make. Some are easy. Some are less easy. The first is some discussion that we've had around the room here about the need for an April item on groundfish workload and prioritization. I don't think that's what I took from the GMT report, so I don't support adding an item for that. There is an item that is scheduled on Monday, April 12th, that's E.4 under salmon, this is the SONCC Coho ESA Consultation Update and the April agenda shows the word ROA in this title, and I heard Chuck mention just a few minutes ago about the importance of getting our titles right as we develop agenda materials and we did not intend for this update to include an ROA so the language that is used in the Year-at-a-Glance is accurate, but we recommend revising the language on the April agenda consistent with how it shows on the YAG, so that's number two. The third thing, the discussion that we had with Mel Mandrup on the SaMTAAC briefing, it sounds like GMT and Council staff are still discussing the beginning of the April meeting and the recommendation the GMT has for us is to start April 6th. I certainly support that but would flag that for efficiency's sake scheduling a pre-webinar opportunity joint session with the GMT and the GAP to receive Jim and Jesse's presentation on the SaMTAAC analysis would be useful. I know that I benefit any time that our stakeholders, GAP, GMT folks are all together and have the opportunity for some Q&A with the analysts, and having that in one forum, I think, is both a timesaver and is also beneficial so that we all hear the responses that are given to the questions that come from our industry reps, our GMT reps and our public, so I support some sort of session that is in advance of the start of the regular advisory body meetings for us all to participate in that and hear it. And then the fourth item goes back to our discussions on day two of our meeting where we discussed marine planning and how we want to take up this important topic in our future Council planning. I heard, first of all, Diane Windham commit to come back to us and at every meeting, and keep us up to date on developments, and I would expect that we would hear from her again in April. I'd like to see an item scheduled to do that. I have some, I'd support it being a standalone item rather than something that is lumped into a NMFS report because NMFS reports aren't action items. So at least for the April meeting, I'd recommend an admin item that includes an update and whether that is titled a standalone item on marine offshore development and planning or an AOA update, I'm not... I don't have a strong opinion on that but I would like to see something scheduled separately from the NMFS report so we would have the opportunity to provide input and guidance as appropriate. On the topic of marine planning, I think there is more to say on this beyond the April agenda so I'll save my remarks for that discussion, but just want to I think, think back to kind of where we left off in that discussion and, Chuck, your suggestion of pre-scheduling in advance of each Council meeting a workshop or webinar that is similar in format, or not format, but similar in approach to the concept of the February 24th hearing, given the clear importance of that meeting to our Council family and our advisory bodies. So, I want to continue that discussion as we look toward the Year-at-a-Glance, though I think, you know, given the timeline for the April meeting, I don't foresee that we'd be able to schedule an additional pre-meeting on that topic for April, but I would like us to ensure that we have an opportunity to hear from Diane, so thank you.

**Marc Gorelnik** [00:24:56] Thanks Marci. Chuck, are you back with us?

**Chuck Tracy** [00:24:59] I think I am. Can you hear me?

**Marc Gorelnik** [00:25:00] Yes, loud and clear now.

**Chuck Tracy** [00:25:02] Okay, well the iPad comes to the rescue, I guess. So, I caught most of Marci's comments, or at least the last three, I think was changing the SONCC Coho ESA Consultation just to an update, but not, but eliminating the ROA. Requesting a sablefish briefing in advance of the regular

advisory body meetings. And then the third one on the update for marine planning, particularly in regards to aquaculture and Diane Windham's commitment to come back, so for that one we do have the update on Executive Order 13921 which includes, which did cover the aquaculture opportunity areas, that was the genesis of that process, so we've got an hour scheduled for that so I think that is where we would anticipate any marine or any, not marine planning, but any aquaculture activities associated with that coming up, so I think we've got that one covered. Now that your first thought, your first point I did not catch. So, I'm not sure what that was if you might help me out with that?

**Marc Gorelnik** [00:26:24] Marci.

**Marc Gorelnik** [00:00:01] I'm not hearing Marci. I think the first point was that she did not support an agenda for groundfish workload planning. Go ahead Marci.

**Marci Yaremko** [00:00:10] No, that's it. Thank you. You got it.

**Marc Gorelnik** [00:00:13] I didn't see it on the agenda, but....

**Marci Yaremko** [00:00:15] There was some discussion, so I just wanted to weigh in on that. Thank you.

**Marc Gorelnik** [00:00:18] And also, I think under Groundfish Management Team, I believe Marci supported extending the Groundfish Management Team to Tuesday, April 6.

**Chuck Tracy** [00:00:29] Yes.

**Marc Gorelnik** [00:00:31] In addition to the SaMTAAC webinar....

**Chuck Tracy** [00:00:37] Okay. Okay, well I think we might have some more discussion about SaMTAAC briefings. Why don't we get to some of these other questions though? Ryan you still have your hand up or...?

**Ryan Wulff** [00:00:52] Yeah, I have a question for Marci.

**Chuck Tracy** [00:00:56] Okay.

**Ryan Wulff** [00:00:56] Marci, so based on your comment to change it to just SONCC ESA consultation update, I just want to make sure that I understand you clearly because we're still looking for final action in November for this...(garble).....agreement. So, are you trying to make this consistent with the YAG and your expectation would still be ROA slash PPA in June and just an update in April?

**Marci Yaremko** [00:01:29] Through the Chair, yes, that sounds just fine. We're just concerned about the giving any notice that we would be contemplating an ROA in April. That's not what we understood about the item.....(garble)...

**Ryan Wulff** [00:01:48] Okay, thank you.

**Chuck Tracy** [00:01:54] Okay. Yeah, I think that's right. I think that's what we heard back in November when it seemed like things were getting a little behind. Okay, Louis Zimm.

**Louis Zimm** [00:02:11] Thank you, Chuck, and through the Chair....Marci, did you mention a preliminary groundfish advisory meeting get together, was that for April or was that for June?

**Chuck Tracy** [00:02:23] Marci.

**Marci Yaremko** [00:02:28] Thank you Mr. Chair. I wasn't speaking to anything other than the prospect of a briefing on the SaMTAAC materials that we were expecting to receive from Jim and Jessi, and my support is behind the idea of a joint session that can be widely attended instead of having Jim and Jessi pop in and out of various state meetings and meeting individually with the GAP and then again with the GMT. I support a more inclusive scheduling of the briefing.

**Louis Zimm** [00:03:13] That's clear to me. Thank you.

**Chuck Tracy** [00:03:19] Okay, thanks. Maggie.

**Maggie Sommer** [00:03:21] Thank you. A different topic for April. I just wanted to pick up the Ecosystem Advisory Subpanel's request for a single half day webinar ahead of the April Council meeting to give them an opportunity to discuss their research and data needs update and the three-year term appointments, which they otherwise would not have an opportunity to do until September. And I have a related question for you, actually, if you wouldn't mind giving us a quick reminder of what we are expecting under the research and data needs update? I'd find that helpful. Thanks.

**Chuck Tracy** [00:04:05] Yeah, so the research and data needs has been a process we have established to change our format from the written report that we produce every five years to a database approach which has been used by the North Pacific, and so we're doing something similar there, we contracted with Pacific States. They've set up the database. We've also contracted with Meisha Key to help us populate the database with the existing information, so this was to be our first sort of rollout of this to get the Council and advisory bodies familiar with the new database, what it looks like, how you use it, and to seek any feedback on those things, in particular the prioritization, the process or how, you know, because I think that's probably one of the areas that's going to probably change the most or needs some more refinement... is to, you know, how the Council wants to classify things and prioritize them, and also I think there's other issues associated with, you know, how much information do we want in there and the existing document is quite extensive and so I think there's some questions about how, you know, how much information goes in there or, again, if it is in there how do we kind of get to the top prioritized issues? So that's what this is about, just to get initial feedback and then we were planning on coming back in the fall to kind of wrap that process up. At least that's our current plans, so there is a, I understand we have some advisory bodies that aren't going to be meeting in April, including the HMS folks, so again this is kind of a rollout so I'm not sure how much, well yeah, I'm not sure how much feedback we'd be able to get. But I think there might be a couple, you know, it might be possible for the Ecosystem Workgroup to attend, virtually attend, for example, the SSC meeting or the... and then have them meet in conjunction with the April meeting to develop any comments, preliminary comments they would have so we will look into that and see if we need to schedule a time for them to meet in April to talk about that, and we will work with the HMS on the similar process for them. Okay. Ryan.

**Ryan Wulff** [00:07:56] Yeah, thanks Chuck. Sorry to take the floor again, I forgot one more thing. Our science center's will want to do a joint update on anything related to the surveys. Again, just like this one and we can do that under open comment again, like this meeting.

**Chuck Tracy** [00:08:13] Okay. Okay, Maggie Sommer.

**Maggie Sommer** [00:08:27] Thanks Chuck. I'm sorry I have two more things related to April. I don't think they'll be long. One, I did want to respond as possible to the GMT's note that some Council guidance on their, on prioritizing their involvement in several items would be beneficial to them for April. One of those is the humpback whale ESA consultation. One is spatial planning, and one was the

research and data needs and I guess appreciate the information you just gave us. I certainly think we would like to hear from the GMT some initial feedback on the research and data needs. I do think it's important for them to be involved in the humpback whale ESA consultation and I guess at this time not really knowing what we might be hearing about spatial planning issues for April, I am not seeing that as high a priority for GMT engagement in that one. The other items I wanted to just mention for April were to acknowledge the public comments we heard from Geoff Shester regarding some of our CPS items. The asking for some, a reevaluation of the EMSY for Pacific sardine spex and providing the team with some direction on bringing us an anchovy management framework in June and finalizing a FMP amendment in November. And I just wanted to offer my thoughts that since we don't have any CPS actions at this meeting and therefore we don't have many of our CPS focused Council members and agency staff and stakeholders, I am somewhat reluctant to take those actions. Certainly, I support the concept of taking a look at EMSY. I do understand that the last time it was reviewed, it was a pretty involved effort in workload and so I'm not sure it sounds realistic to think that could be done before the April meeting in any regard. And then on the anchovy management framework and FMP amendment, I understand that the team is on that timeline anyway so I don't think it's urgent for us to say anything at this meeting and we can address that in April. Just wanted to acknowledge those and share my thoughts. Thanks.

**Chuck Tracy** [00:11:21] Thanks Maggie. Yeah, I think you're, I think you're right on the GMT priorities and I agree that we can't, I don't think we could get anything into April for CPS at this stage, but it looks like there's some opportunity further on in the year. John's hand is down now. Bob Dooley.

**John Ugoretz** [00:11:46] Thank you, you've covered me. Thanks.

**Chuck Tracy** [00:11:48] Okay. Bob Dooley.

**Bob Dooley** [00:11:52] Thank you Chuck. I just wanted to talk a little bit about your agenda item on day last there, it looks like in the Executive Order update 13921, and you spoke about having Diane Windham maybe give a report there which covers the AOA issues. We heard a lot of comments about the wind issues as well and how that seems to be ramping up faster than we anticipated on the West Coast and just heard some, you know, some real jump-the-queue-type stuff going on in the East Coast with the vineyard wind, and so there was concern there about that and I'm wondering if there's some way we get a report, and I'm reflecting on the Habitat Committee saying they don't have capacity to do what they've done in the past. We heard some comments by other advisory groups of maybe having some type of ad hoc committee that's to, or ad hoc workgroup to maybe, you know, to keep on top of current events and what's happening and how to react to that, so I'm just curious of your thoughts of how we, looks like we're going to address aquaculture but then I didn't hear any comments on wind.

**Chuck Tracy** [00:13:11] Thanks Bob. Well, I think I mentioned this under the marine planning agenda item. I know I mentioned it a couple of times, but so we have Council staff has set up a coordination process with BOEM, where we touch bases prior to each Council meeting and then find out sort of what's, what are the current issues that are in front of BOEM and we include Caren Braby and Eric Wilkins in these discussions as well, since they're on the seats on the task forces. And then, so if there's any announcements or anything, we put them in informational reports. I cover anything relevant in my Executive Director's report. If it's a bigger issue then we look to schedule something more extensive, like we ended up doing for this meeting where we had the February 24th meeting with the Habitat Committee to look at the mapping issues for both wind and aquaculture and put something on the, we had something on the Council agenda, so we didn't have to add something but if you know if something comes up then we will bring that to the Council's attention, propose something for the Council's agenda that they can take that up specifically. So that's kind of the, that's the plan. That's what we've been doing for the last about year and again, I think so far it seems to work. The meetings are productive, I think,



between BOEM and Council Staff and Council Representatives on the task force, so that's our plan at this point.

**Bob Dooley** [00:15:14] Thanks Chuck. One follow-up if I could is that it seems to me hearing this last week there's a lot of industry folks, a lot of members of our advisory groups as well that are well versed in this and are on top of it in the national perspective as well as regional and how it might affect us here. Is that the process, the vehicle that they would use to maybe help inform you of things that you might not be aware of?

**Chuck Tracy** [00:15:45] Yes, we're certainly, you know we are all ears, but I would also point out that the Habitat Committee is, that is their job as well is to, you know, keep the Council informed of developments so, you know, we expect some of that information to come through the Habitat Committee. We also talked about, this week we talked about the possibility of taking a look at the Habitat Committee's composition and function in June, when we've got that agenda item scheduled to look at all the advisory body's composition functions and see if we need any changes there so that's also on the radar screen, I guess.

**Bob Dooley** [00:16:36] Thanks Chuck. That helps a lot. Thank you.

**Chuck Tracy** [00:16:43] Okay. Okay, well I don't see any more hands up so I'm hoping that we have concluded our discussion regarding the April agenda. We've touched a little bit on some Year-at-a-Glance issues, but I think there's probably some more interest in looking at a few of those things so I guess I will, let me see if there's anything in here that I need to bring up in particular. The SSC wants to meet with the IEA team in September. They do that every year so that's, I don't think we need to discuss that. We had some requests from other advisory bodies. The HMSAS advocated for keeping the drift gillnet hard caps agenda item in June. Ecosystem Workgroup requested unshading this CCI, the Climate and Communities Initiative final action in September and then changing the FEP up, revisions to an update in September, adopting some options for public review and then taking final action on that in the spring, March or April. And then the CPSAS requested unshading the November management categories, so some of that stuff's, not too many changes, mostly just changing the request, requesting a change in the certainty of whether those things are scheduled so I will see if there's any thoughts about that, or I guess I would also point out the interest from National Marine Fisheries Service to have the BSIA framework, a preliminary review by the Council so preliminary action in September with final action in the spring on the BSIA framework, and then making sure that the SSC has that on their agenda in, I think April and June. So that's, I guess that's what's on my list so let's see what other people have to say, starting with Maggie.

**Maggie Sommer** [00:19:29] Thanks again Chuck. Just a discreet one here, a recommendation to put the preliminary preferred alternative for the mothership utilization item in September.

**Chuck Tracy** [00:19:42] Yes. Okay, we'll do that. Phil Anderson.

**Phil Anderson** [00:20:01] Yeah, thanks Chuck. I wanted to speak to the electronic monitoring issue for a moment if you'll indulge me for a few minutes. As we discussed under G.5, and EM is on the last stretch, moving to regulations using a third-party model as required by NMFS and despite the best efforts made by National Marine Fisheries Service to estimate costs, there remain a number of uncertainties that industry has highlighted. Among those is the cost the industry, I think it is beginning to come into focus, although there remain a number of questions, particularly with respect to what the costs will be on an individual vessel basis and then the different sectors. Another issue that's been highlighted is the potential of losing PFMC, PSMFC's expertise and affordable video review services and I know there's, I share that concern. Industry has expressed their opposition to the regulation absent

the ability to ascertain the costs pertaining to the participating vessels and to acceptable treatment of the log book and video record. With everything we know at this point, including the new information we received at this meeting, it isn't possible for potential EM participants to determine the at-sea day costs with a whiting boat or fixed gear boat or bottom trawl, and that would be obviously very important information for them to have to understand whether or not this proves out to be a successful program. And we've also learned that the providers are having a difficult time projecting what costs might be because of the review protocols are not fully fleshed out, they're making progress but we're not there yet. So, we have a short period of time here to get this figured out as everybody's aware. I know everybody's working hard to do it, but we want to make sure that at the end we have a program that meets the goals and objectives of the program, when we set out to develop it. And all that said, I remain confident that we can find success if we have a unified commitment to problem solve and a commitment to regular and timely communications between National Marine Fisheries Service, the Council, potential third-party providers and maybe most important, the electronic monitoring industry representatives. So, you know it was, it was highlighted during our discussion on G.5 that we don't have any additional meetings planned or agenda items dealing with EM coming up, yet we have a number of outstanding items that we're dealing with, and so I feel it's important for us to schedule something and I'm going to suggest that we do that at the June meeting. I'm also going to suggest that I have a list, it could be, it certainly could be added to relative to the kinds of information that I would hope National Marine Fisheries Service would be at a point to bring to us at that point. I think Sandra has that list and hopefully she could put that up on our screen here. So, there's really five different categories here, but the first is directed at refining and vetting the cost information table that will allow us to compare the observer costs. The peak cost, the third-party review cost potentially with a range of third-party providers at that time, NMFS costs for the 2022 and projected annual cost and to the best of their ability looking beyond so that we have some sense of the decrease in costs that they have indicated are likely, but I think those are important cost information components that we could get some additional information on. Secondly, as I mentioned, the costs per sea day for each gear type, copy of the completed video protocols that are used by the EM providers to make the cost estimates, an overview of any actions or changes made to the preliminary analysis to reduce the expense of the....(garble)....I know we talked a little bit about that and I know National Marine Fisheries Service is working hard to look at ways to reduce the expense, and there may be some other sources of revenue to help with that. An update on the service provider application process, sort of, you know, kind of do they have everything they need? And then any other information or issues that NMFS feels would be beneficial for the Council to know, the Council and industry and all of us that are following this. Again, these are suggestions of things that would be beneficial, informative, and I also, you know, have been thinking about the 'so what' question is, okay we get all this information and there are things in it that we still find problematic then what? You know I don't have an answer to that not knowing, not being able to project what types of concerns that may remain at that point in time, but this is really an effort to try to keep us together. I am going to urge National Marine Fisheries Service to stay in close contact, set up some sort of process by which they can stay in close contact with our core EM industry representatives, and I think everybody knows who they are. I don't want to, I'm not going to name.....someone, but I think those that have been really engaged and vetted and invested in this program continue to be so, continue, are willing to continue to do so, and so I would urge National Marine Fisheries Service to reach out to those, those folks. I'm not suggesting that GEMPAC continue or have additional meetings. I'm not suggesting that we come to some new group, but I do think it's really important for that industry coordination, communication, problem solving type of communication to continue. So that's what I have. I'm suggesting that we add an item at the June meeting. I looked at the June meeting. I see that it's already pretty full and I recognize this isn't an easy topic, but I think it's really important that we try to figure out a way to make room for it so that we can see this thing over the finish line, given all of the effort and investment of time that has gone into bringing this program forward to this point, so thanks.

**Chuck Tracy** [00:00:00] Thanks Phil. I'm going to go to Ryan because I think he's probably got a, saw

his hand go up so I'm going to jump him over Pete and John for now. Ryan.

**Ryan Wulff** [00:00:16] Yep, sorry, trying to navigate Windows here. Yeah, thank you Phil for the comments, for the constructive attitude and proposal to find a path forward that keeps us together and still on track for our current schedule. Happy to support the June agenda item on this. Happy to do what we can regarding this list of cost. I would caution that not all of this is in NMFS control. I mean this would require support from Pacific States on certain aspects, from the providers obviously, but obviously you can see that in your list so NMFS can't... we'll do what we can within what we have and what our abilities are but will also need to be a collaborative process to get that, these requests. You know I'm hopeful, I mean we heard in public comment how these numbers have been continually changing. I would combat that a little bit. They continue to be refined and continue to be getting, in our opinion, the more accurate at better estimates and that's why they keep changing. So happy to continue to go along that process and to do that in a collaborative manner. And regarding communication, yes, I'm happy to have NMFS stay in close contact with the representatives and happy to have that dialogue between now and June leading up to this agenda item. Thanks.

**Chuck Tracy** [00:02:03] Okay. Okay, Pete, I guess you're up next now.

**Pete Hassemer** [00:02:08] All right. Thank you, Chuck. I want to, I believe I have something I want to add here to the Year-at-a-Glance and possibly to June, but I don't know what light or shade of shading deemphasizes or not, we can decide that later, but let me give you a little background. It's on the ecosystem and it's looking forward to what some of the next work we do is under the ecosystem plan and its initiatives. You know in September we've got the FEP review scheduled as final and the Climate Communities Initiative scheduled as final, getting a report there, and on that I failed to ask Yvonne a question when we got to it. I'm not sure if we're looking at wrapping up the Climate Communities Initiative as a whole or if a final report on the current process we're going through on the scenario planning, and we could continue some work under that, but basically those things are scheduled to be final, and so it begs the question, what's the next work? As you said in the Executive Director's report, we just this year received two hundred and fifty thousand dollars from NMFS to, for work under the FEP and some of this work is, I believe, being done under the extension, to the no cost extension and not in our regular budget, so there's a pot of money there, work is being completed and how do we move forward? So I guess my ask at this time is on the Year-at-a-Glance for June that we would add a topic that is review of FEP initiatives... and because it would be on the Year-at-a-Glance in June, it would also have to show up as a shaded item on the June QR that we would discuss in April, and I'll explain the advantage of having it there but... so first, when I look back at the current initiative, the Climate and Communities Initiative and how we got there, that really started in 2017 in January, the EWD, EWG did some work, but in March of 2017, that's the agenda item we had at that time, it was the odd numbered year when we consider candidate initiatives and so there was an agenda item review of FEP initiatives. The EWG brought two of them forward and the Council selected them as candidate initiatives and what that did is trigger the next step of work. In June of 2017, the EWG did the scoping. It was the Council's direction in March to scope those and the scoping included identifying specific objectives for the initiatives, inventory, available information and the purpose and timeline for completing them, so the EWG did that in June. And then in September of 2017 there was an agenda item which was FEP initiative, scoping and selection and that's when the, the Council selected an initiative to move forward with which that was really the birth of the Climate and Communities Initiative and there was a lot of work that went through. And then I think was 2019 the start of scenario planning, so in considering that whole process, if we finish up these current things, we can either take a large break, and my concern is if we don't look forward on the Year-at-a-Glance and think about the Council discussions and process and then actions and decisions to make that need to take place prior to starting the next work, how big would the gap be before we start something? And so... if next March, and I know our motion under I.2 and the action we took, it mentioned something about initiatives in

March till this year, but if we went through a similar process to that and only started discussing candidate things in March, it would be late in 2022 early 2023 before we started the initiative. So an advantage of having it in June, and it's not critical, but with the work the EWG is doing to finalize the FEP and the core team on finalizing the report is there might be some efficiency in completing that first step of at least reviewing some initiatives and then as early as June the Council could direct some scoping if it decides to go down that road, and it doesn't happen, have to happen before the September meeting but if there were an advantage, again, to have that aligned with the current work being done on finalizing the FEP and the CCI initiative, we could take advantage of that and be fully prepared at a later date to select and initiate the work on the next initiative. So, I guess my ask really is that you and the staff and, uh, look at those decisions that need to be made, how we want to do that, and again, if we want to take a big break in the work after having completed these initiatives we're on right now that's okay, it's not my, necessarily my desire to have a large gap in there because we have money in there now... but you just look at the possibility of some efficiencies that could be gained by scheduling that first step, the review of the initiatives in June and then we can come back at later dates and look at a progression of the other things so that's it. Thanks.

**Chuck Tracy** [00:09:21] Thanks Pete. Yeah, I recognize the potential of having a large gap between completing our current initiative and the odd numbered March consideration of new initiatives and certainly I think there's, you know, if the Council wants to go out a cycle on this, I think that's certainly within their purview and could very well be appropriate, so and I think putting it in June is just fine in terms of getting it on the radar screen. I guess I would just to kind of toss out some other ideas, as Phil mentioned we're starting at five and a half days in June. We've already, you know, he's suggesting EM so it's getting a little, a little bigger, so September might be another possibility, it's only at four, three, 4.3 days now, although we've added a couple of things there, too, but September the, is a regular ecosystem meeting and I would also want to talk to the Ecosystem Workgroup and advisory subpanel about, you know, if we had something in June if that would, you know, what effect would that have on their workload towards the FEP five year review and the Climate and Communities Initiative items that are scheduled for September, but I think getting it on the radar screen in June and getting some comment when we set the June agenda in April would be, I wouldn't have a problem with that.

**Pete Hassemer** [00:11:19] All right. Excellent. I think you've captured my desire exactly and that's why I referenced the different shades of shading that it gives you the opportunity to discuss with the staff and the Ecosystem Workgroup Chair and others to figure out how best to work that in there, so I like that. Thanks.

**Chuck Tracy** [00:11:42] Okay. John Ugoretz.

**John Ugoretz** [00:11:46] Yeah, thanks Chuck. And so I was on a similar thought path, though was not considering June when I raised my hand. I, we did discuss just yesterday the sort of what the next steps are for finishing the FEP and what kinds of things the EWG would be considering, and at least I recall some discussion of having them provide some input on potential next initiatives in September. I think that's appropriate in September. I think they will be better informed by the wrap up of the Climate and Communities Initiative and I think could definitely provide the Council with some input and advice on potential initiatives that would then inform a decision in March and I'm certain we talked about going off the odd year schedule, and that was in part because the Climate and Communities Initiative was still ongoing last year or in 2019, so I would support a discussion of potential next initiatives in September. I don't think it's necessarily a good idea for the reasons Chuck mentioned to add additional work in June, especially adding work to a team that doesn't normally show up in June and has other things going on... importantly finishing that FEP so I guess my input would be stick with September. They'll have the opportunity to hear today's comments about it. They'll have the opportunity to hear any additional discussion in April when we discuss agendas and I think that's a reasonable path forward.

**Chuck Tracy** [00:13:56] Okay, thanks John. Bob Dooley.

**Bob Dooley** [00:14:00] Thank you Chuck. I'm just going to go backwards a little bit if I could to Phil's comments on EM, and I just very much support what those approaches for June and I think it's a good approach. I, every component of it. I would like to add, though, to the number 6, maybe a little more definition to any other information. You know I think at the base all of us are looking for a successful implementation of this program and we heard a lot of, we heard a lot of comments and public comments about other regions experiencing difficulties in implementation and unknowns that they are also experiencing, and we see that in other regions, they're on the path to developing regulations and such, and in the East Coast even it's actually implementation, and so I would ask to include in the other information that as NMFS works together with other regions, and I know that they communicate regularly, to understand if there's any problems and fixes that are solutions to those problems that other regions are coming up with and ideas that they're dealing with as well as the problems to help us inform our way to a better, a successful implementation. So, I would ask that when we ask for other information that it actually expands a little bit to other regions since they're much on the same path, and I think it would be very beneficial to the Council to understand that perspective as well so and once again I'd like to thank Phil for his request and I wholly support it. Thank you.

**Chuck Tracy** [00:15:58] Okay. Any other discussions? Maggie.

**Maggie Sommer** [00:16:04] Thanks Chuck. I also support Phil's comments on EM and the suggestion of the agenda item in June to hear back about the information he suggested. Separately, I would like to go back to the mothership utilization and at-sea whiting sector flexibility topic. I have already suggested we schedule a PPA for September and I also wanted to suggest that we think about putting a shaded final preferred alternative item on the Year-at-a-Glance. I think we are all hoping to get there. We've had some conversations about timeline and wanting to make sure it gets done in time for implementation prior to the 2023 whiting season, and also factoring in the potential for review by the National Marine Fisheries Service's Protective Resources folks for ESA concerns after the Council takes final action, so we might consider putting a shaded FPA for mothership utilization either on this November, which I realize already has a lot of shaded groundfish items there...this could go into that mix or alternatively next March. And I recognize that we won't know any more I think about when it will be, when we'll be ready for that, at least until our September meeting when we are able to adopt a PPA hopefully, and talk about further items then, but I just thought it might be worth getting something shaded on the schedule and then it might be easier to adjust the timing of it in the future than to add something new.

**Chuck Tracy** [00:18:11] Yeah, thanks Maggie, and I think that's fine. Because it's shaded, we could put it in November and make sure we deal with it there and recognizing there's not that much time between September and November, but if we've advanced to the stage of a PPA in September, maybe it's not too heavy a lift so I guess I would be all right putting it in November as shaded. Marci.

**Marci Yaremko** [00:18:46] Yeah, thank you Chuck. I want to speak on two items with regard to the Year-at-a-Glance. We've had some discussion around the table about the marine offshore development discussions and I think we have a plan for April as you outlined, but I don't think the discussion stops there, and I want to make sure that we capture your advice under the marine planning agenda item that we schedule a standalone workshop, hearing, meeting, however you wish to couch it in advance of Council meetings, looking forward on our Year-at-a-Glance. These would be meetings that aren't necessarily Habitat Committee meetings. We've clearly heard them in terms of their capacity to take on this issue, yet we've also stopped short of establishing a new committee and I think that's because we want to be as inclusive as possible with members of our Council family and our advisory body committees and allow them the opportunity to engage in dialogue with representatives of agencies, including BOEM, to have direct discussions with them. So, I just want to make sure that somehow we

capture this and maybe the way to do it on the Year-at-a-Glance beginning in June is by scheduling a discrete item for marine offshore development and planning. Along with that we had some discussions about the need to add Council staff capacity that would come in the form of added staff, and I think we should at some point take up the discussion about what that looks like, but I think we have heard quite a bit about the need for staff support at the Council level that would be dedicated to the topic of marine offshore development and planning and would assist the Council staff in scheduling these meetings that come in advance of the Council meeting. I think we heard some discussion about the agenda from the February 24th hearing and I think there's some work to be done there in terms of scheduling and how we agendaize specific focal points and topics for discussion, and again, I think that is something that additional Council staff support can assist us with. But I think, you know, just to get things going and make clear that we intend to make this topic a more permanent part of our future agendas, I would sure like to see the addition of a standing item on marine offshore development and planning that is largely supported by the content that comes out of a pre-Council meeting workshop. So, I really, I don't want to lose the momentum on your suggestion from earlier in the week and so I just thought I would bring it up again here. Second point I want to talk about is in support of Phil's request to make sure that we schedule an EM item for June. Really want to highlight the remarks we heard today from Heather and Melissa, as well as the speakers that spoke to us under that agenda item earlier this week. It was a very compelling discussion for me. I think that this is very important, and time is short, and I look forward to us adding an item in June. I have a few other items to add to Phil's work list in hopes that NMFS can bring back some new or updated information in addition to the items that Phil has listed for us on the screen. Guess the first would be with regard to the, excuse me, my notes, the business rules.... we heard some new business rules come out of the discussions this spring. In order to best estimate the costs that Phil has identified that we need better estimates of, we really need to know what triggers a 100 percent review of a trip and how often that's expected to happen. There are also, are still, some unknowns on the federal records and confidentiality that obviously have a substantial impact on cost estimation. Since we heard from Melissa that the updated policy directive is expected to be finalized in May, it would be really useful in the materials that NMFS provides to us that we have an update on the applications of the finalized directive. And then finally, one other area that we're hoping to see some progress on relates to the streamlining of sorting requirements. This is kind of a discussion that seems to have sort of maybe stalled and we're just looking for an update there. We've heard so much about sorting requirements and how those needs really do affect the bottom line with regard to cost estimation, so any progress on what might be done to streamline those requirements to reduce cost, I think is something that I'm looking forward to hearing more about. And that concludes my remarks. Thank you.

**Chuck Tracy** [00:26:01] Thanks Marci. I want to circle back again on the marine planning business just a bit. So, you talked about a pre-Council meeting workshop to review issues, so I assume that you're talking about something similar to what happened in February, prior to this part of this, to deal with the mapping issue prior to this meeting, so well, is that what you're thinking about in that regard?

**Marci Yaremko** [00:26:35] Yes. Yes. I just want to echo support for your remark that you made that we do something similar to and build upon.

**Chuck Tracy** [00:26:44] Yeah okay, and did you have any, I mean, did you have any timeframe? You mentioned something about the Year-at-a-Glance, but I didn't hear any meetings, specific meetings.

**Marci Yaremko** [00:26:56] Yeah, I think beginning, I think we've taken care of the April agenda in the sense that we have a venue to discuss the update that we'll receive from Diane under the Executive Order, but looking past April, I'm suggesting that we schedule a standalone item on marine offshore development planning, which would include essentially a staff summary of the workshop that would be held in advance of the Council meeting and would be, would include an opportunity for the Council to hear recommendations from advisers and the public and our opportunity to develop our own

recommendations as appropriate under that agenda item.

**Chuck Tracy** [00:00:00] Okay. So again, I didn't hear a timeframe so I guess my comments were sort of in the context of, you know, when an issue is identified just kind of over the course of our usual staff interaction with BOEM, that that's when we would do that. Am I hearing from you that you would prefer to have something more definitive or you know, or just some more, right now we've got a once a year marine planning agenda item, am I hearing that you would like to have a more regularly scheduled marine planning, you know another one or, you know, we have one in September and in March, or is just contingent upon there being some relevant issues for the Council?

**Marci Yaremko** [00:00:53] Yes. Thank you Chuck. I appreciate the opportunity to elaborate.

**Chuck Tracy** [00:01:05] Dang I muted her.

**Marci Yaremko** [00:01:06] Yeah, it said the host muted me. Okay well I appreciate the opportunity to respond. Hello, can you hear me?

**Chuck Tracy** [00:01:23] Yes, I can hear you. Please go ahead and I'll try and just mute myself this time....(laughter).....

**Marci Yaremko** [00:01:26] Okay. Thank you. I appreciate the opportunity to respond. I am just really feeling like there is a lot of urgency. I am hearing that urgency. I am seeing how fast the proposals are moving forward and I think we are hearing loud and clear that we need some sort of better vehicle to engage now, so that's why I'd like to see expanding agenda item beginning in June to take up the discussion and hopefully have a pre-meeting workshop in advance of June, September and November and next March, where we have the opportunity to bring in experts from BOEM or NOS, other agencies to discuss proposals with our Council family, so that idea is something I think you put in my mind in our discussion under marine planning as a possibility and how we might move forward with this issue, so that coupled with some augmentation of Council Staff that would be able to help with planning those workshops and pulling in the appropriate expertise and helping us bird dog these issues in their totality I think in my mind is the next logical step.

**Chuck Tracy** [00:03:09] Okay, well maybe just one follow-up that thought on my, for me then, you know, we had a two-hour agenda item scheduled for April and we ended up, or for March we ended going for like three or four so just recognizing that, you know, that's a pretty substantial additional burden if we're going to have that. I think you mentioned June, September and November, that's pretty substantial so I just I would just want to make sure that we are able to accommodate that at our Council meetings that, that's a lot of new work so I'll just leave it at that.

**Marci Yaremko** [00:04:05] If I may....

**Chuck Tracy** [00:04:05] Yeah.

**Marci Yaremko** [00:04:06] Let me, I think let me be clear that if these would be focused agendas that would be built with the help of new Council Staff expertise to focus these discussions in these workshops to specific topics. I think what we had this time was a fairly broad discussion that crossed a number of topics and we did get some very significant input from our advisers that, yes, took quite some time. I wouldn't envision the future discussions being quite so broad and again, would be tailored by the agenda that would be set for the workshop that would precede the Council meeting, so I agree with you. We can't just, I think here and now decide to add three or four hours of new work to every meeting, but I think that we can build on what we learned in the February 24th hearing and that that

does set a great example for what comes next, so I don't know if that helps you, but I wasn't intending to add a three or four hour agenda item at every meeting.

**Chuck Tracy** [00:05:37] Understood. Okay. Well Phil, do you have your hand up?

**Phil Anderson** [00:05:45] Yeah, I think how we organize ourselves, how we staff the Council, how we devote meeting time to this big topic is an item that we ought to discuss under a separate agenda item. I am more than happy to do that in June, but I'm not prepared to make the kinds of decisions that are being put on the table in terms of having this agendized for every meeting at this juncture. I would rather have.....that may be what we end up doing but I wasn't prepared, I guess, through this agenda item, you know, plan that out so again I appreciate the conversation. I appreciate the scope of the issue and the importance of the issue, but I think we need a broader Council discussion of how we're going to meet this challenge.

**Chuck Tracy** [00:07:08] Thanks Phil. Yeah, I think that's worth a consideration as well certainly. Maggie Sommer.

**Maggie Sommer** [00:07:19] Thank you Chuck. You know I agree with Phil that I think a broader Council discussion of this is needed and I really appreciate Marci making these suggestions now and bringing it forward so that we can all really start giving these questions some thought. This is clearly a range of issues that are tremendously important to a lot of our stakeholders. We've had some discussions about the challenges of how to best ensure we are engaging the appropriate expertise at the appropriate times and so I think we really do need to make some changes and make some plans to set up the Council well to make sure that we are effective in this and on the timeframe needed, so I'm not expecting that's a decision, any of these decisions are ones we're going to make today but I think it really is good to start thinking about it. I'll say just from my perspective, and I obviously have not been deeply involved in the Council's discussions of this issue up to this point, but certainly speaking for ODFW and for what I have heard during this meeting, it does seem to be to me that some additional Council staff capacity on top of what you have available now could really help. I mean these are very complex issues. There are moving parts in different federal agencies and states and different topics, different stakeholder groups and it is going to be a really big job to track all that and make sure that information is flowing both ways and make sure the Council is informed and prepared, so for me that's one area that I think really deserves some thought is to how to bring on board... whether it's an additional Council staff member or perhaps someone you contract with but I'd like to get the ball rolling on some thinking about that. And maybe there's a place during the April meeting, whether it's our workload planning item or something else, that at your suggestion that the Council might be able to continue these discussions and make some progress on firming up an approach.

**Chuck Tracy** [00:10:00] Thanks Maggie. I did hear Phil mention that perhaps June might be an opportunity. April is literally around the corner with briefing materials due starting Monday for our staff. It's a tough time for us but I think I understand what I'm hearing and that is, you know, I need to sort of take a take a look at this on a broader scope and I'll probably, I'm glad nobody's in the room with me here but, you know, I'm almost getting the feeling that there's, you know, perhaps a need to step even further back and take a look at sort of a strategic plan for the Council overall. I know we've got the groundfish strategic plan on our, theoretically, on our agenda for September but if the Council's considering shifting its, or adding to its list of priorities, how do we balance that and how do we achieve what the Council wants? You know it's pretty hard just to add on all the time, I mean, at some point you're going to have to make some choices and so I guess I'm not suggesting we embark on that. I just want to put that out there as another way to look at this and but that said, I think if we want to take a look at marine planning I think June could be an opportunity, again, you know we're, we're looking at things like advisory body composition and Council Operating Procedures and I think that might be, you



know, part of the solution here so I might suggest that we could consider that, some of that in June. Christa.

**Christa Svensson** [00:12:46] Thank you Chuck. I think that June would be prudent planning. I think we've heard a tremendous amount at this meeting and identified quite a lot of needs, and with the April meeting being so quick upon all of us, I won't speak for anyone else but I know I would like some time to really think about the long range solutions to how to incorporate it, because you're right, we take on a ton of items and some days it seems like we spend a lot of time on just trying to figure out how to fit it all in, and so having the time to think about how do we fold this in, whether it's through our advisory panels, creating a different committee or just assigning an agenda item that is maybe a little bit longer standing, I do think that time would be helpful to come up with those ideas. I do want to touch on a couple of other topics just so that I can sort of say my piece and be with it. I'm appreciative of Phil bringing up and putting forward the EM agenda item for June and I'm very supportive of that. I think it is prudent, along with Mr. Dooley, in terms of looking at outside sourcing. I know other folks in industry are interested in what's going on in the EM world here on the West Coast for groundfish and really having a better understanding of what those costs are so that we don't inadvertently price people out, and have a system that doesn't work for anyone I do feel is worth spending some time on. I'm also supportive of Maggie's proposals for adding mothership so just wanted to voice some support there, and then the other item that we haven't talked about and I don't want to spend a lot of time on because it's still shaded for November but we did hear in public comment a little bit of discussion around the Swordfish Management Monitoring Plan and whether we keep that as the title. I would be interested just having heard from a variety of different stakeholders, kind of their thoughts on that topic, possibly if people want to reach out to myself or other people that are interested, I'm assuming before that June meeting kind of to have an idea of how to structure that item. I do believe that having a plan or some ideas of how we want to move forward with swordfish, and I realize there are a lot of moving pieces in all of those fisheries right now, but I do think having kind of those overarching timbers or a conversation around that is important and I don't know that the title that we have may or it may or may not be it so just wanted to flag that for people to be thinking about since we won't have HMS people at the next meeting. Thank you.

**Chuck Tracy** [00:16:27] Thanks Christa. Phil.

**Phil Anderson** [00:16:29] You know what your deadline is for determining whether we meet in September in person or via the platform?

**Chuck Tracy** [00:16:47] Do I know what the deadline for deciding is?

**Phil Anderson** [00:16:56] Uh huh.

**Chuck Tracy** [00:16:57] Well, I would say at this point it's when we file the FR notice which is, you know, say a month before so early August or, yeah, probably around the first of August I would say, because we have to do our briefing book schedule and all that business, but yeah.

**Phil Anderson** [00:17:20] So you have that kind of flexibility with the hotel without incurring charges?

**Chuck Tracy** [00:17:25] No.

**Phil Anderson** [00:17:25] Oh... okay.

**Chuck Tracy** [00:17:29] But you know I think we've saved a lot of money on hotels and I guess if we need the time, I would be, you know, willing to make that consideration and frankly, you know, the

reason we've saved money is because of the, you know, the phases we're in in the pandemic basically, and I don't know what phase we're going to be in when it comes to June or July or August or September so maybe we could still get away, but maybe we couldn't, but I don't think we should count on getting away even right now. If we made that decision now, there'd still be charges so....

**Phil Anderson** [00:18:11] Sure. Okay.

**Chuck Tracy** [00:18:23] Okay, well not seeing any other hands up, so I'm going to go through what I've heard about for the Year-at-a-Glance and what I think I'm going to do, and then I've got... I want to circle back to April a little bit, but for the Year-at-a-Glance... so starting with June we're going to put in an electronic monitoring agenda item. And again, none of these are set in stone at this point. We'll be making these decisions in April for June. Electronic monitoring agenda item to get some feedback on Phil's suggestions. There's some interest in discussion about planning for marine planning and whether that comes up under the COPs or not, or whether it's a stand-alone issue, there's some interest in doing that. I think we've heard some discussion about FEP initiatives and whether that should be in June or September. I think most of the feedback I've seen have been that September would be preferred so that's, that would be my plan is to put that in September. We've also got requests from National Marine Fisheries Service to put the BSIA framework preliminary action in September and also a Mothership Utilization PPA in September. And then for November perhaps a shaded Mothership Utilization final action, and then probably for March or April at BSIA final action. So that's what I've got for June through November. I guess what I haven't put on or mentioned yet is, is if we are going to have some more dedicated marine planning issues out into the future beyond the sort of planning exercise that I mentioned in June. So, let me see if that comports well with the Council's wishes? Any objections to that or anything that I missed? Good, I do want to circle back to April on a couple of things. One of them I just note that we did not have a schedule for the model, Salmon Model Evaluation Workgroup. We did not put them on the agenda, but I think they should be. That's typically when they get involved in the methodology review topic selection. It's kind of their annual planning session so there's that and then I did want to touch bases real quickly on the cost recovery report and final regulatory change. We had a discussion about that in, at this meeting under the groundfish workload prioritization process. It, the issue of reconstituting the committee did not get prioritized so my interpretation of that is that the, that agenda item would cover the report, the annual report, and also a final regulatory change. So that is the scope of the issues that I am expecting under that agenda item. So, let me see if there's any additional thoughts about that? Ryan.

**Ryan Wulff** [00:22:54] Yes, that is my understanding as well. That is, the scope of that action is limited to the report that we will be presenting as well as final action on the regulatory change, and that is all.

**Marc Gorelnik** [00:23:25] Chuck, you're muted.

**Chuck Tracy** [00:23:32] Thank you. Okay well then and then one other thing I did fail to mention on September is the FEP five-year review. That would not be final action. That would be the preliminary and then final action would occur presumably in March on that. And that's what I've got. So how are we doing? Well, I'm not hearing anything. I'm not seeing too much. There's Phil. Phil's back in. Go ahead Phil.

**Phil Anderson** [00:24:32] I think we're doing great. What do you think?

**Chuck Tracy** [00:24:37] Just ducky. Okay... well if there's nothing else, then I'll turn the mic back over to our Chairman.

**Marc Gorelnik** [00:24:54] Thanks very much Chuck. So, all Council members, we made it through

the last agenda item. I don't believe there's anything further on our agenda other than, well, let me just ask if there's anything further that I try to do and not seeing any hands. So, there is one more thing we need to do before we can leave and that's a motion to adjourn. Does anyone wish to offer that motion?

**Pete Hassemer** [00:25:26] Mr. Chair, I move we adjourn.

**Marc Gorelnik** [00:25:29] Pete Hassemer moves that we adjourn. Is there a second?

**Virgil Moore** [00:25:32] I second?

**Marc Gorelnik** [00:25:33] All right seconded by Virgil Moore. No discussion. All those in favor say 'aye'.

**Council** [00:25:40] Aye.

**Marc Gorelnik** [00:25:40] Thanks everyone. We will see you in one month.

**Louis Zimm** [00:25:45] Oh.....(laughter)....

**Marc Gorelnik** [00:25:50] Okay, thanks of course to Council Staff for all their hard work as well as the staff associated with NMFS and the state agencies and the tribes.

**Bob Dooley** [00:26:04] How can we miss you if you won't go away?.....(laughter)....

**Louis Zimm** [00:26:10] Thanks everybody.

## D. Habitat Issues

### 1. Current Habitat Issues

**Brad Pettinger** [00:00:00] So that takes us to considering the Habitat Committee Report and any recommendations to the Council... so Council discussion? Marci.

**Marci Yaremko** [00:00:09] Thank you Mr. Vice Chair. Appreciate the work of the Habitat Committee this week. They had a long couple of days, and I know were working on reports for quite a while as well, so I want to thank them for putting some thought into a number of issues that are very much important to the Council family. Definitely support the work and the discussion on the stoplights and thank their work as it contributes to the salmon rebuilding plans and into the future with the California Current Ecosystem Status Report. Look forward hopefully to seeing some other products or other reports maybe coming out in the future with this content in more detail and maybe some conclusions from the work by salmon and ecosystem scientists. When we get into the content on Klamath Dam removal, I'll be honest, I got a call last night from one of CDFW's inland fishery managers in the Klamath basin and we have some pretty significant reservations about jumping into this issue right here and now and digging into content that really is not well developed yet. Specifically, we are still waiting for action on the part of FERC. We're still waiting for the NEPA process and the biological opinion to get underway. The relevant parties that are interested in discussing key pieces of Klamath Dam removal as it pertains to salmon and habitat, most of those agencies are already signatories to the Klamath Hydropower Settlement Agreement and discussions are going on in that venue and keeping them in that venue at this time is where CDFW would support they be. Having a joint work session and inviting folks from that realm of work in support of the agreement seems somewhat redundant and also premature. With regard specifically to developing monitoring programs for reintroduction, CDFW is going to be working on developing monitoring plans and we have staff that are actively doing that right now but it's really, I think, too early to get into detailed discussions about the elements of those plans, and also I think we're feeling a little bit like this is an overreach on the part of the Council to have really deep scrutiny into an inland monitoring program. This is really the states, you know, in-river territory and, you know, while I can appreciate that there's interest in the topic, you know the Council doesn't tread deeply into the activities of the states in their development and implementation of their monitoring plan. It's really, you know those are activities that we develop in conjunction with our agency's priorities and co-manager priorities and of course are always driven by the availability of funding and the needs of the funders. So it's a complex process and all I can really convey at this time is our inland staff are underway with some work on this but we're really not in a position to come to a table and discuss a lot of the elements of what are yet to come because they're still being developed so I think, you know, we also have our freshwater fisheries and the monitoring we do requires permitting for that activity on its own, and that permitting process has to be a priority for us and adhering to the terms and conditions of those permits so, you know, I think we're just feeling like beginning these discussions and kicking off a new activity for the STT and the SAS and the SSC at this stage is really not quite, quite ripe. Thank you.

**Brad Pettinger** [00:05:55] Thank you Marci. Further questions? Okay, Marci, your hands still up. All right.

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

**Brad Pettinger** [00:06:08] No problem. Okay with that, that concludes the reports, and I can go to public comments, and I see none so, actually I guess we're already there. Anybody else? Marci your hands still up.

**Marci Yaremko** [00:06:33] No, it's up new this time.

**Brad Pettinger** [00:06:35] Oh, there you go.

**Marci Yaremko** [00:06:37] Thank you. Thank you, Mr. Vice Chair. I don't know if you are considering motions on this report or if we just consider the report and don't act on it but I guess I'm just asking that somewhere in the meeting's minutes that it be reflected that CDFW is not supportive of the recommendation in the Klamath Dam removal.

**Brad Pettinger** [00:07:07] I think we're talking about recommendations, so I don't see a motion on the...so I think we're probably good there. Okay, anybody else? Okay, Jennifer, you want to weigh in and tell me if we're good here?

**Jennifer Gilden** [00:07:25] Yes, Mr. Vice Chair. If there are no recommendations, yes, I believe this agenda item is complete.

**Brad Pettinger** [00:07:33] Okay.

## **E. Salmon Management**

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

No transcription for this agenda item.

## 2. Reintroduction of Salmon Above Grand Coulee Dam

**Marc Gorelnik** [00:00:00] All right that concludes public comment and takes us to Council discussion and action, and I gather the principal action we have is to consider the draft letter that was, if I remember correctly, Attachment 4, you all had a chance to look at. So, let me look to the board here of who wants to raise their hand to get us started with Council discussion? Butch Smith, thank you.

**Butch Smith** [00:00:36] Thank you Mr. Chairman. I would just like to make a comment. Chairman Rodney and I have spent a lot of time together in my former life as the SAS, he's brought a staff that's been absolutely professional in explaining the...every step of the way. I don't know how many meetings, at least five that I can think of, maybe more from the beginning of this project, and I just want to commend the Colville Tribe and Chairman Rodney and his staff on the professionalism and the openness that he has, that he has showed basically the whole step of the way and I'd just like to thank him. I just like to make sure the Council knows maybe some of the stuff they didn't see at the Council table that Rodney was doing, excuse me Chairman Rodney was doing behind the scenes to inform and educate the SAS and others. So, I'd just like to show my appreciation and make that statement and so thank you Mr. Chair.

**Marc Gorelnik** [00:01:46] All right, thank you Butch. All right, further discussion? Does someone want to take a stab and propose what the Council shall do with the draft letter that is in there? Kyle Adicks.

**Kyle Adicks** [00:02:08] Thank you Mr. Chair. In standard form I was trying to raise my hand and a message notification popped up and I couldn't get it up. I don't have a path forward to propose necessarily. I just wanted to thank Chairman Cawston again for coming before the Council and testifying. When we discussed this last fall, I told the Council that WDFW was very supportive and a partner in the efforts that he's been coming to the Council talking about, recognized that the Council may or may not be in a position to provide a letter of support and it may or may not be a strong letter of support. I didn't offer any edits as the draft letter was circulated. I didn't know what to put in it to try to make it a little stronger. Appreciate that Chairman Cawston offered a couple of ideas for things that the Council could consider if they were going to alter the draft and wind up sending it, and one of those was just kind of a, he suggested that we directly address the need for feasibility testing with experimental releases so kind of said, yes, this next phase is an important step as they move through the four phase process, so just wanted to point that out to the Council as something to consider as we decide how to move forward.

**Marc Gorelnik** [00:03:33] All right, thank you Kyle. Joe Oatman.

**Joe Oatman** [00:03:37] Thank you Mr. Chair. We took a look at the draft letter that has been prepared for the Council's consideration so that being the Attachment 4, based upon this review and the comments that I just provided a few moments ago. We've also looked at the February 22nd letter from the Colville's, so the Supplemental Tribal Report 1 with the suggested additions to the letter that they want us to consider adding in and based upon the comment that I just provided, you know, I think that the draft letter that has been developed by Council staff supports, you know, the efforts at this time. Perhaps along the lines of what Kyle just mentioned, you know, whether there was any opportunity to provide any edits or suggested changes to the letter. Tribes have given that a lot of thought as he...(garble)...that prospect. So if we did take additional time to review and potentially make changes to the letter, I would think we would want to add in some element of my comments that I made to help bolster the collaborative nature of this effort and as it goes forward...so I made note that the Columbia Basin Tribes who were involved in that effort early on in developing the joint response...(garble)...for this agenda. You know the tribes that I'm affiliated with, the Columbia River Treaty Tribes you know

were involved in that, did support that but eventually as the Colville's proceeded with phase one and now to phase two, they haven't been involved and have not always provided, you know, their policy support to that, and so I think where, I think where I am on this is if a letter were to be considered and approved by the Council, I think I would probably feel comfortable enough with the current draft of that and I feel comfortable with adding in some of the suggestions that are provided to us through their February letter. Thank you, Mr. Chairman and Council.

**Marc Gorelnik** [00:07:14] All right thank you Joe. I think one challenge we have is it's very difficult to wordsmith a letter during Council action and to bring back a letter and later for final approval. We'll of course use more floor time that we don't really have in this meeting or maybe not even in April, so let me ask if Chuck Tracy is available, if he has a suggestion on a path forward here.

**Chuck Tracy** [00:08:02] I'm available. I'm not sure I've got a good suggestion right off the top of my head. You know I guess the way we've handled sort of these sorts of things in the past is, you know, if there some fairly straightforward guidance the Council can give staff that we could use to work between now and, say, workload planning or something like that, we could consider, you know, approval of the letter at that time or we could just leave this.....I guess the other option, we could just leave this agenda item open and pick it back up after there's been some additional work done by staff based on whatever guidance the Council is willing to give here.

**Marc Gorelnik** [00:09:01] All right, thank you Chuck. Phil Anderson.

**Phil Anderson** [00:09:07] Thanks Mr. Chairman. Well, first I'd echo the thanks to Chairman Crawston for bringing this forward to us and his perseverance in raising this topic to the Council's attention and, you know, as Joe Oatman said, there's a lot of different governmental entities, including multiple tribes that are interested in this and I think the, you know, the overall thrust of the letter, the way it was drafted to me is kind of hits the sweet spot from my perspective in that it acknowledges that this is a very, very important project. That it's important to fully vet and look at all of the aspects of reintroduction and what that means and how to do it and ensuring that they're promoting healthy salmon runs and it talks about the broad stakeholder community that has supported the Upper Columbia Basin, you know so from my.....we could, I suppose, spend time trying to strengthen the letter a bit but, you know, this is a long term project. I'm anxious to follow it. I'm anxious to, I'm hoping that it will be successful, and I think we're saying that in this letter but at the same time there's a lot of work yet to be done in terms of the investigation still, you know inform, as the letter says, inform the process of rebuilding and restoring salmon stocks. So, it offers support for moving forward. It leaves open, you know, our interest in being kept apprised of it. There will be additional opportunities in the future for this Council to weigh in on this and offer stronger support, probably multiple times, and so I guess I am supportive of the letter, the way it is written, understanding, you know, that there are those who might want it to be a bit stronger, but I think it's a good place for us to start and it expresses our general interest in support of moving forward. So that's what I would like.

**Marc Gorelnik** [00:11:56] Thanks for that. I think you raise a good point. There'll be many more bites at this apple as time goes on. So, let me just ask the Council if there is anyone who has strong feelings about the need to revise the letter? Is there anyone who objects to sending the letter as drafted, and I'm looking for hands here? And I'm not seeing any hands so it seems that we're content with the letter as it is drafted for now, although there may be interest in future letters if we're asked to perhaps adopt a different tone or whatever seems appropriate at the time. Let me ask if the Council has any further discussion on this agenda item with regard to the letter or anything else? All right I'm not seeing any hands so I'm going to turn to Robin and hopefully Robin has some good news for us on this agenda item.



**Robin Ehlke** [00:13:19] Thank you Chair Gorelnik. Yes indeed, it sounds like the Council has had a good discussion and has agreed to send a letter and that that letter would be reflected as is in Attachment 4 and if that is indeed the Council's wish then we have concluded the work under this Agenda Item E.2.

**Marc Gorelnik** [00:13:45] All right, thank you very much Robin.

### 3. Review of 2020 Fisheries and Summary of 2021 Stock Forecasts

**Marc Gorelnik** [00:00:00] So that concludes public comment and that will take us to Council discussion and I'm first going to call on Susan Bishop because she had a question she wanted to raise about sampling during Covid. So, Susan if you're ready with your question? Okay I'm not hearing Susan so let's see who wants to go? Any discussion on this agenda item? I know it's the beginning of a long week. Kyle Adicks.

**Kyle Adicks** [00:00:38] Thank you Mr. Chair. I think I understood as Miss Bishop started to ask her question what the question was, so maybe in hopes that she just couldn't, we couldn't hear her, and she can hear us. Actually, I see her hand up now and I will defer back to her.

**Marc Gorelnik** [00:00:58] Okay great. Thanks very much Kyle. I'll come back to you. Susan, please.

**Susan Bishop** [00:01:04] Thank you Chair Gorelnik. I'm very sorry. I seem to have technology demons today and got booted off somehow. The question that I was going to ask originally and now is the appropriate time I guess is I was going to ask the states, Kyle and Brett and Chris, with respect to the impacts of Covid-19 on their sampling, if they could just speak a little bit more, provide a little more context to what those impacts were during this last year? We had spent a good part of at least the April last meeting putting together a sort of a report on contingency planning and how we might handle what we anticipated, or the states anticipated the challenges to be. So, I'm interested in sort of if they could add to the STT Report and also what they see as the outlook for 2021 in terms of whether some of those challenges may continue or whether there's been remedies or lessons learned that might change those challenges. Thank you.

**Marc Gorelnik** [00:02:11] All right. Taking that as being a question addressed to the Chair, so I'll look to see if any of the states want to provide any response to that question? Obviously, that was a challenge this last year. Kyle.

**Kyle Adicks** [00:02:27] Thank you again Mr. Chair, and thank you Susan. The review document does a good job of sort of summarizing what happened in Washington. One of the biggest challenges was closures of the two major ports, the two only ports really on the north end of our coast so we had to relocate our sampling efforts to the ports where fisheries for those areas were operating out of. It didn't really affect our sampling for effort and catch or coded wire tags much. No real reduction in sampling rates. We did lose DNA sampling that we would normally do and some biological data that we normally would collect but all in all I think we did a great job of keeping sampling efforts up. Didn't see any failures in 2020 so no real reason to adjust in 2021 other than we are prepared to operate under the assumption that those port closures will remain in effect for a while, and we'll be ready to relocate staff should those ports reopen during the seasons this year. So hopefully that's a good summary and answer's Susan's question for Washington.

**Marc Gorelnik** [00:03:43] Thanks Kyle. Next up, Brett followed by Chris.

**Brett Kormos** [00:03:50] Thank you Mr. Chairman. Yeah, as and thank you for the question Susan. As we outlined in a CDFW Report to the Council back at the November 2020 meeting as a result of Covid-19, first the State of California took inseason action prior to the onset of April fisheries to close those fisheries due to limited access to launch ramps, closures of charter businesses, et cetera that precluded recreational fisheries from commencing as per usual and really in a fair and equitable fashion. As the, at the onset of the open fisheries, the state was also working diligently to generate health and safety protocol for sampling the fishery and acquiring PPE such that our staff could safely get out in the field and monitor as per usual. However, those, the needs to acquire that PPE and develop those

protocols did delay our ability to get out and sample the fishery according to our standard and rigorous protocol such that the early fisheries, some relatively small time and area fisheries at the beginning of the season when we typically see low catch and effort went without standard sampling protocol. However, it is important to know a few things about that. One, the vast majority of the fishery was sampled normally once those protocols and equipment were in place, such that 90 percent or more of the harvest was monitored and sampled according to those rigorous protocols I mentioned before. And then next point I'd like to make is that for some areas that were not sampled according to the more rigorous standard protocol, we still were able to have catch and even effort estimates to cover much of those unsampled time area fisheries and that came from electronic fish tickets and logbook data. Moving on for those time area fisheries that did require some sort of coverage beyond what we were able to achieve through other means, procedures for the purposes of stock assessment were employed that were arguably more conservative such that fishery effects were likely overestimated as they relate to MSA and ESA objectives and just general stock assessment needs, so that coupled with the fact that, as I mentioned, 90 percent or more of the harvest was monitored as per usual. Those post season assessments are not likely to be sensitive to the procedures that were employed to adequately assess stocks for the entirety of the season, including those relatively small-time area fisheries that were affected or impacted by the Covid-19 pandemic. And then last, to answer the final question, we do expect that 2021 fisheries will be sampled and monitored normally as we do have those protocols in place and PPE in place as well. We're not expecting anything out of the ordinary in terms of fishery closures or our ability to monitor them according to our normal and rigorous standards. So, thank you.

**Marc Gorelnik** [00:08:36] I've got to find my button here. All right, Chris Kern.

**Chris Kern** [00:08:41] Thanks Mr. Chair. I'll try and be fairly brief. I think Oregon probably, from the things I've heard and discussed with folks over the last year, we probably had a little bit more straightforward time than California and Washington did. We did have some periodic ramp closures very early on in the pandemic associated with ports, restricting access and trying to comply and encourage the stay at home procedures that were in place at the time, but largely after that and even during that, where there were fisheries going on we were able to sample, as with the other states we focused a lot on the sampling protocols and modifications of those for safety, particularly social distancing, but also including safety equipment and such and so as a result, we were largely able to sample, as we normally would, a little bit of maybe lower sample rates in some places, but no significant or no gaps in terms of sampling procedures. So really just mostly a modification. A lot of effort involved from the staff side and from our managers in planning how to do that well, but it did work. So, we were able to largely, I won't say quite business as usual of course, because nothing was last year, but certainly very close to it and, you know, pretty, pretty good sampling. In terms of this year, I think we expect that to continue. We'll of course start the season under the same sorts of practices. The trajectory in Oregon is getting better relative to the pandemic itself and so, you know, assuming that that continues to trend that direction, we're not currently anticipating any significant issues that would affect our sampling and expect it to be as good or potentially better than it was last year it'd be my guess, so at the moment that's what we're picturing.

**Marc Gorelnik** [00:10:52] All right, thanks very much Kyle or Chris. Further discussion on Agenda Item E.3? Kyle Adicks.

**Kyle Adicks** [00:11:09] Thank you Mr. Chair. I wanted to speak quickly to what we heard from the SSC on the Willapa Bay forecast methodology. If the Council recalls last March this issue was in front of us and we had a fairly lengthy discussion about what to do with the SSC recommendation to adopt the forecast for 2020 only and then put it back into the methodology review pipeline later on in 2020. I believe the Council actually adopted the forecast methodology not just for the year, but adopted the methodology so I would suggest that it is the appropriate methodology to use again in 2021. When we

discuss methodology review in April, I have some thoughts about the timing for that given things I know about WDFW staffing and ability to get to that topic but would just suggest that we have adopted that methodology and it is the appropriate one to use in 2021.

**Marc Gorelnik** [00:12:18] Okay. I had a question. I need to bring up the SSC report and it really isn't a question for the SSC, it's really perhaps for Brett Kormos. One of the issues identified in the SSC report is that the fishery management plan speaks of the intent to maximize natural production and of course I'm not sure the Council has much control over that since natural production is largely determined by the operation of the water projects, much less so than the escapement. So, Brett do you have a comment on that? It's okay if you don't but I, that struck me a little bit.

**Brett Kormos** [00:13:20] Thank you Mr. Chairman, and thank you for the question. I do. I can offer a couple of comments relative to that information around the escapement objectives for Sacramento River fall Chinook and that excerpt, that component of the FMP that mentions managing to an escapement that maximizes natural production. A couple of things. One, we have made recommendations about the actual escapement objective itself probably a couple of times now in a couple of iterations of rebuilding plans for this stock, mentioning that that objective may warrant some review, mentioning that it is based on hatchery and natural origin adult escapement, not just natural origin fish itself, similar to some other stocks that we manage like Klamath River Fall chinook. It isn't exclusive, our management objective, given that it's both natural and hatchery origin, isn't exclusive of natural origin fish production, but like I said before there are reasons to, as has been outlined in rebuilding plans, there are reasons to consider that management objective going forward and whether or not it's appropriate. The other consideration would be to think about whether or not that excerpt from the FMP is appropriate in and of itself in this day and age. It is not necessarily a new feature in the FMP so it's just a question of where to begin in my estimation, an FMP amendment or embarking on what would be a pretty labor intensive, data intensive effort to examine how appropriate our management objective is for this stock and any changes we might want to make.

**Marc Gorelnik** [00:15:49] All right, thank you Brett. Any further discussion on this agenda item? Susan Bishop.

**Susan Bishop** [00:16:02] Thank you Mr. Chair. I just wanted to address that SSC report's comments regarding the question about guidance on the North Fork Lewis stock. That stock is in fact an ESA-listed stock. It is managed under a consultation standard as per pages 6 and 7 in our 2021 guidance letter. The objective, the escapement goal objective that is in the current FMP is consistent with that consultation standard. I believe this has come up before and it's been noted that the MSST that's in table 3.1 is likely an error or an oversight and that we, it should be marked for a cleanup initiative or clean up amendment and we just haven't gotten to it yet so I'm not sure how to address that but I would offer that clarification.

**Marc Gorelnik** [00:16:57] All right thank you very much Susan. Anything further? Ms. Ehlke, how are we doing?

**Robin Ehlke** [00:17:08] Thank you Mr. Chair. I think we're doing fine. I do not know if the Council plans on taking action to adopt the forecasts and ACLs if that is something that needs a motion for. I would lean to Chuck to remind us.

**Chuck Tracy** [00:17:31] Mr. Chair I believe that a motion is appropriate for the Council to adopt their ABCs and ACLs.

**Marc Gorelnik** [00:17:39] All right. I see that there in the Council action. So, I will look for someone

to offer a motion. Susan your hand is up, I'm not sure if that's to offer the motion or not? Okay, I will look for another brave Council member if they choose to offer a motion to adopt the abundance forecasts and ACLs. Okay then if we're not ready for a motion, then perhaps we need further discussion. Brett Kormos.

**Brett Kormos** [00:18:22] Thank you Mr. Chairman. Sorry for the delay there and not knowing what the reluctance for a motion might be on the part of the other Council representatives, maybe I should hold off, but I am willing to do that for the good of the Council, so I'll wait and see here.

**Marc Gorelnik** [00:18:48] All right, well that has opened the floodgates. Chris Kern.

**Chris Kern** [00:18:54] Thanks Mr. Chair. I, my hesitation was me scrambling to try and recall if the motion would best be phrased to appropriately reference the Supplemental Pre-season Report 1 by the STT and that kind of language, not the notion of the motion itself so to speak, and so that was what I was struggling with and then trying to find my raise hand button at some point too. I still don't have my, I haven't devolved the answer to that for myself yet so if somebody's got guidance on that, that might be helpful in breaking us loose here.

**Marc Gorelnik** [00:19:36] Well is it appropriate simply to refer back to Preseason 1? Are they...I don't recall how we did this last year that's my handicap.

**Chuck Tracy** [00:19:57] Mr. Chair, I could maybe help with that a little bit.

**Marc Gorelnik** [00:20:00] That'd be great Chuck.

**Chuck Tracy** [00:20:00] So just jumping back to my notes real quick. Last year, Mr. Kormos made the motion and Mr. Adicks seconded the motion to adopt a stock abundance forecast, OFL, ABC and ACLs, as recommended by the SSC and outlined in STT Report 1 and Preseason Report 1.

**Marc Gorelnik** [00:20:25] Chuck that's great. Right now, I see Kyle's got his hand up.

**Kyle Adicks** [00:20:29] So my hesitation was to make sure I had the proper document to reference and to consider, not including that as recommended by the SSC language based on the SSC report today so if Mr. Kormos is comfortable making a motion, I'll let him proceed.

**Marc Gorelnik** [00:20:54] I don't see Brett's hand up. Kyle, maybe you want to do this.

**Kyle Adicks** [00:21:05] I will try to make a motion Mr. Chair. Thank you. I move that the Council adopt the 2021 stock abundance forecast, ABCs and ACLs, as presented in Agenda Item E.3, Supplemental Preseason Report 1.

**Marc Gorelnik** [00:21:24] Kyle is that... does that accurately capture your motion and I'm reminded by Robin that there was a typo in the Willapa coho I believe. It was identified by Dr. O'Farrell. I did not annotate my copy of the document, however.

**Chuck Tracy** [00:22:01] Mr. Chairman, I've, oh never mind I think I see this correction has been made.

**Marc Gorelnik** [00:22:10] The correction has been made in the published report?

**Chuck Tracy** [00:22:15] No, I was referring to the inclusion of ABCs into the motion so that's correct.

**Marc Gorelnik** [00:22:20] All right.

**Chuck Tracy** [00:22:21] Again, I think in terms of the correction Mr., Dr. O'Farrell mentioned over, I believe that was in the formula for the abundance forecast that did not affect the ABC or ACL.

**Marc Gorelnik** [00:22:42] Okay, and that's all we're adopting right here...so I do recall him saying that did not affect the result. All right Kyle, is the language on the screen accurately capture your motion?

**Kyle Adicks** [00:22:58] Thank you Mr. Chair it does.

**Marc Gorelnik** [00:23:01] And I need a second, I see Chris Kern...are you raising your hand to second this motion?

**Chris Kern** [00:23:06] I am indeed Mr. Chair.

**Marc Gorelnik** [00:23:08] All right we have a motion. We have a second. Let me see if there are any questions for the maker of the motion? And I'm not seeing any hands. Any discussion on the motion? Susan Bishop.

**Susan Bishop** [00:23:29] I'm sorry Mr. Chair I got to my hand too late. I was just wondering if we could, if Chuck could just clarify or someone could just clarify why we don't need to note the change, the correction to Pre 1 for the Willapa forecast equation?

**Chuck Tracy** [00:23:55] Well I believe the number presented in text is what was correct, and I believe the correct number is in the tables there. So, do you want to make that distinction that would be fine?

**Marc Gorelnik** [00:24:18] My recollection from Mike was that the typo was in the formula, but the actual result was correct, so the numbers that are presented are correct, is that, does someone have a different recollection? And we're adopting the numbers through this motion.

**Chuck Tracy** [00:24:44] You might... you might want to ask Dr. O'Farrell.

**Marc Gorelnik** [00:24:48] Dr. O'Farrell if you are available, I see your unmuted, but I don't hear your voice.

**Mike O'Farrell** [00:25:00] Thank you Mr. Chairman. I'm here.

**Marc Gorelnik** [00:25:02] Could you clarify for us whether the numbers we're adopting here out of Preseason One are correct?

**Mike O'Farrell** [00:25:10] The ABC, ACL, OFL numbers that appear in the text and in the tables are correct. What the change that, or the error that we noted was in the text there is an equation that shows the calculation of, for instance, the OFL and what part of that equation is the abundance, and the abundance was incorrect, yet the answer is correct. The answer being the OFL itself as well as the ACL and ABC.

**Marc Gorelnik** [00:25:52] All right, that's what we needed to know so that, so does that answer your question, Susan?

**Susan Bishop** [00:26:00] Yes Mr. Chair it does. Thank you.

**Marc Gorelnik** [00:26:04] All right. Brett.

**Brett Kormos** [00:26:07] Thank you Mr. Chairman, I'm reluctant to say this and admittedly, I let Kyle take a stab at stumbling on this, much like I did last year. However, I do note that we're missing OFL in the motion here as one of the things we're adopting, and I only mention that since we decided to be special, especially careful that that number was correct.

**Marc Gorelnik** [00:26:44] All right, so are you offering an amendment to the motion to include OFL?

**Brett Kormos** [00:26:51] Yes, Mr. Chairman, I am and thank you for making that so easy. I move to amend the motion and add OFL, OFL's to the range of Preseason Report 1 items that we are adopting here today.

**Marc Gorelnik** [00:27:15] All right, thank you for that Brett. I'm looking for a second for the amendment? Okay, seconded by Christa Svensson. Thanks very much Christa. Speak to your motion as necessary.

**Brett Kormos** [00:27:35] Thank you Mr. Chairman. I think I made that clear already, I won't belabor the point any further.

**Marc Gorelnik** [00:27:40] All right. Any, I don't see any hands for discussion. So, we'll vote on the amendment offered by Brett Kormos and seconded by Christa Svensson. All those in favor say 'aye'.

**Council** [00:27:53] Aye.

**Marc Gorelnik** [00:27:53] Opposed, no? Abstentions? The motion to amend passes unanimously. We're now back to the main motion as amended. Any further discussion on the main motion as amended? I'm not seeing any hands. I will call the question. All those in favor of the motion as amended say 'aye'.

**Council** [00:28:21] Aye.

**Marc Gorelnik** [00:28:21] Opposed, no? Abstentions? All right the motion as amended passes unanimously so we accomplished the adoption of these numbers. Before I turn back to Robin, let me ask around the table if there's any further action or, Chuck, if I've missed anything else and I'm not seeing any hands so now I'll go back to Robin and see if we've done our duty here?

**Robin Ehlke** [00:28:59] Thank you Mr. Chair. Yes, you have. You have heard from the STT on their stock status, their report from the SSC. You've heard from the tribes. You've heard from the states regarding anticipated changes due to Covid in the upcoming year. You've addressed some of the issues that the SSC put out there in their report and you ended up at a perfect place at almost perfectly the five o'clock hour, so with that I will say you have completed this agenda item.

**Marc Gorelnik** [00:29:31] Thank you. Yes, it is 4:58. We've completed our agenda for today. We'll start with salmon tomorrow. Let me just turn to Chuck Tracy and see if he has any announcements before we take a break until the morning?

**Chuck Tracy** [00:29:47] Thank you Mr. Chair. Not really an announcement. I do have maybe just one sort of follow up from this agenda item. While we did adopt the, the Council did adopt the abundance estimates, I guess I would note that the action also requires action on any relevant conservation objectives or status determination so I don't think there's any really action needed by the Council, but I

guess I would note that with the most recent abundance estimate, it appears that Sacramento River fall Chinook are, should be classified as rebuilt and I guess I would just look to National Marine Fisheries Service to.. if we should expect a notification of that at some point. So other than that, I have no announcements. Just start tomorrow at eight o'clock on salmon agenda.

**Marc Gorelnik** [00:30:39] Just to follow up on your comment, Susan, go ahead.

**Susan Bishop** [00:30:43] Thank you Mr. Chair. Thank you, Mr. Tracy. Yes, we are very happy to see that the STT has concluded that the Sacramento fall Chinook seem to have met the criteria for rebuild. NMFS will need to make a formal determination about that, and we will undertake that task as soon as we complete a preseason planning. Does that help?

**Marc Gorelnik** [00:31:09] Yeah, that's great. Anything further? All right it's five o'clock, we're done for the day.



#### 4. Identify Management Objectives and Preliminary Definition of 2021 Management Alternatives

**Marc Gorelnik** [00:00:00] That begins and ends public comment and takes us to Council discussion and action. I wanted to start, if Joe Oatman wanted to kick off our discussion by responding to Danny and Susan. I kind of had to interrupt that discussion because it wasn't, there weren't questions on a report and so I want to give Joe the first opportunity here if he wants to continue that discussion.

**Joe Oatman** [00:00:40] Thank you Mr. Chairman and Council. So, we had appreciated the opportunity to provide the Supplemental Tribal Report 1. Part of that interest was to get some assurances from NMFS on how they'll be addressing this matter. I did hear from Susan Bishop and her response that she did acknowledge the tribe's concerns that those relate to these 2021 year obligations and standards and how those may affect tribal fisheries that are important to them, and I think what I would suggest here is that there be some commitment to have NOAA fisheries discuss this directly with the treaty tribes, and relative to the comments that the other two provided which I do appreciate those comments that she provided relative to this report. Thank you, Mr. Chairman.

**Marc Gorelnik** [00:02:18] Thank you Joe. Susan.

**Susan Bishop** [00:02:28] Thank you Mr. Chair. Thank you, Mr. Oatman. I would be, NMFS would be, would welcome discussion with the tribes. Joe, how should I do that, should I coordinate that through you? How do you suggest next steps?

**Joe Oatman** [00:02:48] Mr. Chair?

**Marc Gorelnik** [00:02:48] Yes, please.

**Joe Oatman** [00:02:55] Thank you, Susan, for that question. I think this is something that could at least make it....(garble)... matter be coordinated between myself and Ashton Harp and we can bring that to the tribes and figure out what kind of the next steps would be for this discussion.

**Marc Gorelnik** [00:03:26] Susan.

**Susan Bishop** [00:03:29] That sounds...thank you Mr. Chair. Thank you Mr. Oatman. That sounds like a good idea. So, I will be or look forward to talking with you in the near future.

**Marc Gorelnik** [00:03:45] All right. Thank you Susan. Any further discussion for starters on the tribal report? And if not, let's see open up discussion on anything under this agenda item, any of the reports in particular... obviously the SAS Report. Brett Kormos.

**Brett Kormos** [00:04:14] Thank you Mr. Chairman. Just a small point in response to Mr. Tracy's question regarding fall fisheries in California, at least that's how I took the question. Those fall fisheries are not exclusive to California, as they might impact Klamath River fall Chinook so I think the Council as a whole, and the SAS as a whole will need to consider that as he has described, but thought it might be worth pointing that out. That's all. Thank you.

**Marc Gorelnik** [00:04:55] Thank you, Brett, and I just took a look at the credit card bill from last year and I didn't see any in the sport fishery in California. Further discussion? Kyle Adicks.

**Kyle Adicks** [00:05:14] Thank you, Mr. Chair. As people might have gathered from my question of the SAS and the differences in quotas between the two alternatives, I thought I would just mention that

alternative 2 brought forward does have a deviation from the port sharing percentages from the FMP, so as something like that moves forward, we'll have to be aware that it would have to be implemented by emergency rule. Just wanted to make sure people were aware of that as we move forward.

**Marc Gorelnik** [00:05:48] Thank you Kyle. Further discussion? Susan.

**Susan Bishop** [00:06:01] Thank you Mr. Chair. Just a point of clarification following up from NMFS's guidance, I can't remember how the Council has done this in the past. We noted that when Klamath fall Chinook are managed under a de minimis regime, the Council should consider sort of nine different elements in making its decision about the exploitation rate. If I recall correctly, I think the STT didn't they provide some input to the Council on that, but I'm not sure of the correct process and how that happened if I remember.

**Marc Gorelnik** [00:06:40] All right, well maybe we'll have an answer. I do recall, I believe the NMFS guidance was a twenty, no more than a 25 percent exploitation rate on the Klamath fall. Do I remember that correctly, Susan?

**Susan Bishop** [00:07:03] Thank you Mr. Chair. It is in terms of no more than 25 percent, but the FMP, I believe, directs the Council to consider several other elements in setting its final exploitation rate. I think we've listed those in the guidance letter as well. I didn't go through them in my testimony but they are in the guidance letter so I think that the STT may require some guidance from the Council in order to do that. So, for example, I think the first element has to do with consideration of potential differential genetic effects on some of the sub stocks. I just, I cannot remember how that process and direction occurs. My apologies.

**Marc Gorelnik** [00:07:50] No problem Susan. I don't recall that either, so I'm hoping that as we develop guidance under this agenda item, which we will do by motion, I'm hoping that those who put forward the motions will consider those factors. Mr. Anderson.

**Phil Anderson** [00:08:16] Thanks Mr. Chairman. I know we're all aware that there's a checklist, I think there's seven elements that we need to discuss or acknowledge. It's part of our salmon FMP relative to implementation of the emergency rule which I believe the FMP that calls, that we need to do that at this meeting, and I know Kyle is aware of that. I would ask, unless she has an answer right now that's great, but I would just ask National Marine Fisheries Service and Susan to be giving some thought to that, that if they're... are significant roadblocks to potentially going down that path and deviating from the framework plan on the division of the recreational quota North of Falcon between the subareas that we get an early heads up if you're viewing that as a major obstacle. Thanks.

**Marc Gorelnik** [00:09:28] Brett Kormos.

**Brett Kormos** [00:09:30] Thank you Mr. Chairman. Regarding that checklist, if you will, for overfished stocks and relative to the FMP, I just would offer that I don't know that that checklist needs to be assigned to the STT or components there within because some of those things require some analysis, some don't on the STT's part, but I don't know that that requires a formal motion by the Council. We can simply, in my estimation and recollection, offer guidance or make that request absent a formal motion so, and I do note that this is our first cut at the package and some of these, I think these, some of these season features will likely change as we move forward and not necessarily mutually exclusive, we will have an opportunity to ask the STT to look into some of those things as the week progresses so if we want them to do it now, that's certainly fine. I see no reason anyone should object but object if you will, but anyway hopefully that's helpful for folks thought process relative to that.

**Marc Gorelnik** [00:10:57] Thanks for that Brett. I think it's a point well taken that while we need to consider that language that we don't necessarily have to do it with the guidance today. It was pointed out to me by Robin that this was considered in a subsequent STT Report in 2020 not in the first time around. So again, we can move forward as the Council wishes but we don't necessarily need to build that into direction today. Ms. Bishop.

**Susan Bishop** [00:11:45] Thank you Mr. Chair. I will just put in a placeholder to look for it at some time in the not too near, not too distant future if that's okay with you?

**Marc Gorelnik** [00:11:57] No, I think it's very reasonable. It's definitely something we need to consider. Brett Kormos.

**Brett Kormos** [00:12:05] Thank you Mr. Chairman. I'm sensing a need for it, and again I'm of the opinion that it doesn't need to be included in the formal motion to adopt the, the SAS package for analysis so if it pleases the Council, I think we should ask the STT to investigate that list as appropriate between now and at least the end of this March Council meeting, and report back to the Council with what they find.

**Marc Gorelnik** [00:12:38] Okay. Chris Kern.

**Chris Kern** [00:12:42] Thanks Mr. Chair. I would just like to say I concur with that. I think that's the, if that's the appropriate way for us to do that, I do think we need to do it. I'm not going to comment on the team's workload and others workload so I don't want to be too specific about when, but sometime and I would actually lean towards relatively soon if it's possible but thank you.

**Marc Gorelnik** [00:13:07] Okay. Thank you. So, it seems that there is general agreement, obviously, that needs to be done and the timing obviously needs to be before the end of this meeting, and I think that's the direction we have so far. There's a preference for doing it sooner rather than later, but not necessarily right away. Is that a fair summary of the Council's position on considering those factors? Let me know if it's not. Okay further discussion on this agenda item or if someone wants to, someone has a motion that would be fine too. Brett Kormos.

**Brett Kormos** [00:13:58] Thank you again Mr. Chairman. I am prepared with a motion if it pleases the Council to move forward now.

**Marc Gorelnik** [00:14:06] It does. I think that makes for further discussion that is probably the best way to go so please proceed.

**Brett Kormos** [00:14:11] Okay thank you Mr. Chairman. As soon as Sandra is ready. I move the Council tentatively adopt for STT coalition and analysis, the proposed initial salmon management alternatives for the 2021 non-Indian commercial and recreational ocean fisheries as developed by the Salmon Advisory Subpanel and presented in Agenda Item E.4.e, Supplemental SAS Report 1 dated March 4, 2021 including the commercial and recreational requirements, definition's, restrictions or exceptions.

**Marc Gorelnik** [00:14:51] Okay, does that language on the screen accurately reflect your motion?

**Brett Kormos** [00:14:56] Yes, it does. Thank you.

**Marc Gorelnik** [00:14:58] Okay, let me look for a second? Seconded by Kyle Adicks. Please speak to your motion.

**Brett Kormos** [00:15:05] Thank you Mr. Chairman. Yes, I think we've got a fine package to kick this iterative process off. I think we will expect to see a number of refinements as we move through the meeting such that we're leaving this March Council meeting with three alternatives that meet our management objectives as outlined in the FMP and the NMFS guidance letter, so I look forward to that process and this is step one. Thank you.

**Marc Gorelnik** [00:15:37] Thanks for that Brett. Let me see if there are any questions for maker of the motion? Is there any discussion on this motion? I am not seeing any hands so I will call the question. All those in favor say 'aye'.

**Council** [00:15:59] Aye.

**Marc Gorelnik** [00:15:59] Those opposed, no? Abstentions? The motion passes unanimously. Thank you very much Brett for that motion. We also need a motion for tribal fisheries. Joe, do you have that?

**Joe Oatman** [00:16:27] Thank you Mr. Chair. I do have that, and I believe that has been provided on the screen. I am prepared to provide the following tribal management alternatives. These will be similar format to what was provided in 2020 through stations process. The tribes would like an analysis of two sets of alternatives, one from the Makah tribe and one from the tribes of the Quinault Treaty Area, or QTA. I'd like to note that the treaty tribes plan to work together over the coming days to come to a common agreement on these. So, for the Council, I move the Council adopt for STT analysis the following initial treaty troll salmon management measures. First is the Makah under alternative 1, it would be for 50,000 chinook and 50,000 coho. Under alternative 2 it would be 35,000 chinook and 35,000 coho. For alternative 3 it would be zero chinook and zero coho. Moving next to the QTA set of alternatives. Alternative 1 would be for 35,000 chinook and 15,500 coho. For alternative 2, 25,000 chinook and 10,000 coho, and for alternative 3, zero chinook and zero coho. The alternatives consist of a May 1 to June 30 chinook directed fishery and a July 1 to September 15 all species fishery that chinook caught should be evenly split between the two time periods. Thank you Mr. Chairman.

**Marc Gorelnik** [00:18:36] All right thanks for that Joe, and the motion on the screen accurately, the language on the screen is accurate for your motion?

**Joe Oatman** [00:18:44] It is Mr. Chair.

**Marc Gorelnik** [00:18:45] All right, thank you very much Joe. We'll look for a second? Second by Brett Kor.....by Butch Smith. Please speak to your motion?

**Joe Oatman** [00:18:59] As I mentioned Mr. Chair. So, the treaty tribes are engaged in discussions. These two sets of alternatives is where they have got to in those discussions thus far. I expect that as we move forward through this process that additional discussions will occur, hopefully such that we will have a single set of alternatives to provide at a later time for further STT analysis, but this is what the treaty tribes would like the STT to analyze at this point.

**Marc Gorelnik** [00:19:53] All right. Thanks very much Joe. Are there any questions for Joe on his motion? Any discussion on the motion? Not seeing any hands, I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:20:17] Aye.

**Marc Gorelnik** [00:20:17] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much, Joe, for the motion. I think we have, there is something else, another topic, I think it was in

the overview. I think the first bullet, let me just first see if there's any further discussion or action on the first bullet? And I'm not seeing any hands so let's go to the second bullet that consider the need for inseason action. Does the Council have any discussion or guidance on this? Brett Kormos.

**Brett Kormos** [00:21:12] Thank you Mr. Chairman. Yeah, the list of fisheries that opened prior to May 16, as described, is a little bit longer than we're used to seeing because it does include that May 1 to 15 period this time around. Given the timing and the early nature of this package in the course of the meeting, I think it's important to note that that inseason action is likely to occur as the meeting progresses. Not going to guarantee that, but it seems like something that we should expect as we move forward and I do also note that given there are April fisheries and then May 1 to 15 fisheries, that inseason action may occur both at the March and the April meetings for those April and May fisheries, respectively. But again, I am not pre-decisional in that regard, just noting the possibility as we move forward, I think we will hear more about the need for inseason action.

**Marc Gorelnik** [00:22:23] Thank you very much Brett. Any further discussion on any part of Agenda Item E.4? All right Ms. Ehlke tell us how we're doing.

**Robin Ehlke** [00:22:45] Thank you Chair Gorelnik. I think we have completed this agenda item. We've heard a report from the Pacific Salmon Commission, from NMFS, from the tribes and states. We've heard from your advisory bodies, the SAS, who brought forth a very good package. We will work with the STT to provide any additional information for the de minimis aspect for Klamath Fall and with that I think STT has some work in front of them and the Council under this agenda item has completed their task. Thank you.

**Marc Gorelnik** [00:23:26] All right, thank you very much, Robin, and that completes our work on Agenda Item E.4 and takes us to Pacific Halibut.

## 5. Recommendations for 2021 Management Alternative Analysis

**Marc Gorelnik** [00:00:00] All right with no public comment that takes us to Council discussion and action, and before turning to each of the states and the tribes, let me first see if there's any general Council discussion on this? And not seeing any hands, Susan Bishop.

**Susan Bishop** [00:00:27] Thank you Mr. Chair. I thought I would just take the opportunity to give an update on a question that Phil, Mr. Anderson, asked the other day with regard to the emergency rule on one of the salmon alternatives.

**Marc Gorelnik** [00:00:41] Yeah, please go ahead.

**Susan Bishop** [00:00:43] Thank you Mr. Chair. So, we don't have a definitive answer yet. We are investigating that within NOAA but also working very closely with the State of Washington as we explore those questions, and also make sure that we very clearly understand what is being proposed as we move forward. That's all I have right now.

**Marc Gorelnik** [00:01:09] Thank you Susan. Okay any other general discussion on this agenda item? Well, I will start in the north and work south and probably ask Joe Oatman about any tribal changes between Washington and Oregon. So, Kyle, do you have any, any additional guidance to offer?

**Kyle Adicks** [00:01:42] I do have a small piece of guidance Mr. Chair. Thank you. And they believe Sandra has it so she can put it on the screen. So, I'll read this and then give a little context. It's a change to the language on page 4 of the STT report and its addition of some language in the middle of this paragraph, vessels fishing or in possession of salmon north of Leadbetter Point must land and deliver all species of fish at a Washington port and must possess a Washington troll and or salmon delivery license. In 2021, vessels may not land fish east of Port Angeles or east of the Megler-Astoria Bridge. For delivery to Washington ports east of the Sekiu River vessels must notify WDFW at 360-249-1215 prior to crossing the Bonilla-Tatoosh line with area fished, total chinook, coho and halibut catch aboard and destination with approximate time of delivery. In 2022 vessels may not land fish east of the Sekiu River or east of the Megler-Astoria Bridge. So last year the standard line is the Sekiu River line. Last year we took inseason action to allow delivery farther to the east because the ports of La Push and Neah Bay were closed so troll fishermen could not land in that area, they would have either had to go all the way south to Westport, or since we changed the rule, they could go into Port Angeles. So, this is putting in what we did by inseason action just for 2021. For the early May season in 2022 we would anticipate going back to the old Sekiu River landing line. Obviously, we'd have to take inseason action as the season started to put this in for the first 15 days of May as well, but I think it makes sense to do this. We don't think those ports are going to be reopened and so want to give this option to fishermen as we go into 2021 fisheries.

**Marc Gorelnik** [00:03:42] Thanks very much Kyle. Any discussion on Kyle's guidance? I don't think we need a vote but I'm sure I'll be corrected if I'm wrong. Joe Oatman is there any additional guidance on tribal fisheries?

**Joe Oatman** [00:04:09] Thank you Mr. Chair. At this point I do not have any additional guidance regarding the treaty Indian troll management alternatives for the coho.

**Marc Gorelnik** [00:04:23] Thank you Joe for that. Oregon. Mr. Kern.

**Chris Kern** [00:04:31] Yes, Mr. Chair, I do have a few modifications to make today. Thank you. Let me find my version and hopefully Sandra has it. Okay and I apologize, there are quite a few but I'll try

to be clear, and we do have it here in writing. Okay, first modifications to the alternatives as described in the Agenda Item E.5, Supplemental STT Report 1. Relative to commercial troll starting on page 5 or 6, I think it's actually 6, in the Cape Falcon to Humbug Mountain area, Alternative 1: Add March 20 through April 30 for Cape Falcon to Heceta Bank line and closed Heceta Bank line to Humbug Mountain. For the May dates strike the May 1 through 3, but leave the remainder of those dates in place. For August, replace all the dates present with August 1 through 3, 7 through 9, and 13 through 15. Then moving, oh, sorry, and then in the first paragraph strike the section that reads 'Open 5 days per week through August 16th and 7 days per week beginning September 1'. Then I will move to Alternative 2: Same area, Cape Falcon to Humbug, add March 20 through April 30. Strike May 1 through 3 but leave the remainder of the May dates in place. Strike all of the current August days and replace with August 1 through 3, 7 through 9, and 13 through 15. Strike the section that reads 'Open 5 days per week through August 16th and 7 days per week beginning September 1'. And then moving to Alternative 3. There's some more text so I'll try to slow down a little bit. Strike all of the dates that are currently in that option, except for those from September 1 through 31. Insert March 20 through April 30 for Cape Falcon to Heceta Bank line, closed to Heceta Bank line to Humbug Mountain. Add May 1 through 30. Add June 1 through 30 from Cape Falcon to Heceta Bank line. Add June 3 through 6, 9 through 12, 15 through 18, and 26 through 29 for Heceta Bank line to Humbug Mountain. Add July 5 through 27 for Cape Falcon to Heceta Bank line. Add July 8 through 11 and 23 through 26 for Heceta Bank line to Humbug Mountain. Add August 1 through 7, 11 through 14, and 18 through 21 for Cape Falcon to Heceta bank line. And add August 1 through 7 for Heceta Bank line to Humbug Mountain. Additionally, where the language for open 4 days per week, strike that section that reads 'Open 4 days per week through August 23rd and 7 days per week beginning September 1.' And that's the modifications for that section and then I have some for the Oregon KMZ as well on the following page. So commercial troll Humbug Mountain to the Oregon California border. Starting with Alternative 1: Add March 20 through April 30. Replace all days in June with June 1 through the earlier of June 30 or 700 chinook quota. Replace all the days that are in July with July 1 through the earlier of July 31 or 300 chinook quota and add August 1 through the earlier of August 28th or a 100 chinook quota. In the first paragraph strike 'Open 5 days per week Thursday through Monday'. And in the second paragraph replace the language referring to the June 3 through July 31 weekly landing limit with the following, June 1 through August 28th weekly landing and possession limit of 40 chinook per open period Thursday through Monday, and I believe that may not be reflected in the document Sandra has, the July, it says July 31, sorry, the one below that. The very....that one right there should read August 28. Thank you. Apologies for missing that. That completes that alternative so I will move to Alternative 2. Add March 20 through April 30. Strike May 1 through 3 but leave the remainder of the May dates in place. Then moving to Alternative 3: Same area. Add March 20 through April 30. Add June 1 through the earlier of June 30 or 300 chinook quota, and add July 1 through the earlier of July 31 or 200 chinook quota. And in the first paragraph strike the language 'Open 4 days per week Friday through Monday', and add June 1 through July 31 weekly landing and possession limit of 20 chinook per week Thursday through Wednesday. I will move to the recreational measures now. Starting with the Falcon to Oregon California border, Oregon KMZ. In Alternative 2: Strike July 25 and replace with August 15th. Sorry let me look at that again. Oh, apologies. Give me just one second. Okay correct. Yes, that would be the end date. Strike the July 25th end date in Alternative 2 and replace it with August 15. Let's see in the....I apologize, I've got something that this doesn't look right here.

**Marc Gorelnik** [00:11:58] You want to take a moment Chris and....

**Chris Kern** [00:11:59] Yes, I unfortunately do. I've got the commercial measures the way I need them but I there's a question here on this work.

**Marc Gorelnik** [00:12:09] Well how about if I go to California and then come back to you would that be....

**Chris Kern** [00:12:13] Yeah, I will get that resolved. Thank you.

**Marc Gorelnik** [00:12:17] All right so....

**Chris Kern** [00:12:18] Apologies.

**Marc Gorelnik** [00:12:18] No, no worries. It's a complicated matter. So, with that I'll turn to Brett Kormos for California.

**Brett Kormos** [00:00:00] Thank you Mr. Chairman. I'll preface this by saying I also have a fairly lengthy guidance document here. We'll be sure to communicate this to the STT both verbally and in writing and hopefully this, since it's going to take me a little while to work through this, it will help Mr. Kern give him time to resolve the outstanding issues in Oregon. And, of course, I will be speaking from Agenda Item E.5.a, Supplemental STT Report 1, dated March 8th. Beginning with the commercial management alternatives on page 8 and starting in the Fort Bragg Management Zone, in Alternative 1 add June 11 to 17 and 24 to 30. Add July 20 to 31 and replace August 1 to 10 with August 1 to 12. Moving to Alternative 2. Remove May 1 to 12 and 20 to 31. Remove June 1 to 6 and 18 to 30. Replace July 13 to 31 with July 20 to 31. Replace August 1 to 28 with August 1 to 16. And finally replace September 1 to 30 with September 1 to 15. Moving south to the San Francisco Management Area and beginning in Alternative 1. Remove May 6 to 12 and 18 to 31. Replace June 1 to 6 and 14 to 30 with June 11 to 17 and 24 to 30. Replace July 13 to 31 with July 20 to 31. Replace August 1 to 28 with August 1 to 12. Moving over to Alternative 2. Remove May 1 to 12 and 20 to 31. Remove June 1 to 6. Replace June 18 to 30 with June 20 to 30. Replace July 13 to 31 with July 20 to 31. Replace August 1 to 28 with August 1 to 16. Replace September 1 to 30 with September 6 to 9, 13 to 16, 20 to 23, and 27 to 30. Under the Point Reyes to Point San Pedro Fall Area Target Zone section, replace same as Alternative 1 with closed. Moving on to Alternative 3. Remove May 1 to 12 and 20 to 31. Remove June 1 to 6. Replace June 18 to 30 with June 17 to 30. Replace July 12 to 31 with July 19 to 31. Replace August 1 to 25 with August 1 to 20 and remove September 1 to 30. In the regulatory language that references Alternative 1, remove during September 'All salmon must be landed south of Point Arena'. Under the Point Reyes to Point San Pedro Fall Area Target Zone section, replace same as Alternative 1 with September 1 to 30 and October 1, 4 to 8 and 11 to 15. And finally replace 'Open 5 days per week Monday to Friday' with 'Open 7 days per week during September and 5 days per week Monday to Friday during October'. Moving south to the Monterey Management Area, beginning with Alternative 1. Replace May 1 to 12 with May 1 to 15. Replace June 1 to 6 and 14 to 30 with June 11 to 17. Remove July 13 to 31 and August 1 to 28. Moving to Alternative 2. Replace May 20 to 31 with May 18 to 31. Replace June 1 to 6 and 18 to 30 with June 1 to 12 and 20 to 30. Remove July 13 to 31 and August 1 to 28. In Alternative 3 replace May 1 to 31 with May 1 to 20. Replace June 1 to 30 with June 7 to 30. Replace July 12 to 31 with July 15 to 31 and finally remove August 1 to 25. That does it for the commercial changes. I'm now going to move on to recreational management alternatives beginning on page 20, starting in the California KMZ. In Alternative 1, replace May 1 to August 31 with May 29 to August 15. In Alternative 2, replace June 12 to July 31 with June 19 to July 31. And in Alternative 3 in the regulatory language that references Alternative 1, replace 'Chinook minimum size limit of 20 inches total length' with 'Chinook minimum size limit of 24 inches total length'. Moving south to Fort Bragg. In Alternative 1, replace April 3 to November 7 with May 16 to October 31. In Alternative 2, replace April 10 to November 7 with May 22 to October 17. In Alternative 3, replace April 17 to October 31 with May 22 to October 17. And again, in the regulatory language that references Alternative 1, replace 'Chinook minimum size limit of 20 inches total length' with 'Chinook minimum size limit of 24 inches total length'. Moving south again to San Francisco Management Area and beginning in Alternative 1. Replace April 3 to November 7 with May 16 to October 31. Replace 'Chinook minimum size limit of 24 inches total length through May 15 and 20 inches total length thereafter' with 'Chinook minimum size limit of 20 inches total length'. Moving to Alternative 2. Replace April 10 to November 7 with May



22 to October 17. In the regulatory language that references Alternative 1, replace 'Chinook minimum size limit of 24 inches total length through May 15 and 20 inches total length thereafter' with 'Chinook minimum size limit of 20 inches total length'. Moving on to Alternative 3. Replace April 17 to October 31 with May 22 to October 17. And in the regulatory language that references Alternative 1 replace 'Chinook minimum size limit of 24 inches total length through May 15 and 20 inches total length thereafter' with 'Chinook minimum size limit of 24 inches total length'. And moving south for the final time here in this guidance in the Monterey Management Area. And in Alternative 2 replace April 3 to August 29 with April 3 to September 19. And in Alternative 3 replace April 3 to August 22 with April 3 to September 19. And that concludes our lengthy guidance for today in California.

**Marc Gorelnik** [00:13:26] Thank you very much Brett. Are there any questions of Brett on his guidance? Not seeing any. Thank you very much Brett. So now I'm going to ask Chris Kern if he is prepared to return to his guidance on the recreational season alternatives for Oregon.

**Chris Kern** [00:13:54] Thank you Mr. Chair. I think I am, and I hope so. I think we've got it sorted.

**Marc Gorelnik** [00:14:00] Did you get that over to, does Sandra have that?

**Chris Kern** [00:14:04] Actually yes. I'm going to have to tweak a few things, but she does have, I was reading part of it incorrectly so what she has is very close. We can make some adjustments.

**Marc Gorelnik** [00:14:15] So we'll bring that up on the screen so we can follow along as you read.

**Chris Kern** [00:14:19] And it's starting at that very uppermost yellow block there. That one. Yes, and so this would be the recreational fishery from Cape Falcon to the Oregon California border slash Humbug Mountain in Alternative 2. And that option reads 'All salmon mark selective coho fishery', and we are going to strike, I'll read it, it should say June 19th, it says currently 'June 19 through July 25', we're going to strike July 25 and replace that with August 15, and so that is reflected in that sentence right there. What isn't reflected in there as we are also going to strike the July 26th in the sentence right below it that starts 'July 26th through August 28th' and that July 26 should be stricken and replaced with June 19. That one right there, yes.

**Marc Gorelnik** [00:15:22] So you want to line out July 26 and.....

**Chris Kern** [00:15:26] Correct, I would like to replace July 26 with June 19.

**Marc Gorelnik** [00:15:32] Do you want to help Sandra out there maybe?

**Chris Kern** [00:15:34] Well, I'm just trying to figure out how she's capturing it. So, I would backspace back over June 19 and then you've got strike July 26th after the 26th put a space. Replace with June 19, and maybe make it a bold. That looks like it works to me. And I appreciate it Sandra, sorry for the hassle. The next ones are, should be relatively straightforward. So, moving to California, the Oregon KMZ Alternative 1 currently reads May 16 through August 1, we're going to strike August 1 and replace with July 23. And it additionally in the bullet underneath that reads August 2nd to the earlier of August 28th or the Cape Falcon to Oregon California border quota, replace August 2 with July 24. I believe that's already reflected. Second alternative in the same area. That one, yes. Replace May 29 through July 15 with June 19 through August 15, and that is correct, and then in the paragraph below there is a reference to the period for the mark selected coho fishery that reads June 19 through July 25, that July 25 needs to be replaced with August 15, which is reflected in that text. So that captures that. And then finally Alternative 3, which thankfully is straightforward and simple, strike everything, replace with July 1 through, strike all the dates and replace with July 1 through August 28. And that completes my

changes for today. I appreciate your patience.

**Marc Gorelnik** [00:17:42] Thank you Chris for that. Are there any questions of Chris on the changes he's, on the guidance he's offering there? Okay I'm not seeing any hands. Let me see if there's any other Council input under this Agenda Item E.5 and I'm not seeing any. Chuck.

**Chuck Tracy** [00:18:17] Sorry. Just a clarification. Chris, on back on the commercial stuff you replaced some of the 5-day periods with 7-day periods and I didn't... I saw one where you specified Thursday through Wednesday, but I didn't see it for all, so just curious are all of your weekly landing limit periods associated with a Thursday through Wednesday week?

**Chris Kern** [00:18:53] Mr. Chair and Chuck, I think what the issue was is that we had a consistent, for several alternatives, we initially had a consistent block of 5 or 4 days per week in a couple of places. We have trimmed the days to the point where those are variable and not the same number of days every week. So relative to many of those, it doesn't affect the landing limit, but for the other ones where we do have landing week language, our intent is for it to reflect a Thursday to Wednesday landing week, so if we have overlooked some of those we will need to go in and fix them.

**Chuck Tracy** [00:19:31] Thank you.

**Chris Kern** [00:19:32] Thanks for pointing that out.

**Marc Gorelnik** [00:19:36] All right, anything else for Chris or anyone else on this agenda item? Robin, how are we doing?

**Robin Ehlke** [00:19:47] Thank you Mr. Chair. I think we're doing well. We have some changes from all three states and the STT will work to plug those into their model and come back to you tomorrow afternoon with the results.

**Marc Gorelnik** [00:20:01] All right, thanks. A lot of work yet to be done by the STT. Thanks everyone for their hard work. That will conclude this agenda item.

## 6. Further Direction for 2021 Management Alternatives

**Marc Gorelnik** [00:00:00] I didn't see any public comment so, and I think that unless that's changed in the last 5 or 10 minutes, brings us to Council action, which is further guidance and direction as necessary. Before I turn specifically to the states, I just want to see if there's, and the tribes, I just want to see if there's anything specific that folks want to bring up? And not seeing any hands I think we'll start in the south this time and I'll ask Brett Kormos to provide any additional guidance for California.

**Brett Kormos** [00:00:42] Thank you Mr. Chairman. Just checking that you can hear me. My department's IT folks just started updating my computer right when I got to the floor, so I've had to switch suddenly to my phone and so...

**Marc Gorelnik** [00:00:59] Well the good news is your phone works.

**Brett Kormos** [00:01:02] Fantastic. I will be reading my guidance from the word document that I was able to print right before, but I am ready. I will be speaking from Agenda Item E.6.a, Supplemental STT Report 2, dated March 9, 2021. And I will be beginning on page 9 with commercial management alternatives starting in the Fort Bragg Management Area. In Alternative 1: Remove June 11 to 17. Replace July 20 to 31 with July 25 to 31. Moving to Alternative 2: Replace July 20 to 31 with July 25 to 31. Moving south to the San Francisco Management Area and beginning in Alternative 1: Remove June 11 to 17. Replace July 20 to 31 with July 25 to 31. Moving to Alternative 2: Replace July 20 to 31 with July 25 to 31. Add September 1 to 2. Moving to Alternative 3: Replace June 17 to 30 with June 20 to 30 and remove August 1 to 20. Moving south again to Monterey in Alternative 1: Replace June 11 to 17 with June 1 to 7. Moving to Alternative 2: Replace May 1 to 12 and 18 to 31 with May 1 to 7 and 24 to 31. And finally, in Alternative 3: Replace all open dates with closed. Moving on to recreational management alternatives beginning on page 21 in the California KMZ. Replace, and beginning in Alternative 1: Replace May 29 to August 15 with June 28 to July 31. Moving to Alternative 2: Replace June 19 to July 31 with June 26 to July 31. And moving to Alternative 3: Replace June 19 to July 31 with July 1 to 31. Also, replace chinook minimum size limit of 24 inches total length in the regulatory language with chinook minimum size limit of 20 inches total length. Moving south to Fort Bragg and in Alternative 1: Replace May 16 to October 31 with June 28 to October 31. In Alternative 2: Replace May 22 to October 17 with July 1 to October 24. Moving to Alternative 3: Replace May 22 to October 17 with June 25 to October 17. And again, in the regulatory language replace chinook minimum size limit of 24 inches total length with chinook minimum size limit of 20 inches total length. Moving south again to San Francisco and beginning in Alternative 1: Replace May 16 to October 31 with June 28 to October 31. Moving to Alternative 2: Replace May 22 to October 17 with July 1 to October 24. Moving to Alternative 3: Replace May 22 to October 17 with June 25 to October 17. And once more in the regulatory language replace chinook minimum size limit of 24 inches total length with chinook minimum size limit of 20 inches total length. And moving south one more time to the Monterey Management Area and in Alternative 3: Replace April 3 to September 19 with April 3 to September 6. And that concludes my guidance Mr. Chair and hopefully that all came through clearly and as it appeared on the screen for you all.

**Marc Gorelnik** [00:07:27] Thank you Brett. Any questions of Brett? All right, thanks very much Brett. We'll move now up to Oregon. Chris Kern.

**Chris Kern** [00:07:42] Thanks Mr. Chair... audio okay?

**Marc Gorelnik** [00:07:44] I can hear you, yeah.

**Chris Kern** [00:07:45] Great thanks. Okay, and Sandra has it there. Okay, so I'll be working from

Agenda Item E.6.a, Supplemental STT Report. Moving first to the commercial troll Table 1 for the area of Cape Falcon to the Heceta Bank line. In Alternative 1: change the July, June, July and August dates to the following: June 3 through 7 and 17 through 21. July 1 through 4, 8 through 11, 15 through 18, 22 through 26, and 29 through 31, and August 1 through 3. In the same alternative correct the paragraph regarding coho salmon retention to the following, all salmon and all retained coho must be, all salmon and all retained coho must be marked with a healed adipose fin clip. Salmon trollers may take and retain or possess onboard a fishing vessel no more than 20 coho per vessel per week, with the week being defined Thursday through Wednesday. All coho retained, possessed on a vessel and landed must not exceed a one-to-one ratio with chinook salmon that are retained and landed at the same time. Moving to the next geographic area, Heceta Bank line south to the Humbug Mountain, but still remaining in Alternative 1: Adjust the season dates for June, July and August as follows, for June, June 10 through 14 and 24 through 28. July 1 through 4, 8 through 11, 15 through 18, 22 through 26, and 29 through 31, and August 1 through 3. Similarly, in this section, correcting the paragraph regarding coho salmon retention using the same language as above, which I won't repeat. Moving to Alternative 2 and back to Cape Falcon to Heceta Bank. In Alternative 2: Change the June dates to June 3 through 7 and 17 through 22. July dates to change to July 12 through 31. August dates change to August 1 through 3 and 10 through 12. Moving to Heceta Bank to Humbug section, still in Alternative 2: Again, changing the June, July and August dates as follows: June 10 through 14 and 24 through 29. July 1 through 20 and August 4 through 9. Moving to Alternative 3, back to Falcon to Heceta Bank geographic area. Adjusting the July and August dates only to the following: July 5 through 8, 11 through 14, 17 through 20, 23 through 26, and 28 through 30. August 1st through 3rd, 6th through 8th, 12 through 14, and 18 through 19. And then again, within Alternative 3 moving south to Heceta Bank to Humbug area, adjust only the August dates, there's a typo that July that's in the reference there is not correct for this one, only adjust the August dates and change them to August 1 through 3 and 6 through 8. Moving again to the Oregon KMZ Humbug to the Oregon California border, in Alternative 1: Strike May 1 through 3. In the third paragraph replace June 1 through July 31 with June 1 through August 28. And in both the fourth and fifth paragraphs replace June and July with June, July and August. No changes to Alternative 2 for this area but in Alternative 3 one change, again Oregon KMZ. Replace the May dates with May 1 through 31. And that is the commercial changes. I have one, also one change in the recreational table. For the area Cape Falcon to Humbug Mountain in Alternative 3: Replace the first incidence where it says same as Alternative 1 with the following: March 15 through July 31 and September 1 through October 31 except as provided during the all salmon mark selective fishery and the non-marked selective coho fishery, August 1 through 31 closed to retention of chinook salmon. And that completes the guidance I have for today.

**Marc Gorelnik** [00:13:02] All right thanks very much Chris. Any questions for Chris? All right, now we'll go to Washington. Kyle.

**Kyle Adicks** [00:13:15] Thank you Mr. Chair. I also have some guidance which Sandra has. So, I'll also be speaking in reference to Agenda Item E.6.a, Supplemental STT Report 1, March 9th. Implement the following changes for Alternative 1: Reduce the overall non-Indian coho TAC to 80,000 marked coho. Adjust the trade in that alternative to commercial troll traded 8,000 marked coho to the recreational fishery for 2,000 chinook and then adjust all corresponding sub quotas and guidelines accordingly, so there'll be a number of sub quotas and guidelines have to be recalculated using the same methods that were in the alternative previously. Obviously, we're trying to find the balance of alternatives with our coastal coho stocks, and the large Columbia River forecast so this is a step to look at that. I'll just note that this will make the quota in Alternative 1 lower than what is in Alternative 2 so before we finish this week I may ask that those just be flip flopped in our document so that it keeps what we usually have is the high to low range of fishing options, but I think I'll wait to ask for that depending to see what this analysis looks like and what else we may change before the end of the week.

**Marc Gorelnik** [00:14:40] All right thanks Kyle. Any questions from the Council? All right thank you. And Joe Oatman, do you have any tribal guidance for us?

**Joe Oatman** [00:14:52] Thank you Mr. Chair. At this time, I do not have any guidance to provide for the treaty and troll management alternatives. So...(garbled).....STT Report 1 for table 3 and 3b remain the same. Thank you.

**Marc Gorelnik** [00:15:17] Okay, so we have no further guidance there. So, before I turn back to Robin, let me just see if there's anything else from around the table, the virtual table? Not seeing any I'll turn back to Robin and see if we've done our business here on Agenda Item E.6.

**Robin Ehlke** [00:15:39] Thank you Mr. Chair. Yes, I think the STT has enough to keep their hands busy for the rest of the evening and we'll look forward to seeing you tomorrow with the outcome.

**Marc Gorelnik** [00:15:49] Excellent, thank you Robin. So that completes our one salmon item for the day.

## 7. Further Direction for 2021 Management Alternatives

**Marc Gorelnik** [00:00:00] Okay no public comment so that will take us to Council discussion and action, and I think what I'll do is start, well let me before I turn to the management entities, let me just see if there is any discussion from Council members? Okay, then I'll turn to the management entities. I think I'll start with the tribes. Joe Oatman, is there any further guidance from the tribes? Joe we're not, your muted. Well, we'll come back to Joe. We'll go to Washington, Kyle.

**Kyle Adicks** [00:00:51] Thank you Mr. Chair. I do have some guidance today which Sandra should have for the screen. The Council may recall I made a large change to the coho quota yesterday in Alternative 1 for north of Falcon. The changes today are kind of catching up with some season changes that go along with that quota reduction yesterday, so I'll be speaking relative to Agenda Item E.7.a, Supplemental STT Report 1, March 10th. On table 1 for north of Falcon commercial management alternatives. For the U.S. Canada border to keep Cape Falcon summer season on page 4, for Alternative 1: Landing and possession limit of change 40 to 25 marked coho per vessel per landing week, and then in the commercial alternatives on page 12, Table 1.b change chinook head off length for north of Falcon Alternative 1 to 20.5. That's just a change that got missed with the differences in links in alternatives 1 and 2. Moving to Table 2 for recreational management alternatives north of Falcon from the U.S. Canada border to Cape Alava Neah Bay on the on page 17 for Alternative 1, could you scroll down a little Sandra? Thank you. Replace June 12 through 25 with June 19th through July 3rd and replace June 26th with July 4. For the La Push Subarea, Alternative 1: Replace June 12 through 25 with June 19 through July 3rd. Replace all salmon except coho 2 salmon per day with all salmon except coho 1 salmon per day and replace June 26 with July 4. And then in Alternative 2: For the June 19 through 25 season which, yeah, the June 19th through 25 season, replace same as Alternative 1 with 'Open 7 days per week all salmon except coho 2 salmon per day'. Moving down to the Westport Subarea on page 18, in Alternative 1: Replace June 12 through 18 with July 19 through July 3, and replace June 19 with July 4. And for the Columbia River Subarea in Alternative 1: Replace June 12 through 18 with June 14 through 27. Replace all salmon except coho 2 salmon per day with all salmon except coho 1 salmon per day and replace June 19 with June 28. And that is my guidance for today.

**Marc Gorelnik** [00:03:55] Thanks very much Kyle. Are there any questions of Kyle on these changes? All right thank you Kyle. Joe Oatman. Any further guidance on tribal alternatives?

**Joe Oatman** [00:04:14] Thank you Mr. Chair and apologize for stepping away as you asked for this earlier. I do not have any further guidance to the tribal options at this time. Thank you.

**Marc Gorelnik** [00:04:27] All right, thank you Joe. We'll next go to Washington, Chris Kern, or rather Oregon, Chris Kern. Chris we're not hearing you.

**Chris Kern** [00:04:44] I'm sorry I clicked it twice by accident and muted myself right after I unmuted, I apologize. Can you hear me now?

**Marc Gorelnik** [00:04:53] Absolutely.

**Chris Kern** [00:04:54] All right. Okay so working off of Supplemental STT Report, March 10. Sandra's got it on the screen there beginning with Table 1, commercial alternatives which start on page 6. For the area Cape Falcon to the Heceta Bank line in Alternative 1: Replace the July dates that are currently shown with July 1 through 3, 6 through 8, 11 through 13, 16 through 18, and 21 through 23. Replace the August dates with August 1 through 3 and 7 through 8. Moving to Alternative 2: Replace the current July dates with July 1 through 2, 6 through 9, 12 through 15, 18 through 21, and 24 through 27. Replace August dates currently with August 1 through 3 and 6 through 8. Moving to Alternative 3 again in the

same area: Replace all the July dates with July 5 through 8, 11 through 14, and 23 through 26. Replace the August dates with August 1 through 3, 6 through 8, 11 through 13, and 16 through 17. Moving south to the Heceta Bank line to Humbug Mountain. Thank you. In Alternative 1: Replace the July dates with July 1 through 3, 6 through 8, 11 through 13, 16 through 18, and 21 through 23. Replace the August dates with August 1 through 3 and 7 through 8. Alternative 2: Remove all open days listed in March and April, delete those dates. Replace the existing July dates with July 1 through 2, 6 through 9, 12 through 15, 18 through 21, and 24 through 27. Replace the August dates with August 1 through 3 and 6 through 8. Moving to Alternative 3: Replace all the July dates with July 5 through 8, 11 through 14, and 23 through 26. Replace the August dates with August 1 through 3, 6 through 8, 11 through 13, and 16 through 17. Again, moving south to the Humbug to Oregon California border, Oregon KMZ one area, one alternative only to edit. Alternative 1: Replace the June quota of 700 chinook with 600 chinook and remove the August quota of 100 chinook and adjust the regulatory language to reflect the quotas who are only occurring in June and July. Now moving to recreational alternatives beginning on page 20. For the area Cape Falcon to Humbug Mountain, in Alternative 2: Replace what the section that currently reads 'March 15 through October 31, except as provided below during the all salmon marked selective fishery and the non-marked selective coho fishery' with 'March 15 through August 15, excuse me, August 15 and September 1 through October 31, except as provided below during the all salmon marked selective fishery and the non-marked selective coho fishery. August 16 through 11 closed to retention of chinook'. For the Cape Falcon to Oregon California border section, in Alternative 1: Replace the non-marked selective quota of 15,500 with 14,000 and replace the June 12 through earlier of August 28th or 140,000 marked coho quota with June 12 through the earlier of August 28 or 120,000 marked coho quota. Add a bullet June 12 through 18 and August 16 through 28 or the earlier of the overall quota of 120,000 marked coho. Humbug Mountain to Oregon California border open for all salmon except chinook. Moving to Alternative 2: Replace all references to the 120,000 marked selective coho quota in that alternative with 115,000 marked selective coho quota, replace the non-marked selective quota of 15,000 with 12,000 and replace the language that currently says 'Same as Alternative 1' with the following, 'Open 7 days per week all salmon, two salmon per day, closed to chinook retention from Cape Falcon to Humbug Mountain beginning August 16. All retained coho must be marked with a heeled adipose fin clip. See minimum size limits and gear restrictions and definitions as referenced'. In the same alternative and section add the language 'July 14 through August 28 or the earlier of the overall quota of 115,000 marked coho. Humbug Mountain to Oregon California border open for all salmon except chinook'. And the last set of edits or guidance for the Humbug to Oregon California border Oregon KMZ recreational, Alternative 1: Replace May 16 through July 23 with June 16 through August 15 and replace the language that says July 24 to the earlier of August 28 with June 12 through 18 and August 16 to 28 or the earlier of the Cape Falcon to Oregon coho border quota of 120,000 marked coho. In Alternative 2, same area: Replace June 19 through August 15 with May 29 through July 13. Add July 14 through August 28th or the earlier of the Cape Falcon to Oregon California border quota of 115,000 marked coho. And lastly, in Alternative 3 for the Oregon KMZ recreational area fishery: Replace July 1 through August 28th with July 1 through August 19. And that finally completes my guidance for today.

**Marc Gorelnik** [00:11:44] All right, thank you very much Chris. Are there any questions from Council members on the guidance that Chris has provided? All right, thank you very much Chris. And last but certainly not least, Brett Kormos, with any guidance for California.

**Brett Kormos** [00:12:02] Thank you Mr. Chairman. Yes, I do have guidance. I'll be reading from Agenda Item E.7.a, Supplemental STT Report 1, dated March 10. Beginning with the commercial management alternatives on page 9. In Fort Bragg in Alternative 3: Replace closed with July 25 to 31 and August 1 to 11. Also add the regulatory language 'Same as Alternative 1', and that actually needs to be added twice in that section. Moving south to San Francisco in Alternative 1: In the regulatory language that appears there, remove 'All salmon caught in the area prior to September 1 must be landed

and offloaded no later than 11:59 p.m. August 30'. Moving to Alternative 3: Add May 1 to 10 and 23 to 31. Replace July 19 to 31 with July 25 to 31. Add August 1 to 11. Again, in the regulatory language, regulatory language that appears there, remove 'All salmon caught in the area prior to September 1 must be landed and offloaded no later than 11:59 p.m. August 30'. Under the Point Reyes to Point San Pedro Fall Area Target Zone section: Replace September 1 to 30 with September 1 to 2, 6 to 9, 13 to 16, 20 to 23, and 27 to 30. Remove October 1, 4 to 8 and 11 to 15. In the regulatory language that appears there remove 'Open 7 days per week during September and 5 days per week Monday to Friday during October'. Moving south again to Monterey in Alternative 1: Replace June 1 to 7 with June 1 to 8. Once again in the regulatory language that appears there remove 'All salmon caught in the area must be landed and offloaded no later than 11:59 p.m. August 30'. Moving to Alternative 3: Replace closed with May 1 to 10 and 23 to 31, June 1 to 12 and 20 to 30, July 25 to 31, and August 1 to 11. Moving on to the recreational management alternatives beginning on page 21 and beginning in Fort Bragg. In Alternative 2: Replace July 1 to October 24 with June 26 to October 24. In Alternative 3: Replace June 25 to October 17 with June 24 to October 3. Moving south to San Francisco in Alternative 3: Replace June 25 to October 17 with June 24 to October 3. Moving south once more to Monterey, in Alternative 2: Replace the regulatory language 'Chinook minimum size limit of 24 inches total length' with 'Chinook minimum size limit of 24 inches total length through May 15 and 20 inches total length thereafter'. And finally, in Table 5a and 5b on pages 28 and 30 in the Klamath River recreational fisheries share, adjust the Klamath River recreational fisheries share such that the projected natural area adult spawner escapement equals 31,574. And that concludes my guidance.

**Marc Gorelnik** [00:17:49] Thanks very much Brett. Are there any questions for Brett on the guidance he's provided? I'm not seeing any hands. Thanks very much, Brett, and Robin how are we doing on this agenda item?

**Robin Ehlke** [00:18:05] Thank you Mr. Chair. We're doing good. We have some new guidance. STT will work through the evening to plug that into the model, get some outputs for you and have a report for you first thing tomorrow morning as salmon is scheduled, I think, first on the agenda. So, we would hope to have the next report, STT E.8.a available as soon as possible first thing tomorrow morning and hopefully we will be as close to the mark as we can get.

**Marc Gorelnik** [00:18:44] All right, thanks very much, Robin. And that concludes this agenda item salmon agenda E.7 and takes us to our last agenda item.

**Chuck Tracy** [00:18:55] Yeah, Chris had his hand up and I saw earlier Phil had his hand up.

**Marc Gorelnik** [00:19:03] I apologize, I don't...there's Chris. Chris, go ahead.

**Chris Kern** [00:19:08] Thanks Mr. Chair. I had put it down real quick when it looked like you were moving on. It's not super critical. I just wanted to reiterate something from yesterday and maybe clear from observation of the Oregon alternatives as they currently stand with modifications that we will, barring any large changes overnight or in the morning, we will be seeking some inseason action to make some adjustments to the currently established early season fisheries in Oregon. So probably ready to take that up tomorrow but I thought I'd point it out. That's all I had. Thank you.

**Marc Gorelnik** [00:19:39] All right, thank you Chris. Phil, did you have something? I apologize I didn't see your hand.

**Phil Anderson** [00:19:48] I didn't get my hand. I wasn't quick enough on the draw, but I have since got the answer to my question. I'm good. Thanks Mr. Chair.



**Marc Gorelnik** [00:19:55] All right and then since Chris raised the issue of inseason action, I'd like to ask Brett Kormos if he, well you've got your hand up. You know my question.

**Brett Kormos** [00:20:09] No I'm sorry Mr. Chair I don't know your question. I actually have a question for Mr. Kern, and I apologize for the fact that my question isn't going to be entirely clear because I'm trying to translate it from staff that are listening in, but let me hear your question first Mr. Chair.

**Marc Gorelnik** [00:20:31] Yes. Are you, do you plan to recommend any inseason action?

**Brett Kormos** [00:20:37] Yes, thank you Mr. Chair. We, as well, have a suite of inseason action recommendations that we'll need to take. I have been in communication with the states and National Marine Fisheries Service about that today and I'm expecting that will also commence tomorrow.

**Marc Gorelnik** [00:21:01] Why don't you go ahead with your question the best you can translate it.

**Brett Kormos** [00:21:06] Thank you Mr. Chair, and I again, I apologize for anything that gets lost in translation here but the question for Mr. Kern was relative to Alternative 1 in the Oregon KMZ where the sport fishery is listed to be open June 16 to 18 as a chinook fishery, but it's also listed under the all salmon except chinook fishery. It looks like chinook should start on June 19 but I'm not sure about that and I'm asking for some verification there in case there was a mistake that we can catch now.

**Marc Gorelnik** [00:21:54] Chris do you want to.....need a minute to think about that?

**Chris Kern** [00:21:58] Yeah Mr. Chair I'll do my best to take a quick look here. I'm not sure I can answer it. I do know that the intent, I believe the intent of the alternative is to have a period of chinook fishing and a period where it's only coho. My staff is telling me that it should be June 19 and so there may have been an error there. Was that Brett's question was should it be June 18 or 19 I believe?

**Brett Kormos** [00:22:28] Yes Mr. Kern, that's consistent with what I'm asking about and what I expect the correct answer to be.

**Chris Kern** [00:22:36] Perfect. Yes Mr. Chair, through the Chair, if I might, it should be June 19th and I appreciate the having caught that error.

**Marc Gorelnik** [00:22:45] And so just to be clear, this is in the recreational alternative in the Oregon KMZ. Which alternative?

**Chris Kern** [00:22:52] It should be Alternative 1, and I believe the date itself is in two locations. One is I believe where, if Sandra if you could go back up to the initial place where it says just the very start, Table 2 of the recreational section, sorry Table 2 of the recreational section. That's it, oops sorry. The top of that page. Okay right there. Thank you. In the Cape Falcon to Oregon California border Alternative 1, the section that speaks to replacing quota with 14,000 and that's actually the second bullet, sorry, in that section. I'll just read it. Add June 12 through 19 and August 16 through 28 or the earlier of the overall quota of 120,000 marked coho. No, sorry Sandra, not that one. The next bullet below it. No one more bullet, sorry, the next, that one. That June 18 should be June 19. And I believe there's one more place where that date is currently exists in the next section, but I am looking to make sure. It is, on the Humbug Mountain to the Oregon KMZ, that one right there. No, that one. So, replace July 24 to the earlier of August 28 with June 12 through 18. Now I'm getting text that's not correct. Mr. Chair, I'm sensing that we, it won't affect the modeling with this change and this is something we should probably take up rather than tying up floor time if that's all right.

**Marc Gorelnik** [00:25:09] So let me ask you Chris, rather than leaving this to the final agenda item in the meeting tomorrow, do you want to come back when we're done with I.3 with corrected guidance?

**Chris Kern** [00:25:29] If that works for the Chair and the rest of the Council members, I can do that.

**Marc Gorelnik** [00:25:34] It's just that rather than leaving it to the very last agenda item, so Brad Pettinger do you have your hand up?

**Brad Pettinger** [00:25:45] Yeah, thank you Chair Gorelnik. Well since we're still on E.7 here and we've going for about an hour, almost an hour and a half. Maybe if we took a ten-minute break and he was ready to go we could take care of him and then start E.3 after that?

**Marc Gorelnik** [00:26:02] That's a brilliant idea. Would that help you, Chris?

**Chris Kern** [00:26:05] It would help me immensely. I appreciate it.

**Marc Gorelnik** [00:26:08] All right. So, it is 4:43. We will be back at four, well actually it's now it's 4:44. We'll be back at 9, rather, 4:54 and hopefully we'll get the final guidance from Chris and then I'll hand the gavel to Mr. Pettinger and he'll take us home with the last agenda item. So, we'll see you back here at 4:54.....(BREAK).....4:54 and we're on agenda E.7 and I think that Chris Kern has some guidance.

**Chris Kern** [00:26:57] Yeah, Mr. Chair I do indeed. I think if Sandra could put the Oregon document back up for me, that would be helpful. I'd like to make sure that some of the guidance I was giving before we broke was in error, so I want to make sure we've got it correct.

**Marc Gorelnik** [00:27:16] Sometimes I wonder if it might be helpful to use lined, you know numbered lines or heading numbers or whatever, it's easier to find stuff on the page when you're, when you don't have control over what's on the screen. Sandra, if you could get the Oregon guidance back up on the screen. All right, we're having a little bit of a technical difficulty here.

**Chuck Tracy** [00:27:42] Sorry, could you repeat your request please?

**Marc Gorelnik** [00:27:46] Could we get the Oregon guidance displayed so that Chris can provide his changes and we can conclude the agenda item?

**Chuck Tracy** [00:28:01] Yeah, we're, Sandra's working on it now.

**Marc Gorelnik** [00:28:03] Okay great, thanks. Okay there we are so I think that Chris, you want to look to the Table 2 where the recreational alternatives are?

**Chris Kern** [00:28:14] Correct Mr. Chair. Yeah, should be top of page 2. There we go. Okay so and I'll apologize here, what I provided as guidance before the initial break was in error and so, Sandra, that bullet that says add June 12 through 19 under the heading of Cape Falcon to Oregon California border, the last bullet in that section, that should remain June 18. And the error we need to fix is in another location. I believe I may have been in the process of changing another one of those June 18 dates in error, so I'd like to scroll down and check that please. I believe the next place it comes up is in the KMZ right in there, and I think this is where I was halted from making another error, so that part is okay as is. All right the error that needs to be fixed is in the first bullet under Alternative 1 and Humbug Mountain to California border, where it says replace May 16th through July 23 with June 16 through August 15. That should be June 19 through August 15. And that is the error that Mr. Kormos had

pointed out, not the other place that I was inadvertently looking at, so that should be it.

**Marc Gorelnik** [00:29:46] Okay.

**Chris Kern** [00:29:46] And I apologize for the confusion.

**Marc Gorelnik** [00:29:46] Not at all we just got to get it right. All right, anything else from the floor? Okay Robin, I'll try this again.

**Robin Ehlke** [00:30:06] Thank you Mr. Chair. We have a refined guidance and will work to provide those to you tomorrow first thing in the morning with the model outputs, so we've concluded our work under this agenda.

**Marc Gorelnik** [00:30:21] All right. As promised, I'm going to pass the gavel to Vice Chair Pettinger for our last agenda item of the day.

## 8. Adopt 2021 Management Alternatives for Public Review

**Brad Pettinger** [00:00:00] With that, I believe that takes us to Council action to adopt 2021 salmon and management alternatives for public review. I guess I'll first go to maybe Joe? Joe Oatman. The tribes. Oh, I'm sorry I see Kyle's hand up. Kyle.

**Kyle Adicks** [00:00:32] Thank you Mr. Vice Chair. I just wanted to take a minute and address one of the issues for Council action today was to, if necessary, identify and justify in the alternatives that would require implementation by emergency rule. The Council may recall last Friday when the SAS brought the initial set of alternatives forward, I mentioned that Alternative 2 did deviate from the fishery management plan and would likely require implementation by emergency rule if it were to be adopted. The Council Operating procedures have a number of criteria that must be met, including identifying these proposals at the March meeting but I thought I'd take a minute and walk through the criteria from Council Operating Procedure 10 and kind of outline where I think this Alternative 2 fits with those. So, Criteria 1 is that the issue was not anticipated or addressed in the salmon plan or an error was made. The issue before us was not caused by an error. The low abundance of some Washington coastal coho stocks, combined with the expected very large return of Columbia River Hatchery coho present circumstances that were not anticipated in the FMP. Alternative 2 allocates a larger share to the recreational fishery in the Columbia River area than as prescribed by the FMP as a method to allow access to the abundant hatchery returns to the Columbia River while limiting impacts on natural Washington coastal stocks. Criteria 2 is that waiting for a plan amendment to be implemented would have substantial adverse biological or economic consequences. Alternative 2 is being considered as a method to optimize harvest while meeting conservation objectives and could provide substantial economic benefit to ports and communities of the Columbia River area by providing access to coho salmon quota that would otherwise be lost due to poor expected returns of some Washington coastal stocks. A plan amendment cannot be completed in time. Criteria 3 is that in the case of allocation issues, the affected user representatives support the proposed emergency action. As you just heard, the commercial troll and recreational fishery representatives were involved in developing the alternatives before the Council today. Their assistance was critical to the development of Alternative 2 and there's full support from them for these alternatives, including the alternative that deviates from strict adherence to the fishery management plan. Criteria 4 is that the action is necessary to meet FMP objectives. The structure of the alternative and the potential deviation from the strict terms of the FMP will better optimize harvest while meeting conservation goals and thereby more fully meets FMP objectives. And finally, Criteria 5, if the action is taken, long term yield from the stock complex will not be decreased. These alternatives will not decrease long term yield. The potential deviation from the FMP allocation guidelines in Alternative 2 is intended to optimize harvest while meeting conservation objectives. It would reallocate quota relative to the FMP prescribed allocations to increase allowable harvest while decreasing the relative impact on constraining stocks. It does not increase allowable impacts on those constraining stocks. So, thank you Mr. Vice Chair. I just wanted to run through those criteria for the Council and make sure everyone was aware that we do have an alternative that would require implementation by emergency rule.

**Brad Pettinger** [00:04:01] Okay, thank you Kyle. Very good. Okay anybody else? Joe Oatman. Joe.

**Joe Oatman** [00:04:08] Thank you Mr. Vice Chair. And if I may I have a question for Kyle.

**Brad Pettinger** [00:04:20] Please.

**Joe Oatman** [00:04:20] So I better understand what he just laid out here for the Council...so, can this FMP deviation be further refined in April? So I understand how this proceeds forward. Thank you.

**Brad Pettinger** [00:04:38] Kyle.

**Kyle Adicks** [00:04:38] Thank you Mr. Vice Chair, Mr. Oatman. To some degree it can be further refined in April. I'd probably need some help from NMFS with exactly what the flexibility is to refine it further. The, the idea it's capturing is that a portion of the TAC would be put directly into the Columbia River recreational fishery instead of being allocated up and down the coast between the troll and recreational fisheries. So... the intent is really just to move fish away from some of the areas where the coastal stocks that need protection this year are more likely to be. I don't know if that helps. I don't think that where we land in April will likely be exactly on any of the alternatives, but there will, there is some flexibility, but there is limits to that flexibility.

**Brad Pettinger** [00:05:41] Okay, very good. Thank you Kyle. Susan Bishop. Susan.

**Susan Bishop** [00:05:47] Thank you Mr. Vice Chair. Through the Vice Chair to answer, I believe Joe's, Mr. Oatman and I believe Mr. Adicks question regarding the flexibility there. Whatever the final action is, it's adopted in April, must be within the range of the alternatives that were sent out for public review. So, for example, I believe that there are quotas for the different subareas. We would be looking for whatever the final action is to be within what the public was allowed to review and comment on. So, for example, if the final numbers were lower within those sideboards, that flexibility would be allowed but it would be, we would not be able to see something that was higher than what the public had reviewed and commented on.

**Brad Pettinger** [00:06:45] Thank you Susan. Okay. Any other comments from anybody else? All right so we're to adopt salmon management measure, or alternatives, and so do we have any volunteers before or should I just start at the top and go down? Okay bottom. Brett.

**Brett Kormos** [00:07:19] Thank you Mr. Vice Chair. I thought I'd take an opportunity to do things from the south to the north.

**Brad Pettinger** [00:07:30] Proceed.

**Brett Kormos** [00:07:30] Thank you. I do have a motion if it pleases the Council.

**Brad Pettinger** [00:07:37] It does.

**Brett Kormos** [00:07:39] Okay, thank you Mr. Vice Chair. I move to adopt for STT collation, analysis and public review the salmon management measures for the 2021 commercial and recreational ocean fisheries in the area from the Oregon California border to the U.S. Mexico border as presented in Agenda Item E.8.a, Supplemental SST Report 1, dated March 11, 2021, including the commercial and recreational requirements, definitions, restrictions and exceptions.

**Brad Pettinger** [00:08:18] Thank you Brett. Does the language on the screen accurately reflect your motion?

**Brett Kormos** [00:08:23] Thank you Mr. Vice Chair. Yes, it does.

**Brad Pettinger** [00:08:25] Okay we have a second from Louis Zimm. Thank you, Louis. Speak to your motion.

**Brett Kormos** [00:08:30] Thank you Mr. Vice Chair. Yes, it's been quite a challenging week. We had some relatively low forecasts for both of our target stocks in California and perhaps even south of

Falcon in the Klamath River and Sacramento River Fall chinook stocks, coupled with an update to our ocean harvest models, we found ourselves with some fairly restricted seasons this year. However, I think we've done the best job that we can of both meeting our conservation objectives, our ESA objectives, and also providing as much opportunity for harvest as is feasible. So, I think that these regulations represent the best possible balance between conservation and use and enjoyment for the public, so thank you.

**Brad Pettinger** [00:09:36] Very good. Thank you, Brett, for that. Discussion? Questions for the motion maker? Okay Susan Bishop. Susan.

**Susan Bishop** [00:09:50] Thank you Mr. Vice Chair. I'm not sure if this is the right place to mention it or not, but I just wanted to speak to the housekeeping item with regard to the footnote in C.8.g that's relative to the motion regarding the definitions, restrictions and exceptions. This has been a question from the public in the past, so I thought maybe it required a little bit more explanation. NMFS is, would be supportive of removal of that footnote for the discussion that occurred among the states and NMFS last Friday. The footnote was in there last year when the pandemic came upon us. We weren't sure what that would mean for sampling. This was contingency planning in the intervening year. The sampling went better than we thought and there are further measures that have been put in place in anticipation of 2021. We don't anticipate the same issues to arise this year, so I just wanted to clarify that aspect of, at least NMFS's perspective on that piece of the motion.

**Brad Pettinger** [00:10:56] Okay, thank you Susan. Further discussion? Okay not seeing any I'll call for the question. Brett Kormos. Brett.

**Brett Kormos** [00:11:10] Sorry Mr. Vice Chair that was a whoopsie doodle.

**Brad Pettinger** [00:11:21] Okay, I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:11:26] Aye.

**Brad Pettinger** [00:11:26] Opposed? Abstentions? Okay, motion passes unanimously, wonderful. With that we'll go to, go up the coast to Oregon and Chris Kern. You ready, Chris?

**Chris Kern** [00:11:45] I am Mr. Vice Chair. Thank you. And I will note again that I will be making a couple of comments or part of my motion will seek to address some of the clarification and housekeeping issues. And there we go that's, thank you Sandra. I move to adopt for public review alternatives for ocean commercial non-Indian troll and ocean recreational salmon fisheries between Cape Falcon and the Oregon California border as described an Agenda Item E.8.a, Supplemental STT Report, dated March 11, 2021. Typo there I apologize. Oregon, with the following modifications, Oregon recreational fisheries reflected in Table 2 beginning on page 20. For the Cape Falcon to Oregon California border in Alternative 2: The section referring to the all salmon marked selective coho fishery, strike the bullets that are currently in the report and replace those with the following. Bullet 1: June 19 to the earlier of August 28 where the Cape Falcon to Oregon California border quota of 115,000 marked coho. Bullet 2: Closed to chinook retention from Cape Falcon to Humbug Mountain from August 16th through August 31. Bullet 3: Closed to chinook retention from Humbug Mountain to Oregon California border beginning July 14. And in the season specifications paragraph in that same section strike the language that's currently in there that says 'Closed to chinook retention from Cape Falcon to Humbug Mountain beginning August 16th'. Moving to page 21 for the Oregon KMZ Humbug Mountain to Oregon California border area, in Alternative 1: Where the bullet reads 'June 12th through 18 and August 16 through 28 or the earlier of the Cape Falcon to Oregon California border quota of 120,000 marked coho', replace the period at the end of the sentence with a semi-colon followed by 'closed to

retention of chinook'. And in Alternative 2: For the bullet that reads 'July 14 through August 28 or the earlier of the Cape Falcon to Oregon California border quota of 115,000 marked coho', replace the period at the end of the sentence with semi-colon followed by 'closed to retention of chinook'. And finally, in the season specifications paragraph in Alternative 2, the Oregon KMZ recreational fishery: Replace parentheses June 19 through August 15 end parentheses with parentheses June 19 through August 28 end parentheses. And that completes my motion.

**Brad Pettinger** [00:14:47] Thank you Chris. And noting that you changed the date on 20 to 21, besides that, does the language on the screen accurately reflect your motion?

**Chris Kern** [00:14:59] It does. Thank you, Mr. Vice Chair.

**Brad Pettinger** [00:15:01] Okay thank you. Looking for a second? Seconded by Christa Svensson. Thank you, Christa. Speak to your motion please.

**Chris Kern** [00:15:11] Thanks Mr. Vice Chair. First, I'll speak to the edits I made. We just ran into some confusion as Dr. O'Farrell pointed out in last night's, yesterday afternoon's scramble to get this done, and these measures are correcting those housekeeping related measures. Wanted to make sure we got that done in an appropriate way. All the modeling and analysis that has been done for these fisheries already reflects these conditions so it's really a clarification and making sure it reads more clearly for the public as well as for the team. Going to the bigger issues, I certainly agree with Mr. Kormos this has been a rough week. I expected it would be, but I've been frankly a little surprised at how rough. Just I think a lot to do with trying to figure out how to do our normal processes in March virtually, which thankfully we didn't have to do last year. So, there's been some rough patches and I've certainly, Oregon's aspects have caused a little additional Council time, so I again apologize for that, and certainly thank everyone this week for the hard work. I won't go too far into the same details that Mr. Kormos did, but we definitely had some things that were difficult to work through this week and everybody did work real hard to pull together and get that done so I want to thank them for that, and that concludes my comments. Thanks.

**Brad Pettinger** [00:16:33] Thank you Chris. Questions for Chris on his motion? Okay and thank you for changing that date Sandra. All right seeing nothing, no hands, I will call for the question. All those in favor signify by saying 'aye'.

**Council** [00:16:56] Aye.

**Brad Pettinger** [00:16:57] Opposed? Abstentions? Okay motion passes unanimously. Thank you. Moving up the coast we'll go to WDFW report, or WDFW and Kyle Adicks.

**Kyle Adicks** [00:17:16] Thank you Mr. Vice Chair. I have a motion that Sandra should be able to put up. I move to adopt for public review the alternatives for non-Indian commercial and recreational fisheries in the area north of Cape Falcon as presented in Agenda Item E.8.a, Supplemental STT Report 1, dated March 11th, 2021.

**Brad Pettinger** [00:17:41] Seconded by Phil Anderson. Okay does the language on the screen accurately reflect your motion?

**Kyle Adicks** [00:17:51] It does.

**Brad Pettinger** [00:17:52] Very good. Speak to your motion please.

**Kyle Adicks** [00:17:54] Thank you Mr. Vice Chair. We faced a different set of challenges north of Falcon getting me to a set of alternatives this week. I think the fact that we've got an alternative that would require emergency action and a set of alternatives for treaty troll and non-Indian fishing north of Falcon that include zero fishing for salmon kind of highlights how serious the situation is, so I appreciate everyone's help this week, the SAS, the STT, all of the state, tribal and federal staff that got us through the preseason forecast, through developing some initial fishery options and look forward to working through these in the next month to get to our final fisheries package.

**Brad Pettinger** [00:18:38] Okay thank you. Questions for Kyle? Okay seeing none I'll call for the question. All those in favor signify.....(interrupting audio/different voice).....dealing with some really big numbers. I don't think it's going to...(unidentified voice).....

**Brad Pettinger** [00:18:52] What happened there? (laughter). Okay, no further discussion I will call for the question. All those in favor signify by saying 'aye'.

**Council** [00:19:13] Aye.

**Brad Pettinger** [00:19:13] Opposed? Abstentions? Okay, looks good. Motion passes unanimously. And next I'll go to the tribes. Joe Oatman.

**Joe Oatman** [00:19:31] Thank you Mr. Vice Chair. I believe, Sandra, we have the motion? Thank you. I move the Council adopt for a public review both the Quinault Treaty Area, or QTA Tribes and the Makah Tribes proposed salmon management alternatives for the 2021 tribal ocean fisheries described in Agenda Item E.8.a, Supplemental STT Report 1, Table 3.a and 3.b dated March 11, 2021.

**Brad Pettinger** [00:20:12] Thank you Joe. Does the language of the screen accurately reflect your motion?

**Joe Oatman** [00:20:17] It does Mr. Vice Chair.

**Brad Pettinger** [00:20:18] Very good. Looking for a second? Seconded by Kyle Adicks. Thank you, Kyle. Joe, speak to your motion please.

**Joe Oatman** [00:20:27] Thank you Mr. Vice Chair. So, there is one edition that has been added to the tribal table 3.a and 3.b for alternative's 1 and 2 so, pages 26 or 27 respectively, so it is aligned with Amendment 20. Language has been added regarding the May 1 opening date for May 2022 fisheries. This addresses the fisheries that are preseason regulations. As you may notice, the language reads as follows for number three - In 2022 the season will open May 1 consistent with all preseason regulations in place for treaty Indian troll fisheries during May 16 to June 30, 2021. All catch in May 2022 applies against the 2022 treaty Indian and troll fisheries quota. This whole thing could be modified following Council review at its March and or April 2022 meetings. So, I wanted to highlight that since it is a change, and it is reflected in Table 3.a. and 3.b in STT Report 1. As shown in the motion the tribes would like to move forward with the alternative's proposed by the QTA Tribes and the Makah Tribe. The tribes are committed to having treaty reserved fisheries while protecting stocks of concern, which include three Washington coho stocks that remain under rebuilding plans. Those being the Queets, Strait of Juan de Fuca, and Snohomish. Additional discussions to tribe fisheries and address conservation concerns will continue during the north of Falcon co-manager meeting this month. Thank you, Mr. Vice Chair.

**Brad Pettinger** [00:22:25] Thank you Joe. Questions for Joe on his motion? Okay, seeing none I'll call for the question. All those in favor signify by saying 'aye'.



**Council** [00:22:37] Aye.

**Brad Pettinger** [00:22:37] Opposed? Abstentions? Motion passes unanimously. All right thank you very much. Thanks for your hard work. It's been a tough week and I will turn to Robin to close this agenda item out. Robin.

**Robin Ehlke** [00:22:59] Thank you Mr. Vice. Chair. After a long, hard week we moved through this agenda item rather quickly and I'm happy to say that you fulfilled your action under this agenda item by adopting the alternatives for the 2021 ocean salmon fishery management alternatives for public review. We've also recognized that those alternatives do include the emergency rule, which was described by WDFW and I think that we are complete here. We will take the alternatives and scrub them for clarity and make sure it's all formatted correctly, but we'll get these posted and online now that the Council has adopted these alternatives for public review.

**Brad Pettinger** [00:23:56] Wonderful. Thank you, Robin.

## 9. Appoint Salmon Hearing Officers

**Brad Pettinger** [00:00:00] Thank you Robin. Okay our action I guess, which isn't on the screen yet, but I believe it is to confirm hearing officers and other official hearing attendees, so maybe I'll start at the north go south. Kyle.

**Kyle Adicks** [00:00:20] Thank you Mr. Vice Chair. I will be happy to serve as the hearing officer for the Washington hearing, which I hope next year might actually be in Westport, Washington.

**Brad Pettinger** [00:00:31] Very good. Thank you, Kyle. And down to Oregon.

**Chris Kern** [00:00:40] Thank you Mr. Vice Chair. Yep, I'll also confirm that I will be the hearing officer and accompanied by the remainder of the list of folks attending the meeting.

**Brad Pettinger** [00:00:50] Okay, very good. California.

**Brett Kormos** [00:00:58] Thank you Mr. Vice Chair. I, too, can confirm that I will be the hearing officer for that public hearing and also expect to be accompanied by the others listed there in the briefing book materials.

**Brad Pettinger** [00:01:15] Okay. Very good. I guess as far as appointing I guess I go back to Robin. Robin are we good here?

**Robin Ehlke** [00:01:28] Yes thank you Mr. Vice Chair. Had to find mute. Yeah, that's all we needed was just a confirmation that everyone is going to be there and prepared to listen to our public input so that would conclude the agenda item.

**Brad Pettinger** [00:01:42] Okay very good.

## F. Pacific Halibut Management

### 1. Annual International Pacific Halibut Commission (IHPAC) Meeting Report

**Brad Pettinger** [00:00:00] Okay any other questions or discussion I guess, on the subject, or agenda item? Phil Anderson. Phil.

**Phil Anderson** [00:00:12] Yeah, I know this is being repetitive but, you know as this four year plan comes draws to a conclusion, I don't know exactly the timing of discussions to begin relative to what comes after this but my guess is, and maybe Dr. Wilson has some insights on this, but my guess is the Commissioners and along with the assistance from the Commission Staff will begin discussing what the future looks like once this agreement comes to a conclusion. And again, it's, in my mind going to be very important for the interests here in area 2A to really be close and stay close to their deliberations and discussions because we have a lot, obviously we have a lot at stake in the outcome, and I think the stability that's been provided by this constant catch over the last three years up to now has been beneficial, and so I would just put a point of emphasis on that. Thanks.

**Brad Pettinger** [00:01:39] Thank you Phil. Anyone else? Okay, well Robin, I guess I will turn to you and you can tell us how we're doing here.

**Robin Ehlke** [00:01:59] Thank you Mr. Vice Chair. I think you've completed your work under this Agenda Item F.1. We've had a really good discussion hearing from the IHPAC and our Council representatives that also attended. We didn't necessarily have any advisory body reports or public comments, but I believe that the conversation was very informative, so under this agenda item you've completed your work. Thank you.

**Brad Pettinger** [00:02:25] Thank you Robin.

## 2. Incidental Catch Recommendations: Options for Salmon Troll and Final Action on Recommendations for Fixed Gear Sablefish Fisheries

**Brad Pettinger** [00:00:01] So with that I believe, I don't see any public comment cards unless Robin knows different, so now we go to Council discussion and action, so at that point I guess I'm looking for hands. Some enterprising Council member. Ah...Maggie. Maggie Sommer.

**Maggie Sommer** [00:00:30] Thanks Mr. Vice Chair. I am prepared to offer a motion.

**Brad Pettinger** [00:00:35] Please.

**Maggie Sommer** [00:00:37] Thanks Mr. Vice Chair, and thank you Sandra, very fast. My motion will cover I think it's numbers one and two under the Council action. I move the Council adopt for public review the alternatives presented an Agenda Item F.2.a, Supplemental SAS Report 1, March 2021 for halibut landing restrictions in the 2021 salmon troll fishery beginning May 16th and for April 1st through May 15th, 2022, and recommend no change to the current incidental Pacific halibut retention limits for the salmon troll fishery for the period April 1st through May 15th, 2021.

**Brad Pettinger** [00:01:21] Okay. Thank you Maggie. Does the language on the screen accurately reflect your motion?

**Maggie Sommer** [00:01:28] Yes it does. Thank you.

**Brad Pettinger** [00:01:30] Okay. Looking for a second? Second Virgil Moore. Thank you Virgil. Okay Maggie if you could speak to your motion?

**Maggie Sommer** [00:01:41] Thanks Mr. Vice Chair. The SAS has provided us some recommendations for alternatives for further review and consideration, including the status quo alternative and then two additional alternatives. I understand from the SAS these are, this is the same range that they proposed from last year and we appreciate that there will be some further consideration of these as the salmon management process develops between now and the April meeting. In addition, the SAS recommended retaining the current catch regulations for incidental halibut for the period up through May 15th, 2021 and seeing no reason to make any inseason changes there I'm recommending we remain with status quo. Thanks.

**Brad Pettinger** [00:02:36] Thank you Maggie. Discussion on the motion? Okay, well seeing no hands we'll call for the question. All those in favor signify say 'aye'.

**Council** [00:02:57] Aye.

**Brad Pettinger** [00:02:57] Opposed? And the motion passes unanimously. Okay, well that takes care of halibut I believe. Is that... I'll go to Robin and let her confirm that. Oh no... actually, my bad, we have one more to go it sounds like on I believe it was number 3. Looking for a motion? Heather Hall.

**Heather Hall** [00:03:24] Thank you Vice Chair. I have a motion to offer for number 3 on the list of items for Council action.

**Brad Pettinger** [00:03:33] Okay. Go ahead.

**Heather Hall** [00:03:48] Okay thank you. I move that the Council adopt a final trip limit ratio of 225 pounds of Pacific halibut per one thousand pounds of sablefish, plus two additional Pacific halibut for

the primary sablefish fishery north of Point Chehalis, Washington as recommended in Supplemental GAP Report 1 under Agenda Item F.2.a, March 2021.

**Brad Pettinger** [00:04:17] Thank you Heather. Does the language on the screen accurately reflect your motion?

**Heather Hall** [00:04:21] Yes it does.

**Brad Pettinger** [00:04:22] Looking for a second? Second Marci Yaremko. Thank you Marci. Okay Heather, speak to your motion please.

**Heather Hall** [00:04:34] Thank you. I think the GAP did a good job of laying out how they landed at the 225 pound per one thousand pound ratio, trying to anticipate what 2021 season will be like, comparing it somewhat to 2020 with the Covid situation and also with some expectation of lower prices for sablefish for 2021. I think this is a good starting place knowing that we can take inseason action to adjust if things look different.

**Brad Pettinger** [00:05:17] Okay. Thank you Heather. Okay discussion of the motion? Okay, seeing none I'll call for the question. All those in favor?

**Council** [00:05:29] Aye.

**Brad Pettinger** [00:05:31] Opposed? Okay motion passes unanimously. I believe now that takes care of this agenda item but I'm going to Robin for a confirmation, Robin.

**Robin Ehlke** [00:05:46] Thank you Mr. Vice Chair. Yes, you have quickly gone through this agenda item so we'll maintain status quo for the salmon troll fishery both through the April 1 through May 15 portion, and we've also adopted 3 options for this season that will begin May 16th as consistent with the SAS Report. And in addition, for the sablefish fishery, looks like you'll reduce that limit of 250 down to 225 and that would be consistent with the GAP recommendation in their report. So, with all of those items complete, you have completed your work under Agenda Item F.2.

**Brad Pettinger** [00:06:37] Very good Robin. Thank you.

## G. Groundfish Management

### 1. National Marine Fisheries Service Report

**Marc Gorelnik** [00:00:00] Takes us back to our Council action here, which is discussion and guidance, as appropriate. So, I know we'll get more into workload in the next agenda item so let's talk about any discussion or guidance on G.1. I'm not seeing any hands, does that mean that we're fine with the reports and we, we're going to keep our powder dry for now? Maggie Sommer.

**Maggie Sommer** [00:00:45] Thank you Mr. Chair. It just meant I was slow to press the unmute button. I just wanted to follow up on actually one of Heather's comments about the table in the NMFS Report under this agenda item and I will say that I had a similar thought when I looked at this table that, boy it sure looks like a lot of these cells are colored in, and I wonder if that is just maybe an indication that there could potentially be work done on that item during that month, et cetera, but I guess I would just maybe say let the National Marine Fisheries Service know that I agree if there is some potential in future versions of this to do any refinement that might help us all understand the workload and the timing of it for NMFS capacity better. I would find that helpful.

**Marc Gorelnik** [00:01:55] Thank you Maggie for that suggestion. Louis Zimm.

**Louis Zimm** [00:02:04] Thank you Mr. Chair. I just want to say that the devil's in the details and that we have to continue to really, really read our supporting materials. I was actually quite embarrassed when it was brought to my attention by the fishery participants that we left out that one wave point. We should have seen that much earlier, and I really want to thank the department for getting their AIS or whatever it's called, anyway the mapping people going on that and they really pulled out all stops to get it done by March 1st recreational. We were fortunate that the commercial fleet didn't seem to be affected out here in San Diego, so I guess it's my promise to try to read in those details that if I had seen that one thing which was patently obvious and mapped it out, we would've caught it and saved some... so my thanks to the California Department of Wildlife and my thanks to the Northwest, I mean, yeah Northwest Fishing Fisheries Center Groundfish Staff for getting that done. Thank you very much.

**Marc Gorelnik** [00:03:26] Thanks Louis. As they say, the devil's always in the details. Marci Yaremko.

**Marci Yaremko** [00:03:31] Yeah, thank you Mr. Chair. Just a quick follow up on that. I think the credit really belongs with the West Coast Region Staff that made the extra effort to get a plan in place to work on a correction rule. It's a whole extra regulatory workload and there was no one identified to do it because there was transition in the GMT staffing and the regulatory staff load so just a big thanks to NMFS for coming up with a solution to get that done and we look forward to its publication. I also want to note that the work done to get the final rule completed in the first place was a heroic lift and I want to really make sure we send our compliments to NMFS for getting the rule effective by January 1. That has been a longstanding priority for the Council, and we've conveyed that and made that clear and with all of the content that we put in the spex package that was no small lift, so I just want to really acknowledge that NMFS has upheld their end of the bargain on that front, and I think we really need to make sure that we stop and acknowledge that. I also feel like just generally speaking, the rule effectiveness has been greatly improved. We aren't waiting two and three years for rules to become effective. We've seen things by and large move ahead on time. Yes, there are certainly some confounding factors, particularly at headquarters with timing that comes with ability to get rules published and implemented and reviewed at the headquarters level, and I appreciate West Coast Region Staff that have really bird dogged the rules that we have asked them to prioritize and get done, that they've worked very hard with their colleagues on the East Coast to essentially have a seamless process to getting those rules effectively completed and implemented. We put a lot on the regulatory list last

year. When you think back to the inseason actions and the requests for significant additions to the list and emergency rules, there has been I feel like a very concerted effort on the part of NMFS to really respond to what we have told them are our key priorities, especially in light of the changes needed to our priority list in response to the pandemic, so I'm not losing confidence in the process. I appreciate all the work that NMFS does to, to make our priorities a reality and I look forward to more discussion on this in the upcoming agenda item. Thank you.

**Marc Gorelnik** [00:06:50] Thank you Marci. Any further Council discussion on this agenda item? All right. Brad Pettinger.

**Brad Pettinger** [00:07:03] Thank you Chair Gorelnik. I had a long discussion last night about this very issue with an industry member and I agree with the comments about the matrix or list that we have here. You fill all the boxes it doesn't do much good. I don't think that the NMFS staff is not working hard, but I'm just wondering if there's a way to work I'll say smarter. But I mean if we're more efficient maybe at how things are done and I'm wondering if maybe you ought to review? Are we doing, are we overanalyzing stuff? I think paralysis by analysis. Are we doing more than is needed? I know we always tend to err on conservative management and try to cover every box, but sometimes I don't know if that's necessarily needed and maybe it's a discussion for some time later or a different time, but I wonder if we ought to analyze really are we overthinking this, and because I think that people's time is valuable and I don't think we should be in meetings all day long when we don't have to be, if there's a way to move things quicker that'd be great. Listened to Marci's comments. I think I do agree with her. Things are way better than they were because things were pretty bad a few years ago and I thought the staff did a great job of turning that around, but that doesn't mean it can't be better and so because there a lot of people working hard out there and I think we need to make sure we're not having people doing things needlessly, and if there's a way to improve the process I think we ought to be looking at that. So anyway, I don't want to comment that people aren't working hard, I believe they are, but I think we need to make sure we're limiting the amount of stuff we need to do and still fulfilling our obligations. Thank you.

**Marc Gorelnik** [00:09:08] Thank you Brad. Any further discussion around the table? Todd. How are we?

**Todd Phillips** [00:09:21] Yes, thank you Mr. Chair. Looking I believe we've covered all of the reports and public comment and the Council has had some discussion so I would say that you have completed your tasks for this agenda item.

**Marc Gorelnik** [00:09:38] All right, thank you Todd. Thank you Council. That will conclude Agenda Item G.1.

## 2. Workload and New Management Measure Priorities

**Marc Gorelnik** [00:00:00] It's 1:15. We'll resume on Agenda Item G.2 and we have the actions there on the screen, which is to review the list of proposed projects, amendments and new management measures, consider overall workload and provide guidance on priorities and schedules. We've heard quite a bit of public comment. We've had, we've heard from many different management entities and advisory bodies and now it's time for us at the Council to consider all of this, and to start with our discussion, so I'll look for a hand. We also have, by the way, you'll recall the request to put an emergency action on the agenda later in the week. So Butch Smith.

**Butch Smith** [00:01:03] Yes Mr. Chairman. I'd like to, I'd like maybe address a couple of things that we heard in public comment, not only under this agenda item but the last one also for the discussion. I truly think this Council process is a great one, and many of you heard me testify to that fact many times and actually when I am representing MREP and other places to speak on the PFMC process. But we've heard a couple of things by people from industries that but I think we ought to we ought to listen to a little bit and take to heart. You know it seems like there's some disconnect on this process, but that blame is on no one, but it's not easy to sit on the other side of that and testify to the fact that things aren't going so well and things aren't working like they used to, and I think everyone once in awhile, no matter how good the process is, we need to look at that and listen to what things are going because I don't think these people are some people that just get up from the hip and start speaking. They've got to trust in years of working within this process and I'd offer that maybe a subset of the Council and the GMT leaders, Chuck maybe and NOAA, sit in a room and, and see how we can make this better. I think that we've had a big overturn, turnover in the last five or six years. It's adding to this workload issue and things not being done and hearing 'no' all the time and all the things that we've heard, and I think that it would make, you know this a partnership, and I think the partners should get together and see and listen to one another and see how we can work on this. You know, I would offer to sit on something like that but there are probably more people, there's probably better people that could do this, but I really think it's time that alongside this issue that we sit down and see if we can, if we can make this better because right now it doesn't appear to be working as smooth as it could or maybe has in the past and that's all Mr. Chair. Thank you.

**Marc Gorelnik** [00:03:56] Thanks for those comments Butch. I imagine we may move forward here with motions. I don't know that we're ready for them yet. I don't want to shortchange any discussion, but Maggie Sommer followed by Kyle.

**Maggie Sommer** [00:04:26] Thanks Mr. Chair. You know and I do want to, I guess, express my thanks for the remarks Butch just made. I certainly agree with the fact that there are concerns about capacity, particularly in moving items on into regulation after the Council has made decisions, but also including just getting them through the Council process. It is certainly frustrating for members of the public when they ask me about how long changes will take and I can only reply, usually at least several years for almost everything. I certainly understand there are constraints for a variety of reasons, many of which we don't see, but that doesn't make them any less valid. I appreciate Ms. Ames information on staffing this morning. Increased capacity and staffing could be one part of a solution, and I'd certainly strongly encourage the West Coast region to, to recognize and seek that and the rest of us to keep that in mind as we have opportunities to weigh in and potentially help facilitate that. So certainly, I just wanted to recognize that the workload capacity issue. In general, we have one of our tasks today is to confirm or revise our priorities on the items that have already been prioritized and I just thought I'd pitch out there that for me I would agree with maintaining a priority on moving forward with the mothership utilization item and non-trawl RCA item and the Emley/Platt into regulations, and also that continuing to make progress on gear switching is important. When we are ready for motions, I'm happy to jump back in with a suggestion for an addition to the list.



**Marc Gorelnik** [00:06:35] Thank you very much Maggie. Kyle Hanson.

**Kyle Hanson** [00:06:40] Thank you Chair. I just wanted to take a moment to speak to the interest in the prohibition for a directed fishery for shortbelly rockfish. In general the U.S. Fish and Wildlife Service supports what has been brought up today and we view that the importance of this species to the ecosystem is a forage fish, especially for endangered birds, salmon and other creatures in the area is very important and we much like what was said in the public comment, would like to see those sorts of measures put in place before there is a conservation urgency, I believe it was called, because by that time we all know that oftentimes it's too difficult or too far down the road to effectively manage. So, we just want to speak to our support for having some sort of move forward on the prohibition of that directed fishery. Thank you.

**Marc Gorelnik** [00:07:49] Thank you Kyle. Louis Zimm.

**Louis Zimm** [00:07:52] Thank you Mr. Chair. I asked the question earlier Ms. Weinstein about inseason action and such and so I did an extended review of our work in June and I found that we did discuss doing, if there was a reaching a 2,000 ton limit or ceiling or whatever you want to call it on a shortbelly that we could act in the in season or in a spex management, the spex thing, and we did spell out in discussion that we would be, could include but not be limited to area closures, gear prohibitions, bycatch limits, seasonal closures, permits, and then we said et cetera, whatever that is, and so reviewing that discussion in June I think that we have a lot of avenues to take if this problem rears its somewhat ugly head and though I would like to see a directed, something specific about not having a directed fishery, I'm afraid that what we've done already is going to be sufficient at this time, and I don't want it to compete with some of the other very pressing matters so though I have much sympathy for the ecosystem importance, the forage importance of shortbelly, I think what we established in June is probably enough for us to go on at this time. Now if catches really start rising up we're going to have to address it and that's very clear and it was very clearly stated. Thank you.

**Marc Gorelnik** [00:09:56] Thank you Louis. Further discussion? Phil Anderson.

**Phil Anderson** [00:10:06] Thanks Mr. Chair. Well, I thought I would express just a couple of thoughts on several different topics that have been raised here in the discussion understanding that we're behind in terms of schedule. I guess first up is on the shortbelly rockfish piece. I think the concern that came out of the discussion relative to the potential for taking some specified inseason management action if 2,000 tons were reached is, there is nothing, there was nothing put in regulation. I remember Aja saying that, bringing that to our attention that they would not be putting anything into regulation in terms of any specific response, and so the degree to which we have the kind of flexibility of it that Louis referenced to me is uncertain, but you know given that the history, in terms of the bycatch of that species and the desire of the industry to avoid them, I would not advocate in, you know, to take additional steps in that direction. Instead, I would rather, relative to shortbelly rockfish, focus on kind of scoping out the questions that we were asked to answer in terms of what a process might look like, what the workload is, timeline associated with prohibiting a directed fishery, exactly what timeline that would be put on in terms of responding to those questions. I'll leave open my perspective on that until we get to a motion and see the balance of the things that we need to consider, but I do think it's important. I don't think we should wait until that there's an urgent need to do it, because I think it'll be harder than that it is taking action to be proactive, which is what I would suggest. I too, like Maggie, support moving forward with the mothership utilization, the non-trawl RCA modifications, the Emley /Platt piece, and on the emergency rule I would like to think that we, as Mr. Waldeck spoke to in his testimony that while the emergency is a bit different, and it is not one we could have anticipated when we looked at this question a year ago, I think the analysis of the action is largely the same and I'm hoping and anticipating there isn't a big workload associated with moving forward on that proposal. And then lastly,

Mr. Chairman, I would just speak a bit to what we heard from some longtime participants in this process whom I have a great deal of respect for, as I know a lot of us do around the table, and suggest that we need to think about this carefully about because if they, I mean what you heard today is a culmination that has been building up over time and I feel some of that frustration too, to be sure and we've had a lot of change in the people that are staffing in terms of National Marine Fisheries Service, and GMT. We've had a, you know we've had some turnover around the Council table and we've had some changes in Council Staff that are supporting groundfish and we need to take what they are saying seriously and we need to be thinking about, and I would ask our the members of our groundfish family that are in NMFS, that are in the GMT, that are part of the Council Staff to be thinking about having a conversation about what they heard because and what they might have to bring back to us to address those concerns, because they in my mind are the people, they don't like to hear that kind of feedback and neither do we but it is a real, a real issue and I think we need to be willing to talk about it and look for ways to address the concerns that were brought forward. And I, I mean I know it's not easy to bring those kinds of comments forward to a process that you've been a part of for a long time and have a high degree of respect for which I think they do, or they wouldn't have bothered. So, I'll close there Mr. Chairman and look forward to the motion and perhaps a further comment on the motion if warranted. Thanks.

**Marc Gorelnik** [00:16:49] Thanks for those thoughtful comments Phil. Louis Zimm.

**Louis Zimm** [00:16:53] Well thank you Mr. Chair. I'm very impressed by Chair Anderson's comments and his long-term knowledge of process and what needs to be done. I just went back and looked at what Aja proposed to us regarding shortbelly and she did say that there would not be 2,000 metric ton evaluation trigger the regulations, but she did suggest that we could either include it in a Council Operating Procedure or build it into the FMP, into the FMP, so if we do go the route that Phil has suggested, those are two ways that we could go.

**Marc Gorelnik** [00:17:44] Thank you Louis. Maggie Sommer.

**Maggie Sommer** [00:17:47] Thank you Mr. Chair. I would dare to offer a motion addressing only the shortbelly item, if that's your pleasure.

**Marc Gorelnik** [00:17:57] Yeah, I think that's a discrete matter that it would be good to focus on and get us started on all the other matters we have in place.

**Maggie Sommer** [00:18:09] Sandra. I move the Council add an item titled 'Prohibition on Directed Fishing for Shortbelly Rockfish' to the list of potential groundfish management measures and consider in June of 2021 whether to include it in the 2023-2024 groundfish harvest specifications and management measures.

**Marc Gorelnik** [00:18:36] All right Maggie, the language on the screen is accurate?

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

**Marc Gorelnik** [00:18:41] All right, I'll look for a second. It looks like Phil Anderson is seconding your motion. Please speak to your motion.

**Maggie Sommer** [00:18:48] Thanks. I want to thank Audubon and Oceana for their recommendations on this issue and Council members for some discussion just now. This Council's designation of shortbelly as an ecosystem component species was a recognition of its value as forage and the fact that it's not currently targeted and that we don't want it to be. I remain supportive of prohibiting a directed fishery before it's an urgent issue, as we have been talking about this morning, afternoon and I recall

that some of the preliminary work on prohibition included some exploration of ideas and discovery of issues with those that will need further thought and development, including collaboration with industry. And, of course, there may be new ideas not contemplated in the prior efforts. So, I am anticipating this will take a sizable amount of time and collaborative work. This motion would add development of a prohibition into the new management measure at this time, management measure list at this time without any priority assigned and then it would indicate that we plan to discuss in June when we get to planning for our 2023-24 groundfish spex but whether it seems appropriate to include this item in the scope of that action or not. So, I would ask Council staff and the GMT to note that interest and hopefully provide any additional input they can in preparation for that meeting on the implications of including it in the spex pathway or moving it along separately. I just wanted to reiterate, as we have touched on this morning, that based on the extensive information presented in the Council's discussions that led to EC designation, I don't see an interest in directed fishing for shortbelly is imminent and quite the opposite our existing fisheries are actively avoiding them but we all recognize the concerns due to increasing activities and interest in aquaculture in particular, and we don't want to put ourselves in a position of reacting to a problem rather than preventing one. So, this motion again indicates our attempt to address it and explore the best path to take. I also want to acknowledge and appreciate the collaborative discussions so far between some of the NGO representatives and industry members and encourage continued engagement as we heard some suggestions for today. Thanks very much.

**Marc Gorelnik** [00:21:29] Thank you very much Maggie. Are there questions for Maggie on her motion or council discussion? Marci Yaremko.

**Marci Yaremko** [00:21:38] Yeah, thank you Mr. Chair. Thank you, Maggie, for the motion. I certainly agree with the intent. I think I have a question for you on the June 2021 or 21' placeholder regarding making a decision at that time about including it in the groundfish harvest spex. I'm struggling with that only because I'm wondering if we need to do that here and now because I feel like we haven't had any discussion yet on the content of the upcoming spex package and what room there's going to be in that vehicle and what else is going to be necessary in response to the new specifications that will emerge from our stock assessments. I agree with you that placement for this prohibition is very naturally pair in the next spex cycle, but I'm also feeling like if we signal that that's where we want the shortbelly item to go, there are a number of other things on the list in Table B that might also very naturally pair with the spex cycle too, and so I just, I have some concern about an early signal that that is going to be the vehicle that we're looking to. At the same time, I appreciate that it's, it would be nice to have a vehicle identified and I'm just wondering if we do it for the shortbelly item, do we need to do it for the others? So, I'm just wondering if you've given that some, some thought and maybe you can explain a little more about how we start building that box for the spex when I think we have yet to learn a lot about the actual stock assessments and what might be needed. So, thanks.

**Marc Gorelnik** [00:24:04] Maggie.

**Maggie Sommer** [00:24:07] Thanks Mr. Chairman. Marci thanks for that question. That brings up actually some very important points. There may indeed be other items that we will want to put into spex and we will need to evaluate all of the potential candidates together at the same time and decide what makes the most sense, what we have capacity for and it seemed to me to make the most sense to do that at our June meeting when we begin our planning for spex, so I don't intend this motion to give any signal that spex will be the pathway. It's really my intent was to do two things here. One is to respond to the suggestion, which I thought was a good one in the public comment letter that we consider whether spex is a good pathway for this, and two, to signal in particular to those who will be involved in preparing for that June meeting. As I said earlier, that's certainly Council staff and GMT members, perhaps others, to think about that in advance and bring some information to the Council to help us consider in June whether we want to include this item in spex or whether a separate pathway seems like

the best way to go.

**Marc Gorelnik** [00:25:35] Okay looking for further questions? Marci Yaremko.

**Marci Yaremko** [00:25:38] If I may Mr. Chair. I know we're trying to hurry along so I'm not going to propose an amendment to this motion to strike the groundfish spex item for clarity. I think Maggie's discussion on this and what we're asking of the GMT is clear from this discussion but I just, you know, in voting in the affirmative on this motion, I just do not want it to be suggested that we wouldn't be looking at other things on the table to possibly pair with the spex because I think that is part of the GMT's analysis that they will bring to us come June. So, I appreciate that discussion and we all remember what we'll be asking for the GMT in June. Thank you.

**Marc Gorelnik** [00:26:44] Brad, you need to unmute. Brad we're not hearing you if you're talking.

**Brad Pettinger** [00:26:48] Got it now?

**Marc Gorelnik** [00:26:50] There now... I got ya. Go ahead.

**Brad Pettinger** [00:26:53] Okay. I'd just like to say this is quite a different discussion that we had 20 years ago about groundfish. We're talking about the fish that no one wants to catch or process. In fact, it's a nuisance, by golly, to the fleet that is catching it. Bycatch is a function of abundance and the fact that this, the quota was 50 metric ton at the beginning years of the quota program and we didn't exceed that, I would say to the folks who were concerned that the fact that we're catching more probably indicates there's more fish around, and actually if you look at the recruitment that we heard from last year, we're probably going to have a lot more of that potentially. So, with that, I will support the motion, especially since it's in the context of we'll have the new, I believe the assessment would be, or would it be? As long as there's an assessment, by golly, we don't know what that assessment is, and so we really don't fully understand the environment we're working in, as far as the amount of fish in the ocean. So anyway, that's all.

**Marc Gorelnik** [00:28:11] Maggie Sommer.

**Maggie Sommer** [00:28:13] Thank you Mr. Vice Chair. I wanted to offer one, one more remark to clarify my request of the GMT and staff. I would not be expecting any kind of extensive scoping of a shortbelly directed fishing prohibition in advance of the June meeting, but I know that the GMT is fully subscribed and we have had extensive discussions about workload and capacity today and I am not intending. You know this signal that we in June, we will consider whether the spex is a good pathway for it to really add to that workload burden, and certainly workload will be a big consideration when we have that discussion about spex and which items from the management, potential management measures list, if any, should be added to it. So, my intent is that staff and or the GMT bring us really just some, some very preliminary thoughts on the pros and cons and potentially any timing issues related to adding this item to spex in June, but not extensive scoping.

**Marc Gorelnik** [00:00:01] Thank you Maggie. Further discussion on the motion? Okay I'm not seeing any hands so I will call the question. All those in favor of this motion say 'aye'.

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

**Marc Gorelnik** [00:00:25] Opposed, no? Abstentions? Motion passes unanimously. Maggie thanks so much for getting us started here. So, we've got shortbelly. It was something we needed to deal with and have, so we've got, there's the existing priority items. There has been a request to prioritize other items

and we have the request for some agenda time to consider some emergency regulations so.... Marci Yaremko.

**Marci Yaremko** [00:01:11] Yes. Thank you Mr. Chair. I have a second motion on this agenda item.

**Marc Gorelnik** [00:01:18] Oh, God bless you. Go ahead.

**Marci Yaremko** [00:01:20] All right. Sandra, thank you. I move that the Council adopt from reports in Agenda Item G.2. 1: The corrections clarifications to appendix 2, table B for GMT Reports 1 and 2. Number 2: Decouple the Cowcod Conservation Area piece from the non-trawl RCA item as described in the CDFW report and supported by the GAP so that there will be a standalone item to repeal the CCA listed on Table B. 3: Continue to maintain the mothership utilization and non-trawl RCA Emley/Platt item on table A as priority item as recommended by the GAP, and 4: Add the following new item to table B lingcod trip adjustments north of 40 10 in the salmon troll fishery.

**Marc Gorelnik** [00:02:23] Okay Marci, is the language on the screen complete and accurate?

**Marci Yaremko** [00:02:28] Yes, it is. Thank you.

**Marc Gorelnik** [00:02:29] All right. I am going to look for a second. Seconded by Bob Dooley. Please speak to your motion.

**Marci Yaremko** [00:02:36] Yeah thanks. I appreciate the work of the GMT and the GAP to go through the current priority lists and the current list as well as the efforts by Council staff to summarize these lists and present an overview to us on the process forward. I think I just want to preface it by noting that there are an awful lot of lists and they aren't exactly the same, which is why I felt like we would be, we would benefit from having some of these items laid out clearly in motion so that there was no lack of understanding as to our intent. When I think about the table, the list, which is our comprehensive list of items on the potential groundfish management measure items that are not in priority order, nor are they scheduled on the Year-at-a-Glance, there are quite a number of them. The GMT does a great job to make sure that they're all still necessary and that they are up to date, but I feel like we do a pretty good job making sure that the things on this list are things we all agree are necessary, that there's been an adequate showing of need but that we're not, you know, we have yet to prioritize them either because we haven't had or seen a vehicle for them to move forward in or it hasn't been taken care of in some other discussion or the need hasn't changed in terms of priorities. So I feel like we would be well suited to add an item for the lingcod trip limit adjustments north of 40 10 in the salmon troll fishery based on the recommendations that we heard today, acknowledging that the GMT may evaluate this item and give us some feedback as to what analysis is needed or if action is appropriate or possible under an inseason agenda item, so I'd rather have this item as a placeholder on the list, recognizing that we will not be back at this G.2 type discussion until June. As for the item 1 in my motion, just wanted to support the GMT's recommended cleanups on Appendix 2 that they've described in their reports, and then on the decoupling the cowcod area piece from the non-trawl RCA item, the CDFW report provides a pretty detailed explanation as to why we see these two items being separate on the lists with the non-trawl RCA Emley/Platt item remaining on Table A as a priority. The cowcod area piece now appears to kind of not be on the same trajectory or in the same type of analysis that is taking shape with regard to the other non-trawl RCA discussions and meanwhile, the Cowcod Conservation Areas remain a part of our regulations. There are some things that we need to conduct outreach on, we need to enforce and we need to be able to explain as to why the regulations are, continue to be necessary so I appreciate adding this item as a standalone item on the list. Thinking to Maggie's discussion on shortbelly and the natural pairing of the shortbelly item or what might be a natural pairing of that item in the spex process, I would say the same might be true for the Cowcod Conservation Area item as we are viewing this as largely a

cleanup item so it may very naturally fit in the scope of the specifications package when we get to looking at that and considering what might fit in that box. I just didn't want to take the step to presume that at this time, but again, felt that it's very important that we maintain the Cowcod Conservation item repealler on the Table B list. Just a few other comments in response to the overall discussion that we've had to share today. I'm a little concerned, back to the dialogue with NMFS and their table that they have and their workload, I think a bit of the interchange that I had with Brian Hooper and also the interchange that Phil had with Brian, that there are items on that list that have yet to be included on the priority list, so I'm thinking of the whiting EFP items that appear in the NMFS table, they have yet to be added to the priority list so I likewise had concern with those two EFP concepts being itemized in a single line item on the NMFS table. I think I'd want to have a lot of discussion before grouping those two concepts together in a consideration of EFP discussions. I kind of remain unclear about the timeline of such EFP proposals that we might receive. If we need to have them on a faster track than spex then I'm not sure what to say or do about that because I thought the EFP's for spex were running on a September schedule so I'll look forward, I guess, to hearing more about that in June but I would note that the NMFS report might give an impression that we've agreed to add those items to the list, but I don't think we're quite there yet. On the appendix that is I think Appendix 3 right now in the GMT report, which is the table of items completed through the workload planning and prioritization process. I would recommend that we not try to do that right now. I know the GMT responded to a request from the GAP to provide a list of the items that had come to completion through this process, but we have an awful lot of other agenda items and processes that are ongoing, and I don't know that we need, that there's any value in trying to partition an action as being an outcome of the prioritization process or an outcome of some other process. I'm thinking about discussions that we might have under, say, electronic monitoring or SaMTAAC were, or specifications. I don't know that it's necessary to reflect kind of the origin of where an action came from and just noting that the GMT and Todd in his overview kind of came up with different answers when asked to recap what actions came out of the prioritization process, they came up with different answers and I'd rather not spend time trying to have folks partition items in a box, is that where the origin was? No, I think we're much more fluid and organic than that and so I would just, I think, recommend as we try to simplify and try to make headway in this very complex process upon process that we've built for ourselves, that maybe we at least pause on trying to compile a table of items completed through the workload planning and prioritization process. Thank you.

**Marc Gorelnik** [00:12:19] Thank you Marci. Are there questions for maker of the motion? Heather Hall.

**Heather Hall** [00:12:30] Thank you Chair Gorelnik. Thank you for the motion Marci. I appreciate it and thank you for including the lingcod trip limit adjustment north of 40 10 on the list. I'm going to, I support the motion and will vote in favor of it but I also want to make sure that within this that we also have a request that this, that the GMT and Council Staff look at this and bring it back in April so we can look at it relative to whether or not an inseason option is available for the 2021 salmon troll season, so I'd like to consider it in both ways in the event that an inseason in action for 2021 isn't available. I think putting it on the, the list for further prioritization is necessary here since there's not a groundfish management prioritization in April, but also want to make it clear that there is, we'd like to make the request to the GMT to come back in April with an exploration of whether or not inseason is a doable path. I know there was an analysis in the 2019-2020 spex that was done looking at this with the hope that we could look at these landing ratios in the salmon troll fishery on a more inseason type approach so maybe looking at that analysis and anyway, I heard you mention that Marci... I just wanted to make sure that that request was clear here.

**Marc Gorelnik** [00:14:21] Other, any other questions for maker of the motion or discussion on this motion? I'm not seeing any hands so I will call the question. All those in favor say 'aye'.

**Council** [00:14:38] Aye.

**Marc Gorelnik** [00:14:40] No? Abstentions? The motion passes unanimously. Thanks everyone and thank you, Marci, for the motion. Okay we still have business to do here so I'll look forward to additional discussion or a further motion? We have at the very least the decision whether to make agenda time for the, the request of emergency action. Heather Hall.

**Heather Hall** [00:15:27] Thank you Chair Gorelnik. And that's what I'd like to start the discussion on here, too, is the public comment that we heard and the request to add an agenda item to this meeting to consider an emergency rule for the whiting fishery and I guess, you know we talked a lot about the prioritization issue and frustration with workload and all of that, and I just keep thinking about how we were on a path for a streamlined spex process where it would just be spex issues and management measures would be considered a standalone items, and that's where this groundfish workload list kind of came from and so when the time was right we could look at that list and get started on the real work, and I feel like we got that process started and were hit by the freight train of the pandemic and so things really changed, and it feels like we're trying to get things on track and I know even just in our own work life at WDFW it's been a challenging year, so in acknowledgment of all of that frustration I think the issue that the whiting fishery has faced really points to a need for special consideration or special emergency action. We're still in the midst of a pandemic. It's ongoing I think beyond where I could have even imagined when we met in person last March, so... but I think appreciate Council discussion on this. I know it's a workload issue. Would like to understand from NMFS what putting an emergency action or approving an emergency action would do to other workload priorities looking ahead, so just like to tee up that conversation here.

**Marc Gorelnik** [00:17:45] All right. Thanks for teeing that up, Heather, and I will look to see who wants to join in that discussion. I'm not seeing anyone. Kelly Ames. Thank you, Kelly, and you'll need to unmute yourself. Still showing as muted here Kelly. There you go.

**Kelly Ames** [00:18:21] Thank you. Thank you Chair Gorelnik. I took that as a question from Miss Hall, so I'll do my best here to respond. There are certainly some short-term workload implications of an emergency rule that would affect some of our existing workload priorities. There are multiple pathways to accomplish an emergency rule that have varying levels of workload. The decision on that regulatory pathway involves multiple groups and we won't really have a determination on that until after the Council meeting. We will certainly seek the most efficient pathway however, if we need to take that more complex pathway to make it a legally defensible action, that would, obviously have longer workload implications that could last into the spring, into the summer, but these things just simply aren't known. I know that you're looking for a level of precision from me... exactly how we will balance the workload tradeoff because the Council makes an emergency rule recommendation to us. I cannot provide that to you. What I can say, because it is the most important to us to know what your priorities are relative to the items that I will refer to in the GMT Report 1, Appendix 2, Table A so, but those items that are not required by MSA or ESA to be done, those options, if we are clear on what the Council's priorities are, when we are done with the emergency rule, which is an all hands on deck approach because it is an emergency rule, you know when we're done we would want to know where the Council thinks we should best direct our efforts.

**Marc Gorelnik** [00:20:28] Thank you Kelly. Louis Zimm.

**Louis Zimm** [00:20:32] Thank you Mr. Chair. I'd like at this time to channel my inner Butch Smith and reflect back to the climate and communities meetings that we had, and what we took out of that is that we need more flexibility in regulation, in our approaches to regulations. I believe that we ascertained during that process that this kind of thing is going to hit us more and more, and we didn't

even talk about Covid, so I just want people to start thinking about perhaps some sort of framework to deal with this kind of issue that keeps popping up and not have this become a regular occurrence that on every meeting or almost every meeting we have an emergency action that pushes other things apart. So, I just want people to think, put their thinking caps on in the long-term and try to come up with a framework that would guide us, perhaps a new COP or something. Thank you.

**Marc Gorelnik** [00:21:44] Thank you Louis. Maggie and then Marci.

**Maggie Sommer** [00:21:50] Thank you Mr. Chair. You know in listening to Louis' remarks I think in one way we have one portion of a framework to address an aspect of this already in the works, which is our longer-term mothership utilization issue that we have, we are scoping coming up next at this meeting, recognizing that does not address the need for, proposed for this emergency rule for this year, but I certainly agree with overall the concern that whether it's climate change or other factors we do need more flexibility in our management approaches. You know we have, as we've been saying, we have a number of items we have already prioritized. We are looking for lasting solutions to some of these challenges in our fisheries so that we aren't in a position of having to consider emergency rules frequently. I certainly am considering the merits of the request for this emergency rule. I don't think they can be separated from workload considerations, and that goes for any action not just this one. We evaluate and prioritize everything based on its merits and how much time and effort it will take to realize those and what the tradeoffs with other things we could be working on are. I will say I understand from Miss Ames that we can't have any certainty right now on specifically what the implications of recommending an emergency rule now to the National Marine Fisheries Service would be. I guess I would say that my priorities would remain with the things we have already identified as priority on the list, the Table A in GMT Report, Appendix 2 that Miss Ames referenced, and I would not want to see this get in the way of making progress on a longer-term solution for the whiting fisheries and the other fisheries affected by items on that list. And I will say I am, I think like all of us I find it very frustrating to be in this position of having to make this kind of choice, because I certainly don't want to discount the needs that have been raised in the request and the potential merits of it. Thanks.

**Marc Gorelnik** [00:24:41] Thank you Maggie. Marci.

**Marci Yaremko** [00:24:45] Yes. Thank you Mr. Chair. Thank you, Maggie, for your remarks and I want to just follow up for a second on a comment made by Miss Ames that they will do their best to help us prioritize this item or help us figure out where this item fits in the priority list and I'm hoping that maybe she can help me do that because I'm, I think, still kind of struggling with whether this need, this new need rises to the, to a case where we would make the decision to put it at the very, very front of our list. My particular difficulty is with putting it at the front of the list a second time. I think we spoke pretty clearly back last spring when we took up the priority which prioritized the need for the Council to make the recommendation it did using an emergency process and amending its own agenda to take this item up in the queue ahead and in front of other items already agendaized and put out for public review. So, I think it's a need for us to consider whether we displace the efforts of the GMT this week to account for this emergency. As they indicated in their statement, it may mean derailing some of their work on statements and upcoming items that we have yet to hear about this week or result in them not being able to fully participate in discussions on things like workload planning and EM and inseason, so that's weighing on me. And then there's the piece with regard to NMFS that's also weighing on me, asking NMFS to undertake a second emergency action with content that is remarkably similar to the action that was taken last year. So, Kelly, if you can help me in thinking about this. Can you explain with regard to the review and approval process, I know folks are hoping that we're going to get some savings in terms of review and approval and preparation of documents, but I believe that this would be an action that would need to be reviewed on its own independent merit and separate from the previous action as the previous action, not only has it expired but it had the chance to be renewed for a



second 180-day period. So maybe if you can help me understand a little more about the review process that NMFS will undertake should the Council make a decision to prioritize this emergency at the top of our list.

**Marc Gorelnik** [00:28:19] Kelly.

**Kelly Ames** [00:28:21] Through the Chair, thank you Miss Yaremko. If an emergency rule would be recommended by the Council, indeed we would be updating the same regulations as in 2020. However, as you point out, the rationale for the rule would need to be updated and based on the specific circumstances in 2021, and so it's not a direct copy and paste from 2020. In addition, as I mentioned, the regulatory pathway in 2021 might need to be different than what was done in 2020 based on guidance that we'll receive from General Counsel, so there are different things in play here. Again, because this is an emergency rule, it would be an all hands on deck approach to get it published as soon as possible so there would be some displacement of work.

**Marc Gorelnik** [00:29:18] Heather.

**Heather Hall** [00:00:00] Thank you, Chair, and thank you Kelly. Marci asked her question... was getting at where I was headed and that was specifically whether or not there's efficiencies to the rulemaking and like you said update, it would be updating the same regulation but it might need to go on a different pathway. So, I was just trying to get more clarity on whether or not the data and the information that the GMT put together for this emergency rule last time would be helpful. I know when we took that action it was pretty impressive what the GMT put together and even though the specific reasons for this are slightly different, there's a lot of similarities so I was just hoping to hear more and I think you touched on it, but if there's any hope that there's efficiency created in updating this emergency rule, that would be important to know, particularly as we're looking at the April agenda and how or if that would change what we would be looking at for say the non-trawl RCA scoping agenda item or the sablefish gear switching agenda item and anyway, I guess if you have more to add to that then great, but I do realize that Marci kind of touched on that question. So thanks.

**Marc Gorelnik** [00:01:45] Heather, is your question basically, would moving forward on the emergency action put in jeopardy any of the regulatory items on the April Council agenda. Is that a....

**Heather Hall** [00:01:57] Yeah, that's fair. Thank you Chair.

**Marc Gorelnik** [00:02:00] All right, so that's a question to Kelly?

**Heather Hall** [00:02:06] Yes.

**Marc Gorelnik** [00:02:07] Okay. So...Kelly and then I'll come back to Phil.

**Kelly Ames** [00:02:14] Through the Chair thank you Miss Hall. You know, definitely we anticipated to be spending significant time between the end of the March meeting to prepare for the April Council meeting and so yes, there, you know that would impact our ability to prepare for those agenda items. To what extent? Again, that is unknown at this time.

**Marc Gorelnik** [00:02:40] Thank you Kelly. Phil.

**Phil Anderson** [00:02:45] Thanks Mr. Chairman. So my understanding, and I know Heather has a good understanding of this maybe better than mine as well as Maggie and maybe others around the table, is that what's at stake here is the ability of some number of catcher boats who have a quota in the shoreside

co-op, or excuse me the mothership co-op to be able and have a market for their fish through the mothership operation this year and that the communications between, the one case in particular, is such that in order for them to feel, in order for them to make a wise business decision and that is to operate as a mothership in the first part of the year, they need some assurance that they will have the flexibility to be able to modify that operation and so they don't operate as a CP later in the year, and if they are not able, if they don't have that some level of certainty that that is, that same level of flexibility that was provided last year would be in place this year, then that will force them to make the business decision not to operate as a mothership and it will strand the fish that are owned and or controlled by those catcher vessels. So, it seems to me, if I have that correct and I'm happy to be corrected, then this idea that we have to do a bunch of work between now and April I don't believe is necessary. If there is an intent to move forward with the emergency rule, and I believe last year it didn't get in place until June, Kelly can or others can correct me, but it is to have that high degree of certainty or high probability, likelihood, whatever, however you would like to describe it, but we're moving forward with the implementation of the emergency rule such that it gives that flexibility to those vessels that are operating both, and can operate both as motherships and catcher processors, then that allows them to make that business decision and prevents those fish from being stranded and prevents that huge economic loss to those owners of that, of those quota pounds. So I just put that out there, I mean we're acting like we've got to do all this in the next three weeks and, or four weeks and we don't to accomplish the objective here of the emergency rule, which is to give the flexibility to these vessels that will in turn provide a market for these vessels and not put them in a position where they have to strand or leave on the table these tens of thousands of dollars of fish.

**Marc Gorelnik** [00:07:04] Thank you Phil. I think the time element is really critical to keep in mind. Bob Dooley.

**Bob Dooley** [00:07:11] Thank you Mr. Chairman. I'll try to be brief. I agree with Phil. Phil's got it right. I just, I think that those, we've heard that the assurance that it's being promulgated, the emergency rule, would be enough for that ship to come to the grounds in May when the season starts. We heard that in public testimony and open comment. I think it's important and realize that this amount of fish that's being stranded that this processor typically takes is about 25 percent of the mothership allocation that I think about four boats share, and I believe that, you know, if we don't have this in place to go forward, that fish will be stranded because the flexibility for that boat to commit in May can't be there if they have a Covid incident like they talked about. So, I think it's really important that we do that. I also, I am concerned about all the other issues and I think that, you know, we obviously prioritize them and they're all important even to the entire mothership sector, it's very important but, you know there is a, this has been a few years that they've been stranded without being able to take their fish on some of those vessels and I think we agree, we thought this was an emergency last year. Covid prevented it from being used because it wasn't done early enough. I think that we can fix that this year but it's the same basic deal, that same basic request I see and I guess if we can figure out between now and April whether or not that is a, you know, the effect of putting forth an emergency rule and that has been, that is basically was done last year and how much workload that really entails, and I would assume it would be less than it was than it was originally, that we should go, we should be able to do this. We should be able to, you know, satisfy this. Covid is just wreaking havoc with everyone and, you know, we're seeing it every day in everything we do, so I would just, I would be supportive of moving this forward. Thank you.

**Marc Gorelnik** [00:09:47] Thank you Bob. Brad Pettinger followed by Marci.

**Brad Pettinger** [00:09:55] Yeah, thank you Chair Gorelnik. I go back to what Kelly had to say. There was a range, a range of on what they could do to get an emergency rule in place, and it would depend on a lot of issues, I guess. One was a rationale, the main one was, basically is, the rationale legally

defensible. I'm kind of curious that does seem like that should, this isn't a high priority item as far as the Council and GC involves with. We're talking about an issue that isn't ESA-related. It's not becoming an overfished species. You know the resource isn't threatened. We're talking about a close class of processors willing to or wanting to see the mothership, to operate as mothership and a catcher processor in the same year, and I haven't heard anybody in that close class speak out against this, so it seems like to me that it would, the options they have before them, the easier one would kind of rise to the top. I don't know what that is. You know I'm not a lawyer by any means. I'm not in their shop but it just seems to me that this thing should be fairly easy in the grand scheme relative to everything else that is done in this arena. Now given that I'm with a lot of the folks, but most folks are talking about, they don't want to see things slip but I think that, as Phil pointed out, you know we're not talking about something that needs to be done by May 15th. This could be finished up by later in the summer and I think that's a, that really stands out like a big, big issue to be take into consideration here, so anyway, but my vote, whatever we do here, would depend on what National Marine Fisheries Service says on this issue. Thank you.

**Marc Gorelnik** [00:12:11] Thank you Brad. Marci followed by Maggie Smith. We can't hear you Marci.

**Marci Yaremko** [00:12:28] Yes, you can't hear me because my mute button's on. I'm sorry. Talking to myself. One more for Kelly, if I may. I'm I think having a hard time really understanding with the opportunity to extend the emergency rule that was valid for 180 days, I believe that NMFS had the ability to, on its own without a Council recommendation, to make the decision to essentially extend the emergency so that it would cover a second 180-day period. It sounds like there was some discussion about whether there was a need for the emergency to continue and in that discussion, it was concluded, and I'm not sure by whom, that there was no necessity to continue it and I guess I'm sitting here wondering, thinking, well did the Council weigh in on that? What would we have said? So I guess I'm hoping you can clarify how that decision to not extend the emergency for a second period was reached, and in light of that, noting that I think ultimately that's a decision that was made by NMFS, potentially in consultation with others, thinking forward to a new emergency, even though the Council passes on a recommendation to NMFS and may ask you to take emergency action here again. I guess I'm just thinking about from your side of it, I mean if you propose an emergency rule, then that means that, you know, you are comfortable with the rationale, the justification of need and meeting the standards of emergency. So that, those are things that NMFS internally has to find itself so I'm guessing, I'm hoping you can.....or I'd like, if you can, to kind of talk about that decision with regard to the second 180-day period and the decision making that went on and how that decision has any bearing or if it has any bearing on any new proposed emergency that NMFS would promulgate?

**Marc Gorelnik** [00:15:43] So that question is posed to Kelly?

**Marci Yaremko** [00:15:47] Yes, thank you. Thank you or NMFS.

**Kelly Ames** [00:15:52] Thank you Chair Gorelnik and Marci for the question. So back in August we did reach out to the at-sea whiting representatives to check in about the status of the emergency rule, the upcoming expiration date, and asked whether there was a desire to extend or need to extend, and at the time we were told no, that that there was not a need to extend through the rest of 2021. I think also I would refer you to under open public comment, the industry letter submitted by the Pacific Whiting Conservation Co-op and the other entities. They also directly addressed this. At the time they did not see a need to extend the rule based on the limited number of days that the rule could be extended, so that is on page 2 of their request and they basically note that the extension would have then covered a time period in which the fishery was not operating, so a January to May 14th timeline.

**Marc Gorelnik** [00:17:10] Does that answer your question Marci?

**Marci Yaremko** [00:17:14] Thank you Mr. Chair. Not exactly. I guess I'm just looking at the fact that NMFS relying on that information made the decision not to extend the prior emergency rule and then now you're in a position, should the Council recommend this emergency action, that NMFS would then be needing to promulgate a new rule that does, well would need to promulgate a new rule in reliance on the recommendation of the Council to do so, and I'm just wondering if the decision, if you are comfortable with it should the Council recommend such an emergency that you feel that that is the type of emergency action that you will be able to provide sufficient justification in the rulemaking activities to support?

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

**Kelly Ames** [00:18:35] Through the Chair, Miss Yaremko I might not be understanding your question exactly Marci, but in general the agency would not have renewed an emergency rule before expiration unless there was a request from industry or from the Council to do so. We would have needed a rationale to do that. We had heard no rationale, so we let the rule expire.

**Marc Gorelnik** [00:19:03] Maggie Smith followed by Heather Hall.

**Maggie Smith** [00:19:12] Thank you Chair Gorelnik. I wanted to offer a little bit more information to follow up on some remarks by Miss Ames who spoke to the potential regulatory pathways and how we are still evaluating those. Specifically, we are evaluating whether or not it is appropriate to waive notice and comment rulemaking under the APA for this emergency. I think the Council's aware that in addition to ensuring that the criteria under 303 C are met for an emergency. The agency is also, there is a default under the Administrative Procedure Act that all rulemaking go through notice and comment and it's a very strong presumption. The agency can only waive notice and comment if there is good cause, and part of good cause is determining whether or not there was really sufficient time in order to solicit comment and so that, and that is something that is not just up to me. It's not just up to the folks who are sitting here at this table. It gets evaluated at other levels of the agency that NMFS will need to, if NMFS decides it would like to try to waive notice and comment, it will need to write up a justification for that, and that's I just think an important point to consider that if there is time, then there is likely time to do notice and comment rulemaking, which means that there will be two rules instead of one and this does happen with emergency rules. It's not terribly common because generally there is some cause to waive, but it's not unheard of and it's not unheard of even currently, so I just wanted to provide that background on sort of what we're talking about when, when we say regulatory pathway, we're basically talking about one rule or two rules.

**Marc Gorelnik** [00:21:32] Thank you Maggie. Heather Hall followed by Phil Anderson.

**Heather Hall** [00:21:39] Thank you Chair Gorelnik. I just wanted to follow up on the questions about renewing the emergency rule from 2020 and just refer back to the public comments submitted at this meeting and really that an extension of the 2020 emergency rule would have really largely covered the majority of time when the whiting fishery was closed. So, you know, even if they had anticipated the need extending it 2021 and asked for an extension, it would have, you know, not been as effective given that the fishery was closed from January 1 to May 14th. So, I just want to make sure that point was clear.

**Marc Gorelnik** [00:22:34] Phil Anderson.

**Phil Anderson** [00:22:37] Yeah thanks Mr. Chair. I think there was just two points I was going to

make. Number one, even if it had been extended, we'd still find ourselves in the same place relative to 2021 as we do today. The extension would have expired in the middle of the 2021 season and so the flexibility for those vessels to participate either as CP's or motherships would have expired along with it. I would just also like to say that, at least for me, I don't know about the rest of you, but at this time last year or certainly even in November of 20, what was that 2019, there was no way to know what set of circumstances would be confronting our fisheries in 2021. We had, no one, no one could have forecast the kinds of experiences that are, but in particular our processing sector, both the at-sea as well as shoreside, have experienced in terms of dealing with this pandemic. And it is because of that experience that in this case, the catcher processor's and motherships dealt with when they had outbreaks on their vessels and were forced to tie up for weeks on end, that is what is triggering their request for this emergency rule, because they know they're still at risk for that to happen in 2021, and they need to have the flexibility to bring alternative vessels into this fishery as processors in this case, in the event that something like that happens again and we're, despite the State of Florida and maybe Arizona, we are not out of the woods yet in this pandemic, a long ways from it, and so there is a new emergency and it's based on the experience of what happened in 2020, and that's why these companies that have tens of thousands, hundreds of thousands of dollars tied up in how this fishery plays out and the degree to which they can be flexible with the capacity that they have to get these fish out of the water is so important. So, we have a new emergency and we're, and there is, we do have some a little bit of time here to deal with this emergency, but we don't have enough time to go through a full rulemaking process to address it, which will in part I think be addressed during the mothership utilization piece. But so, we have a new emergency. It's based on our experience with this pandemic and the experience of these processors and what it does to them when they have an outbreak on their vessels and how it takes the entire vessel and the entire processing capacity out of the equation and all of the ripple effect that that has on the people who are catching the fish. I encourage you to vote for this motion.

**Marc Gorelnik** [00:26:16] Phil, we don't have a motion yet. Maybe that's.....

**Phil Anderson** [00:26:20] No? Well, okay... well when it comes and if it's to support moving forward with an emergency rule, I would support it.

**Marc Gorelnik** [00:26:32] Okay. We have two other hands raised, Heather and Maggie. Heather Hall and Maggie Sommer. I don't know if one of those is for a motion or not, but I'll call them in the order they were raised. Heather Hall.

**Heather Hall** [00:26:46] Thank you Chair Gorelnik. I would, I would like to offer a motion, and Sandra has that I believe. Thank you Sandra. I move that the Council add another agenda item to the March 2021 Council meeting agenda to consider an emergency action that would allow an at-sea Pacific whiting processing platform to operate as both a mothership and a catcher processor in the same calendar year during the 2021 whiting fishery.

**Marc Gorelnik** [00:27:23] And Heather that language it is accurate and complete?

**Heather Hall** [00:27:27] Yes, it is.

**Marc Gorelnik** [00:27:28] I'm looking for a second?

**Chuck Tracy** [00:27:29] Mr. Chairman.

**Marc Gorelnik** [00:27:30] Yes.

**Chuck Tracy** [00:27:32] This is Chuck. I think we should consult our parliamentarian on this since I

think we are adding something to the agenda which has already been approved. So perhaps just a quick consult to see if this is the proper way to approach that.

**Marc Gorelnik** [00:27:47] Right. Right. This could be a motion to amend, which may have a certain vote threshold required. So, Dr. Hanson?

**Dave Hanson** [00:27:58] Mr. Chairman. Yeah, you should move to reconsider the agenda and as one motion. That passes and it's a simple majority, then you go to an amendment. Vote on that and then back to the final.

**Marc Gorelnik** [00:28:15] Okay. Thank you for that guidance. So... Heather.

**Dave Hanson** [00:28:23] Mr. Chairman if I could. It's not strictly just a parliamentary, the Administrative Procedures Act should be addressed too... I would think by NOAA GC.

**Marc Gorelnik** [00:28:36] Okay. Well, and what shall we do that, do you recommend we do that before we have any motion practice?

**Dave Hanson** [00:28:45] Yeah, I think it could be very simple if they say they don't have a problem with it, then you can move on.

**Marc Gorelnik** [00:28:52] All right. Well then, I'll look for a hand from I think Maggie is in the seat. Maggie.

**Maggie Smith** [00:00:00] I apologize. I think I missed some of the nuance there. I have a problem with what exactly?

**Marc Gorelnik** [00:00:08] Dr. Hanson.

**Dave Hanson** [00:00:10] There wasn't public notice that this was coming up and whether there's any problem with the Administrative Procedure Act or what they do, need to address it.

**Maggie Smith** [00:00:21] Thank you Chair Gorelnik and Dr. Hanson. Under the Magnuson-Stevens Act if the Council is contemplating an emergency, notice can be given immediately, and I would say that amending the agenda in this way constitutes immediate notice and therefore complies with the act. Thank you for the question.

**Marc Gorelnik** [00:00:45] Okay. Thank you for that Maggie. So, we have a motion on the floor, but it's not been seconded. Do you wish to withdraw that, Heather?

**Chuck Tracy** [00:01:03] Mr. Chairman maybe just a quick clarification on Maggie's point. So, she said amending it or changing the agenda in this way, so is that in a way that recommended by Dr. Hanson or the way recommended by Miss Hall.

**Marc Gorelnik** [00:01:19] Maggie.

**Maggie Smith** [00:01:21] Thank you. As a legal matter, in terms of MSA compliance, it doesn't matter either way would...

**Chuck Tracy** [00:01:30] Thank you.

**Marc Gorelnik** [00:01:36] All right so it's not a legal issue, it's a parliamentary issue. My preference is even though it's burdensome, is to follow the proper parliamentary procedure unless anyone objects to that, since it should be, only take a moment to do. Heather, you have a pending motion.

**Heather Hall** [00:02:02] Chair Gorelnik I'd be happy to withdraw that motion.

**Marc Gorelnik** [00:02:06] All right, thank you. And I see Pete Hassemer. Your hand is raised?

**Pete Hassemer** [00:02:12] Thank you Mr. Chair. I'd like to make a motion.

**Marc Gorelnik** [00:02:16] Please.

**Pete Hassemer** [00:02:19] Sandra, I'll go slow. I move the Council reconsider its action taken under item, Agenda Item A.4, the approval of the agenda.

**Marc Gorelnik** [00:02:48] All right Pete. Is that language complete and accurate?

**Pete Hassemer** [00:02:54] It is complete. I hope I've stated it correctly.

**Marc Gorelnik** [00:02:59] I'll look for a second? Phil's hand is raised. Please speak to your motion, as necessary.

**Pete Hassemer** [00:03:05] Based on the testimony we've heard, this is an important issue and I think it needs to be come up before the Council as a separate agenda item. Thanks.

**Marc Gorelnik** [00:03:14] All right. Is there any discussion on this motion? Seeing none I'll call the question. All those in favor say 'aye'.

**Council** [00:03:25] Aye.

**Marc Gorelnik** [00:03:25] Opposed, no? Abstentions? Motion passes unanimously. Now I think if I remember correctly, we'll want to entertain a motion, and correct me if I'm wrong, a motion to amend the agenda. Dave? Let me call on Heather. Maybe she remembers precisely what Dr....

**Heather Hall** [00:04:09] I was just going to offer my motion.

**Marc Gorelnik** [00:04:14] All right, offer your motion and Dave will let us know if you screwed up...(laughter)...

**Heather Hall** [00:04:18] Okay. I move that the Council add another agenda item to the March 2021 Council meeting agenda to consider an emergency action that would allow an at-sea Pacific whiting processing platform to operate as both a mothership and a catcher processor in the same calendar year during the 2021 whiting fishery.

**Marc Gorelnik** [00:04:45] Okay, that language is accurate and complete?

**Heather Hall** [00:04:48] Yes.

**Marc Gorelnik** [00:04:49] Look for a second. Seconded by Phil Anderson, so please speak to your motion as necessary.

**Heather Hall** [00:04:56] Thank you. I think we've had a good discussion about this issue, and as Pete Hassemer said, it's an important issue that I think warrants some time on the Council agenda and I look forward to having that conversation later this week.

**Marc Gorelnik** [00:05:14] All right. Are there any questions for the maker of the motion or discussion on the motion? Not seeing any I will call the question. All those in favor say 'aye'.

**Council** [00:05:29] Aye.

**Marc Gorelnik** [00:05:29] Opposed, no? Abstentions? The motion passes unanimously. And let me check with our parliamentarian to see if there's anything further required here?

**Dave Hanson** [00:05:49] Mr. Chairman, you now have the main motion in front of you. You can go ahead and vote on.

**Marc Gorelnik** [00:05:55] All right, so now we need....

**Dave Hanson** [00:05:58] A motion to amend.

**Marc Gorelnik** [00:06:01] Well, we passed this motion in front of us right now. So, you're saying we now need a further motion to approve the amended agenda?

**Dave Hanson** [00:06:09] Correct.

**Marc Gorelnik** [00:06:10] Okay great. All right, so I'll look for a motion. Phil Anderson.

**Phil Anderson** [00:06:21] Thanks Mr. Chairman. I move that the Council approve its agenda, Agenda Item A.4 as amended.

**Marc Gorelnik** [00:06:32] All right thank you. Look for a second? Second by Pete Hassemer. Actually, let me pause for a moment. Is that language correct Phil? Phil, I just want to confirm I got a verbal approval that that language on the screen is accurate and complete?

**Phil Anderson** [00:06:57] Yes, it is Mr. Chairman.

**Marc Gorelnik** [00:06:59] And then Pete, is that the motion you want to second?

**Pete Hassemer** [00:07:04] Yes.

**Marc Gorelnik** [00:07:05] All right. Phil, please speak to your motion, as necessary.

**Phil Anderson** [00:07:10] Thanks Mr. Chairman. I don't believe it's necessary. The amendment, the discussion around the amendment was sufficient.

**Marc Gorelnik** [00:07:19] All right. All right I don't see any hands for any discussion, so I'll call the question. All those in favor say 'aye'.

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

**Marc Gorelnik** [00:07:25] Opposed, no? Abstentions? The motion passes unanimously. So, as I understand it, we have now amended our agenda to include an agenda item for this proposed emergency



rule, and then Chuck would you mind weighing in when we might have this on the agenda?

**Chuck Tracy** [00:07:56] Thank you Mr. Chair. Yeah, so you're right we have not scheduled a time for that so I'm not sure what is going to be necessary for this agenda item, so that will weigh into the Council's decision. I will point out that tomorrow, the inseason adjustment item, so far we have had no proposals for inseason action. I think there's a couple of updates that were contemplated but no action so that agenda item should take considerably less time than the hour and a half that we had hoped for, or that we had planned for, so that is one possibility that, you know, creates some more time on the agenda tomorrow. I think HMS, International Management Activities also is probably going to be coming in less than those two hours, so tomorrow it might be a possibility. I will point out we have electronic monitoring on the agenda, which is likely to go long, but that in any event, tomorrow might be the most obvious date where we might come in under our scheduled agenda time. Beyond that, you know, there's Wednesday, and Thursday, of course, is a half day so adding it to Thursday's agenda, you know, might be the other possible solution. Again, I think it depends on what's expected in terms of materials for that agenda item. I think last year when we did this emergency rule for the same action for different reasons, we had a report from the GMT, a report from the GAP and a situation summary created by staff so I think it would be relatively easy to dust off the situation summary. I'm not sure about the other two, the other two reports. So, in terms of scheduling that I don't know if, for example, if first thing in the morning would be good or if we need to schedule it for later in the day, but I will, I guess that's my input on that.

**Marc Gorelnik** [00:10:22] I'm just thinking in the interest of public notice, you know, letting people know when they might want to tune in or submit a comment or whatnot it might be useful to, you know, at least have a targeted day and if it's going to be tomorrow, I would suggest later in the day but....

**Chuck Tracy** [00:10:50] I agree. I think that would be a desire of the Council to provide as much notice as possible. I guess I would also point out that groundfish tomorrow is the last day of our scheduled groundfish agenda items so there might be some utility I guess in having it scheduled then, but again I'm not sure what this might do in terms of impact to the Groundfish Management Team and Groundfish Advisory Subpanel in their ongoing work.

**Marc Gorelnik** [00:11:24] All right. I see Phil Anderson's hand is up.

**Phil Anderson** [00:11:27] Thanks Mr. Chairman. I just note that the GAP did provide a comment in their, under their workload item on this emergency rule request. I don't know about GMT, but I was thinking if we had this as a, I don't know if G.6 is the right thing, but under, following electronic monitoring that might be a reasonable time to take this on and, you know, I know the GAP has already talked about it and provided us their perspective.

**Marc Gorelnik** [00:12:09] Okay. So Chuck, then maybe we can touch base with the GMT and confirm with the GAP and then provide, you know, determine a time and amend the agenda so folks know.

**Chuck Tracy** [00:12:25] Yeah, I think that would be, I think that would be good. Perhaps we could do that over the course of the rest of the afternoon and then update people at the close of the meeting today or maybe when we get around to the next groundfish item if salmon gives us sufficient time to make those consultations.

**Marc Gorelnik** [00:12:46] Great. So, we're still on Agenda Item G.2. Let me see if there's any further business from the Council, see if they are any hands that folks want to raise anything else on this agenda item, and not seeing any.....oh Chuck.

**Chuck Tracy** [00:13:08] Thank you. I guess I would point out that on the situation summary and as a result of the Council's request I think back in September, that the cost recovery item was also added to this, added to this agenda item as a potential for prioritization, so I think it would be appropriate if the Council would address their desires on that item.

**Marc Gorelnik** [00:13:33] Okay. Thank you. So...Heather Hall.

**Heather Hall** [00:13:38] Thank you Chair. And I just wanted to say before we moved off this agenda item, and I should have said it when I spoke to my motion to add this agenda item and I know how the GMT and the GAP works and they work themselves to the bone but I certainly, by adding this agenda item, didn't expect to see any big analysis come out of it. I think they did that work last year and we can look to that, so I don't, I hope that this doesn't set the GMT up for a late-night work session or anything like that. I think we can have the discussion about workload with a good understanding based on the stuff that they put together for us before. So, I just want to make sure I said that so that the GMT and GAP could hear it.

**Marc Gorelnik** [00:14:28] Okay Heather thank you. So is there, Chuck had mentioned cost recovery, so is there discussion, motion, adding it? I don't have the GMT list up in front of me right now but let me look to a Council member.

**Chuck Tracy** [00:15:02] Mr. Chair?

**Marc Gorelnik** [00:15:04] Yes sir.

**Chuck Tracy** [00:15:04] Well maybe I'll go ahead and say what I was going to say and that is so this would be considering adding this to one of the tables of prioritized or unprioritized actions, and so I guess I would also remind the Council that that is not necessarily required at this time, depending on which table you add it to. If you want to add it to the prioritized table and schedule some action on it then that's one thing. If you just want to add it to the list, that's another. It doesn't necessarily have to occur at this meeting.

**Marc Gorelnik** [00:15:45] Okay. Phil Anderson.

**Phil Anderson** [00:15:53] I may not have followed exactly what Chuck just said. My suggestion was for us to, and I'm doing this without knowledge of just how packed the April agenda is, but the Cost Recovery Committee, according to the roster that I have, has six individuals on it and some of those are contemporary in terms of their participation in the Council process, well one at least is not. So I'm just wondering if we might want to think about this a little bit, come back and talk about what the Cost Recovery Committee, if we want to bring it back into action I think we need to think about who's on it, look at the existing names, see if some need to be freshened up and then make some decisions on what we're going to ask them to do, and I'm certainly not prepared to do that today, but those are a couple of steps we might think about taking to further address this issue.

**Marc Gorelnik** [00:17:24] Thank you Phil. I thought I saw in a report I can't find it now, someone discussed or suggested having a discussion in April. Maggie.

**Maggie Sommer** [00:17:34] Thanks Mr. Chair. Similarly, not prepared to make a decision on it today. I am not opposed to a discussion in April. I would urge us with thinking about that, but in general really thinking about potentially reconstituting this committee and moving forward with it to once again think about the time that, that would be taking away from the participants working on other items, and getting them done, and it seems to me that the real issue with costs in this fishery, certainly there is an issue of

understanding what costs are recoverable et cetera, and the number of issues around transparency and what and how information is presented has been raised. But I would think that the real issue is looking for cost savings to the industry and I would like us to give some serious thought as to what we expect to achieve through this Cost Recovery Committee and whether it is the most valuable thing we can be doing with our time to that end before proceeding with a decision on it.

**Marc Gorelnik** [00:19:01] Thank you Maggie. Marci.

**Marci Yaremko** [00:19:02] Thank you Mr. Chair. Yeah, I'm not really interested in taking up that discussion here and now. I appreciate the interest in the topic and the interest on the part of some to reconstitute the committee and get discussions going but I thought this agenda item was where we made decisions on priorities and I don't see Cost Recovery Committee staffing as an item that's currently on the list, and again this is what is difficult about having four or five different lists compiled by different groups and reports that cover content about items that aren't on the lists and what the culmination of this item is, but I feel like this agenda item is where we have those discussions and I didn't hear anything in the body of the discussion under this agenda item that was a recommendation to add this item onto one of the tables. Now again there's some uncertainty about which table is really governing our activities into the future here, but you know, I guess I'm inclined to, or I feel like I have weighed that activity among the priorities and accepted advice of some as to what our priorities should be and I'm just not, I'm feeling like if we're going to revisit this discussion on Cost Recovery Committee, we should be doing it with the full spectrum of the other items that are on the table in our thinking at the time so guess that I thought we heard the advice. I didn't hear any action in response to the advice, so I was comfortable with leaving it there. So maybe somebody can clarify where it is, we'll see this again and where it will show up on what list. Thanks.

**Marc Gorelnik** [00:21:26] Thanks Marci. Phil.

**Phil Anderson** [00:21:30] Yeah, I don't that I can do that Marci. This was in the GAP's report. They did have it included in their November 2020 report to us under this agenda item, so I thought it was appropriate to at least discuss it, given that it came from the one of our groundfish, our Groundfish Advisory Panel. In reviewing the membership of the committee, it doesn't have any GMT people on it. I don't think even any state people on it. It had a NMFS and some industry and PSMFC and industry people on it and there was only five, so I don't frankly think it fits very well under the groundfish workload agenda because I don't think there's interactions between a lot of the entities that are working on groundfish. I think it's a separate kind of issue that needs to be dealt with by a different composition of the committee much like it was done back in 2011.

**Marc Gorelnik** [00:22:42] Thank you Phil. Bob Dooley.

**Bob Dooley** [00:22:47] Thank you Mr. Chairman. You know I followed this quite closely over the years and it seems like every time the cost recovery comes up on the annual agenda, it's a, you know there's a lot of consternation and has been a lot of questions and not many answers and so I think the GAP last year suggested we come forward with a different process, try to form a matrix that could, you know, systematically define how, or you know, identify cost recoverable issues and items and understand the degree when you apply the guidelines to it and how that all goes and you know, hopefully get us to a place where we're not having to have so many questions about this and have more understanding from the people that are being charged. These costs are very significant to the participants in those sectors. I think that, I don't know that this is the proper venue today to do that in, but I think it is important that that Cost Recovery Committee be reestablished and work through this bite at a time to create a system where we don't have to put so much time into the cost recovery and just have a better understanding of it and I think that's important, and we've heard that from the GAP. It came up here,

but you know, I'm certainly open to where it should be appropriately placed, but I don't think it should be ignored. I think it needs to be something we look at going into the future because these costs are significant. They tend to dampen participation but particularly by the smaller entities in the fishery and costs in general are really important to keep track of and be able to justify and be able to have satisfactory understandings. I've never heard that the industry is opposed to paying for it, they just want to understand what it is they're being charged for, so I'll stop there and thank you.

**Marc Gorelnik** [00:25:00] Marci.

**Marci Yaremko** [00:25:01] Yeah, thanks Chair Gorelnik. Just a response to Mr. Anderson's comments. Yes, that was a recommendation in the GAP report, but I left my thinking squarely or reaching a conclusion after hearing the NMFS report under this agenda item that NMFS is asking for Council guidance on prioritizing the ad hoc Cost Recovery Committee because there is substantial overlap between the staff that work on catch share priorities such as whiting utilization, SaMTAAC and EM, so the timing of the committee discussions need to be taken into account with the other priorities, so it is a workload issue. So, I feel like we can't separate that topic from the rest that are on the list. So again, you know, the challenge here is we have people working off of different lists and I'm hearing from NMFS that if we add a Cost Recovery Committee meeting that will take away from their other activities that we've already identified as priorities. So, I'm struggling here with how to reconcile all of this in this discussion.

**Marc Gorelnik** [00:26:31] Okay. Well thank you Marci. Let's see if there is a motion to add this as a priority. The comments I've heard so far is folks think this is important, but they're not prepared to discuss it at this meeting so in the interest of moving through this agenda item I just would like to see if we're going to get a motion on this or if there's any further discussion. I'm getting the sense that there isn't a groundswell of support here on cost recovery at the moment, and I'm not seeing any hands go up so let me see if there's anything else under this agenda item that the Council wishes to discuss? Let me turn to Todd.

**Todd Phillips** [00:27:37] Yes thank you Mr. Chair. We've had a good 2-hour agenda item here in which we have, which the Council has addressed all of your actions. You've made several motions that can push this item forward in terms of better ways to address tables. You've also added several items to the list for further consideration. You've also intimated that in terms of cost recovery, there is some interest in a CRC, excuse me an hoc Cost Recovery Committee, but at this point in time it's not determined if it would be a priority to have a meeting. Noting from the situation summary it seems likely that this particular item could be revisited in April under the cost recovery agenda item and make a decision essentially made at that time whether or not the ad hoc committee would be a useful entity or not. That's what I have in my notes, sir. Thank you.

**Marc Gorelnik** [00:28:51] All right thank you Todd. Good work Council, getting through this agenda item. We knew it wasn't going to be easy and it wasn't, but we got it done.

### 3. Pacific Whiting Utilization in the Mothership Sector

**Brad Pettinger** [00:00:00] With that, that takes us to Council action, which is to continue scoping for whiting fishery utilization issues, adopt final purpose and need and a range of alternatives. Okay with that I'm looking to entertain discussion or a motion. Maggie.

**Maggie Sommer** [00:00:21] Thank you Mr. Vice Chair. I also want to thank the analysts for all of the information presented in the scoping document and in the presentation we received the other day, along with the GAP with quite extensive information in their report at this meeting and everything we have heard in public testimony here and in prior meetings. For me... has really helped me to understand the issues and relating to the problem of mothership sector underutilization. I also want to acknowledge how long that we have been considering this item so far and, you know, and going back through the materials noted that the report brought to us from the industry meeting in October of 2018 had a really optimistic timeline in it. They had identified some items which we are considering today, which were identified at that time as short-term fixes that they hoped could be in place for the 2019 whiting season. So it just reminds me of really how long this process is, although you know kind of getting back around to my original point, I am really feeling pretty well informed at this point and comfortable that we have enough information before us to proceed with adopting a purpose and need statement that really reflects the problem and the need for action and the purpose of what we intend to do, as well as an adequate range of alternatives to proceed with further analysis, and when the Council is prepared to entertain motions on those, I will have a motion for each.

**Brad Pettinger** [00:02:14] Okay. Further discussion? Okay. Oh, Maggie I see your hand is back up.

**Maggie Sommer** [00:02:28] Well thanks Mr. Vice Chair... that was not for further discussion. I was not seeing any hands so I thought I might offer a motion, but if there is discussion, I don't want to cut it off.

**Brad Pettinger** [00:02:43] Seeing no other hands, I'd say please.

**Maggie Sommer** [00:02:47] Sandra would you please put up motion 1? I move the Council adopt the purpose and need statement for Pacific Whiting Utilization presented in Agenda Item G.3.a, Supplemental WDFW ODFW Report 1, March 2021.

**Brad Pettinger** [00:03:06] Okay Maggie does the language on the screen reflect your motion?

**Maggie Sommer** [00:03:10] Yes it does.

**Brad Pettinger** [00:03:13] Okay very good. Seconded by Pete Hassemer. Speak to your motion please.

**Maggie Sommer** [00:03:18] Thank you Mr. Vice Chair. Again, appreciate the effort that so many have put into crafting a good statement of purpose and need, reflecting the Council intent, particularly with the one I am recommending we adopt today. Appreciate the efforts of Pete Hassemer and Heather Hall in particular, but we also, as I noted when I spoke to the report yesterday, drew from what we have seen in the GAP and the GMT reports, tried to pull the, the best elements of all of those together to describe the key problem, again, relatively lower mothership sector attainment than in other whiting sectors, and provide some information on causes and current barriers to attainment for that sector and for the whiting fishery as a whole. As I had noted yesterday, we really streamlined this version from, from the GAP's. We removed a little bit of detail. Again, I want to emphasize that that information is important, and I don't mean to discount it or lose it, but it will be available in supporting documents. And this statement describes the purpose to increase flexibility in the whiting fishery and improve the mothership sector's

ability to utilize its allocation. It also does include all sectors in the first part of the purpose statement in order to maintain equal opportunity to access whiting through a common season start date which I intend to propose in a motion on a range of alternatives next. Thank you.

**Brad Pettinger** [00:04:57] Okay. Thanks for that Maggie. Comment, discussion on the motion? Okay. Seeing none I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:05:07] Aye.

**Brad Pettinger** [00:05:07] Opposed? Okay motion passes unanimously. Okay thank you Maggie. Back to the floor. We have a range of alternatives, so Maggie I see your hand again. Please.

**Maggie Sommer** [00:05:28] Thank you Mr. Vice Chair. I would like to make motion number 2.

**Brad Pettinger** [00:05:35] Okay.

**Maggie Sommer** [00:05:38] I move the Council adopt the following range of alternatives for Pacific Whiting Utilization for analysis and public review. 1. Whiting season start date for all whiting sectors. Status quo: May 15th. Alternative 1: May 1st. Under Alternative 1 annual cooperative applications and salmon mitigation plans due 45 days prior to the season start date. 2. Mothership Processor Obligation. Status quo: Mothership Processor Obligation made by November 30th through Mothership Catcher Vessel Endorsed Limited Entry Permit Renewal. Alternative 1: Remove Mothership Processor Obligation from regulation. Number 3. Mothership Processor Cap. Status quo: 45 percent. Alternative 1: 65 percent. Alternative 2: 85 percent. Alternative 3: Remove Mothership Processor Cap from regulation. 4. Mothership Processor and Catcher Processor Permit Transfer. Status quo: A vessel cannot be registered to a mothership permit and a catcher processor permit in the same calendar year. Alternative 1: Vessel can be registered to a mothership permit and a catcher processor permit in the same calendar year. Suboption A: A vessel can switch between the mothership sector and catcher processor sector up to two times during the calendar year through permit transfer. Suboption B: Vessel can switch between the mothership sector and catcher processor sector up to 4 times during the calendar year through permit transfer. And Suboption C: Unlimited transfers.

**Brad Pettinger** [00:07:16] Okay, thank you. Does the language on the screen accurately reflect your motion?

**Maggie Sommer** [00:07:22] Yes.

**Brad Pettinger** [00:07:22] Okay. Looking for a second? Phil Anderson. Thank you, Phil, for that. Okay Maggie, speak to your motion.

**Maggie Sommer** [00:07:34] Thank you Mr. Vice Chair. I would be happy to. I'm proposing this range to meet the need regarding mothership sector utilization described in the purpose and need statement. Preliminary analysis presented in the scoping document, which was G.3, Attachment 1, found that the mothership sector has had lower average attainment than the other sectors in the recent years and has seen less growth in ex-vessel revenue compared to the other sectors from 2014 to 2019. It also found that there appears to be a significant issue with catcher vessels in that sector not harvesting their allocation. We heard plenty in public testimony also supporting this need. Speaking specifically to some of these alternatives, starting with season start. I am including this in the range of alternatives with only May 1st as an alternative to status quo, noting again this would apply to all sectors. We heard the GAP support a season start date change for all sectors in common as one of the most potentially impactful elements of the package in terms of providing flexibility and increased opportunity. So, I found

information provided in the scoping document and presentation, and especially in the Supplemental GAP report, very helpful in providing specific scenarios with dates that illustrate how the overlap with the Alaska pollock seasons limits opportunity to participate in the Pacific whiting fishery off the West Coast with a May 15th start date due to business decisions made by participants. I do recognize concerns about the potential for increased or different impacts to salmon stocks from a changed whiting season start date. Again, I found information provided in the scoping document on salmon interactions helpful, particularly figure 13 on page 27, which illustrates average number of salmon and number of whiting hauls by month by sector. This shows that the bycatch rates appear similar across May and June, while rates in the fall months of October and November are higher. The scoping document appeared to conclude that it's likely that moving the start date earlier than May 15th by a few weeks could see similar bycatch estimates as the first few months of the regular season, and it points out that the overall risk of exceeding the chinook salmon threshold for whiting fisheries is likely low as the whiting sectors as a whole have taken less than 6,000 chinook in each of the last 3 years. I understand that regardless of the overall level of chinook bycatch, there may be concerns about differential stock specific impacts. I reviewed the 2017 BiOp and the info provided therein on stock specific impacts, recalling that the proposed action and the estimated impacts under that BiOp included a year-round midwater trawl fishery, although that BiOp noted that that may not be an appropriate correlation to the whiting fishery because of operational differences, for example vessel horsepower, depth, et cetera. But in the 2017 BiOp stock composition analysis based on limited GSI, included wiretap data, indicated that impacts to all listed chinook ESU's would be negligible to low. And the BiOp also noted that those estimates of ESU specific impacts were likely higher than would actually occur for several reasons. The estimates were based on the highest level of bycatch reasonably expected to occur. The estimates included some small level of unlisted hatchery fish that shared a similar genetic heritage. And the groundfish fishery catches two- to three-year-old fish, not all of which will return to spawn because of natural mortality. Fully recognizing that the data available for time periods prior to May 15th that were used in analysis in the 2017 BiOp were very sparse, and the estimates are uncertain. I found them reassuring enough to be comfortable moving forward with inclusion of a May 1st start date for all sectors in this range. I have not proposed including the earlier start dates because I believe they may mean that ESA analysis of this action could be more complex and reinitiation of consultation might be more likely to be required. We heard some support for this in public testimony. I again want to recognize how long this issue has been in process. I think the best approach to reaching a solution is to avoid reinitiation if possible, or to keep it as narrow and focused as possible, if necessary. As pointed out in the NMFS report, I understand that federal regulations require reinitiation of consultation if the action covered by the existing BiOp is subsequently modified in a manner that causes and effect the listed species or critical habitat that was not considered. I'm hopeful that appropriate analysis of an earlier start date can help inform an evaluation of whether that modification to the authorized fishing season is expected to cause an effect not considered in the existing BiOp and also can inform an evaluation of whether total bycatch might be expected to exceed the thresholds already established. It seems possible that a May 1st season start would not cause any of those events to occur, which contributes to my hope that if at the end of this process the Council selects the final alternative that includes a May 1st start date, it might be able to proceed without a reinitiation of ESA consultation or a relatively streamlined consultation if necessary. I do want to recognize the comments in the GAP report and in public testimony suggesting that if or when an extensive consultation is undertaken, it includes consideration of earlier start dates for maximum flexibility, and I do see the benefit of that. We're hearing about the need for flexibility in so many arenas, and we touched on it again this morning in some of the questions and testimony, and the GAP also raised concerns about the very rigid specifications and interpretation of the 2017 biological opinion. So, I do hope that we can move forward and if reconsultation, reinitiation of consultation occurs, and it is going to be an extensive process at some point, that we have the opportunity to work with the National Marine Fisheries Service on that to make sure that it is contemplating scenarios that can provide flexibility for the fishery in the future. I want to step back and recognize again, as we have repeatedly, that this fishery operates under the most intensive monitoring

measures on the West Coast, including those required by regulation, such as observers or electronic monitoring, as well as the cooperative's own bycatch monitoring and information sharing. It has a suite of salmon bycatch mitigation measures in place, including the sector guidelines and closure triggers that were recently implemented in final rule, block area closures that can be imposed inseason, and voluntary salmon mitigation plans intended to further reduce the salmon bycatch. There are salmon bycatch catch handling requirements, and all bycatch is available for sampling and genetic stock analysis which can help fill the information gap on stock specific impacts moving forward. Together these mitigation and monitoring measures represent the tools we need to understand and minimize the impacts of this action on listed and unlisted salmon and to adapt our future management as needed to respond to changes in patterns or amounts of bycatch if there are concerns. And just finally, on the season start date, I'll note that the sub-bullet under Alternative 1 is based on a recommendation in the Supplemental NMFS report to change the deadlines for submitting the cooperative applications and voluntary salmon mitigation plans to 45 days before a final season start date whenever that is selected. Regarding the remaining items. These are the alternatives recommended by the GAP. The scoping document, GAP and GMT reports, and public comment have provided information supporting the potential for changes to these regulations to provide increased flexibility that can improve the mothership sector's ability to access its whiting allocation. I am not proposing that we include the GMT's recommended suboption of a whiting TAC dependent processing cap because it seems like it could potentially be complex, could limit rather than improve flexibility and potentially create other issues. So, my preference at this time would be to focus analysts on other elements of this package and other work. And I appreciate the information provided to us by the GAP as well as public testimony on the alternatives under the catcher vessel mothership obligation processing cap and permit transfers, and particularly appreciate the industry's efforts throughout our hearing about this item to present information and positions representing a consensus among them whenever possible. The range provided here should give us a good idea of what the potential costs and benefits of each alternative are and what the potential outcomes might be, and I look forward to future analysis and stakeholder input that will help the Council select a preliminary preferred alternative at our next step. That concludes my remarks on the elements of this motion, but I would like to add one more thought on a timeline for future action of this item. I will suggest that we think about scheduling a preliminary preferred alternative step in September of this year. Given the information we have had from the National Marine Fisheries Service that that is the first meeting at which they could engage on this item, I believe that's important given the potential ESA interactions with this item, and then I would suggest we think about planning to take final action in November of 2021 or March of 2022 if at all possible, in order to accommodate the 12 months NMFS indicated in their report under G.2 that it could take for implementation following Council final action and get to a final rule in time for these changes to be effective prior to a 2023 whiting season. I certainly recognize that earlier is better so that participants in the fishery can plan, but want to be realistic here, and I know this will be something we won't be considering under this agenda item but wanted to offer those thoughts so that we can look ahead to our future meeting planning item at the end of this meeting as well as upcoming ones. And with that I will conclude my remarks and happy to respond to any questions. Thank you.

**Brad Pettinger** [00:19:25] Okay. Thank you Maggie. Questions for Maggie? Kelly Ames. Kelly.

**Kelly Ames** [00:00:00] Through the Vice Chair, thank you Maggie. I really appreciate your motion and your thoughtful consideration of the issues that are in hand here today. I will be voting in support of the motion. I did want to flag for the Council's awareness relative to item number 3, the processor cap for the mothership sector. The Amendment 20 EIS stated that the processing limit was intended to address the Magnuson requirement to prevent excessive shares in that fishery. If unlimited processing is analyzed and ultimately selected, the Council will need to identify the provisions that would address these Magnuson requirements. So, either identifying existing provisions that may meet the Magnuson requirement or develop new provisions. So, I want to flag that early for your consideration and also for



the development of the analytical document as it moves forward. Thank you.

**Brad Pettinger** [00:01:05] Okay thank you Kelly. Anyone else? Kelly, your hands still up. Okay. Heather Hall. Heather.

**Heather Hall** [00:01:19] Thank you Vice Chair Pettinger, and thank you, Maggie, for the motion. I also will be in support of this motion. I do want to speak to the mothership processor cap. Relative to the GAP's, I'm sorry, the GMT's statement and their recommendation that we include a TAC dependent cap as a suboption specifically for the status quo option, and I really put a lot of thought into that and whether that was an important component for the analysis. It's the one recommendation where the GMT and the GAP don't align. I certainly recognize that it could add complexity to the analysis, but also didn't want to miss the opportunity for our analysts to explore that if needed, but I think rather than making an amendment to do that, that we let the analysts proceed and hope that through their analysis, they'll let us know if a TAC dependent idea has merit once they get through some of this initial analysis, so if something like that were to be brought forward potentially in September it'd be nice to hear it, but anyway I just wanted to acknowledge that that was important for the GMT and hope that if it does continue to be important, that they'll signal that to the Council later. Thank you.

**Brad Pettinger** [00:03:14] Thank you Heather. Anyone else? Pete Hassemer. Pete.

**Pete Hassemer** [00:03:22] Thanks Mr. Vice Chair. I too support this motion. I just wanted to comment maybe on the season start date there as through this process because of our geographic position here in Idaho and the potential impacts this spring season spring run salmon stocks, I look very closely at that and I do have concerns. But I recognize as we work through this, that as the current fishery management structure exists and we've heard in testimony over the years that there is a great potential or the result of what's happening is a lot of this effort can be shifted into the late season into October, and especially in November, when we know there is solid evidence that bycatch of salmon is high and it's a very risky period to fish, and by allowing those earlier than the two weeks as proposed in this motion with the May 1 start date, that there is the potential for those impacts. But I think, as Maggie spoke to in the motion, that the monitoring that goes on and I guess the self-regulation within the sectors to avoid impacts that the risk of exceeding those caps that are in the BiOp right now are very low, and this certainly presents the potential for a cleaner fishery than what exists right now with the opportunity for a lot of fishing to occur late in the season. So, I have concerns, but I think this is a good approach to minimize or at least keep the... avoid salmon bycatch in this fishery while increasing the utilization. On the processor cap, my concern there and maybe at this point it's not so significant, but there is a workload concern about how much might be associated with analyzing multiple alternatives there when the value of having a cap there is unknown. I appreciate the comment from NMFS about the Magnuson Act provisions and excessive shares there, and as long as Alternative 3 is in there it's something at some point we will address, but I haven't heard a lot of evidence for any value or benefits to having that cap right now, but I think....I'll just let it go there and let it proceed as it's written so I will be supporting this. Thank you.

**Brad Pettinger** [00:06:45] Thank you. Marci Yaremko. Marci.

**Marci Yaremko** [00:06:48] Thank you Mr. Vice Chair. Thank you, Maggie, for the motion. I, too, will be supporting it. In thinking about some of the testimony we've heard today as well as testimony that we've heard in various forms of this agenda item over many years dating back to 2016, I just want to speak in favor of this refinement of the alternatives compared to where we started some of these discussions that contained a number of elements so I just want to thank the industry for sitting down and reaching consensus on these items and indicating to us that this is the package they'd like to see and that it may not be the whole enchilada of everything that they've always wanted but it's something that

I think is achievable and I appreciate their work to get on the same page. Also, these items are expected to provide broad, long-term relief for the challenges faced by the mothership sector the industry has said they critically need in order to better attain their allocation, so I look forward to us taking final action on this at some point later in the year with the, if all goes according to plan and just appreciate the discussions here. Thank you.

**Brad Pettinger** [00:08:32] Thank you Marci. Bob Dooley. Bob.

**Bob Dooley** [00:08:38] Thank you Mr. Vice Chair and thanks so much, Maggie, for such a thoughtful motion and explanation. I couldn't agree with all of your explanations and rationale more. You did a very good job and I appreciate it. I would, I like the fact that we're moving toward flexibility. We've heard over the, and we'll hear some more about how important flexibility will be in the future of these fisheries in our climate scenario planning and I think this is a move to that end. I like the fact that you have limited the processor, the season date and eliminated the earlier conflicts that potentially could be there. I think that with the BiOp I think that we're going to get a lot of benefit from a May 1st start date that we heard that in public testimony. I think that is the truth, that would really pay a lot of dividends. I like the fact that it's in the analysis that way and hopefully enables this to move forward in a more expedient manner because sooner is better than later, I think, but we have limitations, we all heard that all week. So, in the end, I think this is a good plan. I think that flexibility is good, and I think that more time for a season is good as well. This sector has demonstrated time and time again that when they have the ability and the time to react to bycatch, they will do so. Even when they don't, they'll do it at their own expense. So, more time doesn't mean more, necessarily more bycatch, I think it's more opportunity to avoid bycatch. Time is very, very critical in this in our flexibility analysis so, anyhow thank you so much, Maggie, for the thoughtful motion. I will be supporting this. Thank you.

**Brad Pettinger** [00:10:47] Thank you Bob. Further discussion? Okay seeing no hands I'll call for the question. I'm sorry, I unmuted myself.... but did anybody get that?

**Council** [00:11:08] No.....(laughter)...

**Bob Dooley** [00:11:13] Call it again.

**Brad Pettinger** [00:11:15] I'll do it again. Okay seeing no hands I'll go for the question. All those in favor signify by saying 'aye'.

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

**Brad Pettinger** [00:11:21] Opposed? Abstentions? Okay motion passes unanimously. Wonderful so I'll look to Brett. Brett, how are we doing?

**Brett Wiedoff** [00:11:43] I think we're in a good place. I do appreciate all the work that everyone has done on this, including the other analysts that are identified in the scoping document too, I applaud them and look forward to their continued involvement and expertise in developing this. We've completed, I believe, our scoping on this and have adopted a final purpose and need and a range of alternatives. Basically, the Council is signaling it's going to conduct, start an FMP amendment process and we've done that here and now. We'll look forward to coming back to you at some time, my guess sometime later this year and when that it remains to be seen, but I think you've completed your action here under this agenda item and we can move on.

**Brad Pettinger** [00:12:31] Wonderful. Thank you and it looks like we gained a lot of time from yesterday when we were an hour, 10 minutes down, or 20 minutes down. With that we'll move into...

**Chuck Tracy** [00:12:40] Mr. Vice Chair just a quick comment. This is Chuck. I appreciate Maggie putting out some tentative dates or some, you know, possibility for dates. Just to note that I think Council Staff and NMFS Staff will be talking prior to workload planning and we can pick those dates up perhaps there. Again, I don't think it's critical that we do that here at the March meeting either but to the extent that we can provide some input to the analysts and put something on the Year-at-a-Glance, we will we will endeavor to address that.

**Brad Pettinger** [00:13:20] Thank you Chuck. Okay.

#### 4. Inseason Adjustments – Final Action

**Brad Pettinger** [00:00:00] Okay, discussion inseason? I see we're suppose to adopt inseason adjustments as necessary but don't see much need. Okay Todd, I'll look to you.

**Todd Phillips** [00:00:13] Yes. Thank you, Mr. Vice Chair. I believe we have covered this agenda item as there were no inseason adjustments necessary to achieve the annual catch limits. I believe that the Council has completed their work on this agenda.

**Brad Pettinger** [00:00:35] Okay, very good Todd. Thank you.

## 5. Electronic Monitoring Program Update

**Brad Pettinger** [00:00:00] That finishes up public comment and now we go into Council discussion. I'll open the floor up and let's see, Ryan Wulff. Ryan.

**Ryan Wulff** [00:00:18] Thank you Mr. Vice Chair. I just want to begin by stating that NMFS shares the goals outlined by others wanting a successful electronic monitoring program, and I raised my hand first because I wanted to address a few points that came up earlier and hopefully this can help facilitate discussion under this agenda item. I want to thank Melissa Hooper and members of the GEMPAC and the multiple EM providers that helped provide the estimates in NMFS Report 8. That we do believe this is a reasonable estimate of the cost of the third-party model or the best we can at this time and when it comes to NMFS cost, it's most likely conservative as we noted and we do expect those to decrease over time, but I understand that the cost of the program is key to its success. So, I wanted to drill down a little further because along those lines, looking at the breakdown that we have in front of us, the largest cost is equipment and field services, which is determined by the providers and not NMFS. And NMFS tried to minimize the remaining costs as best we can, and we will continue to do so. For example, our recommended changes to the video review protocols we are asking for Council input on today would do just that. We have also been working to minimize the cost for secondary review, but there will be some additional costs borne by industry as part of that. But all that said, looking at these estimates before us, I'm looking at a third-party model that is not more expensive than the EFP. It's been noted it's a million-dollar program either way, which is 35 percent cheaper than the human observer program overall and cuts industry costs in half by these numbers and I know that industry costs are more than what is under the EFP but we always knew that. I mean, that's reflected all the way back in the November 17 reports that supported the final Council decision on third-party. That would be the case once NMFS EFP subsidies would be gone. So, it's unclear to me what other options or questions we have not answered or not looking into that would reduce costs further. I did also want to take a moment to address the sole source issue. You know we've explained that setting almost every year for the past four, but we cannot sole source with Pacific States. In the third-party system NMFS cannot support one provider over another period. Now while 402.d of Magnuson does say we may use sole source with Pacific States, that's not the end of the inquiry. I mean leaving contract and grant law aside, which limits the situations in which sole source is appropriate, sole source is only an option when NMFS is paying the bill, and that's not what is being contemplated here as industry funded monitoring is required in the FMP. It is also against NMFS cost allocation policy, as you've heard me state many times, so we wouldn't use this authority either way. If the Council does want to revisit the monitoring provisions in the FMP, it is well within its purview to do so but that process, as I'm sure you are well aware, would take well beyond January 2022, when third-party is going to be implemented, so barring any new direction from Congress or from this administration, I believe we have to prepare for these regulations to go into effect and further delay actually, I believe, exacerbates our ability to work within the program once implemented to actually find these additional cost savings. Thank you, Mr. Vice Chair.

**Brad Pettinger** [00:04:17] Thank you Ryan. Further comment? Maggie Sommer. Maggie.

**Maggie Sommer** [00:04:24] Thank you Mr. Vice Chair. I just wanted to offer a few comments. I'm sure we'll have a robust discussion here today. Listening to the reports and all of the public testimony today on this issue, it really struck me that earlier at this meeting we heard a request from the National Marine Fisheries Service stemming from President Biden's Executive Order on tackling the climate crisis at home and abroad for input on how to make fisheries more resilient to climate change, including changes in management and conservation measures and improvements in science and monitoring and cooperative research, and I heard a family fishing business owner tell me this morning how much they value the opportunity to use electronic monitoring right now during the Covid pandemic. I actually do see this as a direct connection to climate change. I am aware of some science suggesting that we may

be in for more disruptions, whether it is a human health pandemic or related concern or other factors that might also make EM a particularly valuable solution. I think there's an indirect connection. Certainly, the costs to participate in these fisheries that the fleets are bearing really determine their viability. We heard again from many participants today very eloquently from Lisa Damrosch how important it is for these fishing businesses to have costs that are sustainable over the long term and if the costs themselves of monitoring are not enabling viable fisheries, then they certainly are not going to be robust to other potential disruptions related to climate change related to a lot of the issues that we have been talking about in other agenda items and some of our ecosystem agendas, et cetera, in fact in groundfish as well. So, I do see a connection to really this big picture thinking and need for flexibility and need to support our fisheries. You know I appreciate the reminder we heard today of the program goals and objectives. We all support those. I appreciate Ryan Wulff's support of those and I don't doubt that NMFS does as much as we do want a successful program that works for the fleet and for the agency and for this Council, but I also heard loud and clear again from the GEMPAC and from the GAP and from public testimony that there are still things we don't know. There are still, we still need to fully understand costs and have confidence in the estimates, both because they have been developed carefully over time and been based on estimates from providers who have received finalized details of video review procedures, for example, and other requirements. I listened to Stacey Hansen's testimony today from Saltwater with some ideas on potentially alternative audit methods that could reduce costs. So, notwithstanding I guess what I heard from Ryan Wulff just a moment ago that a delay in implementation could potentially work against the ability to reduce costs. I'm not sure that makes sense to me. I guess the one more thing I forgot to mention in there, I think there might be still some questions about this unfunded mandate question and where the cost lies and how it relates to cost recovery and there are many outstanding questions and avenues of exploration so that really just leaves me, again, feeling like we still are not feeling very settled in where this program is going so I will stop there for now. Thanks for allowing me to share those thoughts.

**Brad Pettinger** [00:09:11] Thank you Maggie. Others? Phil Anderson. Phil.

**Phil Anderson** [00:09:22] Thanks Mr. Vice Chair. You know some Council decisions are easy and some of them are hard and this falls in the latter category, at least for me, and I really do believe that everybody that's working on this, on the creation of an electronic monitoring program has the best of intentions and shares common goals so that's a good thing. I am, where we are right now relative to what we're hearing from the participants in the fishery and what we're hearing from National Marine Fisheries Service and where we are at the Council is not a good place. It is not where we would want to be. That's not to say that with a program that is complex as this, or well the complexities associated with this program or just electronic monitoring and all of the things that go with it are probably never, it would probably, it's too much to hope that we would get to a place where everybody is comfortable with everything and I recognize that, but at the same time forcing this program forward at this point with the degree of opposition that there is to it, not because they oppose having an electronic monitoring program but more because they don't believe we have the necessary information to have to be able to conclude that we have a program that's going to be successful in the long term and accomplish the objective, which is to have a cost effective program to implement in part our catch share program. I, too, heard Ryan just say, Mr. Wulff, just say that a delay may cause more harm than good. I, too, question that but there are a lot of, there's a significant amount of information that I believe needs to have more certainty before moving forward, and I found Stacey Hansen's testimony enlightening about what are the video review protocols, still wondering what those are? How does the NMFS audit work? I think she characterized it as a big unknown. Gave several examples of the different types of audits that might be done and so those were, I appreciated those and lots of other comments, so I'm anxious to hear what some of my other colleagues around the table thoughts are at this point. I do have a motion prepared that I may choose to bring forward based on what else that I hear from my colleagues, but I am very uncomfortable with where we are and just foraging forward despite, and over the top of all of

the objections and concerns that we're hearing from the people that at the end of the day are going to be paying for this program and who have been a huge part in bringing the program forward to where it is today. So, I'll stop there for now. Thanks.

**Brad Pettinger** [00:14:36] Thanks Phil. Further comments? Input? Okay... Virgil Moore. Virgil. Virgil Moore. Virgil.

**Virgil Moore** [00:15:08] There, I'm unmuted now, sorry about that. Gives me a second chance to start. I'm dismayed over what appears to be the right thing to do being unattainable because of our federal partners and others are saying we shouldn't do it that way for a variety of reasons. My empathy goes to the commercial fishing entities out there given the logic that they have expounded on. Most of our advisory committees and groups have told us that it doesn't make sense. My memory is that we were told by NOAA we don't care if it doesn't make sense, we've got to do it this way anyhow because of our legal interpretation. Well, I'm sorry I was raised as a state entity to not agree to things that I know are not correct, regardless of whether or not there is a foundational basis behind it in rule or process. And so, Phil, I don't know what your motion is going to address, but I certainly believe that we have to be making some kind of statement, decision, direction that requires the cheapest, most effective methods to be implemented within these commercial fisheries out there so that the needs that we have as a Council and our management goals are obtained. Thanks.

**Brad Pettinger** [00:16:49] Thank you Virgil. Are you done? Your hands still up. Go to Bob Dooley. Bob.

**Bob Dooley** [00:17:11] Thank you Mr. Vice Chair. And I guess I agree with all of the statements that came before me. I couldn't say them better, but I just got to kind of hindcast a little bit here. I mean we had a program at the start of the catch share program that was in shambles, we had overfished species, we had a lot of things that went on and accountability in this sector has been objectionable to the level it was instituted to begin with by the industry, objectionable to the cost, paying for all the observer cost directly and but the results are undisputable and they haven't just, those benefits have not just accrued to the trawl sector. The benefits of this 200 percent or whatever number you want to attribute to it, but it's at least 200 percent, is accrued to all fisheries on this coast. The proof of this, getting rid of this uncertainty is important, overriding that, though, is we had an unsustainable and still do have an unsustainable amount of cost to keep up this level of accountability, and so the EM program was instituted and to my recollection, yes it's in the trawl sector, but the intent was to bring this to all sectors and I think we have done a really good job as a Council and industry has done a very good job, unbelievable job of making sure that this EM program can actually do the job of what an observer could, to verify logbook and discards. So now here we find ourselves going into a situation where the costs are going to go up a lot, we don't know the exact amount and that's one of the problems, and it's causing a lot of problems in industry and we still have large portions of this, of the trawl sector that can't engage, that have chosen to stand down and not be involved in this program because it costs too much and I think that's what we've been trying to fix and here we go, we don't know the costs, we're going into the unknown. We have costs that up, and even up to the last week here have been trying to be determined to give some indication. We've heard over and over again that that's not the case, that the industry does not know what they're buying and that's causing a lot of problems. We've asked for a long time, was one of the first topics in the first EM meeting that I went to, and that's got to be a number of years, five years ago, maybe more, I know it's more than that. The top, the chief topic was confidentiality of data. The risk of having data, video data laying around with the potential to be used for any purpose at all, and I think that's still a problem and really unspecified how wide of use that could be used for, and that risk is a real detriment to this program for industry to choose it. So that all being said, we've got a program that's, at least by all accounts, we heard today on the verge of collapse, but we're marching full bore into it and, you know, I've been involved with this a lot and chose to really

engage and I can tell you, this is my opinion, there's one, the root of this problem can go back to one decision, one policy decision when video review was thrown into third-party, that particular decision has driven a lot of the cost and a lot of the regulatory development we've had to go into this program and all of that work, all of that Council work, all of that agency work to promulgate these regulations and rules that guide third-party video review. I believe it was Dana Matthews, former Enforcement Consultant, that said that that video review should be in the purview of the agency. Should not be farmed out and I tend to agree with that and more so in hindsight and I think that we, that's where the problem lies. Don't know if we can change that, but we haven't talked about it today and much at all, but the cost to the Council, the cost to the agency of continually working on regulations to figure out how to do a third-party audit and a review and all of those steps and put those into regulation come at a cost as well and they will continue to cost us into the future. If that job was done by the agency, just the video review, all the rest of the cost could stay in industry, I think we come out with a system where the amount of review, the amount of checking all lives within the agency. They don't have to write regulations. They don't write regulations for reviews of observers, and I think it could all live there and they're the experts and we trust them with that. We trust them. We trust Pacific States to do that job, and that particular policy decision is what's driving 90 percent of the problems we're looking at today and that's what I believe and I think we cannot let this program go forward and fail, it is too important for this, it's too important for the catch share program and it's too important for the rest of the fisheries on our coast that need this tool and I don't think we can afford to let it fail. We should do the due diligence to get this right and to get it to a place where it's cost effective. I'll stop there. Thank you.

**Brad Pettinger** [00:23:59] Thank you Bob. Louis Zimm. Louis.

**Louis Zimm** [00:24:03] Yes, thank you Mr. Vice Chair, and thank you Bob for your last part of your statement. I feel that Southern California, I represent small boat fishers, and we're looking at expanding access into RCA's, CCA's and such, but we need accountability to do so, but these boats have none of the wherewithal to pay for, to justify a program of this expense so I look at this with horror, thinking about how to apply it to highly migratory species fleets that we have out of San Diego or small boat fisheries with two people on it that may bring in 800 dollars' worth of fish a day and so I really sympathize with the folks that say, my goodness why are we going for a Cadillac? I mean, frankly, I don't even want a Chevy. I want a moped for my fleet and so I really sympathize with everybody else and their concern about this. Thank you.

**Brad Pettinger** [00:25:23] Thank you Louis. Further comments? And Corey Niles. Corey.

**Corey Niles** [00:00:00] Yeah, thanks Mr. Vice Chair. Maybe a quick comment and a question for Ryan. Yeah, I think all along we at WDFW for years have expressed some questions about why we couldn't keep the current system working. You know, not me personally or, you know, we've had Captain Chadwick engaged in this process and spending a lot of time. Can't say we've had the capacity to follow all the details the past few years, but we do, we have some questions about why the current system can't keep going. We were hoping and this is, we were hoping and supported our agency and our commissioners from Washington and Pacific States a resolution to have Pacific States look at some creative solutions. We supported the Council's letter, I believe it was, that asked NMFS to delay a year so we can keep those conversations going. We heard a little bit in public testimony. I think other Council members mentioned this as well, but those conversations didn't get into full swing and understandably so because of the pandemic, which makes collaborating and meeting all the more tough, so we, Ryan I guess I'm not understanding the urgency now, we kind of had a year that didn't really work out like we had hoped so why, can you explain more of your concern on why a little more time to keep looking at these questions. It looks to me, and I've no doubt that Melissa and others are doing their best to come up with cost estimates, but there were a lot of estimates that do seem uncertain. I, too, am not understanding and this is maybe my own fault for not spending a lot of time. The cost recovery issue,



why we can, why it's, and... excuse me for getting these terms wrong, but why you can fund a Science Center program with cost recovery, but we can't fund a Pacific States program, the same kind of money you've been supporting the EFP with in the same manner? And also we've also expressed in the past why Pacific States, you know it is an interstate commission answerable to the states and strong partnership with your agency and the same need to audit in that case versus the third-party review. We have all these questions. We were hoping to have a year and asked in support of that delay. So, what has changed in your mind? And it was a pretty strong statement you made and we may have heard similar statements in the past but what, can you explain more where you're saying that we're going to even be in a worse situation if we don't act now? Because I have to agree in the way this Council seems not comfortable or certain enough that to agree, and we kind of did this as some others said the process a little bit backwards trying to be flexible. Did a lot of the regulations first without the information which was a bit different....and here we are. So, yeah, back to the question, I'm not fully understanding your conclusion like a lot of the other Council members would appreciate if you could elaborate.

**Brad Pettinger** [00:03:45] Ryan.

**Ryan Wulff** [00:03:46] Yeah, through the Vice Chair thank you Mr. Niles for the..... I actually think there was four questions in there, so I'll try and address them all here and, please, let me know if I am accurately couching your questions. So, the first one was in reference to additional time, and I think it's kind of clear by my points that, you know, absent new direction from headquarters, I mean this program is expected to go into regulation. It has been for some time. We don't have appropriations currently to continue to fund the video review. Regarding I think your second question regarding using cost recovery. Again, that would, cost recovery is to recover the agency's costs, which is why we can use it for the Science Center and if we used it here, it would be paying for industry monitoring cost using cost recovery, which would be inconsistent with Amendment 20. Regarding your third question regarding the audit program, and would that be different, or could Pacific States be exempt? No, we'd have to treat them just like any other third-party provider and if you look in our report 6, it does state that secondary review would be minimal where appropriate and focused primarily on compliance issues, new providers, new reviewers, or new vessels. So obviously just by looking through that priority list, you could imagine a secondary review if Pacific States applied for a third-party, which they confirmed they could take industry money of the GEMPAC, that that secondary review might be less for them because they wouldn't meet three of those criteria. And then finally, a couple of points, you raised it as well as others regarding my initial comments, saying that we would be in a worse situation with delay. I wasn't saying a worse situation overall. I respect all of the comments that we've heard both from Council members as well as from industry. What I meant was that delaying could exacerbate our ability to reduce some of the uncertainty. By implementing the program, we will actually get a chance to really see where the costs are and where additional cost savings that we might not be focused on now are. I think it would only improve any future estimates going forward and that's all I meant by it, not necessarily saying that it would be a worse situation overall and I hope that covered all of your points Corey.

**Brad Pettinger** [00:06:44] Corey, did it?

**Corey Niles** [00:06:49] Yeah, thanks Ryan. Thanks for catching all that. It was a lot. I might have a follow up, but I'll yield to, I see Mr. Anderson as his hands up, hand up.

**Brad Pettinger** [00:06:57] Okay, well with we're going to just pause here and Chuck has a few things to say, I think, concerning salmon so just hold on. Chuck?

**Chuck Tracy** [00:07:06] Thanks. No, they're not concerning salmon, although salmon is inching towards being ready. But, no, actually I wanted to just touch bases on this agenda item and our Council

action here and we're closing in on four-and-a-half hours on this agenda item and we have spent almost none of it on the topic of the agenda item, which was comments on the guidelines and manual and so that, you know, that is what the agenda item was intended to be about. That's what it was noticed to be about so I just want to point that out, and note that I'm not sure where the Council is going with this agenda item at this point, but I think we are somewhat limited in terms of what we can contemplate here, you know... and I guess to be maybe a little more specific if there's some thoughts about changing the regs, I don't think that would be appropriate under this agenda item. So, you know, I mean even if you just look at as an example, the whiting mothership catcher processor rule. We set an emergency action for that, an agenda, set a separate agenda item separate from the mothership utilization agenda item because that did not fall under the scope of what was noticed, so to me, I would just caution that we need to be cognizant of what was noticed and where we're going with that and what proper process would be if we want to go beyond, too much beyond what's here in terms of the program guidelines, manual, and any other comments. So that's what I had to say Mr. Vice Chair.

**Brad Pettinger** [00:09:13] Okay, very good. Okay, given that. Given Chuck's guidance. Further discussion? I saw a couple of hands up, but they were pulled back, but we did hear about the program guidelines and the manual and sounds like everybody was good with them as they were presented but Chuck is right, we haven't heard any comments from the Council on that. Okay, given that I'll look to Brett, I guess, and see where we're at.

**Brett Wiedoff** [00:10:22] Thank you Vice Chair. I was wondering exactly where we are at exactly. Like you had said, we do have a recommendation from the GEMPAC about they don't have any further comments on the EM program guidelines and manual. I'm not hearing anything from the Council in that regard, whether they're blessing them or providing any additional comments at this point so it's hard to wrap this discussion up. I know there's a lot of angst about the direction of the program and thinking about what to do next, and I think that's where I'm sort of looking to the Council for that second half of the piece. Provide any comments maybe for the guidelines and manual. To confirm that you don't have any further comments.

**Brad Pettinger** [00:11:14] I think we do now actually. If I may Phil Anderson, Phil.

**Phil Anderson** [00:11:23] Yeah, thanks Mr. Vice Chair. And I'm mindful that we've been at this for a long time but I'm afraid that's not going to stop me from saying what I need to say. We, you know as I mentioned before, you know implementation of the program as currently structured is opposed by virtually all the vessels that participated in the development of the program and the EFP and is opposed by both of the organizations that sponsored the EFP, and forcing implementation over the objections of the industry in my view would be a mistake, and runs to me a high risk of having this program fail. This is an important tool to the long-term success of our catch share program. This tool, dependent on what we learn here may, you know, may also be applied to other fisheries that are either deficient in coverage, observer coverage or simply that are currently using human observers that may benefit by this program. So, as I said, I am very concerned about just forging ahead in spite of the industry of being supportive, but I've also, I notice many of my colleagues around the table and in other places have been hard pressed to try to figure out where to go from here and it, I guess I think we have, well, I don't know if we have two choices. I don't know if we have any choice, but we do have some choices I think as a Council in terms of what we say and one of those is moving forward. We have, it's March, we've got whatever it is, 9 months to go or, 8, 9, or 9,10 months to go until implementation and we can hope that some of these questions get sorted out in a way that at the end of the day, we have a program that works. There's a lot of people telling us that they don't think that is going to be the outcome. And we have some people telling us that they have a high degree of confidence that it will. I've thought about and I understand and respect Mr. Tracy's guidance here in terms of what we can and can't do under this agenda item and I will certainly respect his opinion and abide by it. Surprise, but I do think we need to consider whether

we want to request NMFS to give us another year under an EFP. I don't think we should do that today because it is a two-meeting process. So, when we get to workload under C.6., I would like to have that discussion as to whether or not we place on a future agenda, future being not to, in the not too distant future, an agenda item that considers us making another request as we did last year to give us another year to sort some of these questions out, but this time make some changes in how we go about sorting them out. Making some assignments. Picking up perhaps on Melissa Mahoney's recommendation in terms of constituting a new group, those kinds of things. Picking up on Stacy Hanson, I won't say she suggested, well maybe you did, is that we test the third-party review model as part of the next EFP. We understand that NMFS doesn't have money to continue doing the video review and data storage, so that would be a piece of this is funding for that. But...so I'm not going to go any farther in my speech because this isn't an action that we can take, but I am suggesting that we need to consider it. I'm going to ask that we think about it and talk about it, potentially scheduling an agenda item perhaps at the April meeting, and I haven't looked at the agenda, and Chuck may be rolling his eyes up in his head right now when I say that, but as part of that conversation, but I am, and I don't have any, I've looked through the program guidelines and the manual, I don't have any comments to provide, frankly. You know I've been looking to the expertise on the GEMPAC in particular to help with those, but I did look them over and I don't have any comments on those but at the same time, I think we need to think about how we're going to move ahead here so when we do implement it, we've got a much broader breadth of support than we do right now.

**Brad Pettinger** [00:18:06] Okay, thank you Phil. Bob Dooley. Bob.

**Bob Dooley** [00:18:12] Thank you Mr. Vice Chair. I think I'm wearing my welcome out here, I'm sorry about that, but I really appreciate Phil's comments. I, too, agree that we have an issue here, there's no doubt about it, and I agree with Phil's approach. I respect Mr. Tracy's guidance there about this agenda item. We kind of knew that going in when we were talking about changing the GEMPAC agenda, that this was not agendized to talk about or to proceed in this direction about the program. As per the guidelines and manual, I think we have guidance from the GEMPAC and that, you know, in that they are flexible documents that can be changed. We haven't seen any change in them since July 20th. I don't see any reason why they can't go forward in that we can change them in the future. My big concern about what Phil was talking about and agendizing is, you know, if we're thinking about extending the EFP and delaying the implementation, there are, you know, there's a schedule to get that done in a way that will get into the, into the federal record and be done with by January 1st, 2022 and I think it might be good for us to back calculate and figure out what our timeline needs to be should we choose to go down that road, and I agree that needs to be a discussion at the Council that it can't be done today, but we might be able to do it later in the agenda this week in future workload planning and such but it'd be nice to have enough feeling for the timelines. I'll recall, I'll have people recall the last time we talked about this we started this process in November to extend the EFP's and delay the implementation so we're already one meeting behind that now. So, not knowing the full implications here, it's really important that we, if we have a desire that we know what type of timeline we need to be on if we choose to do that. So, I'll stop there and thank you.

**Brad Pettinger** [00:20:32] Thank you Bob. Anyone else? And seeing no hands now I'll turn to Brett. Brett.

**Brett Wiedoff** [00:20:48] Okay, thank you Vice Chair. I just noticed if we were to schedule something in April, we'd have a hard time trying to get a GEMPAC together and address any concerns or issues that want to be discussed. To me it sounds like you'd like to continue this conversation at another time and hopefully in April. That's kind of what I'm hearing because we've got to move on with our agendas.

**Brad Pettinger** [00:21:17] I think it's correct. Phil?

**Phil Anderson** [00:21:22] Well just, I wasn't thinking that there was a need to have, the GEMPAC has given a clear guidance, opinions, so forth on this question so I'm not suggesting they need to get together again.

**Brett Wiedoff** [00:21:41] Vice Chair, Mr. Anderson, thank you for that clarification. I was, I appreciate that. That's kind of why I said that was just to kind of see where we're at with that so I think it is confirmation that you want to continue this discussion, pick this up at another time, but think about the overall program goals and objectives and where we might be able to find some common ground and move forward, and possibly sounds like extend the EFP's and create a motion there at some point. That's what I'm gathering from the discussion. It's hard for me to wrap that up other than that and see where this goes under maybe workload planning for discussion about future meeting and planning for EM in general.

**Brad Pettinger** [00:22:36] Yeah, I think that's right. I think we in workload planning and we'll have a discussion I would imagine. Anyway, but we've reviewed the guidelines and the manual and so are we good there?

**Brett Wiedoff** [00:22:47] I believe so. I think we have what we have in the briefing book as far as comments on that and we'll go forward with that and the National Marine Fisheries Service will take any information they've gotten through the GEMPAC meetings and this discussion to make any changes necessary that implements the program. I'm sure they will continue to prepare for that January 1, 2022 as this conversation will likely continue and think about the future of the program. I do appreciate everybody's efforts constantly around this and trying to gather the information, put down on paper the facts and try to understand what's best for the program as a whole. Seeing the numbers is good. I think people want more or better information. I think we'll have to think about what this Council action actually is going to be, or the information would be if there is going to be a future schedule, or a future agenda item on this, and I think we'll have to work with Chuck Tracy and hear what happens under workload planning to decide that... what that would entail, so I'll leave it at that and we could probably close this agenda item.

**Brad Pettinger** [00:24:05] Very good. Thank you, Brett.

## 6. Emergency Rule to Consider Changing Seasonal Processing Limitations in the At-Sea Whiting Fishery

**Brad Pettinger** [00:00:00] And with that we will go to Council discussion it looks like and before you is the Council action, and I open the floor for discussion or even motions for that matter. Maggie Sommer. Maggie.

**Maggie Sommer** [00:00:26] Thank you Mr. Vice Chair. As I have said I certainly see the merits of this request. I do have concerns about the workload implications and potential to delay progress on other items we have identified as priorities and I am going to put Miss Ames on the spot and just ask, again I can anticipate what the answer will be but now having had another day to potentially think about this, I don't know if you have had the opportunity to have any conversations with your team, which may or may not have been enlightening, but if you have anything more you can share with us now on the potential workload implications I would appreciate it.

**Brad Pettinger** [00:01:22] Kelly.

**Kelly Ames** [00:01:25] Through the Vice Chair, thanks Maggie for the question. My comments are going to sound very similar to yesterday. Again, you know, there are multiple pathways to accomplish an emergency rule with various levels of workload. We did hear clearly yesterday under G.2 what your priority actions were so you stated mothership utilization, non-trawl RCA and Emley/Platt, the gear switching item and so if the Council recommends an emergency to recommend an emergency rule when the work is completed on that emergency rule, we would then turn our attention back to the items the Council prioritized and we would end up essentially picking the one that is scheduled first at the next Council meeting.

**Maggie Sommer** [00:02:19] Thank you.

**Brad Pettinger** [00:02:22] Okay. Further discussion? Marci Yaremko. Marci.

**Marci Yaremko** [00:02:33] Yeah, thank you Mr. Vice Chair. I appreciate the need on the part of industry for this action. Their case is clear and compelling and fairly immediate. I think where I'm still struggling is with the reality that we prioritized this action last year in March as an emergency....or in April as an emergency, and there was the opportunity to renew that emergency for a second time period of 180ish days and that didn't happen because there wasn't a foreseeable need, and now suddenly there is a new foreseeable need and I understand that, but I also know in our discussion under the mothership utilization item that the need for the flexibility for these vessels to be able to switch their permit is not a new need. We've been hearing about it for many years and in fact has been something that after implementation of Amendment 20, that's a number of years ago, you know, the situation has kind of progressed and clearly it became a constraint to operations that now folks want to see essentially either eliminated or flexibility increased. I think we all agree that we need to provide flexibility in the permit switching. I'm just I think a little bit frustrated by the fact that I think we've been having to contemplate this same need in multiple different actions regarding mothership utilization and here again now with a new Covid need as well, but the need still exists, and it has existed, and the need hasn't changed. I think the, I don't know exactly what took place with the discussion about whether to extend the emergency last year, but one thing I note in the request for emergency action in the statement in paragraph 2 about the need is a note that had an extension been requested at that time, it would have covered a lengthy period when the whiting fishery is closed by regulation January 1st through May 14th or 133 of the available 186 days of the theoretical extension, but it's really become clear in the discussions over the last day that it's really that time period from May 15th into mid-June where it's important. And so I feel like had we had that theoretical extension we wouldn't be here today talking about the need for

emergency action and I think that, you know, I don't know but I feel like, you know, if there's a challenge with deciding exactly when it's time to decide if we're going to switch to the other permit of course we want to offer flexibility, but the discussion about offering that flexibility is in the mothership utilization item that we've already taken up and will move ahead with. I'm just struggling with the emergency nature given that, again, we did, this opportunity was available and that the action that we took last year was not extended. So, I'm struggling with that, but I am somewhat encouraged in the discussion that we just had about the prospect of this action potentially carrying forward into next year and potentially being the available mechanism to provide that flexibility for the 2022 season recognizing that the mothership utilization rule is not likely to be effective until 2023. So, I guess I would just be hopeful that this action would accomplish this objective for both seasons in light of the need to continuously discuss the same issue over multiple agenda items and take up space on the Council's agenda as well as NMFS rule making capacity. Thank you.

**Brad Pettinger** [00:08:40] Thank you Marci. Next up is Corey Niles. Corey.

**Corey Niles** [00:08:47] Thanks Mr. Vice Chair. If I see Kelly has her hands up if she wanted to directly respond to Marci, I had a couple of thoughts for Marci... but, yeah, if Kelly had an answer for Marci I'm willing to yield to her first.

**Brad Pettinger** [00:09:02] Okay.

**Kelly Ames** [00:09:06] Through the Vice Chair, thanks Corey for that opportunity. I just wanted to clarify the discussion that occurred yesterday under the G.2 workload planning item that also relates to part of Marci's comments here. Just to clarify what happened in 2020. We did reach out to the at-sea sectors in August 2020 to ask if an extension was desired for the 2020 season and the answer was no. We did not directly discuss the 2021 season or any associated needs at that time. Thanks.

**Brad Pettinger** [00:09:44] Thank you Kelly. Okay Corey.

**Corey Niles** [00:09:50] Thanks Mr. Vice Chair. Yeah, maybe a comment back on the, on Marci's point then a question for Maggie Smith on what I asked Mike Hyde about during public comment. But, yeah, this one was a bit tough for me to grasp. I had to hear it a few times for it to sink in, but I think while Marci is correct in we're seeing it the same way, I should say, in that we are considering the same possibility of flexibility to move between the mothership and CP sectors within a season as part of the mothership utilization action that we just set the range of alternatives from tomorrow, but the need for that is much different than what we're talking about here. The need there, or at least the effect there, is to improve, increase the attainment or utilization, whatever you prefer, over the long run and looking at the analysis we'll see how that plays out, but the need here is kind of the opposite, in fact it's to keep from going backwards... so same kind of fix but different need, and I don't even want to say this out loud but if we make that long term fix and there's ever the same situation again and again hoping never, then, yeah, maybe that flexibility is there. But here, we're talking about a potential mothership vessel not participating and not up to I think we heard 24 or 25 percent, I don't have the number in mind, not being harvested. We're in the longer term fix. We're talking about getting closer to the full harvest of the mothership's potential there. So that's just one response to Marci's. On her goal there of ensuring if we need the same rule to stay in place and maybe in hindsight being 2020, we could have done if we had a time machine. But Maggie Smith, the question to you then is, and again, I really don't like saying this, but if these conditions exist in May of 2022, if we were to do this emergency action NMFS would get it in place and the pandemic is still going on creating the same conditions of potential outbreaks in this fleet, then would that, I think it's 305 little 'c', 3 big 'C', capital 'C' would have let, would allow, you know, considering after the hundred day period, keeping the rule in effect if the public health conditions continue? That was a lot so I will stop and see if you got the question, Maggie, and, yeah, I think I'm

just asking to clarify what you may have stated earlier in this agenda item.

**Brad Pettinger** [00:13:00] Okay. The question is to Maggie.

**Maggie Smith** [00:13:03] Thank you Mr. Niles, Mr. Vice Chair. I mean, ultimately, whether or not that extension option is available depends on the Secretary of Health and Human Services and whether or not the Secretary of Commerce is going to make that request, the Secretary of HHS, and how long that's going to last, and obviously I can't, I have no idea you know, what, how that would play out so, you know, I mean it's impossible to sort of predict the future on some of these things. As I said earlier, I think to the extent that the Council, you know, thinks that this is a response to a public health emergency, they should say that, and they should offer that rationale and then we are just going to have to see how things develop in terms of the pandemic and what options are available to NMFS in the future.

**Brad Pettinger** [00:14:09] Okay, thank you Maggie. Okay... looking for more hands for discussion? Corey Niles. Corey.

**Corey Niles** [00:14:29] Yeah, thanks Mr. Vice Chair. If there is no more discussion, I would have a motion we could... to put forward that would at least get us into some more discussion from that point.

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

**Corey Niles** [00:14:45] And Sandra if you would....okay... so I move that the National Marine Service, excuse me, National Marine Fisheries Service make the necessary changes to allow an at-sea Pacific whiting processing platform to operate as both the mothership and catcher processor during the 2021 Pacific whiting fishery and that they do so using the most efficient pathway available and such that the change is effective by May 15th or as expeditiously as possible thereafter so as to achieve the intended effect of business certainty and operational flexibility.

**Brad Pettinger** [00:15:31] Okay, thank you Corey. Does the language reflect your, your motion accurately?

**Corey Niles** [00:15:43] Yes, I believe it does.

**Brad Pettinger** [00:15:45] Okay. We're looking for a second, but before we do that, I think the discussion around the table has been that have it in place by July. There's no rush to do it. It's just the motion or the emergency rule so the vessel can switch to a mothership later in the year. Is that... it seems to me that's not quite, your motion is saying something different than what they're asking.

**Corey Niles** [00:16:17] Yeah, I'm aware. The May 15th is a potential I can explain if I get a second.

**Brad Pettinger** [00:16:25] Okay very good. I think looking for a second? I think I saw a hand, but it went back down. Phil Anderson. Phil, thank you for the second. Corey, speak to your motion.

**Corey Niles** [00:16:44] Thanks Mr. Vice Chair. Well perhaps getting to that question you asked as quickly as possible. I think we're all in agreement here that an emergency exists. We can go, I'm sure a number of folks can speak more eloquently to that than I could here. I just kind of spoke to it a little bit before in this discussion about we're looking at a choice one of a, a major processing vessel is looking at making and we're looking it up to 25 percent of the mothership whiting sector and millions of dollars of revenue which you know benefits to that company. But also I think it's two to four catcher vessels that deliver to it so it's looking at the guidance we look to when we are making these recommendations

to NMFS under Section 305c. You know one of the criteria there is preserving a significant economic opportunity and I know NMFS has the ability to and will, not in the ability, but the duty to look at these things independently once we make our recommendation. But the thing, getting to your question Mr. Vice Chair. The reason I put, we put May 15th and or as expeditiously as possible here is because, as we heard in public testimony, not just today but previously, that a lot of planning goes on. I think Mike Hyde and others have been sensitive and responsive to the fact that it might not be possible to get the rule into place in time for the start of the season, and that was based on last years' experience. But we are doing this a month later, we were doing this a month later or just about than we are now so it is possible if it went into place mid-June last year that NMFS could get it into place by mid-May this time and the benefits there are much greater and I would encourage NMFS to continue to talk to the fleet and the companies after this to get more detail, but I think Maggie Sommer's question got at one of the key reasons why that is and it's, I would, heard her words were something like the boat here, the ocean rover that's at question itself isn't immune to an outbreak. If that outbreak happened in the first part of the season, what would you do? And I heard Mike Hyde's response be, well then, we don't have another vessel, no one does to bring in for that very important first few weeks of the season before many boats go to the North Pacific. So, hearing that and knowing and there is more than that, I think if we asked even more closely if it were possible to get this in place right away would they want that? I would think they would, that the sector would, and I believe that if, you know, if the pandemic continues into 2022, which again I really hope it doesn't but then there's options, as Maggie Smith and we mentioned, that we could have guidance now or 180 days from the effective date before then of how it might be extended based on that those public health considerations. So again, I think that the extreme benefit here is getting it in as early as possible and by the very start of the season in case those contingencies happen. This is about uncertainty and risk and again maximizing the potential that we have with the baseline effort that we do now. I think the considerations that we've heard yesterday, we heard a lot of support with and the concerns really being about workload and, you know, NMFS cannot tell us, and this is more of our, it's just uncertain and they have to assess their workload, but I think even counterintuitively maybe that if we do this quickly, then the workload implications are actually lower than if we were to take longer and wait till July 1st to implement this, and again that's my gut instinct, looking for other viewpoints but and maybe that's the saying no good deed goes unpunished but we saw NMFS accomplish a lot of things. We've heard a lot about this meeting about what NMFS hasn't been able to do but last fall they were able to get a bunch of inseason changes and an emergency rule that extended the primary season with great economic benefit to add that sector and do so quickly, and we're very appreciative of that so I will stop there. I hope my other Council members who I'm expecting support will speak to some of the other criteria I may have left off here and most of those comments were on, yeah, there is an emergency. Getting it started as soon as possible has a great benefit and I'll stop there.

**Brad Pettinger** [00:22:16] Yeah, thank you Corey. Actually, yeah, you are, I think you are correct so with that, I'll go to Bob Dooley. Bob.

**Bob Dooley** [00:22:23] Yeah, thank you Mr. Vice Chair. And thanks Corey for this notion. I appreciate it. It's a good motion. I would support it but I do question the May 15th and we heard in public testimony that there was a March commitment date I believe is what was said, to be able to declare into a particular sector to do that change preemptively, so I don't know if we could get a rule in effect for that, but I do totally understand what Mike Hyde was talking about and what Marci was getting at in her testimony. And I think that the July 1 would actually benefit us through next year if this situation continued, providing we had the 180-day extension because it would allow a mothership to go through the spring season, and by July 1st before the rule finally does expire, be able to change their designation again and come back in the fall as a CP should they need to, but I, and I think we can dual purpose that way. I don't know that there's any benefit to having it kick in in May 15th this year in that we have to I think the debt, the commitments to be, you know your designation is what your permit is, has got to be done before that, so that's my understanding. I would be much more supportive of this if it was a July 1st.



So, thank you.

**Brad Pettinger** [00:24:11] Okay. Phil Anderson. Phil.

**Phil Anderson** [00:24:17] Thanks Mr. Vice Chair. Primarily from a procedural perspective and knowing a little bit about emergency rules, my strong feeling is to leave the motion as is. Demonstrate that there is a true emergency, which there is. Demonstrate that we need to take action quickly, here as quickly as possible, which we do in my view, but primarily because of the need to clearly indicate that it is an emergency and therefore action is needed. I think the way it's worded, doing it using the most effective pathway available. That language that is in the notion is well thought out. Hold out or as expeditiously as possible thereafter but if you start talking about a date that is months out from this Council action then I think it begins to call into question some of the tools, shortcuts if you will, to rule making that the emergency rule otherwise provides. I would leave it as is.

**Brad Pettinger** [00:25:59] Thank you Phil. Further comment? Okay. Bob Dooley. Bob.

**Bob Dooley** [00:26:11] Yes, thank you. Thanks for that explanation Phil, and several other outreached to tell me the correct, my misunderstanding here. So, I would definitely support the motion as is because I think it is an emergency, and I think if it puts it on a slow burner and causes more work to not do it this way, that would be counter to what my goal. My goal is that, you know, that hopefully because we did it before, we should, you know, make it as expeditious as possible. Thank you.

**Brad Pettinger** [00:26:50] Thank you Bob. Marci.

**Marci Yaremko** [00:26:53] Thank you Mr. Vice Chair. I'd like to propose an amendment.

**Brad Pettinger** [00:27:04] Okay.

**Marci Yaremko** [00:27:04] Sandra, please strike the beginning with the word 'during', during the 21 Pacific whiting fishery and that they do so using the most efficient pathway available and such that the change is effective by May 15th or as expeditiously as possible thereafter. There you go. Strike please.

**Brad Pettinger** [00:27:48] Okay. Does the changes reflect your amendment?

**Marci Yaremko** [00:27:53] Yes it does. Thank you.

**Brad Pettinger** [00:27:55] Very good. I see, looking for a second? Marc Gorelnik. Thank you, Marc. Marci, speak to your amendment.

**Marci Yaremko** [00:28:07] Yes, thank you Mr. Vice Chair. I appreciate the discussion we've just had about these elements of the motion, but we are considering this action as an emergency. I think the statement of emergency is clearly articulated in the pleadings. I think that the discussion that we've had today certainly reconfirms that we believe that there is a real need for this action now. So, I'm comfortable that we have met that obligation. I'm not comfortable with a date. I feel like the rule will become effective when NMFS gets it done and we don't know how long that might take. We've heard that the pathway to completing this rule will be somewhat different than other pathways that have been used for other emergency rules and so I think that it's not for us to say. Even if they take the most efficient pathway, I think that we not prescribe what pathway. It's the pathway that they will be working with in light of this particular action and the basis of need for the emergency. So, I am more comfortable with less prescription here and that's the basis for my amendment. Thank you.

**Brad Pettinger** [00:00:00] Thank you Marci. Discussion on the amendment? Corey Niles. Corey.

**Corey Niles** [00:00:08] Yeah, thanks Mr. Vice Chair and I do not prefer being so nit-picky over words, but I would, I'm going to be opposed to the amendment. I think May 15th serves that purpose to really highlight that it is an emergency, and it should be in place as soon as possible. There's a lot of contingencies here but the overall intent, the intent of the original motion was exactly as Marci said, it's not prescriptive, does emphasize that we're not prescribing what NMFS does regulatory wise. They have to do their own analysis of what is possible under their authorities so that May 15th is an important signal that it is important to get this in that first part of the season for those unknown contingencies.

**Brad Pettinger** [00:01:06] Okay, thank you Corey. Pete Hassemer. Pete.

**Pete Hassemer** [00:01:11] Thanks Mr. Vice Chair. I'm just a little bit on the fence here so I maybe need some clarification from NMFS regarding the amendment. I do agree with striking the part about the, about during the 2021 whiting fishery. The rules as written are not gear specific and we simply want to suspend that rule and it would be in effect for 180 days with an extension, so I think that makes sense. But I heard NMFS and I guess it was Kelly who spoke to it earlier in our meeting that if it is an emergency action recommended by the Council, it's an all-hands-on deck action and they all basically, all other work I think needs to stop or they need to address this. So, what is the difference between having a date certain in here where the Council would like to see action taken, the May 15th or as expeditiously as possible or leaving it without a date certain and not to pin down NMFS here on an expected date when they would have it done, but to get an idea? So, it's a question for NMFS that by eliminating a date certain in here, does it realistically impact when this would be able to go into effect?

**Brad Pettinger** [00:02:54] Okay, thank you Pete. I'll look to Kelly, I believe.

**Kelly Ames** [00:02:59] Through the Vice Chair, thanks Pete for the question. I am comfortable with the amendment. The language here is just fine. We do need the rationale and the context in your discussions to support the rulemaking process, so it would be good to be clear about your intent, but the motion, as amended, is appropriate.

**Brad Pettinger** [00:03:27] Thank you Kelly. Okay. Pete do you have anything else?

**Pete Hassemer** [00:03:34] No sir. Thank you and thank you Kelly.

**Brad Pettinger** [00:03:36] Thank you. Thank you for that. Maggie Sommer. Maggie.

**Maggie Sommer** [00:03:42] Thanks Mr. Vice Chair. Having not made any remarks on the main motion yet, I'll save those. The amendment, well, prior to Kelly's response just now, I was opposed to the amendment. Appreciate that there is the potential of an extension in the future that could possibly extend beyond the 2021 season, but that is yet to be decided. The emergency is now and in terms of having the May 15th date in there, I thought that was a good target date. I think it would be good to have that, have it effective by the season start in case it is needed at that point to potentially provide another processing platform here early in the season if there are Covid circumstances that warrant it and there is a company, an American can provide a vessel here using the provisions of this emergency rule, and I do think the 'or as expeditiously as possible thereafter' certainly provided enough flexibility and indication that, you know NMFS we understand if we can't hit the May 15th date but we hope you are working as fast as possible. Maybe that's all not necessary following on the remarks just now. We recommend an emergency rule, then that's an emergency, and you are working on that first and foremost. I guess I remain a little confused about the need for or benefit of this amendment.

**Brad Pettinger** [00:05:30] Okay thank you Maggie. Corey. Corey Niles.

**Corey Niles** [00:05:36] Yeah, thanks Mr. Vice Chair and Maggie's. Guess I could have expressed my opposition a little more articulately, but in response to Kelly's question I think the interpretation is open and I think there are, there is a difference. And I think Mr. Anderson was getting at it with his many years of experience with these, but there is a difference between getting a rule in faster by waving notice and comment, if you read the guidelines that are in the briefing book versus an emergency rule that takes longer through notice and comments. And so, Marci, are you....the implication I would read into this, I think Kelly was saying she wanted to hear more about your rationale and I'm basically agreeing, but would your rationale be you think that there is a benefit of doing notice and comment? Because that would be a way to frame the difference I think and not to read too much what would Maggie Sommer said, but the benefit of having it in the start of the season in the original motion outweighs the need for notice and comment if NMFS can't get it in that quickly for notice and comment and makes that determination. So that's a key difference between the two. Yeah, I would also like to hear more about the intent behind the amendment and might have spoken too soon about the, my opposition, but I think that important part, there's an emergency determination and then whether the expeditious part outweighs the need for notice and comment and whether it would go in place faster or not.

**Brad Pettinger** [00:07:23] Okay. That's a question for Marci. Marci, we'll just go to you?

**Marci Yaremko** [00:07:26] Yes, thank you Mr. Vice Chair. I appreciate the opportunity to elaborate a little bit. Kind of as you led off, Mr. Vice Chair, my understanding of the timing of, the real timing of the need seems to be sometime in the vicinity of between June 10th and the fall, in the sense that once there is a declaration to participate as either a mothership or a CP, which is made by March 31st as I understand from Mr. Waldeck. There's not a need to switch until later in the summer. They certainly can undertake that switching process at any time, I mean ideally, but the real need isn't until they return in the fall when they would likely wish to change to be a catcher processor or vice versa. So, I believe that the action was brought to us here today because there is no clarity in terms of how long it might take for an emergency action to be effective. So, I'm comfortable with the waiving of the notice and the comment. I recognize that last year's rule that we approved in April became effective June 19<sup>th</sup>-ish, but I think, you know, the decision to bring it to us here in March I think just provides more certainty that it will become effective by the time they really need it, so I would prefer not to see a date in here. I think that it, you know I think the intent of when it is needed, you know whether it's needed by June 10th or July 10th or even August 10th, you know, there's probably, you know, businesses that have differing opinions on that, but based on what the need that that I have heard in the testimony, it is after that activity occurs from May 15th through early June, and then the interest isn't going to participate in the pollock fishery, which I understand is again scheduled to commence June 10th. So that's not a very big window of time but it is clearly the time that they, is where a good portion of the economic revenue is generated, and that the flexibility is needed for activities that come later in the fall to be able to switch over to the other mode of operation. So, I feel like putting a date in here. A target date of May 15th is the wrong date just because that's the date the fishery opens. I don't think that, again, we heard anything to indicate that that, that the rule really needed to be effective by that date. I heard comments to the contrary. So, if the rule is extended for a subsequent second 180-day period or otherwise, I would assume that this might actually accomplish offering flexibility potentially into the '22 season as well. Realize there a number of factors that could affect that but again, that is the reason for suggesting elimination of the May 15th date.

**Brad Pettinger** [00:11:52] Okay, thank you Marci. Corey Niles. Corey.

**Corey Niles** [00:11:56] Yeah, I would maybe just try to frame up the difference again one more time. Well Marci, I think the benefit that I didn't hear you acknowledge is that if there is an outbreak in the

mother, if you're worried about there being an outbreak in the mothership sector in May in that part of May to June, that's what you're getting here. If you wait to later on, you have no redress there if an outbreak happens. Here, if you use May 15th and it's in place, an outbreak happens, you have a backup. The rule is in effect until November, whatever that would be 15th, and then there's the possibility potentially if the pandemic continues that, Maggie Smith said, that they'd have to look into more, but at that time, based on what the Department of Health and Human Services said, if I got that right, you could even keep extending it into next season. So, May 15th buys you what you're buying and more and it leaves the question of the appropriateness of an extension to the proper place that decision is made, which is the conditions when that should be evaluated. So, I think that's how I'd frame the difference between the amendment and the original motion.

**Brad Pettinger** [00:13:19] Okay. All right. Thank you, Corey. Further discussion? If not, I will call for the question on the motion the amendment. All those in favor signify by saying 'aye'.

**Council** [00:13:35] Aye.

**Brad Pettinger** [00:13:35] Opposed?

**Council** [00:13:39] No. Abstain? Okay. Clear as mud, Chuck.

**Chuck Tracy** [00:13:53] Thank you Mr. Vice Chair. I think a roll call vote is in order given the format we're in here today so I will call the roll. Please state your vote on the amendment. Kelly Ames.

**Kelly Ames** [00:14:10] No.

**Chuck Tracy** [00:14:11] Joe Oatman.

**Joe Oatman** [00:14:12] No.

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

**Corey Niles** [00:14:13] No.

**Chuck Tracy** [00:14:13] Bob Dooley.

**Bob Dooley** [00:14:13] No.

**Chuck Tracy** [00:14:13] Pete Hassemer.

**Pete Hassemer** [00:14:13] Yes.

**Chuck Tracy** [00:14:13] Maggie Sommer.

**Maggie Sommer** [00:14:13] No.

**Chuck Tracy** [00:14:13] Phil Anderson.

**Phil Anderson** [00:14:13] No.

**Chuck Tracy** [00:14:13] Christa Svensson.

**Christa Svensson** [00:14:13] No.

**Chuck Tracy** [00:14:13] Butch Smith.

**Butch Smith** [00:14:13] No.

**Chuck Tracy** [00:14:13] Virgil Moore. Virgil Moore.

**Brad Pettinger** [00:14:13] He's muted.

**Chuck Tracy** [00:14:13] Virgil, can you cast your vote on the amendment please? Okay, I'm going to mark him as an abstainer for now. Marci Yaremko.

**Marci Yaremko** [00:15:24] Yes.

**Chuck Tracy** [00:15:29] Brad Pettinger. Oh sorry Mr. Vice Chair. you don't vote yet. Louis Zimm.

**Louis Zimm** [00:15:34] No.

**Chuck Tracy** [00:15:35] Marc Gorelnik.

**Chuck Tracy** [00:15:35] Yes. Mr. Vice Chair the amendment fails.

**Brad Pettinger** [00:15:49] Okay. Thank you, Chuck. We're back to the original notion and further discussion if any? Okay, oh I'm sorry.... Maggie Sommer. Maggie.

**Maggie Sommer** [00:16:10] Thanks Mr. Vice Chair. I recognize I sound like a broken record, but we have, we are asking the National Marine Fisheries Service to work on a number of things, particularly the staff with expertise on this fishery and I really just wanted to express some hesitation and that the amount of thought I have given this and to reiterate the priorities. I'm glad to hear that Mrs.....(garbled)... Recognized those earlier it. It does seem to me that it should be doable for the National Marine Fisheries Service to get this, an emergency rule done and out the door without significant impacts that could substantially delay progress on our other groundfish workload items, and I will say I'm just finding this a really challenging situation. I do understand the risks, the need for it, the potential benefits, particularly to several vessels out of my home port here in Newport and all their crews and I, just and weighing all this thoughtfully as we go forward.

**Brad Pettinger** [00:17:54] Okay, thank you Maggie. Pete Hassemer.

**Pete Hassemer** [00:17:58] Thanks Mr. Vice Chair and apologize for weighing the intent of each word carefully, but for clarification I have a question to NMFS avoiding some unintended consequences in the future. If an emergency rule goes into effect, my understanding is it would last for 180 days. Does the fact that this motion is specific to the 2021 fishery, which does have an end date, would that impact the potential for an extension of 180 days which would carry it into potentially into the 2022 season. Is that something we should be concerned about or from the NMFS perspective or maybe the legal perspective, is that a non-issue?

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

**Kelly Ames** [00:19:09] Through the Vice Chair. Pete, no I'm not concerned with the 2021 reference in the main motion.

**Brad Pettinger** [00:19:19] Thank you Kelly. Okay Pete you good?

**Pete Hassemer** [00:19:23] That's wonderful.

**Brad Pettinger** [00:19:26] Fantastic. Okay further discussion? Louis Zimm. Louis.

**Louis Zimm** [00:19:33] Thank you Mr. Vice Chair. I will be supporting this motion, though at first it took me by surprise, and I expressed dismay in the fact that we would have to put off some of the other actions that we are considering, especially those that affect my area. However, the documentation put forward in the GAP and by the whiting processors was so complete and compelling that it has certainly satisfied me as to the need for this action so I will be supporting it.

**Brad Pettinger** [00:20:18] Okay. Thank you. Further discussion? Okay seeing none I'm going to call the question. Oh... Phil Anderson. Phil.

**Phil Anderson** [00:20:28] Sorry Mr. Vice Chair I'll be quick. I just wanted to and thanks Louis for your reference to those two documents. We got one from the GAP. One that was submitted from the Pacific Whiting Cooperative and Aleutian Spray fisheries and the catcher boats, Lisa Melendez and the Nordic star, and I just wanted to ensure that those would be made part of the record. That is, the information contained in those reports is in large part why I am supporting this motion and I don't want to go through and have to, you know, summarize those, but just to ensure that they're part of the record and that it was part of the basis at least for my support. Thanks.

**Brad Pettinger** [00:21:18] Thank you Phil. Okay further discussion? Okay not seeing any hands I'm going to call for the question. All those in favor signify by saying 'aye'.

**Council** [00:21:31] Aye.

**Brad Pettinger** [00:21:31] Opposed?

**Kelly Ames/Marci Yaremko** [00:21:36] No. No.

**Brad Pettinger** [00:21:36] The dog barked so was there any opposed? And abstentions.

**Marci Yaremko** [00:21:55] I voted no, as well.

**Chuck Tracy** [00:21:57] I had Kelly Ames as voting no. Anybody else?

**Marci Yaremko** [00:22:01] Marci Yaremko votes no.

**Brad Pettinger** [00:22:06] Okay. I'll blame the dogs on that one so.....okay the motion passes. Okay with that I think I'll look to John and give us some guidance from here. John.

**John DeVore** [00:22:20] Yes, thank you Mr. Vice.....

**Kelly Ames** [00:22:20] Sorry Vice Chair Pettinger?

**Brad Pettinger** [00:22:20] Oh I'm sorry. Kelly?

**Kelly Ames** [00:22:20] Thank you... I wanted...thank you. I just wanted to explain the rationale for my no vote. At the time I understood this would be a unanimous vote based on the discussions that we

had and for procedural reasons I was going, I voted no to avoid that unanimous vote because under the Magnuson-Stevens Act unanimous vote on emergency rule requires the Secretary of Commerce to implement the action and so the no vote was intended to preserve the discretion of the Secretary and is the NMFS policy for all emergency actions. The vote should not be seen as an indication that NMFS does not favor the action or does not think it can be implemented. If not for the procedural issue, I would have voted in favor of the motion.

**Brad Pettinger** [00:23:10] Thank you for that clarification Kelly. Appreciate that, and now to you John.

**John DeVore** [00:23:18] Okay, thank you Mr. Vice Chair. The Council has demonstrated that indeed we had an emergency and has recommended an emergency action to relax the seasonal processing limitations in the at-sea whiting fishery, and you've had a very detailed discussion with the rationale for the action. I don't need to elaborate on that and so I would say you have completed your actions under this agenda item.

**Brad Pettinger** [00:23:45] Thank you John. And with that I will pass the gavel to our Chairman. Marc, take it from here.

## **H. Highly Migratory Species Management**

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

**Marc Gorelnik** [00:00:00] That includes all of the reports I have on this agenda item. I don't believe there are any public comment requests, so we'll move to Council action, which is discussion and guidance as appropriate. So, I will look to see if there's any guidance here. We received a fair amount of information and updates. I'm not sure if there is guidance here or not, but I don't want to presume anything. So, is there any discussion or guidance on this agenda item? I'm not seeing any hands so Kit what, if anything are we missing here?

**Kit Dahl** [00:00:55] I don't think you're missing anything. You've heard the reports. It's primarily informational. Absent any further discussion I believe we're done with this agenda item.

**Marc Gorelnik** [00:01:07] All right, thank you very much Kit. Thanks everyone. Thanks Lyle.



## 2. Review of Essential Fish Habitat – Phase 2

**Marc Gorelnik** [00:00:00] That concludes public comment and takes us to our discussion and action, it's there on the screen, to approve a scope of work for an amendment process to modify essential fish habitat determinations. We have Attachment 1 and then we've received some recommendations and comments from our two advisory bodies and one management team. So, Dr. Braby.

**Caren Braby** [00:00:39] Thank you Chair. I had a question for Kerry. Actually, you frightened me here, I thought I was going to have a second to pull my thoughts together, but on the team report I saw, now I can't find it, I see prey being included in the action plan, so I think some of the discussion we've been having relevant to prey is part of the action plan right now, the scope and that's great. I asked the earlier question about the mapping scope and I think that that blended approach of acknowledging and documenting distribution outside of the EEZ but focusing on the EEZ for essential fish habitat sounds like a great approach. The question that came up in Attachment 1, sorry in the MT report is about timeline and the team wanting to have clarity on which meeting we're in in a three-meeting process, and I just wanted some thoughts from Council staff on that point in particular in terms of process, so that I can think better about exactly what my guidance is to the team and to the Council on this. So, Kerry is that something that you can speak to a little bit?

**Kerry Griffin** [00:02:35] Yes, thank you Mr. Chair, Dr. Braby. I will take a shot at this and if Mr. Tracy wants to jump in then he can do that also. Yeah, we've been sort of pondering this. You know typically with FMP amendment, which if we make any changes to the FMP or the appendices, most of the appendices, it would be an FMP amendment and normally we embark on a three-meeting process so we could consider this to be the first meeting of a three-meeting process. You know, it does include the word scoping in, or scope in this agenda item, and then we could come back, you know two more times, one with a range of alternatives and the possibility of a preliminary preferred and then come back a final time with a final, with final preferred alternatives. We are working on and you know we're trying to get into the habit of blending the NEPA process with the Council process better so that we can be a little more streamlined, and I know that there's been a lot of discussion of that, so that's a little more of the background. So, I think that's where that question from the management team stemmed from and maybe I'll just leave it at that and see if Mr. Tracy has something else to add.

**Marc Gorelnik** [00:04:11] Chuck, do you have anything to add there?

**Chuck Tracy** [00:04:14] Yeah maybe just a little bit. Just, you know, in terms of what would constitutes scoping and when are you ready to move on to the next phase, which is development of a range of alternatives so, you know, so the scoping process is to identify the issues that you're going to be addressing in your amendment. So, to the extent that the Council is able to identify the issues at this meeting and doesn't have any questions about, you know, should we include other issues than this would, you know, potentially complete the scoping process. If they still want to explore whether other issues should be included in the amendment then I would say that, you know, additional scoping would be needed before you move on to a range of alternatives.

**Caren Braby** [00:05:06] Thank you Mr. Tracy and Chair, I think that answers my question.

**Marc Gorelnik** [00:05:16] Further discussion and or motion? Caren, is your hand up again or is it just a remnant of your last question?

**Caren Braby** [00:05:36] It's a remnant, and if there are others who would like to make a motion that's fine, but I can attempt as well.

**Marc Gorelnik** [00:05:45] Well let me, Corey has his hand up so we'll go to Corey first followed by John Ugoretz.

**Corey Niles** [00:05:53] Yeah, thanks Mr. Vice Chair, and probably another question for Kerry that I could have probably asked of the advisory bodies earlier but, Kerry, on this question that the Habitat Committee raises about how habitat conservation objectives which relate to HAPC's and they weren't clear. Can you elaborate on that? Any discussions that happened on how that is and I see HAPC's are in the action plan. I just want to make sure I'm connecting the dots here on what is involved in the action plan?

**Kerry Griffin** [00:06:35] Yeah, thank you Mr. Niles, Mr. Chair. I don't think I can add a whole lot other than the fact that, you know, I did sit in on the Habitat Committee's discussion and I know that they were interested in seeing specific, measurable objectives associated with this, and I'm trying to remember if that was specifically linked to HAPC's or not. I don't remember it being, you know, the habitat objectives being linked to HAPC's to be honest with you and, yeah, I'm actually reading through their report now. Yeah, so I don't think they're linked but they do....you know in COP 22 it does refer to habitat objectives and so I think that that's what the Habitat Committee was referring to and they would like to see those at least generally included in the next step, and then HAPC's seem to be separate, and I'm looking at Correigh Greene here to tell me if I'm right or wrong about HAPC's and the objectives being linked.

**Marc Gorelnik** [00:07:51] So you're asking for something from the Habitat Committee here?

**Kerry Griffin** [00:07:58] Well, Correigh Greene, I suppose... so if I'm wrong with that I would look to Correigh to raise his hand, but I've read through that report several times and I did attend the HC meeting and I think they're two separate requests.

**Marc Gorelnik** [00:08:16] So, Correigh, can you just respond to Kerry's question?

**Correigh Greene** [00:08:21] Yes, my recollection is that the clarification that the Habitat Committee was particularly interested in was the conservation objectives associated with HAPC's if they were identified in subsequent review. And so, making the, what types of conservation measures would be linked to particular HAPC's.

**Marc Gorelnik** [00:08:57] All right. Did that answer your question Kerry on the.....? I'd like to go on to John Ugoretz next. So John.

**John Ugoretz** [00:09:12] Thank you Mr. Chair and good evening to everybody. I think that the management team report lays out some good information on how to proceed with phase two. I think we've heard some important commentary about the impacts of prey removal on EFH and in that I, you know I think that that is naturally going to be included in phase two. I don't know that it will result in any significant impact to HMS EFH but I don't see a reason to avoid talking about it. I heard some comments about shark pupping grounds. I would point out that, you know, pupping grounds as defined for HMS shark species are extremely large areas. For example, the Southern California Bight is considered a pupping ground for Mako and Blue sharks and White sharks, so I don't really know that identifying that as EFH is going to get us anywhere, so you know I guess my overall comment is that I think the plan as laid out by the management team seems to make sense.

**Marc Gorelnik** [00:10:48] Thank you John. Further discussion? Corey Niles.

**Corey Niles** [00:10:58] Yeah, thanks Mr. Chair, and agreeing largely with John and comments on

pupping grounds, maybe one concrete example of what's a... maybe static place would be in terms of HMS context, but not presuming that would be the result, but I think the Habitat Committee is asking the question that can be taken up under the plan that the team has and it's, if you identify a HAPC's I'm probably going to not get this fully right, then what are your conservation objectives for them? I think this all fits within the action plan as John is getting at and some of the, yes, the prey that we'll have the basis to talk about what is relevant to EFH or not... so agreeing, I do think there's some questions that will come up maybe at meeting two or three, but I agree this is a, looks like a good plan forward.

**Marc Gorelnik** [00:12:04] Okay. Well, we have an action here which I'd like to have us see us do by a motion. Caren Braby.

**Caren Braby** [00:12:26] Thanks Chair. I would be willing to offer a motion if you are ready?

**Marc Gorelnik** [00:12:39] Well I think that we're ready for the motion that may stimulate further discussion. Certainly, my dogs want to get in on that, but why don't you go ahead Caren.

**Caren Braby** [00:12:49] I move that the Council adopt the action plan for Agenda Item H.2, Attachment 1 and consider the recommendations in HMSMT Report 1, sorry Supplemental HMSMT Report 1. Thank you, comma as well as Council discussion in moving EFH review forward period. I think that is the end of my motion.

**Marc Gorelnik** [00:14:14] All right, thank you for that. Looking for a second?

**John Ugoretz** [00:14:24] Second.

**Marc Gorelnik** [00:14:25] Who's that?

**John Ugoretz** [00:14:26] John Ugoretz.

**Marc Gorelnik** [00:14:27] Okay, Johnny Ugoretz thank you. So, Caren please speak to your motion and in particular, if you could, for purpose of making the record, try to identify where that Council discussion took place and or a little bit more, a little more about that.

**Caren Braby** [00:14:53] Yes, I, thank you Chair, and I have offered a very broad motion for the Council to consider with the purpose of allowing additional time for scoping and development of the EFH products for Council consideration, and I think that we have discussed just here in the Council discussion portion of this agenda item a couple of key questions of interest. I hear other Council members and feel myself, but we are not urgently wanting to move this forward. We have some questions that remain that would be informed by additional work under the action plan and so instead of really speaking to whether or not to include specific aspects in all of these, in all of the reports, I ask that the team and the Fisheries Science Center consider our discussion here in support of a broad motion to move forward and shape their work accordingly. We heard some thoughts about HAPC's and conservation measures and connecting those in the document. We heard about prey species and defining those either in, defining those either in this EFH or in management of the prey species FMP separately, but I think that the action plan includes basic guidance on how the team would like to move forward with this and I think that we have support. So that's the, that's the basic rationale and welcome additional Council discussion to flesh out any remaining uncertainties and how we want them to move forward rather than framing that as part of the motion.

**Marc Gorelnik** [00:17:32] All right, thank you very much Caren. Are there questions for Caren on her motion or discussion on the motion? John Ugoretz.

**John Ugoretz** [00:17:45] Thank you Mr. Chair, and thanks, Caren, for the motion. Just one question. It seems like the guidance we received was that a three-meeting process with this being the scoping for that meeting was appropriate. I just want to confirm that I'm understanding that correctly.

**Marc Gorelnik** [00:18:08] I'll look to Kerry for that answer.

**Kerry Griffin** [00:18:11] Thank you Mr. Chair, Mr. Ugoretz. Yeah, I mean, I think that that is a reasonable approach. One of the things that we wanted to hear first was, of course, Council discussion on this because if additional items or tasks were added, then that might change the timeline and perhaps even the schedule of events so I don't think that we should, I don't think we need to at this moment set in stone whether, you know, how many more meetings we might have, but I think generally speaking, you know, we could look forward to one meeting in the future that has the range of alternatives and the opportunity for a PPA and then one other meeting with the FPA, final preferred alternative and it's not uncommon as we move forward. Dr. Braby made a comment about getting more information along the way or something to that effect and so I could see sort of interim check-in meetings, that kind of thing, but it seems at this point, although I don't think that you need to determine it right at this moment, it seems reasonable that this would be considered the first of a three-meeting amendment process.

**Marc Gorelnik** [00:19:37] All right, John, does that answer your question?

**John Ugoretz** [00:19:41] Thank you. Yes.

**Marc Gorelnik** [00:19:44] All right. Further discussion on the motion?

**Chuck Tracy** [00:19:48] Yeah, this is Chuck. I've got a question for Dr. Braby on the motion. So you say consider the recommendations of the management team and so I think the one recommendation in there that I see that would warrant consideration, I guess sooner rather than later, sort of affecting the scope of this effort going forward is the next to the last paragraph where they state that the HMS recommends the Council consider the questions regarding prey items would be more appropriately addressed under the scope of the Council's existing management processes, bringing the HMS prey species within the Council's purview. So, I think, and maybe, so I think that, you know, I think that question needs to be answered, so you know, are prey species going to be considered under this EFH review and revision or is that going to be deferred to other FMPs and other processes? Thank you.

**Caren Braby** [00:20:55] Thank you for the question. And my intent was looking at the scope of the action plan which specifically lines out habitat associations, including preferred prey, and Mr. Ugoretz asked a little bit more about that. And I think that the scope, as it's described in the action plan is appropriate that prey should be considered and so the question of whether it is managed under the HMS EFH or under the Council, a separate Council FMP, for example CPS, I think is something that I would like additional thoughts on and that habitat associations, including preferred prey, if there are compelling reasons to further this through the EFH process then I would like to hear it, but right now I see that as a complimentary piece of information rather than the point of the EFH process specifically, so I'm not sure whether that really answers your question Chuck, but I welcome other Council member discussion on that question and maybe the bottom line for me is that I don't think that I have a reason to move forward at this time with very specific targeted management of prey items under EFH.

**Marc Gorelnik** [00:23:01] Chuck, did that answer your question, or do you think we need more clarity there? I noticed John Ugoretz has his hand up as well as Corey so.

**Chuck Tracy** [00:23:13] Yeah, if somebody else has some thoughts on that, I thought I had it till right at the end. So, I thought what I heard initially was that while that might be worth considering down the

road, initially the plan would be to use the action plan as sort of the scope but then right at the end I thought I heard Dr. Braby say that she wasn't sure if she wanted to address prey species within the EFH.

**Caren Braby** [00:23:52] And if I may clarify what I said is I don't feel like I have the information at this time to take action in one direction or another and so I'm supporting it being an action plan and having further information through the EFH process.

**Chuck Tracy** [00:24:11] Okay, thank you.

**Caren Braby** [00:24:12] Yeah. Sorry for the confusing delivery.

**Marc Gorelnik** [00:24:17] No worries. John Ugoretz followed by Corey Niles.

**John Ugoretz** [00:24:21] Yeah thank you Mr. Chair and I think Caren's last statement is perfect and in line with what I was thinking that prey species are included in the description of EFH in the FMP right now, so my understanding is that the team and center would review prey species in their review of EFH, and if there is a change or some sort of additional impact necessary to discuss that, they would bring that back to us. So, I think that makes sense to me.

**Marc Gorelnik** [00:24:58] Thanks John. Corey Niles.

**Corey Niles** [00:25:01] Yeah, thanks Mr. Vice Chair, I don't have much to add, but I think I was going... John and Caren said. I mean it's this idea that we could manage forage fish and other species for with such spatial precision I'm skeptical. I mean it is analogous at this point but I don't have enough information to having a conservation objective for a HAPC that's a coastal front somewhere, but I think it shouldn't be the focus to start out with and in my mind has it's one of those extraordinary things that we will see some extraordinary proof to get there, but I think the descriptions of prey as habitat that John just spoke to is within the action plan and what we're expecting to see. What we do about that conservation objective-wise, if anything, is way down the road.

**Marc Gorelnik** [00:25:59] All right, thank you Corey. Any further discussion on this agenda item or rather on this motion, I misspoke....it's getting late. Not seeing any hands, I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:26:24] Aye.

**Marc Gorelnik** [00:26:24] Opposed, no? Abstentions? Okay the motion passes unanimously. Thank you, Caren, for the motion. Is there further guidance, discussion, motion, anything further on this agenda item from the Council? Okay, Kit, how are we doing on this agenda item?

**Kerry Griffin** [00:27:08] This is Kerry pretending to be Kit.

**Marc Gorelnik** [00:27:12] Sorry.

**Kerry Griffin** [00:27:12] That's all right. Believe me it's weird sitting in the HMS staff seat. You have completed your task for this agenda item. I appreciate the discussion and the questions. I think they were very helpful, and I think that we have a good, you know, a good path forward here. We will work with the center and the management team and the West Coast Region and put our heads together and, you know, there were no substantial changes. You didn't throw a lot more in the scope of work so I think it's still kind of generally what people were anticipating so that'll be helpful, and then we can look at the day last to look at scheduling future meetings. So, with that you have completed your business

for this agenda item.

**Marc Gorelnik** [00:28:08] All right. Thank you very much, Kerry. That completes our action on K.2, rather H.2.

### 3. Recommend International Management Activities

**Marc Gorelnik** [00:00:00] Okay, so that will take us to our Council action, which is a discussion and guidance as I recall, that will pop up on the screen here in a second. I don't have the sitsum open in front of me. So, let me see if there are any, if there's any discussion or recommendations based on the reports we have heard? We have a request from the AS to highlight the impacts of Chinese fishing activities in the Eastern Pacific Ocean. All right, well I'm not seeing that the Council wishes to provide any recommendations at this time. It does seem that the folks are already on all the issues, our commissioners. So, Kit can we conclude H.3?

**Kit Dahl** [00:01:18] Thank you Mr. Chair. Yeah, I think so. As you indicated or others have indicated it was primarily informational. There's no pressing issues or international meetings where the Council may want to, you know, provide some input to the U.S. delegations, so I think we're done, and we'll probably come back to this in June. We'll be closer to some of those meetings over the summer such as the one that Miss Lowman mentioned, so at that time we'll see if there's more for the Council to consider. Thank you.

**Marc Gorelnik** [00:02:04] All right, thank you Kit.

#### 4. Deep-Set Buoy Gear Permit Clarifications

**Brad Pettinger** [00:00:00] Takes us to Council action and so I see John has his hand up. John.

**John Ugoretz** [00:00:07] Thank you Mr. Vice Chair, and I appreciate all the information and input we just received. I think there's a couple of things that I'd like to point out with regard to this fishery and I'll start by reminding the Council and people who spoke this morning of where I have been, where the department's viewpoint has been in regard to issuing deep-set buoy gear permits, and recall that my position has and remains to be that we have no biological or socio-economic evidence that would require us to limit participation in deep-set buoy gear, and that I opposed a limited entry program for the bulk of the process and was only convinced to recommend it through the concept that we wanted to issue permits slowly, in case there was some sort of issue that arose that would make us reconsider whether it needed to be limited in any way, and that's why we ended up with a relatively large number of 300 permits and why it had to be called limited entry per NMFS General Counsel that if you're issuing them slowly, it is therefore limited. But the intent, at least in my mind, and I think in many Council members mind, was not to limit the number of people who wanted to participate, and I firmly believe that we will get to Tier 9 in all of this. The second thing that I'd like to say is that in this fishery I think that the Council really deliberated long and hard over the criteria with many months talking back and forth about it, we came up with a solution that we think works. And while I appreciate people like Mr. Burke saying that they're concerned they may not receive a permit, I'd also point out that nothing was preventing those individuals from requesting an EFP, fishing that EFP, and raising their Tier based on that. I do think if Mr. Burke wants a permit he should and will certainly have the chance to get one and, you know, that's not off the table. Thanks.

**Brad Pettinger** [00:02:52] Thank you John. Further discussion? Ryan Wulff. Ryan.

**Ryan Wulff** [00:03:01] Thank you Mr. Vice Chair, and I actually have a question for John based on our earlier conversation on your report regarding Tier 2. I was just wondering if you have a, if we will be relying on the state to provide information regarding when a permit has been surrendered or at least affidavit through part of your state buyback program, if you have any update on the program, while they aren't for the purposes of this discussion, are there folks on the list, for example, that are not able to actually surrender until certain things occur or any general update you might have?

**Brad Pettinger** [00:03:38] John.

**John Ugoretz** [00:03:41] Thanks Mr. Vice Chair, and thanks, Ryan, for the question. And yes, the department has actively been sharing information with NMFS staff regarding who has completed the transition process. As of today, we have 14 people who have completed the process and surrendered their permit to the state and their nets to a net destruction entity. There are about 5 or 6 more who have indicated they are participating this week or within the next two weeks. There are 20 people who had initially indicated a desire to participate in the state process, who we do not yet have funding to allow them participate. The department initiated a regulatory change last week that, if approved, will allow for those additional 20 people to participate by extending the deadline, which was originally March 31st of this year. And in terms of funding for those additional 20 people, the department is actively seeking state funding to cover them as external funding was not raised to cover those additional 20 people, and we are definitely hopeful that that state funding will become available with the next fiscal year.

**Brad Pettinger** [00:05:12] Thanks John. Okay. Further....oh... Louis Zimm.



**Louis Zimm** [00:05:17] Thank you Mr. Vice Chair. John, to the external funding question, did you in fact receive external funding for the first, I believe you said 14 applicants?

**John Ugoretz** [00:05:33] So the initial funding, as dictated by the state law, came from Ocean Protection Council and that was one million dollars, and then an additional just over one million dollars was contributed by private sources through Oceana, and so those two sources of funding allowed for the initial 24 participants to be notified that funds were available.

**Louis Zimm** [00:06:01] Thank you.

**Brad Pettinger** [00:06:03] Thanks Louis. Further questions, Louis, or comments? Okay, Caren Braby. Caren.

**Caren Braby** [00:06:14] Thank you Mr. Vice Chair. I have a question for NMFS. I'm hoping Ryan might be able to speak to the paragraph in the HMSAS report that Louis already pointed out about potential whale entanglement and I'm hoping that Ryan can just briefly describe the NMFS approach on understanding entanglements and potential sources of those entanglements, and any plans that NMFS might be able to share with us to bring information back to the Council on that entanglement.

**Brad Pettinger** [00:07:02] Ryan.

**Ryan Wulff** [00:07:05] Yep, Mr. Vice Chair. Thank you, Caren, for the question. The Sperm whale was found entangled, as you've heard reported in line in October of 2020. There were no buoys attached and we have not been able to attribute this entanglement to any specific gear type, and that's done through our Protective Resources Division which is our stranding network, et cetera, and I'll also just point out to that for the purposes of this action, the preliminary draft EIS that we presented to the Council at the time of final Council action in 2019 did mention the possibility of whale entanglements in buoy gear but at this time we are not able to attribute that entanglement to any specific gear type.

**Brad Pettinger** [00:07:55] Okay. Caren.

**Caren Braby** [00:07:55] Thank you.

**Brad Pettinger** [00:08:01] Okay. Further discussion? Ah ha.... Caren.

**Caren Braby** [00:08:10] I would like to offer a couple of thoughts as we contemplate this, contemplate this action, and I, you know we've been working on this for some time and it's not often that this Council or any Council is in the process of creating a new fishery, and so I just wanted to acknowledge that this is a big action. This is something that we probably will need to do more often as we face changing oceans in the future and so I think my take home from our discussion today, the reports, the concerns is that we've been careful and thoughtful in developing the program that we're about to take action on and I think that's the right approach. This is a large move, a large investment from the Council and we want it to be a model that we can use for any future needs in developing new fisheries. I understand the concerns and share the concerns about creating monetary value in limited entry programs where there may or may not be a need, but I think that this is a good approach for this fishery in the Southern California Bight at this time, and so I'm feeling like we are in a good position at this point, despite the fact that this is not the perfect answer to our needs relative to swordfish harvest generally, but it is part of the answer, and so I am, I'm glad we're here. I'm glad we're moving forward with this and I think we have some good work behind us to put us on the right path forward.

**Brad Pettinger** [00:10:29] Thank you Caren. Christa Svensson. Christa.

**Christa Svensson** [00:10:36] Thank you Vice Chairman. I want to recognize a couple of points, so no questions, but I did want to say thank you to CDFW for recognizing that we have had a conversation around crew. I certainly have brought up that point on a number of occasions in our discussions around prioritizing people in terms of list and where people would fall, and in the categories, and I just think it's critical to keep thinking about that and keep talking about that, because that is one of the paths to our future. The other point that I want to call attention to is we've heard a little bit of it today. It has been kind of floating around in various forms about whether it's scientists and they got given access to gear and there isn't risk there or, you know, recreational fishermen could potentially get into this fishery. You know commercial fishing I think should be inclusive. I think all of us should be inclusive. I love the fact that we have citizen scientists. I love the fact that all of us, if we want to, can, in general, get a permit to go recreational fishing and I just really caution that innovation comes from without quite often. You know we're seeing a new gear type here. I think that's extremely exciting, and we should really be looking at how do we get more people involved in moving forward with sustainable fisheries and not limiting ourselves in terms of how we think about people in a more traditional sense in terms of commercial fishing, or for any other stakeholder group for that matter, and so I appreciate the time to comment on my couple of thoughts there. Thank you.

**Brad Pettinger** [00:12:52] Thank you Christa. Caren.

**Caren Braby** [00:12:58] Delayed lowering hand, sorry.

**Brad Pettinger** [00:13:02] No problem. Christa, your hand's still up and... okay... very good and back to John.

**John Ugoretz** [00:13:09] Thanks Mr. Vice Chair. My hand is actually up. Question perhaps for Ryan. We've heard comments about concerns that one or more Tiers might not actually get the chance to get a permit within the total of 300. Do you have an estimate right now for how many people might qualify in the first 5 or 6 Tiers?

**Brad Pettinger** [00:13:41] Ryan.

**Ryan Wulff** [00:13:45] Through the Vice Chair, thank you Mr. Ugoretz for the question. I don't have something right in front of me. I think a rough estimate was potentially 150 would qualify through Tier 7. I don't have a breakdown through Tier 5. I know our NMFS Report 2, I believe, lays out the various different options of what might qualify in Tier 1 and Tier 3, but best I have for you right now is about 150 through Tier 7 is our estimate.

**Brad Pettinger** [00:14:20] Okay. John.

**John Ugoretz** [00:14:20] Yeah thank you Mr. Vice Chair, and thanks Ryan. Actually, that's even a better answer than I was hoping for because I was essentially looking at could someone in Tier 6 get a permit, but if a maximum of, you know even if it was 200 people and Tiers 1 through 7 then we would definitely get to Tier 8 before exhausting the 300. Thank you.

**Brad Pettinger** [00:14:47] Okay. Further discussion? Maybe even a motion? Ah ha... welcome back John.

**John Ugoretz** [00:15:02] Thank you. Yeah, if there's no more discussion I do have a motion for this item.

**Brad Pettinger** [00:15:08] Please.

**John Ugoretz** [00:15:10] We'll see if staff can put it up. Oh, look at that, that was fast. Thank you. I move that the Council recommend the following to clarify and modify the FMP amendment for the purpose of implementing regulations authorizing a limited entry deep-set buoy gear permit. 1: That a limited entry deep-set buoy gear permit may be held by a 'person' as defined in 50 code of federal regulations 660.702. A: That transfers be prohibited, and B: That National Marine Fisheries Service develop regulatory language that prohibits changes to the make up of a permit holding corporation, partnership or other entity that would constitute a transfer for entities other than individuals, except in the case of death of the originally qualified individual as described in California Department of Fish and Wildlife Supplemental Report 1. 2: Allow a one-time transfer of limited entry deep-set buoy gear permits upon death of the permittee to a family member as described in California Department of Fish and Wildlife Supplemental Report 1. 3: For the purpose of limited entry deep-set buoy gear permit qualification, define an EFP holder as described in California Department of Fish and Wildlife Supplemental Report 1 to include A: Any individual with National Marine Fisheries Service approval to captain a commercial vessel and use deep-set buoy gear under authority of an EFP, or B: Any individual who is identified by National Marine Fisheries Service as having managed the deep-set buoy gear EFP, including vessel owners whose vessel fished under authority of a deep-set buoy gear EFP. 4: Identify limited entry deep-set buoy gear permit qualifiers and accept applications during a single predetermined period defined by National Marine Fisheries Service for Tiers 1 through 8. Rank applicants within Tiers as described in California Department of Fish and Wildlife Supplemental Report 1. A: Tiers 1 through 5 based on their total swordfish landings within the time period for that Tier. B: Tier 6 through 9 on a first come, first serve basis. 5: Modify limited entry deep-set buoy gear permit qualification criteria to those found in California Department of Fish and Wildlife Supplemental Report 1. Thank you.

**Brad Pettinger** [00:17:39] Thank you John. Does the language on the screen accurately reflect your motion?

**John Ugoretz** [00:17:42] Yes, it does

**Brad Pettinger** [00:17:44] Very good. I'm looking for a second? Okay Bob Dooley. Thanks for that Bob. John, speak to your motion?

**John Ugoretz** [00:17:58] Thanks Mr. Vice Chair. I think we've gone through this and our report describes why we're recommending what we recommend. The Council had significant deliberation with regard to how to rank people with regards to when they might receive a limited entry permit for this deep-set buoy gear fishery. This is a new fishery. This is not a fishery with existing participants even though we have EFP holders who are currently using the gear. It is unlike other limited entry programs where you have a well-established, long standing fishery and are then essentially giving out the ability to fish to some participants and not others. I think the Council has been very clear in our desire to not allow transfers in this fishery and that we were very clear at that September 2019 meeting that we did all agree that upon death of a permit holder, that their family may wish to continue fishing and we were supportive of that fishing family construct. I think the rest of this we've discussed well today and I'm happy to take any questions.

**Brad Pettinger** [00:19:19] Okay thank you. Questions for John on his motion? Bob Dooley. Bob.

**Bob Dooley** [00:19:26] Thank you Mr. Vice Chair and thanks, John, for such a thoughtful motion here. I think it's cleared up a lot of things we heard in the past and gotten us to a place that's pretty, pretty good I think. I have one question. When you talk about the one time transfer upon death of a permittee, I just want to clarify does that mean if an original permittee passes and passes it on to a family member, in the future when that family member passes away it extinguishes or is it a new system again? Does

the one time mean once overall in memorium or is it successive as family members pass away?

**John Ugoretz** [00:20:19] Thanks Mr. Vice Chair and thanks, Bob, for the question. You know, honestly, I think we were considering it as a one time transfer. I don't know that we seriously considered or discussed the what if, if family members continue to pass away but at least for current purposes, I would consider it a one time.

**Brad Pettinger** [00:20:48] Okay, thanks Bob. Kit, I see your hand is up.

**Kit Dahl** [00:20:56] Yeah, thanks. A little delay there getting myself unmuted. I just, and I may be a little premature, but this motion does at the top reference the necessary modification of the draft FMP amendment language I believe, and but it wasn't clear if there would be a subsequent motion with, you know, sort of specific strikeout underline type of guidelines on how to modify that language... or the expectation is that Council Staff would take the contents of this motion and make those changes accordingly, and whether the Council is comfortable with that and without possibly a subsequent review of draft amendment language before it's transmitted, so just seeking clarification there.

**Brad Pettinger** [00:21:59] I'll go to the motion maker. John.

**John Ugoretz** [00:22:01] Thanks Mr. Vice Chair and thanks Kit. So, for point one of this motion I don't believe I see a need to change anything in the current language. It's requesting that NMFS define regulations that would define it. For point 2, I think there's enough there to craft language for the one time transfer upon death. For point 3, I think points 'A' and 'B' of point 3 provide enough information to modify the language. And for point 4, we've got the details there as well necessary. And finally, for point 5, it's in the CDFW report with the specific criteria so I don't see an additional motion as being needed here or strikeout language. There is some strikeout language for one specific section in the CDFW report that can be used, and I think other than that, there's enough information here.

**Kit Dahl** [00:23:05] Okay, thanks. Yeah, so just to be clear, I did see the proposed specific strikeout language in the CDFW report, and then I guess, based on this guidance, the CDFW report also has a somewhat revised and clarified description of the Tier, or the qualification Tiers, which are also in the draft amendment language. So, my understanding would be to take that description from the CDFW report and replace what is in the proposed FMP amendment language with that from the CDFW report, and, other than that, I believe you're right, there's no other needed changes to the draft FMP language.

**John Ugoretz** [00:24:02] Thank you Mr. Vice Chair... just yes for point 5. We, this motion is requesting that you use the exact criteria language found in the CDFW report.

**Kit Dahl** [00:24:15] Okay. Thank you.

**Brad Pettinger** [00:24:17] Okay. Thanks, Kit, for getting that clarification and further discussion, questions for the motion maker on the motion? Ryan Wulff. Ryan.

**Ryan Wulff** [00:24:28] Thank you Mr. Vice Chair. Not really a question for as far discussion on the motion. I just wanted to thank CDFW for the motion, for the report and Council members for the preceding discussion. NMFS obviously was coming today to try and get a number of these clarifications that will help us as we move forward with the regulations and permitting deep-set buoy gear, so thank you and can support the motion. Just because there was a mention of crew in the Council discussion, I know, John, you've thought about this and had conversations with staff, but just to flag for the Council that under NMFS and I believe CDFW confidentiality rules, which John can correct me if I'm wrong, crew would not be able to access or correct logbook and fish ticket data that they might want to use to

qualify without the written permission of the vessel owner operator, so I understand, I guess is your intent is still to include crew, but just wanted to flag that this could potentially be a barrier to some qualifying under Tier 8. Thank you.

**Brad Pettinger** [00:25:43] Okay, thank you Ryan. Okay, further discussion? Caren Braby. Caren.

**Caren Braby** [00:25:52] Thanks. I just wanted to add a couple of thoughts also, and thanks to John for the motion and clarifying so many loose ends in this action and I intend to support the motion. I particularly wanted to point out that I think that this inclusive set of directions on how to proceed really do honor the innovators in this growing, burgeoning, developing fishery and I think that's really important prior to the motion being made. I mentioned that I think we're going to need to consider new fisheries and new ways of doing business in the coming decades, and so I think that we want to as a Council, encourage and motivate innovation from wherever it comes, and so I appreciate that work to really be careful with our definitions and honor that innovation while also being clear and specific in how we proceed. So, thank you very much. I know there was a lot of, I'm sure there was a lot of wordsmithing in developing this. Thanks.

**Brad Pettinger** [00:27:12] Thank you Caren. Okay, further discussion? Corey Niles. Corey.

**Corey Niles** [00:27:22] Thanks Mr. Vice Chair, and I'll just quickly, yeah, thanks to CDFW and to NMFS staff for working on these clarifications. This does match our agencies recollection of the intent of the action we took. I'll just make one quick statement about in prior to the motion there was some discussion about this being a model that we'll use in the future. I just want to remark that that could be the case, but we've also been highly deferential to this approach, and it's a Southern California approach. We might take a completely different approach if something similar were to happen in the other end of the California current here, but fully recognizing what my colleague from Oregon is saying about the need for innovation and rewarding that so, again thanks, in support of the motion.

**Brad Pettinger** [00:28:26] Thank you Corey. Okay, further hands? Okay, not seeing any I'll call for the question. Okay, all those in favor of the motion signify by saying 'aye'.

**Council** [00:28:46] Aye.

**Brad Pettinger** [00:28:46] Opposed? Abstained? Okay motion passes unanimously. Okay, Kit, I'll look to you?

**Kit Dahl** [00:29:03] Thank you Mr. Vice Chair. Yes, well I think if NMFS is satisfied that they have the clarity and direction they need to proceed with developing regulations and anything else needed to continue the process towards implementation we're good. And I heard guidance on how to take the contents of the motion and make the requisite changes to the FMP Amendment language and we'll see. I defer and depend on NMFS to indicate when the appropriate time will be to initiate the secretarial review process and formally transmit the FMP Amendment, so we'll look forward to that. So, I think, having said that, we're done with this agenda item.

**Brad Pettinger** [00:30:09] Fantastic.

## 5. Biennial Harvest Specifications and Management Measures

**Brad Pettinger** [00:00:00] With that, that takes us to Council action and thank you, Kit, for putting that up for Sandra and I see... John Ugoretz. John.

**John Ugoretz** [00:00:12] Thanks Mr. Vice Chair. You know, just to say I appreciate the SSC and HM, HMSMT's input on this. I concur with them and think that they've provided us the guidance that we need to move forward on the matter. I don't really have anything else to add.

**Brad Pettinger** [00:00:39] Okay, thank you. Anyone else? Back to you John.

**John Ugoretz** [00:00:51] Yeah, if there's no other Council discussion, I do have a motion for this one.

**Brad Pettinger** [00:00:57] Much appreciated... so please. You can go ahead John.

**John Ugoretz** [00:01:04] Okay let's see if I can get it up on the board. If not, I can read it one second. Okay, well, I move that the Council approve the maximum fishing mortality threshold proxy and the second proxy proposed for a minimum stock size threshold in Option 3 of the National Marine Fisheries Service Report 1 as applicable to status determinations for the Eastern Pacific Ocean Yellowfin and Bigeye tuna stocks based on probabilistic framework assessments as conveyed as being reasonable in the Supplemental SSC report and recommended in the HMSMT report.

**Brad Pettinger** [00:02:01] All right, thank you John. Does the language accurately reflect your motion?

**John Ugoretz** [00:02:05] It does. Thank you.

**Brad Pettinger** [00:02:07] Fantastic. Okay... looking for a second? Thank you Caren Braby. Okay John, speak to your motion please.

**John Ugoretz** [00:02:17] Thank you. I think, as I just said, we've got good advice from both the Science and Statistical Committee and management team on this, and it's enough to move forward.

**Brad Pettinger** [00:02:29] Very good. Thank you. Discussion? Comments? Questions to the motion maker? All right. Seeing none I'll call for the question. All those in favor of the motion signify by saying 'aye'.

**Council** [00:02:45] Aye.

**Brad Pettinger** [00:02:47] Opposed? Abstentions? Okay, motion passes unanimously and with that I will turn to our Chair, Chair Gorelnik, and pass the, the gavel to you.

**Marc Gorelnik** [00:03:13] Thank you very much Vice Chair Pettinger. Great job by you and great job by the Council on H.4 and H.5. That concludes our work on highly migratory species and takes us to our first ecosystem management item. Chuck, did you have something? Chuck, did you have something on any of these agenda items? All right I guess not. I guess we'll hear from Chuck if he has something, so that takes us to our first ecosystem item I.1. And I'll turn to Kit. Well, now I'm looking at the screen and I don't see a second in that motion.

**Caren Braby** [00:04:28] Thank you Mr. Chair. This is Caren Braby and I was the second on that motion.

**Marc Gorelnik** [00:04:33] All right thank you very much. And I want to make sure that we captured the motion passing unanimously under H.5. All right and let me just double check with Council Staff and make sure that there isn't any further clarification needed on H.5?

**Kit Dahl** [00:05:06] Oh, thank you Mr. Chair. No, I think you've, you have the motion here. It is pretty straightforward. It reflects the recommendation from the management team, so the Council is on board with how the status determinations are being calculated and we'll work to reflect that in the SAFE report.

**Marc Gorelnik** [00:05:47] All right. Okay, and so now apologize for that confusion.

## I. Ecosystem Management

### 1. California Current Ecosystem and Integrated Ecosystem Assessment (IEA) Report and Science Review Topics

**Marc Gorelnik** [00:00:00] So that concludes public comment and takes us to a Council discussion and action on this agenda item. We've received a number of recommendations from advisory bodies and some helpful comments in public comment. So, we'll look, I'll look for a hand to get us started here. Caren Braby.

**Caren Braby** [00:00:29] Good afternoon everyone. Thank you Mr. Chair. I'll just weigh in and thank the IEA Team again for the work and in particular for being so responsive to the discussions that we have each year around this report, and while we have a lot of interest, they have found a way to balance the input that we've given them and produce new indicators and improvements on their analyses that really meet the mark for us, and I think we've heard a lot about that today. And we've also heard a lot of input from our advisory bodies and management teams on potential improvements and I see that as a fodder for the IEA Team to listen to and incorporate what they can as they continue to work on this report, and so I would just say from my perspective that the process has been so successful in continuing to improve and refine the report that I respectfully ask the IEA Team to continue to take all of the input that's been shared today and to make changes as they feel they can and is the best value add for us. So, thanks and that extends to everyone who's been involved in this report this year.

**Marc Gorelnik** [00:02:27] Thank you Caren. Frank Lockhart.

**Frank Lockhart** [00:02:28] Sorry. The mute button was not working. So, I'd just like to, again, thank everyone just as Caren did and I agree with all of Caren's comments and I just wanted to ask a question about the status of the recommendation for topics in September '21 in the Supplemental IEA Team Report 3. I think we heard some recommendations that those are good topics to make sure we get discussed and excuse me, get discussed in September and I didn't hear anyone speak against that so I guess I would be interested in seeing that continue and actually be discussed in September so I don't, I think guidance will suffice for that. In general, just some general thoughts, I think we heard from several people talking about, you know, this is becoming a more and more mature document and process and the information we're receiving is becoming more and more helpful, and I think we're beginning to see people look towards how do we better use this information now that it is getting so good, and I think there were a couple of pieces in here that I think intrigued me and deserve additional thought, and one was from the EIS on kind of beginning to look about how you can link this to the fishery ecosystem plan potentially, and then secondly, in the IEA Team presentation at the very end on these participation networks, I was very intrigued by that, looking about how we can determine the changes in the ecosystem are beginning to affect communities, and I think both of those are kind of how do we go about using this information rather than just receiving the information and looking towards how we could potentially change management. So, I don't think any action is required right now, but I'm interested in those and so interested in hearing more about how we might, how we might proceed on those. So, thank you.

**Marc Gorelnik** [00:04:55] Thank you Frank. Phil Anderson.

**Phil Anderson** [00:04:59] Thanks Mr. Chairman. I don't have a lot to add. I just really look forward to this report. I look forward to how we can begin to incorporate some of this information and what we're doing from a fishery management perspective. That's not to say that some of it isn't being used. I remember back to the late 70's and Dr. Gonzalez, I believe it was from ODF and W and his bringing



forward the relationship between spring weather patterns, upwelling and early marine survival for out migrants of salmon, and how innovative I thought that was, and it was, but in you know in comparison to the work that is being done now and building upon those kind of creative minds, the kinds of things that creative minds can bring to us and think about the different kinds of research that can be done to help us better understand our ocean ecosystem, and particularly it's becoming obviously more and more important as climate change becomes a bigger and bigger part of fishery management. So just a shout out of appreciation for all the work that's been done here and how informative it is to people that are in the fishery management world.

**Marc Gorelnik** [00:06:41] Thank you Phil. Louis Zimm.

**Louis Zimm** [00:06:43] Thank you Mr. Chair. I, too, really appreciate this report and one of the reasons I really appreciate it, I'm going to describe my frustration, sometimes when we see footnotes and links to scientific articles I eagerly go chasing those articles, finding out that I have to pay 35 dollars to see the article so this is sometimes my only link to this work and so then on a side, I just wonder if there's some way that the Council, it looks like other Councils have done this, can provide a medium, a way for us Council members and people on the subpanels to access some of these scientific articles so we can be more informed. Thank you.

**Marc Gorelnik** [00:07:40] Thanks Louis. And just as a tip to you, oftentimes if you contact the author by email, they'll send you a PDF without charge. That often works so.

**Louis Zimm** [00:07:51] Oh, that's really neat.

**Marc Gorelnik** [00:07:52] I also hit the paywall from time to time. Caren, your hand is up. I'm hoping you have more wisdom for us.

**Caren Braby** [00:08:02] Sorry I'm putting it down.

**Marc Gorelnik** [00:08:05] No more wisdom? Darn. So we.....okay Joe Oatman please.

**Joe Oatman** [00:08:15] Yeah, thank you Mr. Chair. I appreciate the team who put together the report. Appreciate the report from our advisory bodies and one of the common topics I noticed in the EWG, the EIS as well as SSC, was on the salmon stoplight charts. And one thing that might be of interest relative to the question I posed earlier, you know there were three different versions of a stoplight chart for different regions and stocks of fish, the one I thought that might be of interest to see if it could be further developed for other regions and stocks is the expanded stoplight tables for Sacramento and Klamath Fall chinook, and whether something like that might be further explored. I think when I was listening to the EAS report, you know they did talk about that in a way, if I understood that correctly, you know, at the threshold indicators and thinking about this in a summit to see type of contact and so having some further look into this I think it would be something I would certainly be interested in. Thank you.

**Marc Gorelnik** [00:10:11] Thank you Joe. Further discussion? I think what I've heard, and Kit will, I'm sure, capture this better than I can, is essentially an endorsement of the recommendations that we've received, and there have been a couple of comments specifically about how the stoplight charts would help with regard to salmon management. I've not heard any discussion from the Council that would de-emphasize or reject any of the recommendations that we've received from our advisory bodies, especially including the SSC so if someone has, a Council member has different recommendations, additional or what have you, please let us know. All right I'll turn to Kit.

**Kit Dahl** [00:11:20] Thank you Mr. Chair. Yeah, I think you had a good discussion, and your concluding remarks indicate a general endorsement of the comments, and I guess the most specific thing there would be the SSC's proposal in terms of reviewing those topics. There were the two projects or topics that have been proposed by the IEA group, and then the SSC additionally came up with three other possible review topics, and so I assume that the Council is okay with that. I think those, as indicated by the SSC, those additional topics, there'll be an ongoing dialogue between the SSC and the IEA folks in terms of available personnel and the feasibility of conducting reviews on those topics or indicators this year, if not the SSC indicated that that could be taken up in a future year. So, with that understanding, I think you have completed this agenda item.

**Marc Gorelnik** [00:12:28] Thanks very much Kit.

## 2. Climate and Communities Initiative Workshop Report

**Marc Gorelnik** [00:00:00] We are on Agenda Item I.2, Climate and Communities Initiative Workshop Report. We had a great presentation from Jonathan Star. We've heard from our advisory bodies and a workgroup and we've had public testimony. And our Council action is there on the screen in front of us so I will ask to see if there are any... is if there's any guidance to be provided from Council members? Caren Braby.

**Caren Braby** [00:00:41] Thanks Mr. Chair. I would like to just start off that I think we've heard a lot of good input and great ideas about some of the things that the Council can do with the work that we've put into the Climate and Communities Initiative so far and that will likely extend far beyond the relatively short term of the Climate and Communities Initiative itself, which we still plan on concluding this September and so I do want to, as one of the, the Co-Chairs of the Core Team, I want to thank the Council for entrusting me and the Core Team with doing this work and all of the partners that have helped make it as successful as it has been, and I'm struck by a lot of alignment in the comments that we've heard. Taking the work that's been done so far in this variety of workshops, synthesizing that, kind of bringing it into Council ownership and then setting a path forward from there, there being a conclusion of this initiative in its current form and moving forward with a ripple effect, if you will, of what this initiative has done for the Council and our thoughts about climate resilient fisheries and management. So, I feel like we are in a really good position to do some additional synthesis work and get to September to a conclusion for this and I'm eager to hear from the Council members what is resonating with you all from public testimony and the reports that you've heard so far and the discussion today. So that'll just start off from me my thoughts on this so far.

**Marc Gorelnik** [00:03:12] Thank you, Caren, for getting us started. John Ugoretz.

**John Ugoretz** [00:03:16] Thanks Mr. Chair, and thanks, Caren, for that kickoff and I, like you, have been involved in the scenario planning initiative since we formed the CSI way back when, I don't even remember how long ago it was to get this thing started. I think we've had a tremendous amount of input since that time, including these workshops and all of the work that went into this before the workshops. I directly participated in two of the workshops myself and led the commercial fishing breakout groups to gather input. I think from my perspective, at the two of the four workshops I attended, I do not think that commercial fishing was overrepresented. In fact, I think as some of the public comment stated, it was underrepresented. There were probably a total of 6 actual commercial fisheries representatives in those two workshops, maybe 8 total and that said, the input we received at the workshops was very broad and very inclusive and I felt that all of the people I heard speak were very cognizant of the range of opinions out there, and given that these workshops were not generating fisheries management recommendations, per say, I think that they did a good, as good as they could do given the Covid limitations of meeting, and I think the final report really does show that and it does show that broad basis of representation and thought. So, I too, feel that we're in a place where we can wrap this up by September. I would suggest that perhaps the Core Team is the best venue to finalize this and put together some sort of report or recommendation to bring back to the Council at that time, and then it also occurs to me and I'd like to hear some discussion, that NMFS just announced a request for comments on an executive order regarding climate resiliency and I feel that I would not want the Council's hard work in this area to be lost in that process and I think maybe we could provide some of the already generated materials to NMFS as comment in that call for information. Maybe I'll leave it there and hear what others have to say.

**Marc Gorelnik** [00:06:18] Thanks John. I think that's an excellent point. The Council is obviously well ahead of that executive order and its valuable input. Bob Dooley.

**Bob Dooley** [00:06:34] Thank you Mr. Chairman. And I just have to say that this was a, it was an enlightening exercise. I participated in the Northern California workshop and I thought it was, by the second day I was really enlightened, and I came away with a lot of different ideas, but I think through our discussion today, a couple of them came really to the top to me of things that maybe need a little more clarity and a little more thought behind them, and the one is flexibility. That was really a big thing in our discussions in the Northern California group, and I think that it meant so many different things to so many different people. Some thought it meant, you know, streamlining Council management processes to be more flexible and more nimble going into the future to react to the rapid and changes so that we can have access to the most, to the optimum amount of fish on any particular given year and, you know at the worst case. And you know some others thought it meant permit or allocation flexibility, and I think it's important to really kind of dig down and look at that a bit and understand what people, you know, get some definition around what management flexibility really means, or what's being asked, or what's being thought of so that we can have a more detailed discussion about what it means and what it doesn't mean. When I think of permit flexibility and maybe allocation flexibility, you know we've done a lot of work over the years to rationalize certain fisheries and size them to the amount of fish available and all of that and through limited entry permits and such that it could be a really destabilizing thing over time, so I would, you know, I think we need to think about that. And the other thing that occurred to me a little bit was I think it's page, I think it was page 9, it was the before and after percentages of what quadrant people thought we were in now and where we'd be in 20 years. And I looked at that and the thing that occurred to me was that this could potentially, you know, if you knew the dynamics of the people that made, you know the different sectors so to speak, of the different groups of people that change their mind over and how what degree that happened and a little more analysis, it might be interesting to see like what the fishing industry thought compared to what maybe the NGO community that participated thought of and what degree they thought change would be, and I think that could be informative in that, you know, one of the things to try to understand here is what your, what the constituent base thinks, you know and what direction they think it's going instead of just as an overall, so I thought that might be informative too. So, I'll stop there, but overall, I thought that it was a good process and, you know, we have a lot of change coming in our future and we have some that's coming a lot sooner than later and we heard about, you know, wind energy and aquaculture and I hate to see that fall through the cracks as well, so thank you.

**Marc Gorelnik** [00:10:35] Thank you Bob. Frank Lockhart followed by Caren Braby.

**Frank Lockhart** [00:10:42] Thank you, Mr. Chairman, and again I agree with everything that's been said so far. I would like to add my praise for the reports from the Ecosystem Advisors, the Ecosystem Work Group and the GAP and the CPSAS. I thought they all indicated a great deal of thought and were well written and have a lot of good recommendations in there. Maybe following up on what the, from the prior agenda item, not wanting to make light of Covid-19 at all, I'm not trying to say that at all, but I think it provides a real-life example of why scenario planning can be worthwhile. I don't think anybody was thinking about this as something that was going to happen, and yet it did, and I think scenario planning provides a way to step back and think about things that maybe you don't think are likely, but you come up with these scenarios and potentially come up with ideas of how to address those scenarios so.... and following up on what Bob Dooley said, I think flexibility was something that came up quite a few times and I do think that would be one of the...kind of the big outcomes, kind of exploring that. And a couple of other thoughts. I just wanted to say that I thought all of the reports were good, but I didn't want to lose the Ecosystem Workgroup recommendation on a workshop in May or June. I think in order for us to be well prepared for September, this type of workshop would serve us well to kind of, you know, we have these workshops, there wasn't a whole lot of time between the workshops and the briefing book deadlines. This will allow the advisers of the Ecosystem Workgroup and other advisory panels to kind of think through a little bit more and come up with something that will really hopefully be informative for us in September so that we can take final action in September. Without this workshop

I'm worried that we may not be fully prepared by the time we get to September, so I would like to add my support for that, and I think I will stop there. Thank you.

**Marc Gorelnik** [00:13:08] Thank you Frank. Caren followed by John Ugoretz.

**Caren Braby** [00:13:12] Thanks. I had a thought about workshops that I wanted to add to the discussion, and this is not commenting on the...what I am thinking of as a synthesis workshop that occurs between now and September. That's that the concept that Frank just spoke to, but rather the concept of having additional community workshops, and we've heard a couple of comments today about the need for doing additional community workshops. And I wanted to just recall that during the CCI Initiative, we have talked about the need for additional workshops even beyond the ones that we planned for this winter, partly as a response to acknowledging we couldn't do them in person this past winter. But in talking about those additional workshops, we were open to the concept that those might happen at a later date, meaning after an official close to the initiative, and so I'd like to just put that on the table as an option and also recall the thoughts that came up during Sam Rauch's presentation and discussion with the Council on Monday about climate resilient fisheries in that this is not a one and done kind of issue. This is something that we are going to need to wrestle with and work on for years and decades to come, and so I think that there is room for that either as potentially a new component of the FEP initiatives list or some other mechanism to continue those conversations and build on what we've done so far with the scenario planning process.

**Marc Gorelnik** [00:15:26] Okay, Caren, thank you. John Ugoretz.

**John Ugoretz** [00:15:30] Thanks Mr. Chair and thanks Caren and Frank. So now we've got sort of a couple different kinds of workshops on the table here. I agree with Caren that additional community workshops may be required in the future. I don't know that we need them, nor would I necessarily support them before we complete the scenario planning initiative process, Climate and Community Initiative process. I also think that if the Core Team were to do the work necessary to wrap things up into a digestible set of recommendations, I think the type of workshop Frank is supporting may be better a little bit later before the September meeting, a little bit later than May or June, just to give enough time to get things together before we host a workshop. So, you know that's kind of where I sit on those two issues. I'll leave it at that.

**Marc Gorelnik** [00:16:48] Corey Niles.

**Corey Niles** [00:16:51] Thanks Mr. Vice Chair and thanks for all the discussion. I will, there's a lot of good ideas around here. I think we can get wrapped up pretty quickly on some, an approach, but I just wanted to quickly say I'm also a member of the Core Team. Rich Lincoln was our, was the Co-Chair with Caren there. Has since left the Council that is still engaged, and I wanted to thank quickly the people who did attend the Washington workshop. We had some, some really lively discussions. A lot of value was in just having people talking about it and, yeah, I wanted to especially thank Kit Dahl for helping out. It was, it's been a busy year and organizing those workshops wasn't easy. We weren't as responsive at Washington as we could have been but... so thank you. I just want to call out Kit for all the work that he did, and again, thank the folks who were able to take the time for the Washington workshops.

**Marc Gorelnik** [00:17:58] Thanks Corey. Frank Lockhart.

**Frank Lockhart** [00:18:01] I guess just a comment then a question for John. You know, the May or June timeframe, I don't know if I have a particular feeling on exactly when it occurs, but the one concept that I think is important to keep in the back of our heads is that in order to be ready for the September

meeting, you know we want to make sure that any documentation meets the briefing book deadline which is roughly a month before the meeting, so that means it's in early August. So, while there may be a little bit of flexibility on exactly when that workshop occurs, we obviously don't want to wait until late August to do it because then it'll be too late to actually affect the September meeting. I know that's not what you were suggesting John, so I guess the question is, if you don't want it to be in May or June, when would you propose that it happen?

**Marc Gorelnik** [00:19:02] John.

**John Ugoretz** [00:19:04] Thanks Mr. Chair and thanks Frank. Yeah, I guess it's maybe that May is sort of making me feel a little nervous, given that we're in mid-March right now. I think we could leave it a little open ended if the Core Team is running this and know that the briefing book deadline and other deadlines necessary to make the briefing book deadline would have to be accounted for. So maybe we will leave that sort of up to Council Staff and the team to figure out when it works and then schedule it as soon as we can.

**Frank Lockhart** [00:19:41] Okay thank you.

**Marc Gorelnik** [00:19:47] Caren Braby.

**Caren Braby** [00:19:52] Thanks Chair. I don't want to cut off discussion, but I do have a motion when the Council is ready to consider a motion.

**Marc Gorelnik** [00:20:05] Well, I'm going to see if anyone throws up a hand quickly to get a word in before your motion, but no one is doing that so please proceed with your motion.

**Caren Braby** [00:20:17] And Sandra has it to project so I'll wait for her to put it up and I will read it into the record. I move that the Council adopt the report on regional workshops as one of the products developed during the CCI to task the Core Team to provide a brief summary and synthesis report to the Council at the September 2021 meeting that includes consideration of the 9 priority action areas summarized in the report on regional workshops, and prioritizes the action areas for PFMC action and for action by non-PFMC partners. Recommendations on next steps by Council and Council AB's and MT's, potentially including NMFS, Fishery Science Centers and West Coast Region and may also include recommendations for additional FEP initiative concepts for consideration. 3: Task the Core Team to provide a briefing workshop on the summary synthesis report to Council ABs and MTs prior to the September 2021 meeting. 4: Consider FEP initiatives in March 2022 as scheduled. And 5: Task Council Staff to prepare a letter for submission to NMFS in response to the call for information on climate resilient fisheries per Sam Rauch's presentation to the Council on March 8th, 2021 relating to President Biden Executive Order 14008. Prepare a letter for a timely submission in April 2021 and to include, A: a brief list of recent activities of the PFMC to prepare fisheries for climate resilience, including links to CCI reports already completed. B: Highlight the in-progress work on climate resilient fisheries. Both preview the CCI conclusion in September '21 and preview the FEP review process, including Chapter 5 as described in March 2021, Agenda Item I.3, Supplemental EWG Report 3. C: Confirm that the PFMC appreciates the NMFS, that NMFS intends for this to be an ongoing collaboration with the PFMC and indicate that NMFS support of PFMC's climate work is needed both intellectually and financially.

**Marc Gorelnik** [00:00:00] Is that your complete motion Caren?

**Caren Braby** [00:00:03] Yes, it is Chair.

**Marc Gorelnik** [00:00:06] And is the language displayed there accurate and complete?

**Caren Braby** [00:00:11] Yes, it is. Thank you.

**Marc Gorelnik** [00:00:12] All right. I will look for a second. Seconded by Brad Pettinger. Please speak to your motion.

**Caren Braby** [00:00:21] Thank you. There's a lot here. We have heard a lot today and over the past few years from the Council family and the public about this initiative and we are at a juncture right now where we have completed much of the specific work that we set out to achieve, saved the synthesis and incorporation of the CCI's work into what I would term the Council's ownership and integrate it into the Council's work. And so, this motion is intended to lay out the steps for that and is responsive to a number of specific recommendations from our advisory bodies and management teams that we've heard today. Specifically, I move that the report that we've seen from the winter workshops is ready for adoption. I think that we just need to formally say that's part of our work, but we need to do some additional work as has been described today in order to make that our own, and I think a brief synthesis of all of the pieces that have gone into this initiative is warranted, and in particular we've heard about the 9 priority action areas and whether they're prioritized or how they should be prioritized. I've asked the Core Team to do this because the Core Team has been the key organizing body throughout this initiative and includes representatives from both the EWG and the EAS, as well as many other of the Council family and is best, I feel, is best suited to bring this initiative to a conclusion in terms of that summary and synthesis. I do appreciate the suggestions on having a workshop separate from the... separate September Council meeting in order to present the Core Team's thoughts on how to wrap up this initiative and get additional input and hear about next steps from all of our advisory bodies and management teams and so that's outlined in number 3. Note that I have not specified the month that that workshop would occur and my intent here is that that would be a discussion amongst the Core Team and Council Staff to best schedule how Core Team meetings, synthesis, report drafting and then workshop with ABs and MTs would work between now and September. I see a potential outcome of identifying new initiatives to add to the FEP and we all understand that the FEP list of initiatives is fodder for consideration each March, and so just highlighting there that that is a natural place to insert ideas about new FEP initiatives, some of which could be building from this particular one. Then lastly, I felt it was important to connect this CCI work with the discussion we had with Sam Rauch on Monday, and provide some very specific suggestions from the perspective of the CCI on how to move forward on providing feedback, and so I've listed thoughts here on key ways that our work already connects to the intent of what we heard about the executive order and the request for the Department of Commerce to ask stakeholders about climate resilient fisheries, but then also point to things that are in progress that are coming that we would like to be incorporated into the department's thinking on development of that policy, as well as the needs that we have that are ongoing in order to support this work, and that rests very squarely on the intellectual support that we've received from the Fisheries Science Centers, from the West Coast Region, as well as financial support to make this work happen. I do want to acknowledge that we've heard today about some voices that are missing. I think that in going back through the cumulative work of the CCI that the Core Team will be able to fill some of those gaps, but again, I think that this is ongoing work, and we can highlight any perceived gaps for later completion after this initiative is finalized. I think it's important that we have a closing to this initiative and move on and so that is something that I would like to see happen in September. And we all know that the challenges of doing this work during Covid, which is not yet over, has been really strongly dictating how much we can get done during these altered working conditions. I do want to also highlight the report from TMC on flexibility and management, and that's been mentioned in advisory body and management team reports. It's been mentioned in public comment and in Council discussion today. I think it is a cornerstone concept that has been present throughout the Climate and Communities Initiative, defining what management flexibility is as well as seeking ways to implement it, and I expect

that that white paper will be very important reference material for some time to come and my intent is that that would be included as part of the Core Team's thinking as we bring this initiative to a close. With that I will conclude my rationale and would be happy to answer questions on the motion.

**Marc Gorelnik** [00:08:07] Thank you, Caren, for the thorough motion and the rationale and support. Let me see first if there are any questions for the maker of the motion? Pete Hassemer.

**Pete Hassemer** [00:08:20] Thank you Mr. Chair, and thank you, Caren, for that motion there. I agree very much with the direction moving forward on that and I appreciate your time to go through that. It seems really trivial but on number 4 relative to some other things we're doing, I was looking at our schedules and our actual schedule is to consider initiatives in March of odd numbered years. At least that's everything I can find on our websites and in the reports, but I don't know if it's a hard rule, but is this just a signal to because the report would be fresh to be able to consider initiatives that would result from this particular initiative and report out of schedule in March of '22? Thanks.

**Marc Gorelnik** [00:09:27] Caren.

**Caren Braby** [00:09:27] Thank you for the question and to be perfectly honest, my understanding was that that would be part of our consideration in March 2022 and so your friendly suggestion that that might not happen as scheduled until 2023 is understood and would welcome a Council discussion on that right now.

**Marc Gorelnik** [00:10:03] Further questions for Caren or discussion on the motion?

**Chuck Tracy** [00:10:11] Here's some hands up there.

**Marc Gorelnik** [00:10:13] Yeah, I see that. Frank Lockhart followed by John Ugoretz.

**Frank Lockhart** [00:10:19] Just.... I'm going to end up abstaining on this vote just merely for number 5 because it makes a recommendation to the National Marine Fisheries Service or will result in that, but I just wanted to say I think the rest of the motion is very well thought out and I think moves the Council forward in the right direction to make a final decision in September. Thank you.

**Marc Gorelnik** [00:10:47] Thanks Frank. John.

**John Ugoretz** [00:10:50] Thank you Mr. Chair. And going back to the point about when to consider the next FEP initiative, I think it's reasonable to do so in an even numbered year and I would suggest that Caren's motion, while it says as scheduled could be interpreted to mean as when we schedule it in March. So, I would still support March 2022 rather than waiting a whole 'nother year to then consider the next initiative.

**Marc Gorelnik** [00:11:27] Chuck Tracy raises his hand.

**Chuck Tracy** [00:11:30] Yeah, I get to raise my hand for a change. So, two points, one on this number 4 that's got some discussion about. You know I think the reason that, so you notice that we didn't have that topic on our agenda this March, which is an odd number year and that's because we were still deeply committed to this Climate and Communities Initiative so, you know, I think the idea was that we would look at it every other year and update it and then decide what to pursue, if any, for the next initiative, so I think and I'm pretty sure we had a conversation on the floor about that at some point. So, you know, just to, you know, kind of I don't think it would hurt to, you know, to schedule something in March '22 to look at that since we, you know, and I think assuming that we are sufficiently complete



with this initiative to, you know, to take a look at what might next be coming up. On number 5, a couple comments. I think this is going to be an iterative process. You know I think certainly the idea of providing a, you know, an initial letter to NMFS on what we have been doing and what we, you know, kind of what will we do, have on our radar screen I think is totally appropriate and I think that would be a good way to get the ball rolling but I'm sure that they will, you know, over the course of the implementation of this executive order they'll be looking for new things and I'm sure that, you know, we may be able to contribute more as we get through the synthesis and the conclusion of this agenda, of this initiative and as well as ideas that may come up in some March meeting when we look at future initiatives so, again, I think that, I think this is not going to be a one off for us. The timeline in April I think we could probably do that. I guess I would, my thinking was that this topic would come up under the Legislative Committee or the legislative matters agenda item, so we do, the Legislative Committee is recommending they meet and put this on and put legislative matters on the agenda in April so I guess I would suggest that we use that opportunity to take a look at the letter and review and approve it that time. And then to the very last bullet, I guess I would point out that this sounds a little bit like a hat in a hand sort of approach and I guess I would point out that how much we've already been helped by both the region and headquarters to receive special project funding to accomplish our FEP work over the last several years, so there's been a very great willingness on the part of the region to help us out. So, I think we should acknowledge that we've already received a lot of money and then this year, as I mentioned in my Executive Director's Report we received 250,000 dollars from Congress for just... for Pacific Council received that. None of the other Councils received that for work on the, specifically on the Fishery Ecosystem Plan and the Climate and Communities Initiative. So I guess I would at least want to acknowledge that, if not make that the focus of that bullet as opposed to making it sound like we need more money, because I think frankly for this, you know, at this stage I think we are in pretty good shape and especially having received some dedicated money from Congress for this, so just something for your consideration there but I do want to acknowledge that we've received a lot of support and a lot of cooperation for ecosystem business courtesy of National Marine Fisheries Service already.

**Marc Gorelnik** [00:16:32] Thanks Chuck. And since Council Staff would be tasked to prepare the letter, I'm sure they'll have that input. John, followed by Caren.

**John Ugoretz** [00:16:43] Thanks Mr. Chair. And just in response to Chuck's statement that we would be able to review a letter at the April meeting. I'm seeing in the NOAA request for comments, a comment deadline of April 2nd and so that's why I felt it was important to address this now so that the letter could be submitted before our April meeting. And maybe it's a question for NMFS to that deadline, but that's what I'm seeing in the NOAA press release.

**Marc Gorelnik** [00:17:21] Chuck, do you want to respond?

**Chuck Tracy** [00:17:24] Yes, thank you. Yeah, so there is a 30-day public comment period that I think is what John is referring to. In our discussions with Sam he made it clear that that was an initial public comment period, but it was not something that the Councils, any of the Councils would be restricted to, that they recognize in the Councils' schedules and, you know, the inability of Councils to meet within 30 days and put things on their agenda that they would definitely be accepting of Council comments beyond that 30-day period, well beyond that 30-day period and again expected it to be, you know, the sort of this iterative process where we'd have lots of opportunities to weigh in. So, we are not bound by that 30-day comment period.

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

**Caren Braby** [00:18:29] Thank you, and I wanted to speak to my intent there, and I intentionally left my motion broad indicating April 2021 with the idea that Council review at the April meeting might be

both warranted and desired, and that was supported by Sam's comments on Monday, and it was with that in mind that I wanted to have that flexibility. I also appreciate the discussion around the FEP initiatives and having flexibility to consider new ideas for initiatives in an even year in 2022 and support that. Lastly, I wanted to offer some additional thoughts related to the financial support needed for this work and I absolutely want to express my personal thanks and appreciation for all of the funding support that has come to the Pacific Council for this work and that has come from NMFS for sure. It has come from other sources as well including the Nature Conservancy, and without that support we would not be as far along, and so I do not want my motion to be perceived as not appreciative of that support so far. That said, this is going to take commitment and both time and financial support for many years to come and so the support that we have received, the commitments for support that we've received so far need to continue, and so it is intentional, it's part of my motion that this is work that needs to be financially supported, and so I would like both of those concepts to be maintained in communications from the Council, both appreciation for the extraordinary support we've received so far, but also an acknowledgment that this is going to need additional support in the future. We're not done. So, thanks for letting me add those thoughts.

**Marc Gorelnik** [00:21:12] Thank you Caren. Corey Niles.

**Corey Niles** [00:21:17] Thanks Mr. Chair, and thanks, Caren, for the nicely crafted motion. Just....I was going to speak to that last bullet. Caren said it nicely about how I was interpreting it. I expect and we've seen in advisory bodies a number of times already that it's broader than what Chuck's talking about. And I think maybe we'll talk about it tomorrow or in April but it's not just the support that this Council gets to do this type of work. It's the type of funding that the public, that the Congress that NMFS makes available to do the monitoring research scientists, science that we need for adaptive management. So just I wasn't viewing this motion as limiting our discussions on EO if we want to have them tomorrow in April, I think that the message we're hearing from a lot of our advisory bodies hearing discussions about vaccines and NOAA research surveys, this Council really recognizes the importance, the investment that society makes in understanding our oceans and providing our sustainable fisheries. So, I hope we get into that tomorrow that and this is much broader than the grants we've gotten to do this type of work. And just maybe another small point, but, yeah, and it needs just labels possibly but a quick reminder that I don't think scenario planning wasn't the full of the Climate and Communities Initiative. What we call initiatives or other topics not so important. We kind of envisioned that the Climate and Communities Initiative would continue. It's more important to figure out what we do next. We did scenario planning because it was valuable, that we couldn't really figure out where to go next. So, I think this sets up having those discussions nicely on the timing and how the work gets done and thank you, Caren, for putting it together.

**Marc Gorelnik** [00:23:16] All right, thank you Corey. I'll see if there are any further comments and if there are not then I will call the question. I'm not seeing any of their hands so all those in favor of this motion say 'aye'.

**Council** [00:23:31] Aye.

**Marc Gorelnik** [00:23:41] Opposed, no? Abstentions?

**Frank Lockhart** [00:23:41] Frank Lockhart abstains.

**Marc Gorelnik** [00:23:43] Thank you. So, the motion passes with Frank Lockhart of NMFS abstaining. Caren thank you much for the motion and thanks everyone for the work on this agenda item. Before turning back to Kit let me just see if there's anything further from the Council on this agenda item? I'm not seeing any hands. I'll go to kit. Are we done here?

**Kit Dahl** [00:24:16] Thank you Mr. Chair. Yeah, you are. You had a very broad discussion of where to go and facilitated by the motion that Dr. Braby made and you all just adopted, and so I foresee... well in the immediate term working with the Executive Director on a draft letter and it sounds like you may see that in, at the April Council meeting for review and adoption, and also working with the Core Team to think about and plan out and a series of, a work plan or series of activities to get to September and achieve the things outlined in your discussion and in the motion, and so yes, and in the very, in the near term it'll be a... I'm sure a discussion on the Core Team getting down to brass tacks on what and how and when and then actually undertaking those activities between now and September. So, we have very good guidance to move forward on all of this.

**Marc Gorelnik** [00:25:41] All right, thanks very much Kit. Thanks everyone. We're now done with this Agenda Item I.2.

### 3. Fishery Ecosystem Plan (FEP) Five-Year Review – Final Action

**Brad Pettinger** [00:00:00] That takes care of public comment and we'll now move to Council action. All right. Anyway, the last item of the day. It's been a long day but I'm looking for a hand to, for comment, guidance. I know we heard some really good comments and detailed advice from the management and advisory bodies. Oh, Louis Zimm. Louis.

**Louis Zimm** [00:00:35] Well hello Mr. Vice Chair. I would like to have myself some guidance for the other, from the other members of the Council on whether we want to direct the EWG to act as administrative lead as proposed by Ms. Labriola for an Ecosystem Level Performance Report. I'd like to have some input on that. Thank you.

**Brad Pettinger** [00:01:09] Okay, Louis thank you. Input is coming. John Ugoretz. John.

**John Ugoretz** [00:01:14] Yeah, thanks Mr. Chair. To Louis' point I think that an annual report from the EWG alongside the status of the Ecosystem report would be appreciated from me as far as how we are progressing towards ecosystem goals. I think that other than that there's been a lot of good guidance and input from the various advisory bodies and the public about what might need to be changed and adjusted to get us to a final draft ecosystem plan for adoption in September and I think that, you know maybe from my perspective, some of the comments about making Chapter 3 a little more brief and succinct and pointing towards outside sources that are more evergreen or making that document more evergreen would be appreciated. I support the moving Chapter 5 out to the way it has been, and I think that's good for now.

**Brad Pettinger** [00:02:27] Thank you John. Pete Hassemer. Pete.

**Pete Hassemer** [00:02:27] Thanks Mr. Vice Chair. I just wanted to respond to Louis' comments first. I guess I had some comments on that topic I was going to save for the end but now is a good time. I don't think we need to take any action regarding the Ecosystem Level of Performance Report and charging the EWG as an administrative lead at this time, but I really value that recommendation that was made in that joint letter that we got in public comment about looking at that and considering it as an initiative that we would address at some time. Just to cover that, as I think back, these three ecosystem topics that we have stacked up here, we started with the Integrated Ecosystem Assessment, and we heard in there on a couple of things there are mixed messages on productivity and some other things so we're not quite sure what's going on. When we talked about the Communities Initiative, Climate Communities Initiative, the workshops really looked at some actions under four different scenarios so the actions we're contemplating were conditioned on different things in the environment. And, you know, not trying to guess what the final report would look like, but we gave them direction to focus on those 9 priority action areas and so the follow up when we're on the ecosystem plan is that if you have some, potentially have some condit.....or actions that are conditioned on what's happening in the ecosystem, then you might want to know what's happening in the ecosystem and I think that's one place where this performance report could help. The IEA is a great start, but it doesn't give real clear signals. So, at this point as we're moving forward and finalizing changes to the FEP and the Climate Core Team is finalizing work on that initiative that in everyone's minds think about what, how we might measure some of these things, whether it's the performance of our ecosystem plan against some measurable objectives that we have and what indicators point to that and also what the condition of the ecosystem is. So what, we're going to pick one of these particular action items at some point. We pick the right one relative to what's happening in the environment. So, I think that's a great idea to consider it as an initiative. We can do that at a later date. We don't set the calendar for when we're going to put it in there, but today we should at least recognize that that's a good direction to go and it might

be and in my mind it's the very logical next step as we finish up the Climate Communities Initiative under this FEP. So, that's why I was asking the questions relative to how do we get at these initiatives and I understand now we've severed the two processes and we have an opportunity to come back to it, that's great. On the other things, I echo John's comments, so I won't go into detail on those now. I think separating out this Chapter 5 as a separate piece in there is a good direction to go... so that's all for now. Thank you.

**Brad Pettinger** [00:06:40] Thank you Pete. Okay further discussion? Phil Anderson. Phil.

**Phil Anderson** [00:06:48] Thanks Mr. Vice Chair. I just, I guess I have a little bit of a process question here. You know we've received some great suggestions from various advisory panels and certainly the Ecosystem Workgroup and Advisory Subgroup that had some real salient suggestions for updates to our FEP, which I found very informative. You know and in addition we have the letter from Wild Oceans to Nature Conservancy and the Ocean Conservancy that had some very salient points in it as well. And you know, and there was the one that Pete just spoke to and I think Louis spoke to it as well as far as looking to the Ecosystem Workgroup and the IEA program to develop some kind of a thing, they call it an Ecosystem Level Performance Report or something like that, to track some goals and objectives and indicators, and I think John's comments about having that annual report was a good one as well. So, on the process side of this, given that we've had a number of very constructive comments and suggestions, do these get pulled together and synthesized by the Ecosystem Workgroup and the Ecosystem Advisory Subgroup and then bring something back to us that... where they've had a chance to look at all those things, take those things and build them into an updated document where they see that that's appropriate and then bring it back to us, is that the process here or is there some other way that we're trying to collate all of these great suggestions and have them built into an edited document, revised document as appropriate?

**Brad Pettinger** [00:09:17] Good comments, Phil, and a question there. I see Caren is right behind you has a hand up. Maybe she might give us a little more what her take might be. Caren.

**Caren Braby** [00:09:34] Thanks for your confidence Mr. Vice Chair. I raised my hand before Phil's questions. I wanted to offer support for the direction that the EWG has taken us in general. I do have a thought about Phil's question but don't feel that necessarily I'm the right person to answer that so, just listening to this discussion it seems like where I would like to see a performance report end up is in an initiative in the FEP, but don't have ideas about the process to get there so I'll hold my comment short on that topic and just add that I've also appreciated the comments on the Chapter 3, Chapter 4 document and do agree that as possible making Chapter 3 brief, more brief than it is currently, that would be welcome and relying on documents outside of the FEP document itself, such as the annual IEACCE report would be a direction that I would encourage us to go. So, I'll stop there.

**Brad Pettinger** [00:11:08] Okay. Thank you for that Caren. Given that, I had the same question too, as far as how do fold this all together? Maybe I should ask Kit or Chuck maybe on next steps here to finish this up. There he is, Chuck.

**Chuck Tracy** [00:11:30] Yeah, well I think either Kit or I would be trick because I'm probably going to punt this to Kit pretty soon, but you know I think the Council's task under this was to provide guidance on further development, and it sounds like that's what you're doing if that as, you know Phil's comments, he had his question as to whether that's how to proceed. So, I think it's fair to get some feedback on if that's a good solution, but I think the Council's task here is to turn that question into direction when they're ready and staff and the work group will endeavor to accomplish that... so, but I might toss it over to Kit. I'm sure he's thought about this a lot more than I have so...

**Kit Dahl** [00:12:20] Yes thanks, Chuck and Vice Chair, and, yeah, I mean that was my take. The coun.....the EWG has all the advisory body reports. They've listened to the discussion you've had and as they've expressed, they would, their intent is to provide a complete draft of the FEP in September, and I would think that as part of the process of editing and completing that draft, they would take under advisement all of these comments that have come in today from the Council and from the advisors. There's this somewhat separate task related to this concept of a linking, having some metrics and that can monitor ecosystem status and linking that to the goals in the FEP. I heard from a couple of Council members that might be something that could be developed into an initiative that would be then taken up at some point, and so I guess the first step there would be a written description of an initiative along those lines that perhaps would come forward next March or at some future time that you may determine, so I guess that's the way I see things playing out.

**Brad Pettinger** [00:14:12] Okay. Thanks for that Kit. Further discussion? Phil Anderson. Phil.

**Phil Anderson** [00:14:25] Thanks Mr. Vice Chair. Just to be certain and understand kind of where we're going. We're turning this back over to our workgroup and our advisory group. I think the way it works is .....(garbled).....is take the lead. They're going to look at all the comments that we receive. We're going to give them some discretion to look at those and make changes as they deem appropriate and they're going to bring that back to us in September. I think on this question about the, some sort of a performance report, I think we're asking them to consider that, come back perhaps with some recommendations on how we might move forward on that and who would be responsible for it, but we're not trying to make a decision on that specifically today is the way I understand it.

**Brad Pettinger** [00:15:27] Okay. Thank you, Phil. John Ugoretz. John.

**John Ugoretz** [00:15:31] Yeah, thanks Mr. Vice Chair, and sort of following up on what Phil just said. I think the only thing I would add as guidance to the workgroup is that to the extent that some of the guidance they've received in the various reports and public comments are contradictory, it would be nice where they are making a choice between one or the other for the final FEP that they provide the Council with some understanding of how they came to that decision and why they chose one thing over another when they bring it back to us in September.

**Brad Pettinger** [00:16:08] Thank you John. Wise counsel. Back to Phil.

**Phil Anderson** [00:16:16] Yeah, I think that's a great idea, John, and I appreciate that.

**Brad Pettinger** [00:16:24] Okay. Anybody else? If not, I'll turn it back to Kit and he can summarize this for us. Okay Kit.

**Kit Dahl** [00:16:34] Yeah. Thank you, Mr. Vice Chair. Yeah, I think there's been a very useful discussion here. The Council has expressed a number of views and ideas about how to incorporate comments that have been received, and they've made some of their own comments about aspects of the draft that you've reviewed. I think the, as we just said, the EWG will take that all on board and use that as they further revise the document and get to something close to a final product. And then that last recommendation we heard about in terms of... sort of... some tracking of how the EWG address comments put forward by advisory bodies, and more specifically, if there are discrepancies or different conflicting recommendations there to explain what their choices were in that regard, and then perhaps in September they'll also have some initial ideas around this other future product in terms of a, I guess what Mr. Anderson named a performance, Ecosystem Performance Report, and so there is a possibility of that as a separate report or product, just a very initial take on that, that may then lead to something more like an initiative down the line. So that's kind of what I heard, and I think we've got good guidance

there and can continue the work.

**Brad Pettinger** [00:18:39] Fantastic. Thank you, Kit. And with that I'll give the gavel back to Chair Gorelnik back on schedule for day last.

## Sam Rauch Presentation on Monday, March 8, 2021

**Chuck Tracy** [00:00:00] I think I'll turn the mic over to Sam Rauch and let him brief us on the executive order. Sam, thanks for joining us. I really appreciate you taking time to come and brief us up on this and I know there's a lot of effort going into pursuing the goals, objectives of this executive order so thank you and I'll be interested to hear what you have to say.

**Sam Rauch** [00:00:25] All right, thank you Mr. Executive Director. Can you hear me?

**Chuck Tracy** [00:00:28] Yes, I can.

**Sam Rauch** [00:00:29] All right. I was having some difficulties earlier. They seem to have been resolved, so please let me know if they re-arise. For those of you who I have not met. I am Sam Rauch. I am one of three deputy directors at National Marine Fisheries Service. The way we are structured is beyond the regions we have three week career deputy directors. I'm one of them. I oversee the work of the regional offices, including the West Coast region and several headquarters offices. There is a deputy director for operations who oversees facilities, enforcement, budget, those kind of issues and then there is a chief scientist, which is essentially the deputy director for science and oversees the work of the science centers. We three are career. We answer normally to a political assistant administrator, which is the head of the National Fisheries Service that was Chris Oliver. There is not currently a politically appointed assistant administrator and in that situation, unless the administration does something different, the principal deputy, which is the operational deputy, steps up and is in charge. That's Paul Doremus. He is currently acting as the assistant administrator and I am retaining my role as the deputy. Before I get started, I know that you would like to hear about Executive Order 216. A few more updates on transition. We did have a new Secretary of Commerce was appointed, has been sworn in. Former Governor Raimondo from Connecticut just started last week. We do not have a NOAA administrator or, as I said, a head of the National Marine Fisheries Service yet, and we continue to work through other issues, and I'll talk about a few of them in terms of the executive orders. We are going to talk about Executive Order 14008 in a minute, but there have been a number of other ones that are perhaps of interest to this Council. I am not going to talk about them in any depth, but I do want to point out that a number of actions were taken in the first few days, weeks of this administration. One of them was Executive Order 13990, which is called Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. So that is another climate executive order. That is the one that has a regulatory review in it, requiring us to look at regulations that we've done in the last few years to see whether or not they comply with a broad policy statement that is in that executive order and is the one that requires the Department of Interior to conduct a review of the existing national monuments, or three of them, including the Northeast Canyons and Seamounts Monument off of the Northeast. In addition to that one, there is also a presidential memorandum of tribal consultation which has asked us to renew and invigorate our consultations with the tribes, and that may be something that we will at some point in the process be talking with this Council about and with our tribal partners on the West Coast about how to conduct that, those discussions. There's also an executive order on advancing racial equity and support for underserved communities through the federal government and this is designed to look at issues of the benefits of the federal government gives out to underserved communities and many fishing communities are underserved communities. Are we allocating the benefits of the federal largesse fairly and equitably across those or are there things that we can do to correct for that? And there is a lot of detail in that one, none of it specifically related to fisheries, but a lot of it could apply to fisheries. And then before I get to 14008, there was also an Executive Order 13992, which revoked many of the executive orders of the prior administration, including the executive order on two for one, which is the loose term for the executive order that required us to eliminate two regulations for every regulation we issued and that required us to have a regulatory budget of zero, zero dollars, costing the



American taxpayer based on the application of the regulations and a number of other things, but I wanted to, I've been invited to and I did want to particularly talk about Executive Order 14008. That executive order includes many different topics. There is a goal to double offshore wind by 2030. There is work on creating a civilian Climate Corps. There are provisions that deal with oil and natural gas development and sustainable infrastructure. I'm not going to talk about many of those things, but those things are in this executive order. The one I'm going to talk about is Section 216, and the entire executive order by the way is called Tackling the Climate Crisis at Home and Abroad. Section 216 has a provision on setting a goal, 216a, setting a goal for the country of 30, conserving 30 percent of our land and water by 2030, so that's not, that's not overnight and it sets a process for the necessary steps, a process to get there, and the Interior Department is leading that and is supposed to have a report within 90 days of this executive order going out there. The one I wanted to focus on is 216c. 216c directs the Commerce Department and NOAA to initiate efforts in the first 60 days to collect input from fisherman, regional ocean Councils, fishery management Councils, scientists and other stakeholders on how to make fisheries and protected resources more resilient to climate change, including changes in management and conservation measures and improvements in science, monitoring and cooperative research. Obviously, this does specifically mention the Councils and so we wanted to make sure that we outreached directly to the Councils on fulfilling Section 216c. We know that many of our fish stocks are being affected by changes in the ocean, temperature changes, salinity changes, other things that appear to be driven by climate change. It is having an effect on ocean ecosystems and other effects on the environment, on our fishing communities and those kind of issues. We work with our partners to understand and respond to these changing climate conditions across all fronts, not just the fisheries fronts, in order to try to minimize these impacts and adapt to the changes so that present and future generations can continue to enjoy healthy marine ecosystems and the economies on which those ecosystems are built, but specifically today I wanted to start sharing with you and from our acting Assistant Administrator Paul Doremus, a specific invitation to provide us with your thoughts on how to make sure our fisheries can be more resilient to climate change, including as I indicated, changes of management conservation measures, improvement, science, monitoring and cooperative research. There's a lot of new authorities that are related to this goal, not the least of which is the Magnuson-Stevens Act but there are others and we're going to use the input that we get from you and others to inform our rulemaking policy and notably the next series of our regional action plans, which we've issued under the Climate Science Strategy. So, the executive order does ask us to collect recommendations in addition from the Fishery Management Council, from a broad suite of other people and the public at large, but we've issued a federal register notice opening up a public comment period on this in which we've requested information for 30 days. The deadline for those public comments is April 2nd of 2021. That is available. I'm sure we could make that available as well, but we are also clearly accepting comments from the Council. We could also send comments to a website that we've set up called ocean resources dot climate at NOAA dot gov. So, let me stop there. I will say before I stop, it does tell us to initiate. I understand the Council processes are sometimes lengthy, sometimes are not well suited to quick action, although I am very pleased we could get on the Pacific Council's agenda and start this process. We will be working with the Councils for quite some time on these issues. These are issues that the Councils are well aware of and I think I've worked with extensively to date so I don't think this is terribly new to the Councils, although we are specifically asking if you've got new ideas, new input, or if you would just like to gather your current ideas and input we would receive that. So, let me stop there. Mr. Chairman, Director Tracy, I'm happy to take any comments on this or anything else you may have as it suits your agenda.

**Chuck Tracy** [00:10:35] Thanks very much Sam. Let me just get one question of clarification in here. I think you touched on it but just so people are clear, the 30-day comment period is open to the public but you will be working with the Councils beyond that 30-day period to gather our input on this so we're not, the Council itself isn't necessarily bound by that 30-day period, is that right?

**Sam Rauch** [00:11:04] That's correct. We were supposed to initiate. We wanted a mechanism for the public to give us comments quickly. It does not say we have to complete this response, nor does it indicate clearly in the executive order what the final product will be. I've mentioned one use we're going to make of this, which is we're going to incorporate this into the next years regional action plans, which we have some time to develop, and we will work with the Councils to make sure that we accept the Councils' input in a reasonable schedule.

**Chuck Tracy** [00:11:35] Thank you very much. All right, well I'm going to turn the gavel back over to Marc and let you handle any comments from other Council members.

**Marc Gorelnik** [00:11:46] All right, thanks a lot Chuck. Let me see if there are any hands, any questions for Sam? Virgil Moore.

**Virgil Moore** [00:11:56] Thank you Mr. Chairman. Sam, thanks for being here this morning. It's Virgil Moore, I'm a member from Idaho and my question is, is broad initially, and it's the 30 by 30 goal that you mentioned relative to this executive order. Was there some foundational documents that speak to that amount of surface area and what it's, what we're trying to do with it or is it just kind of an arbitrary figure? Thank you.

**Sam Rauch** [00:12:40] Thank you. The executive order did not come with it. There was no associated documents with the executive order. So, to that extent, there's no foundational document that is referenced in the order. The 30 by 30 concept is something that was circulating in the international ocean community for some time. It is a point of discussion in many of our regional fishery management forums, these international bodies that regulate ocean fishing or discuss ocean fishing on the high seas. It has been a concept that has been circulated in the conservation community. It is something that, it is a little unclear at this point. One of the things that we will be working with Interior on is exactly what it means to conserve 30 percent. There are different ways to assess that now. I have seen the U.S. Department of Agriculture make assessments that indicate that the land, and these numbers are inaccurate so do not quote these numbers precisely, but I saw something the other day that the I think as agriculture thinks that about 16 to 20 percent of the current land base is in one definition of conserved and 28 percent of the ocean. I have seen other figures that range from the ocean being 3 percent to 80 percent, depending on how you calculate that. One of the tasks that the Interior Department will be tasked with is to come up with criteria on which to judge that, to judge where we are now and where we may need to try to go by 2030. There are different ideas that you can have about that and about managed areas such as fishery management closed areas. We have a number of closed areas in the Pacific. Whether they count or not is something that we will be discussing with the Interior Department and with the administration as this process goes forward.

**Marc Gorelnik** [00:15:00] Virgil, does that answer your question?

**Virgil Moore** [00:15:06] It does partially. I think it gets to the root of some of the discussions we've had in the Council. What is conserving? I would maintain that our fishery management goals and activities for both recreational, commercial and tribal fisheries meet all those concepts and that eliminating those types of activities in these areas is of my concern and I think that's where the misunderstanding or lack of understanding, would be a better term, is that some people are articulating this 30 by 30 to be no human activities or wilderness areas on terrestrial lands and I believe that's misstating what it is we're trying to do with that, and you hit on that Sam and I appreciate it, but I think it's going to require clarification in terms of the breadth of what proper management, which is conservation of our natural resources is that could qualify for this.

**Sam Rauch** [00:16:17] Mr. Chair, if I could add to that thought. Secretary nominee Haaland from

Interior, who has not been confirmed yet, in her confirmation hearing expressed the view that she believed the concept involves managed lands and not no take reserves basically, not that she intended, her view was that you worked with landowners on conservation use of these lands, that she is not yet the Secretary of Interior and Interior does, will have a lot to say about what conserve is, but I would refer to you to some of her comments if you want to get an idea of what Interior may be thinking in terms of what they mean by conserve.

**Marc Gorelnik** [00:17:13] Thank you Sam. Are there further questions for our honored guest? Corey Niles?

**Corey Niles** [00:17:23] Thank you Mr. Chair, and thank you, Sam, for being here. A question back on the, I think it's Section 216c it is, or if I got that wrong apologies, on a reasonable schedule for engaging the Councils. This Council has been working on a Climate and Communities Initiative for a number of years and including that, part of that was a scenario planning where we're looking at some scenario climate scenarios and that we'll be hearing for some on this meeting but coming back in full reporting back in September. So, in terms of reasonable and you mentioned the Councils might not always be quick is did you have any reaction on whether September would be within the realm of reasonable for getting feedback from this Council?

**Sam Rauch** [00:18:15] So I would say that we interact with the Councils on a regular ongoing basis and that the climate problem is not something that started in one Council meeting and will not end in one Council meeting so that this effort is not intended to upend the climate, the Councils' activities, nor to hasten them, but to reflect them. So, I would hope that the Pacific Council could give us feedback on a quicker basis so that we could get started, but that doesn't mean that when the Pacific Council issues that report that we won't fully take it into account in this. My view of our relationship with the Council, and I hope your view is as well, that there is a constant back and forth between the agency and the Council and a feedback loop that goes both ways in terms of seeking the opinions of each other, developing work products from each other and then implementing those products. So it is, if you do not give us anything until September, we will take it in September. I would hope that you could give us something along 216 in a more quicker fashion but we will never ignore input that we get from the Council on this or anything else. This is a vague answer. We're trying to work with the Council, but I do not, I think the bottom line is I would hope you give us something before then. I would hope that it is fine if you wanted to give us something and then refer to your more extensive efforts in the future as something that will be important for us to pay attention to when you're done with that.

**Corey Niles** [00:20:04] Thank you for that.

**Marc Gorelnik** [00:20:06] Thank you Sam. Further questions for Sam? Phil Anderson.

**Phil Anderson** [00:20:15] Thanks Mr. Chairman and good morning Sam. Wish we could be in the same room instead of meeting like this. Hopefully, we'll get to that here one of these days before too long and I hope you're doing well. My question is in regards to our electronic monitoring program and our efforts to transfer it from an EFP to one that is permanent in regulation. I know you're, I know you've been engaged in this issue. I don't, I won't say I know to what degree, but I know you've been watching this with us and have probably had some interaction on the issue and I know as we, as we the Council asked for an additional year to operate the program under EFP you were very helpful in that and we appreciate that accommodation. And as you know, the regulated fishing community has worked extremely hard and has invested several millions of dollars in conjunction and cooperation with the Council and with Pacific States and with National Marine Fisheries Service in putting the program together under the EFP, and I can't find anyone really that doesn't view what we have done as a success, and so we're, as you know, anxious to build on that success as it transitions to a permanent program

under federal regulations. Even with this additional year we have struggled to find ways to make the transition without adding to the overall cost of the program, and at the same time without losing the integrity of the program. And one of the major kind of differences in the program is going to EFP to regulation, as you know, is having to introduce a third-party model and what has come with that is the creation of an audit capacity within National Marine Fisheries Service. As you know the third-party service providers will be certified by NMFS, yet there's a feeling, a sense of the necessity to create this audit capacity even if, for example, if we're, if all of the participants decided to use, for example, Pacific States as a third-party provider, there's still this audit capacity that is going to be built in this and, you know, obviously in doing that it's resulting in additional cost. The creation of the auditing capacity just in round numbers is somewhere around 400,000 dollars a year. We're looking within the program for cost saving measures that we might, that we might take. I don't know, we don't know exactly what the overall review, the proportion of the video that will be required to be reviewed. Right now, we're doing 100 percent, or we, Pacific States is doing 100 percent, percent. They've retained all the video since this program started so we got a pretty high bar there and I guess what I'm, we continue to work, we are continuing to struggle to try to make this transition and not add something north of 300,000 or maybe more, I mean 300,000 is kind of the minimum that I see that we're going to be adding to the shoulders of industry and making the transition and having them pick up the costs associated with the video review and data storage. But what's added complications to this cost is the creation of the audit shop, and we don't have, you know, we're not at a point yet where we have estimates from or bids from service providers, so we don't know exactly what that's going to be, so I'm just bringing this to your attention. I'm hoping that, I know you're really creative and if there's anything that you can think of that NMFS can do to help minimize the cost of the audit, that secondary review, that would be extremely helpful. It is, are we overbuilding that shop, given that these service providers are going to be NMFS certified? You know, is there anything that can be done in the near term here? The first few years of the third-party program so that we can ensure that this program that we view as successful we don't want it to fail after all the efforts that we put into it. Is there anything else is within NMFS that could help offset some of these increased costs, understanding that the industry will be taking on the video review and storage responsibility and they know that? But the way we're headed... we're going to be adding a pretty fair chunk of costs to the existing program to make it work under the regulations, so thanks for allowing me to go on a little bit here Mr. Chairman and Sam, but just appealing to you if you have any ideas, if there's anything associated with cost recovery or anything that we might do to help lessen the burden on a relatively small number of people but it's a relatively small number, but it's a huge portion of our fleet, particularly in the whiting area and in our traditional groundfish places that are benefiting from this, and we're also, of course, hoping to use this as a model that could be used and expanded into other sectors, other gear types... so thanks.

**Sam Rauch** [00:00:00] Mr. Chairman, it was not clear to me whether there was a question in there or not but....

**Phil Anderson** [00:00:05] There is.

**Sam Rauch** [00:00:05] I am aware of the lengthy discussions that we have had. We've been working on this program for years trying to transition it to a regulatory program. We delayed it for one year last year such that it is due to be in place in January this year and there's a number of significant events with external providers that are coming up and I know that our regional staff, the Science Center Staff continue to work extensively with all the parties to try to do what you suggested, to try to minimize cost, to try to answer all the questions as they arise and we will continue to do so. So, it is an issue that we continue to monitor. I continue to monitor. I think that this recent pandemic has indicated the importance of a viable electronic monitoring alternative and we continue to try to work to put this in place in a more permanent approach, so we'll continue to work on this as this year progresses.

**Marc Gorelnik** [00:01:16] Thank you Sam. Louis Zimm.

**Louis Zimm** [00:01:16] Thank you, Mr. Chair, and thank you for coming to talk to us Sam. As I think you know I'm a California Council member and our governor has issued his own 30 by 30 order. How do you envision coordination and timelines between the federal agencies and the states on 30 30? Could you see that the states would forge ahead, ahead of federal or how do you see that? Thank you.

**Sam Rauch** [00:01:51] Yes, well I can't speak at all to what the State of California may or may not do. The timelines for the federal government is that the President set out this objective, which is conserving at least 30 percent of U.S. land and waters by 2030. So that's not tomorrow. That's 2030 and then task an interior, the Interior Department with submitting a report within 90 days of the executive order. The report is for to lay out some criteria, define where I anticipate Interior defining, what is meant by conserve. We talked about that already. That will let us gauge as to how close we are to those objectives, how much work we may have to do over the next nine years to meet those objectives and what kind of partnerships? I do envision at least hearing from some of the statements made by the nominee for the Secretary of Interior that this is not a federal-only effort, that they want to look at land conserved by other entities as well, so it may not have to be a national park or a national federal wilderness area, but we would look at other kinds of things, so I do believe that by 2030 or there will be an acceptance of those, the interrelationship of those kind of programs into that, that it won't federalize all this land or these waters, but beyond that I can't tell you how the timing would add up. The only thing I know is the timing of the initial Interior report, which is 90 days from basically January 20th, so May. Did I get that right? February, March, April, April 20th.

**Louis Zimm** [00:03:55] Through the Chair... thank you very much Sam, that really helps.

**Marc Gorelnik** [00:03:59] All right thank you. Maggie Sommer.

**Maggie Sommer** [00:04:04] Thank you very much, Chair Gorelnik, and thank you very much, Sam, for being here with us today. I'm Maggie Sommer representing the Oregon Department of Fish and Wildlife. The State of Oregon certainly has a lot of interest in climate change and the impacts on our fish and wildlife resources, some of the ocean specific effects of ocean acidification, hypoxia in particular, have been an area of focus for ODFW and for others in the State of Oregon. We are very appreciative of the chance to provide comment and we'll be taking advantage of that both through the Council and perhaps individually as a state on this topic and look forward to being active partners with the National Marine Fisheries Service into the future on this. We certainly see a number of productive avenues for ways to improve our management systems, as well as the science and monitoring in order to provide for resilient fisheries as requested, so I just wanted to say thanks for being here and we really look forward to future collaboration on this.

**Sam Rauch** [00:05:22] Thank you.

**Marc Gorelnik** [00:05:25] Marci Yaremko.

**Marci Yaremko** [00:05:27] Thank you Mr. Chair. Thank you for joining us here this morning. I am Marci Yaremko with the California Department of Fish and Wildlife. I noted in your introductory remarks that there is a new focal priority on equity and under potentially that can include discussions surrounding underserved fishing communities and small businesses presumably that are sport and commercial fishery oriented. Maybe you can elaborate a little bit for us on what upcoming priority initiatives might be coming out of those discussions.

**Sam Rauch** [00:06:15] Thank you and I cannot give you many specifics. As I said, the executive order

is broad and it does not mention fisheries specifically, although fisheries could be conceived of one aspect of how you would go about doing things. It is directed at the department level so it is directed at the Interior Department, the Commerce Department and in a sense we have, it needs to be translated down to us as to how that would actually work. So, at the moment there is nothing specific, but if you look at what an underserved community is, there's different ways that you could characterize an underserved community in terms of diversity issues, in terms of economic issues. We look at through the Fisheries Service and the Councils, we look at a lot of those things through the Magnuson-Stevens Act because we do have a requirement to consider the effects that we have on communities and we have needed tools to address communities. We do have within the Fisheries Service a social Indicators working group, and there is a national database which you can access and which you could put in various parameters that might be associated with environmental justice or underserved communities and you can see that in many of these, in many of these criteria, a fishing community would be considered a underserved community, and there is a significant overlap between that and various different definitions, so I imagine that we are going to be asked to look at the way we allocate benefits to fishing, the way we allocate fishing privileges, to the extent that we have a number of limited entry permits in which we have allocated fishing privileges. Has it been fair and equitable or is it accessible to all? It's expensive to be a significant participant on a, in an ocean fishery three miles offshore. There are things that we do that may advantage or disadvantage communities. A lot of these things we take into account anyway as we design the programs. I recall when you were designing the large groundfish catch share program off the West Coast, there were a number of discussions about impacts on communities of just this very nature. So, I'm not sure that this is new, but I do envision that we're going to be asked to look at the way that we deal with that. I think we're going to be asked to look at the way we deal with disaster funds, or the Cares Act funding for Covid that we did with the eye that are, is it being fair and equitably distributed? If not, are there ways that we can change to adjust them? So those are some of the things I think we could be doing. At the moment we do not have a clear statement as to what we will be doing, but those are some areas that I think that we are likely to be acting in under this one and we would be working with the Councils in that regard.

**Marc Gorelnik** [00:09:30] Further questions for Sam? Bob Dooley.

**Bob Dooley** [00:09:35] Thank you Mr. Chairman. Good morning Sam. Thank you so much for being here and talking to us this morning. I'm Bob Dooley...a Council member from California. We heard this week from the Science Centers that there seems to be a disconnect and misunderstanding on the vaccination process that's to get our workers that are in the surveys and such vaccinated, so we'll be able to actually conduct those surveys this year. You know that's critical importance to our fisheries and of high concern to our constituents here and Council members as well. We heard from the Science Center that the federal government has no direct access to vaccines so therefore they cannot come up with a way to get their workers vaccinated. That falls to the states. And we were also told that there was, there were lists that were compiled of those by the Science Centers of those people that need to be considered essential and get vaccinations, but we also heard there was no communication to the states of that and that is of great concern I believe, and I think we need to open up the communications because I know here in California if you're considered essential, there is access to vaccinations right now and I see that happening with our fishermen. I see it happening with a lot of our processing sector as well, and I think if, you know, if there's an inability for the federal government to have access to those vaccinations, we need to at least get the, transmit to the states who those people are or who that group of people are and make it known that those are essential personnel, so that they can proceed through their states to get vaccinated and I guess my question here, is there any national outreach to make this happen? Has there been any discussions? And how do we expedite this?

**Sam Rauch** [00:11:50] Thank you for the question. I was not a participant in the Science Center discussion so I do not know exactly what they said, but the gist of it is largely correct as you have

explained it to me, there is no, I can't speak for the federal government as a whole. The Commerce Department has not been allocated and certainly NOAA has not been allocated any set of vaccines, so we have none, which means that, as you indicated, to the extent that any Commerce Department or NOAA employee is getting vaccinated he's doing it, he or she is doing it because they meet the other criteria set out for by the state to do that. We do have a list prepared were the states to ask us what would be our priority order. Very few states have asked us to do that so that is all I can tell you at the moment. There is no concerted effort to have federal employees vaccinated at any higher priority than what a state would put on a government employee. Some states do. There is a place in most states registries for government essential employees. I know like in Virginia they haven't gotten to that point yet. Maybe they have in other states. If the states do inquire of us as to what we believe are our essential list, we have them prepared, but my understanding is the states have largely not inquired and are still at earlier stages than looking at these first. But there is no set of vaccinations that the Commerce Department has access to that we would, that we could distribute along that guidance, but if we were to get them, we have guidance, we know who would get them first but there aren't, that there is no subset of vaccinations at this point.

**Bob Dooley** [00:13:50] Mr. Chairman, a follow up if I may?

**Marc Gorelnik** [00:13:51] Sure.

**Bob Dooley** [00:13:51] Thank you. Thanks, Sam, for that answer. I appreciate it. I guess my other question would be if you have the list and is there a prohibition to working, to reach out proactively to the states and identifying those personnel so they might be able to include them? I mean I'm assuming they might not know who they are. They might not know what the people that are, they're trying to include, and it just seems like there needs to be a linkage of the communication here. I know, I realize that the federal government and Department of Commerce don't have direct access to those vaccinations, but it seems odd to me that we're waiting for the states to reach out rather than proactively reaching out as critical as it is to get these people vaccinated, so that's the question. Thank you so much Sam.

**Sam Rauch** [00:14:47] Yes, if I could follow up. Thank you for the additional question. I have not personally been involved in the communication with the states. I am under the impression that NOAA as a whole has made its list available to the relevant states, to the relevant counterparts in the states as I'm sure other federal agencies have, so I do not think there's a prohibition and I think those lists have been shared with the relevant health departments in the various states.

**Bob Dooley** [00:15:21] Thank you Sam. Thanks for being here today.

**Marc Gorelnik** [00:15:24] All right, thank you Sam. Joe Oatman.

**Joe Oatman** [00:15:28] Thank you Mr. Chair. Can you hear me okay?

**Marc Gorelnik** [00:15:30] Yes.

**Joe Oatman** [00:15:32] Okay, thank you. Good morning Sam. My name is Joe Oatman. I represent the tribal government with federally recognized fishing rights in this Council. It is a pleasure to hear from you this morning on this report. Climate change and its effects on the ecosystem and to tribal economies who depend upon the waters are of interest to the treaty tribes. The tribes declined commenting on this. I suspect that this could possibly occur through the Council process and maybe through direct consultations. A question I have for you is does this executive order acknowledge the federal treaty and trust obligations that the federal government has with the treaty tribes, such as those I represent?

**Sam Rauch** [00:16:26] Thank you for the question. I cannot say whether this executive order, which I don't actually have in front of me, I have a summary of it, discusses the unique relationship we have with the tribes itself of many statements of this administration have done so, and as I mentioned at the outset of there is a Presidential memorandum on tribal consultation and strengthening nation to nation relationships that have come out, that came out roughly at the same time. It reaffirms a number of existing policies that the federal government has regarding the tribes and it affirms the, our consultation obligation to federally recognized tribes, directs agencies after consulting with the recognized tribes to prepare and submit detailed plans for implementing policies and directives of the Obama administration's Executive Order Tribal Consultation. That's one, like the other one that's at the Department of Commerce level and so we will be working with the Department of Commerce, but there are numerous instances, including that specific memorandum that reaffirms the consultation obligation and the unique nature of treaty rights. I cannot, I do not know whether or not there is such a statement in Executive Order 14008 because I do not have it in front of me. There may be, but I do not know.

**Joe Oatman** [00:17:50] Thank you very much for that response Sam. I appreciate that.

**Marc Gorelnik** [00:17:57] Further questions? Well let me say I do have the executive order in front of me and the tribes are not referenced expressly with regard to subparagraph C or subparagraph A. There's reference to other key stakeholders but I'm certainly hopeful that the Department of the Interior and the Department of Commerce will take into account the important role that the tribes have with regard to our living marine resources. Not seeing any other, Joe, do you have another question Joe? Your hand is still up. I just want to make sure I'm not jumping the gun. So, I've got a couple of questions, Sam, if you don't mind. Subparagraph C is the responsibility of commerce and that's principally why you're here today to brief us and we've talked about climate resilience issues. Subparagraph A, the responsibility is with the, the principal responsibility is with the Department of the Interior but subparagraph under A.1 lower case Roman numeral one does task the Secretary of Commerce with soliciting input from fishermen and other key stakeholders, so with regard to subparagraph, with regard to compliance to subparagraph A, to what extent is the Secretary of Commerce planning to solicit input from fishermen? And although regional Councils are not mentioned there, I would note that that's a particularly useful resource for soliciting input.

**Sam Rauch** [00:19:59] Yes, thank you for that comment and once again I apologize for not having the executive order right in front of me, I thought I did. I believe that that paragraph indicates that this is a task that the report should include is a discussion of about how to solicit stakeholder involvement and support, and so I do not believe Interior intends to solicit broad-based input ahead of their report. I think that the report will lay out the process for seeking input but at the moment, we do not have that. So there's, there are two different things you mentioned, right? There's the report which comes out in 90 days, which is going to be hard to solicit a great deal of input into that process, and then there is the long effort to try to evaluate, monitor, and achieve the objective, depending on how far away from the objective we are, and I imagine that the Commerce Department will be quite active in that second phase of soliciting input. And I will say that to the extent that the Councils or stakeholders give us any input in our current solicitation, which is not directed necessarily at 30 by 30, but if we get any 30 by 30 input, we will forward those on to the Interior Department for inclusion in their process.

**Marc Gorelnik** [00:21:34] Okay, thanks very much, and I guess, you know we've been through this process last year in the State of California and it, the process basically fell apart over the concept of protection and whether the conservation practices under Magnuson should even count as protection, and I'm hopeful that with the involvement of the Secretary of Commerce in this process that we'll fully recognize the role that the Councils and the Magnuson Act has historically played in conservation, noting that the executive order uses the term 'conserve' rather than 'protect' which I think means to accomplish that conservation. One other point I'd like to make, and this I think sometimes gets lost



when shifting from the terrestrial to the marine is that terrestrial, the terrestrial environment is essentially two dimensional. It's the land. It's the surface. Whereas in the ocean you have the water column and then you have the benthic environment and much of the conservation efforts undertaken by the Council with regard to essential fish habitat has to do with protecting corals and other important bottom features as essential fish habitat as a means to conserving biodiversity, so I just want to make sure that point is made. It's entirely feasible to establish conservation measures that do not inhibit otherwise responsible fishing practices higher in the water column. Anyway, that was my speech, sorry. All right, are there any further questions for Sam Rauch?

**Chuck Tracy** [00:23:38] Mr. Chair, this is Chuck. Maybe I could kind of wrap this up for Sam.

**Marc Gorelnik** [00:23:43] I wish you would. Thank you.

**Chuck Tracy** [00:23:44] Well, Sam, thanks very much for your time and being willing to answer questions on a, of a broad nature....certainly appreciate having you here. I will just want to particularly express my thanks for you and for National Marine Fisheries Service to your commitment to weigh in on 216.a.2, the proposing guidelines for where the lands and waters qualify and mechanisms to measure progress. I think that's probably the area where the most angst is for our constituents and so to hear that you're planning to take an active role I think is very encouraging. Obviously, as Marc just mentioned, the marine environment is different than the terrestrial environment and I don't think there's anybody better positioned to weigh in on what should qualify and how to measure progress than the National Marine Fisheries Service and NOAA, so I'm glad to hear that you are going to take that on and I think you'll be hearing from the Council shortly on our thoughts about that as well....so, and then as you mentioned we will be working with you on talking about our plans and progress on making fisheries more resilient to climate change and look forward to working with you through that process as well. So, thanks very much Sam.

**Sam Rauch** [00:25:20] Thank you for having me.

**Marc Gorelnik** [00:25:22] And you're always welcome Sam. Thank you.