

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**261<sup>st</sup> Session of the**  
**Pacific Fishery Management Council**  
**September 8-11 & 13-15, 2021**  
Online Meeting due to the COVID-19 Pandemic

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## Meeting Transcript Summary

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

## A. Call to Order

### 5. Agenda

**Marc Gorelnik** [00:00:00] Now we will return to the agenda. There is a published agenda and we have heard during open comment a request to add an agenda item and staff has proffered a suggestion. So, let's see if we have any discussion or simply a motion under A.5. Maggie Sommer. Thank you.

**Maggie Sommer** [00:00:48] Thank you Chair Gorelnik. I could offer a motion to address the sablefish tier program emergency rule.

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

**Maggie Sommer** [00:00:59] Thank you. I emailed two emails. Please use the second one moments ago, and if you haven't gotten it yet I will just read it.

**Chuck Tracy** [00:01:33] So we haven't received the second motion Maggie. So, would you like to read it into the record?

**Maggie Sommer** [00:01:43] I would be happy to. And thank you to whoever is behind the curtain there typing. I move the Council add a new item to the September 2021 meeting agenda on Tuesday, September 14th, to consider an emergency action that would extend the sablefish tier fishery regulatory closure date to December 31st and extend the incidental Pacific halibut retention to the last date possible, comma, and move I.1, Groundfish Inseason to Wednesday, September 15th.

**Marc Gorelnik** [00:02:59] Maggie can you just double check. Did you mean I.1 or C.7?

**Maggie Sommer** [00:03:06] I'm sure I meant the appropriate numbering for the groundfish inseason item at this meeting and let me try and.....

**Marc Gorelnik** [00:03:17] I think that's C.7. Thanks.

**Maggie Sommer** [00:03:18] I....it is C.7. My apologies. I.1 was.....

**Marc Gorelnik** [00:03:21] No problem.

**Maggie Sommer** [00:03:24] .....Habitat. Thank you for the catch. That motion now reads as I intended and I would be hoping for input from Director Tracy or others if I have put in so much detail with those dates that it's causing any problems for you.

**Marc Gorelnik** [00:03:55] All right, thank you for the motion, Maggie. Chuck, did you have something to say before I ask for a second?

**Chuck Tracy** [00:04:01] No just that it looks fine to me. Thanks for the opportunity.

**Marc Gorelnik** [00:04:04] All right, great. All right. So, let me see if there's a second to this motion? It looks like I have a hand from Corey Niles, so the motion is seconded. And please speak to your motion as you wish.

**Maggie Sommer** [00:04:21] Thanks Chair Gorelnik. I found the request and the rationale we heard in verbal testimony as well as in the written comments in the briefing book compelling. Certainly

describing a number of unforeseen impacts related to the pandemic, both in terms of health and safety aspects such as vessel and processing crew shortages and the production and supply chain issues related to parts for equipment necessary for fishing and processing. These clearly present management problems for the fishery. They could be addressed through emergency regulations. And Mr. Alverson's written testimony noted that 66 percent of the allocation was unharvested as of August 24th and provided a rough estimate of significant economic benefits from, for coastal communities from extending the time available to fish in the sector. It seems reasonable to think that the benefits of such an emergency rule would outweigh the normal process of advance notice and comment, so I do think that's worth the Council's consideration at this meeting. I'll note that we do have some analysis from last year to build on and update based on current data and conditions and would hope that that can help reduce workload associated with an emergency rule, understanding that an emergency action would take priority with the National Marine Fisheries Service over inseason or other actions and expect to have those discussions on workload and timing, et cetera, certainly under a new agenda item if the Council approves that. And finally, I just wanted to acknowledge that this is the second year of this request and appreciate the comments made in public testimony about addressing the season duration in permanent rule through the tier program review that could help address this kind of issue in future years. Thanks.

**Marc Gorelnik** [00:06:23] All right, thanks for that Maggie. Let's see if there are any questions for Maggie on her motion or any discussion on the motion? And after a reasonable pause I don't see any hands, so I assume there are no questions and no further discussion. So, I will call the question on this motion. All those in favor say 'aye'.

**Council** [00:06:54] Aye.

**Marc Gorelnik** [00:06:54] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Maggie, for the motion and we now have an agenda for our meeting so we know where to go next. Pete Hassemer.

**Pete Hassemer** [00:07:20] Thanks Mr. Chair. If you wish I think all we did was just approve a change to the published agenda. I would be prepared to make a motion to approve the agenda as amended, if you desire?

**Marc Gorelnik** [00:07:39] Okay, why not? So please make your motion.

**Pete Hassemer** [00:07:46] I move to approve the Agenda A.5 as amended by the previous motion.

**Marc Gorelnik** [00:07:57] All right Pete. That simple language on the screen reads correctly?

**Pete Hassemer** [00:08:02] Yes.

**Marc Gorelnik** [00:08:03] And a second by Virgil Moore. So, any discussion on this motion or questions? And I am not seeing any hands so I will call for a vote. All those in favor say 'aye'.

**Council** [00:08:21] Aye.

**Marc Gorelnik** [00:08:21] Opposed, no? Abstentions? The motion passes unanimously. So now we have, now we have an agenda. And that concludes Agenda Item A.5 unless anyone else has any business here? I'm not seeing any hands.

## **B. Open Comment Period**

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

**Marc Gorelnik** [00:00:00] That concludes open public comment and takes us to our Council discussion and comments. There were two clearly articulated requests during open public comment. One has to do with the request to extend the season to December 31st and the other was Dave Helliwell's request that something that this topic be referred to the Habitat Committee. So, let's see what the Council's pleasure is on these requests during open public comment. I know that somebody has something to say. Corey Niles followed by Maggie Sommer.

**Corey Niles** [00:00:55] Thanks Mr. Chair, I'm kind of nervous. Can tell how my volume's sounding?

**Marc Gorelnik** [00:00:59] It's still pretty low.

**Corey Niles** [00:01:03] Okay, well I don't.....apologies for that. I'll hopefully figure it out here. So, I wanted to thank folks for the testimony on extending the season. It's very compelling, continues to be compelling to us and I wish it wasn't the same this year, but we heard some specific reasons why things are going slower in Alaska than normal and I do think the Council should, should take up consideration of the emergency action. I see in process we should be unfortunately used to this process by now, given we did it a few times, but I understand that the task would be for us to take up approving the agenda and adding this item.

**Marc Gorelnik** [00:02:00] All right. Maggie.

**Maggie Sommer** [00:02:04] Thank you Mr. Chair. I would agree with Mr. Niles' comments. I also found the written and verbal testimony compelling evidence of these unforeseen events and suggest the Council consider it and would ask if a motion is necessary to do so?

**Marc Gorelnik** [00:02:32] Yeah, I think that a motion will be necessary to amend the agenda as we adopt it. Chuck.

**Chuck Tracy** [00:02:45] Yes, thanks Mr. Chair. Yeah, an adoption under A.5, the adoption of the agenda would be appropriate, not under B, this agenda item, Council discussion.

**Maggie Sommer** [00:02:59] Thank you.

**Marc Gorelnik** [00:03:03] Pete Hassemer.

**Pete Hassemer** [00:03:08] Thanks Mr. Chair. Regarding the comments from Mr. Helliwell, I appreciate that information there. I was just wondering if at this point, since the request was for an assignment to the Habitat Committee, that the appropriate place for us to bring that up would be workload planning, or is there a different place where we would take that issue up? Thanks.

**Marc Gorelnik** [00:03:41] Well, my take is that the Habitat Committee already has an agenda for this meeting, so I think if it's something we wanted the Habitat Committee to take up, I think you're right it would be during workload planning. Any further discussion on open comment before we backtrack to Agenda Item A.5? And I'm not seeing any hands so that will conclude the open comment period.

## C. Groundfish Management

### 1. National Marine Fisheries Service Report

**Marc Gorelnik** [00:00:00] And so that will take us to Council discussion on Agenda Item C.1. Okay Chuck Tracy followed by Maggie Sommer.

**Chuck Tracy** [00:00:20] Thanks. I didn't think anybody was going to jump in there, but I just had a question perhaps for the West Coast Region on the logbook issue. So, there is some discussion about the requiring this on halibut vessels that retain groundfish. I was wondering if there's been any discussions about requiring it for all halibut vessels, given the nature of the transition status of managing that fishery here rather than through IPHC and the utility of requiring that for that logbook for all halibut vessels. Just wondering if those discussions had occurred and if that had, there's any updates on that? Thanks.

**Marc Gorelnik** [00:01:17] Ryan, please go ahead.

**Ryan Wulff** [00:01:20] Yes, thank you. Thanks, Chuck, for your question. No, we have not had any discussions on that to date. I do note that there's already an IPHC logbook, but I'm not quite sure off the top of my head all the information that are specific on that. So, the answer to your question is no we have not had discussions on that to date.

**Marc Gorelnik** [00:01:48] Maggie.

**Maggie Sommer** [00:01:51] Thank you Mr. Chair. I'll follow along on the logbook topic here and just appreciate the intent expressed by the National Marine Fisheries Service to work with states as they proceed through this and look forward to that. I know that ODFW's fixed gear logbook was mentioned, but for example we have yet another commercial nearshore groundfish logbook that we require of our state limited entry participants and in fact some open access participants depending on the species they're targeting. So, lots of need for coordination there to ensure that there are not duplicative logbook requirements as you noted, and I think that would also relate to the IPHC logbook comment that was just made. Thanks. My hand was originally up for a whole different topic, but I will save that until after the Council's had any further discussion related to logbooks that we might want to.

**Marc Gorelnik** [00:03:01] All right, that's sensible. Marci Yaremko.

**Marci Yaremko** [00:03:05] Thank you Mr. Chair. Yes, I have a few thoughts on the logbook topic. First, I appreciate the early effort on the part of NMFS to coordinate even offline before this agenda item came to us in the briefing book. I think engaging the states in these discussions is hugely important as Maggie referenced, and we appreciate the opportunity to coordinate. California's open access fishery is incredibly diverse, and it's also got an awful lot of participants and groundfish taken incidentally or in a directed sense in the open access fishery occurs in quite a number of fisheries and using quite a number of gears. We have a set gillnet fishery in Southern California that targets white sea bass and halibut and angel shark that is often straddling or co-occurring in state and federal waters. They incidentally re-take, incidentally take or even as secondary targets might pursue open access groundfish opportunities consistent with the trip limit authorizations. They include a number of species that we don't really hear a lot about or focus a lot on in many of our discussions. So, I just want to stress that there's a diversity of activities that go on in the open access fishery. We also know that we have rod and reel fishing activity on the commercial side that I think we had a question in the GAP discussion about the applicability of logbooks to that as well as salmon troll. That's hook-and-line gear but because it is remaining fixed to the vessel the definition wouldn't fit under fixed gear, but what has come clear to us

is that there's really going to be a need when this program rolls out to make sure that there's clarity in the instructions and the application. We want to make sure we do this right the first time and spend time, I think up front, making sure that we answer all of those questions about who this applies to? On what trip this log requirement applies? Who is the universe so that both, so that it's clear to our participants as well as those participants that don't need the log. On the state side we do have other log programs similar to Oregon that apply to some of these different fisheries. So, we'll want to coordinate and make sure that there is adequate communication to the fleet and with the industry representatives and with enforcement. I really appreciate them raising their concerns with the clarity in the application. One thing we've learned from the VMS program and having it apply only in federal waters is that there are an awful lot of questions and a lot of opportunity for folks to fish exclusively in state waters and avoid the VMS requirement, but as the EC mentions, they're still filling out fish tickets. So, I think it would be worthwhile to refresh a little bit on the goal of what this information collection program will entail. I'm not looking to recreate the wheel here, but I think just a refinement of the goal in light of the time that's passed since the original Council recommendation might be useful. Also acknowledging that now we have this log requirement coming in the form of two different incidental take statements I believe. And the humpback whale buy-op and the seabird or the albatross buy-op as well. So, refreshing the goal might be useful so that we can, in fact, build this and do it right the first time. Mentioned the federal versus state waters situation. I think enforcement said it well. I think the State of California would prefer that any vessel that's landing groundfish be required to complete a logbook, that makes it clear. Now I know that's not just fixed gear. That would be all gears. So, I think that's worth a discussion. Again, recognizing there's this mention about halibut. We know the halibut is pursued by a number of gears, fixed gear, yes predominantly, but also there is some take in non-fixed gear by troll vessels, salmon troll as well as rod and reel vessels. So, I think some discussion and recommendations from the Council about how wide a net we need to cast to get the information necessary to best inform our management of the groundfish fishery into the future. So, I also like the idea that the GAP suggested to have some focused regional discussions. I think that would be useful, especially recognizing the diversity of the open access fleets, particularly in Southern California. I realize that adds time to the timeline and there's interest in getting this program up and going so I think, you know, sticking to what the GAP has recommended is a good kind of a good guidepost as to the outreach opportunity and maybe host a series of workshops, one in each area, and then additional recommendations come to, come from the GAP to the Council in a standalone agenda item that we might look to later in the spring. Those are just some thoughts, but I appreciate the opportunity to explore this a little more, and we very much are supportive of the approach brought to us here today and look forward to participating. Thanks.

**Marc Gorelnik** [00:10:17] Thanks Marci. Bob Dooley.

**Bob Dooley** [00:10:20] Yes, thank you Mr. Chairman. The comments I'd make are just I agree with a lot of what Marci said as well and others, but I'm really kind of excited to see this logbook finally come to fruition. We hear a lot of, you know, the non-trawl RCA issues is a big issue in access to there, and in that context we need some accountability that's been expressed as well and to raise that bar so we know what's happening. And I think this would be a way to do that, to help that along and get more certainty in what is happening in most fisheries. And I think that, you know, that it could be, that combined with observer coverage could give us a greater amount of certainty of the discards and the disposition of fish. I like the fact that it's an electronic logbook we can get, at least in the way I understand it, we'll get data in a much more expedient manner and be able to make decisions based on that, you know, of catch, and I think that would be a very useful tool. And I, but I hear a lot of....listening to the GAP yesterday and comments about it maybe being onerous, and I think it's important that the goal of the program and what the use of this data, how it could improve management of the, these areas that we're not allowing people into, you know, that it's a positive move, not a punitive move, and I think that's a really important thing to get across. So, I would hope that would happen, and I also hear maybe exemptions because of electronics. I mean I don't know many people that don't have an access to an



iPhone or iPad or some type of electronics. We're not in the 70s anymore so I will remind folks that we had exemptions to observer coverage in the trawl sector when the ITQ program was enacted and those were, those vessels that were non-observable were no longer allowed to fish in the fishery. You had to have an observer. So, I think, you know, as we move forward, we need to be, we need to keep an eye on that. I understand the limitations of small hook-and-line boats and things like that but I think there are ways around that. This data to me is important. It's the way we move into the next century and on this and the next phase. I think electronics is the way to go. We get data quicker and I think it's important to do that. So, I'll stop there but I'm very supportive of this logbook.

**Marc Gorelnik** [00:13:28] All right, thank you Bob. Corey Niles.

**Corey Niles** [00:13:29] Thanks Mr. Chair. I was about to say 2008 was a long time ago, and then Bob mentioned the 1970s, so maybe it wasn't that long ago. But yeah, thanks for the thoughts. At WDFW always agreed and we're supportive of this logbook and yeah, maybe we could have, the Council as a whole could have been more clear on what sectors it would apply to. You know, I guess I have a question for Ryan on NMFS's viewpoint on the GAP's suggestion. Sounds like a good one. Talking to folks would be good. But the other thought I have just in, I don't know where we are process-wise, you know, as the action was a long time ago and if we want to slow it down or not, but I'm wondering if we could somehow, you know, Marci brings up very good points about the diversity of the fleets down in California. We don't have that same issue up in Washington, so I'm wondering if we might take up the sectors that are obvious, like Oregon's had a logbook for a long time that's tested and true so the main sectors we have are the non-nearshore sectors, as they've been called, the targeting sablefish and the impetus, you know, what got momentum behind the logbooks this time was whale entanglements in the seabird, better estimates on efforts related to albatross in particular. So I'm wondering if we might prioritize sectors that have those, have those connections, those bigger risks to the seabirds and whale entanglement and then, so not try to do everyone all at once, why don't we pick off the easy ones first so it doesn't, you know, not sure where we're giving guidance, having discussion here, so, you know, I guess Ryan, one, you know, did you have time to think about the workshop idea? I generally think it's a good idea as well but to, could we maybe peel off the easier sectors for our first round here?

**Marc Gorelnik** [00:16:01] So that was a question for Ryan. Go ahead Ryan.

**Ryan Wulff** [00:16:05] Through the Chair, thank you Mr. Niles for the question. I'll take the GAP request first. So yes, we are supportive of that request with the caveat that those workshops or forms of outreach may need to be virtual for obvious reasons, but we definitely acknowledge that additional outreach to the fleet is necessary. Also acknowledge your previous points about continued coordination, very close coordination on a number of the issues raised previously by the states and by OLE. But I'm a little bit unclear about your second question. I mean are you proposing that we move forward with less sectors than we are putting forward? I mean is that your question? I mean if you could expand. I mean because if you're proposing a subset of what we have proposed here, then I think we need to potentially reevaluate or pause moving forward. So, a little bit more clarification, Corey, would help.

**Corey Niles** [00:17:19] Yeah, thanks for that Ryan. And sorry, what I hear Marci saying, and Marci correct me if I'm wrong please, yet the concerns and Bob brought them up too, are more with the incidental open access sectors particularly in California, so it seems that the directed, you know, our limited entry in the directed open access sectors are not as problematic in terms of the concerns Marci is raising. So could we go, could you do the rulemaking, because I know I'd look for those first, and then move into the discussions about the incident open access, and Marci... apologies if I've got my sector definitions aren't matching what you say but the, you know, the limited entry sablefish fixed gear sector is one where whale entanglements and seabirds are of concern and already follows the model that Alas.....I mean, Oregon and Alaska use logbook wise, so that one would be an easier thing to

accomplish in my mind then these sectors Marci's talking about.

**Marc Gorelnik** [00:18:38] Marci.

**Marci Yaremko** [00:18:40] If I may. Thank you, Mr. Chair. Thank you, Corey. Yeah, yes, you're right. I think the largest area of discussion will be in our open access sector. However, I think I have further challenge with trying to distinguish between directed open access and incidental open access, because on any given trip that might be somewhat different, depending on fisheries with multiple targets. You know our set gillnet fishery is a good example where you might be co-targeting a white sea bass and halibut, but you have to make more money on a trip on your federal groundfish, which could happen if you strike out on the sea bass and the halibut. So then is it a directed trip for federal groundfish? So, I think because of the definitions and the kind of moving target, that's why I think we want to nail down what the, very clearly up front, who the requirement applies to as enforcement has described. I mean that obligation will fall to the states to assist the fleets with outreach and helping them ascertain if the log requirement applies to them and potentially, they'll be required to fill it out as they begin a trip and we want there to be some certainty as to whether or not the requirement applies, so I think having that resolution for us is going to be necessary. We have inshore, nearshore fisheries that straddle state and federal waters. For the VMS requirement, recall too that you are required to carry VMS if you are transiting federal waters with groundfish aboard, and so there's going to be a logical question if this rule works the same way. And for example, folks might fish with stick gear, which is a floating type of hook-and-line gear that's not necessarily anchored to the bottom. I mean is it fixed gear? Is it not? I mean similarly we have inshore drift gillnet gear that might take nearshore groundfish. So, you know, I think those types of things could be explored in these regional meetings that then would lead to some recommendations from the Council and from NMFS in terms of how wide a net we cast on these kind of more incidental sectors, but Corey I hear your point. Your point is why don't we focus on the low hanging fruit first and take seriously the new priorities established in the ITS to get going on the requirement now for the fisheries that are most likely to have interactions with the listed stocks, so I'm hearing you but I'd also note that, you know, I mean humpback whale we don't know, but they certainly come inshore and have the potential to interact with our open access groundfish fleets. So, I hear your suggestion, Corey. I'm not sure. I think I'm open to your suggestion and it's, there may be value in addressing the easiest sectors first and doing this in a step wise fashion, which I think is what your suggestion is, so I'm, I guess I'm open to both approaches, but I do see value in the discussion about how far to apply the requirement to the open access and incidental sectors.

**Marc Gorelnik** [00:23:23] Ryan.

**Ryan Wulff** [00:00:00] Thank you Chair, and thanks for the points. I just am still looking for a little bit of clarity here of what the guidance is from the Council. You know we're proposing to have a logbook that applies to anyone using fixed gear in federal waters to retain groundfish, as we've outlined here in our report. Also, very cognizant of the additional discussions that have to happen, the outreach that has to happen, the coordination and its possible that scope expands or changes in the future. In our view, that doesn't need to stop this rulemaking timeline as those can be addressed in subsequent or even parallel rule makings. However, if the Council is now giving us guidance that they do not want us to move forward with the scope that we have proposed, then I would rather pause moving forward at all until some of these issues are addressed. Thank you.

**Marc Gorelnik** [00:01:00] Thanks for that Ryan. That's helpful. Marci.

**Marci Yaremko** [00:01:04] Thank you. And thank you Ryan. I guess I was keying in on the exchange I had with Lynn about the timeline of the rulemaking. I, my own opinion is that I would not want to see us rush ahead with a rulemaking that applied to federal waters fixed gear fisheries. Do one rule, have

to deal with the implementation questions that would surround that requirement. Again, because it's unclear and the state will be left having to answer those questions and they're not easy and we're talking hundreds and hundreds and hundreds of participants. So, from a workload perspective, our position is that we'd like to see some investment made up front to get some clarity around what the, who the requirement applies to so that we can have a nice, consistent message that's easy to follow. So, I think it's worth a little investment up front to be able to refine that description. I don't think the federal waters piece works all that well for us because we know we have so many trips that co-occur and state and federal waters. If we have to answer that question for every operation it's going to be very tedious and as the EC speaks to, the quality of the data will be compromised. So, I think it's worth a little investment of time up front to help clarify the application and again I don't feel like we have to recreate the wheel or start over, but applying the requirement to certain fisheries specifically will, I think, allow for that clarity. Like, for example, does the requirement apply in the California deep or nearshore fishery? Doesn't matter where you go, but does it apply? So, you know, that's a federally managed fishery. There's federally established trip limits. So anyway, I just think that discussion would be useful and will help refine what exactly we're talking about on the application side when it comes to implementing the program.

**Marc Gorelnik** [00:03:37] Chuck.

**Chuck Tracy** [00:03:39] Thanks Mr. Chair. So, you know, this agenda item is, I think we're getting pretty far into the weeds on this. I think the intent here as proposed by National Marine Fisheries Service was that if the Council's fine, then we don't have to do anything. If the Council's not fine then we ought to schedule something under workload planning to pick this up and, and decide what we want to, what the Council might want to do differently or if they want to just, you know, explore things further. So, I guess I would at this point it seems pretty clear that there is some interest in doing something besides exactly what the Council passed in 2008. So, I suggest the Council establish some time on the agenda to deal with this in a measured manner in the future and do that under workload planning. That's my advice for, for this particular agenda item. This particular topic for this agenda item.

**Marc Gorelnik** [00:04:41] Thank you Chuck. Yeah, this is a 30-minute agenda item that's gone on a lot longer than 30 minutes. So, is it... Chuck's characterization accurate? And I think it is that we ought to schedule some time to further discuss this? Phil.

**Phil Anderson** [00:05:03] Yeah, thanks Mr. Chair. I don't disagree with that. I did want to just acknowledge my appreciation for the work that went into the NMFS Report on the groundfish, the estimated discard and catch, the mortality reports, the halibut bycatch, and tables. I thought that information was presented in a way that was really easy to look at and very useful. And when I think back to where we were 10 or 20 years ago relative to having this kind of information, this is, we have gotten ourselves in a much better place in terms of understanding what the impacts of the fishery is on all of these species. Similarly here, when we're talking about logbooks and I think Bob Dooley spoke to it, this is another chapter in how we're going about documenting and quantifying the mortalities that are taking, the groundfish mortalities that are taking place in these other fisheries, so while I don't have, I'm not going to suggest that we not take a pause here and answer the questions that these legitimate questions that are coming forward, I just hope that we not lose momentum here. It doesn't seem to me like these questions are overwhelming in nature in terms of coming to some answers on them that will allow us to move forward with the program that National Marine Fisheries Service is bringing forward as a recommendation.

**Marc Gorelnik** [00:06:54] Thank you Phil. Bob Dooley.

**Bob Dooley** [00:06:59] Thank you Mr. Chairman. I'll be brief. I agree with what exactly what Phil said.

I think, you know, I've fished for a long time in my lifetime and filled out logbooks for a long, long time and it's just to me it's price of admission. I think we need to move into that. I hear the burden of a logbook. It's not that big of a burden, particularly if it's electronic and everybody has a role to play in getting certainty and accountability into our fisheries and I think I am, I'm really supportive of this logbook. I really worry that we're making a big deal about the ability to fill out a logbook. I mean, I just think it's not that big a deal, particularly if it's electronic and the usefulness of that data is important. So, I would not want to stall this program out of this movement out to because of that. I do agree with taking the time to get it right, but I would like to do that in the most expedient manner we can and keep the ball moving. So, it's been a long time we've been working on this logbook so thank you.

**Marc Gorelnik** [00:08:16] All right, so to try to bring at least the logbook portion here to a conclusion for this agenda item, the sense of the Council is to schedule some time, workload planning, but to keep the ball rolling. And if I've mischaracterized that please let me know. And I'm not seeing any hands. I'm going to go back to Maggie. Maggie, you had an issue you wanted to discuss apart from logbooks.

**Maggie Sommer** [00:08:46] Thank you Chair. I do. It's just a brief comment for the Council. I will echo Phil's appreciation to the Science Center for the mortality and bycatch reports, those are very informative. I note in the Executive Summary in the document as well as in the presentation we received today, I'd observed that the Oregon Black Blue Deacon Rockfish Complex was among the highest ACL attainments in 2020 at 76 percent of the ACL for that complex, and I just wanted to take the opportunity to remind everyone that the State of Oregon manages to the black rockfish component of that complex with sector specific harvest guidelines and management measures in state rule and very intensive inseason monitoring and management. We actually, we manage to all of the species-specific components, but black rockfish is the key one there in the highest attainment. And in 2020 attainment of the black rockfish component of that complex ACL was 86 percent. So, we are successfully managing to that. That had been a concern some years in the past so just wanted to relay that information. Thanks.

**Marc Gorelnik** [00:10:07] Thank you Maggie. Further discussion, guidance on this agenda item? I'm not seeing any hands. Todd, how are we doing?

**Todd Phillips** [00:10:23] Thank you Mr. Chair. I believe the Council has had a vigorous discussion over the topics that were presented today by the National Marine Fisheries Service, both the West Coast Region and the Science Center. I believe that you have completed the, well you've completed this agenda topic appropriately. Thank you.

**Marc Gorelnik** [00:10:42] All right. Thanks Todd.

## 2. Stock Assessment Methodology Review

**Brad Pettinger** [00:00:00] So now we go to Council discussion and action. So, Maggie.

**Maggie Sommer** [00:00:02] Thank you Vice Chair, and this is recommendations on three workshop topics for the future and I wonder if the Council does decide at some point that we are interested in asking the SSC to consider a re-evaluation of the sigma framework? You know it doesn't seem like we are constrained to a schedule of when we can make that request of the SSC for something like a workshop, unlike the more rigid scheduling of formal methodology review requests. So, I guess maybe that's a suggested pathway for further consideration of Corey's idea and looking for confirmation from Mr. DeVore.

**Brad Pettinger** [00:00:55] And I think John is going to give it to you. John.

**John DeVore** [00:00:55] Yeah, on the timing of that I might suggest that if that truly is the Council's desire and the SSC is okay with that, then we should probably schedule that workshop before June of next year, because I think the sigma framework could influence the Council's decision on stock assessment priorities and that decision will be made next June. So as far as the timing is concerned, I think that that's what I would recommend.

**Brad Pettinger** [00:01:38] Thanks on that John. Okay further discussion? Corey Niles. Corey.

**Corey Niles** [00:01:50] Yeah, thanks Mr. Vice Chair and thanks John. Yeah, I guess, I mean, if on your earlier idea I would be interested in the SSC's feedback under workload planning, and then to be clear, I wasn't suggesting a complete overhaul of the framework, it's just those category two and category three, which was just a doubling and then a doubling based on any evaluation. So it just is, can we do, is there data that analysis can be brought to bear on whether that the doubling in the doubling or are still sensible, and, you know, I just happened to come across my email the other day as an article in the IC's journal where I don't have the article because it's not open access, but the last line is cautioning against indiscriminate use of arbitrary risk limits without scientific evaluation to analyze their impact on stock yields and sustainability, and this is, it's an article on data limited stocks and so I know Europe and others have, you know, many years now of experience with these data limited as well, so just wondering if it's time and it's an unfortunate sequence here that we don't have input from the SCC but if there is something feasible I think the Council should hear that whether it can be done by next June or not, another question. We don't have the information in front of us. So yeah, suggesting there if it were possible to have them come at workload planning, that would be, I would be interested in that.

**John DeVore** [00:03:30] Okay through the Vice Chair, you know, between John Budrick and I we can ask the SSC to discuss that and include something in their E.7 statement under future workload planning.

**Brad Pettinger** [00:03:46] Okay, sounds good. Further discussion? Seeing no hands, I guess looking for a motion here I guess. Ah! Maggie.

**Maggie Sommer** [00:04:01] Thank you Vice Chair. I'd be pleased to offer a motion.

**Brad Pettinger** [00:04:08] And we'd be pleased to accept that.

**Maggie Sommer** [00:04:15] I move the Council adopt the visual hydro acoustic survey of Oregon's nearshore semi-pelagic black, blue, and deacon rockfish proposed in Agenda Item C.2, Attachment 2,

September 2021 for methodology review in 2022. And task the Groundfish Subcommittee with reviewing the SDM TMB for Index Standardization Framework proposed in Agenda Item C.2, Attachment 1, September 2021. And Sandra or Kris if you wouldn't mind removing that last stray closed parentheses. Thank you.

**Brad Pettinger** [00:04:54] Okay, thank you Maggie. Does the language on the screen accurately reflect your motion?

**Maggie Sommer** [00:04:58] It does. Thanks.

**Brad Pettinger** [00:05:00] Very good. Looking for a second? Seconded by Marc, or Chairman Gorelnik. Okay Maggie you want to speak to your motion?

**Maggie Sommer** [00:05:14] Thank you very much. These are the recommendations of the Scientific and Statistical Committee. Both of these have some potential to inform and or improve stock assessments in the future. As noted, ODFW's proposal and survey is the same proposal endorsed by the SSC and approved by the Council two years ago and we appreciate the SSC's re-endorsement of it. It will hopefully provide an Oregon coastwide fishery independent estimate of abundance, which has been identified as a significant need in past assessments. We hope that it can help reduce uncertainty and estimates of scale in upcoming assessments. I also noted that the SSC recommended that their Groundfish Subcommittee review the details of the SDM TMB framework rather than a full methodology review with a view toward endorsing it for use in future stock assessments. And in addition, I will just acknowledge the SSC's recommendation in their report on three specific future workshop topics for next year laid out in bullets in their report, and I would support that recommendation as well.

**Brad Pettinger** [00:06:37] Okay, thank you Maggie. Discussion on the motion? Okay, moving right along, so seeing no hands I'll call for the question. All those in favor signify by saying 'aye'.

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

**Brad Pettinger** [00:07:00] Opposed? Abstentions? Okay motion passed unanimously. And with that I'll go back to John DeVore. John.

**John DeVore** [00:07:20] Thank you Mr. Vice Chair, Council members. I believe that you've completed this agenda item. You've adopted the two review topics that were recommended by the SSC, and you've also endorsed these recommended workshops that the SSC recommends be conducted next year to explore some of these assessment type issues that they've outlined in their statement. And there's one more follow up that I and John Budrick will bring back to the SSC this afternoon, and that is to ask them to report on the feasibility of adding to this workshop a re-examination of the sigma framework for category two and category three species. So, I'm sure the SSC will be happy to make their recommendations under E.7 for that particular piece. But other than that, you've completed all of the tasks under this agenda item.

**Brad Pettinger** [00:08:34] Well thank you John for that.

### 3. Pacific Whiting Utilization in the At-Sea Sectors

**Brad Pettinger** [00:00:00] And we're back and we finished public comment and now we have the Council discussion, and as Chuck mentioned hopefully, we got a lot of that out of our system earlier and we'll get to finish up here somewhat quickly. So, with that, we're looking for hands. Any hands will do. Ah ha! Maggie Sommer. Maggie.

**Maggie Sommer** [00:00:43] Scraping the bottom of the barrel. I hope that we have some discussion. As Chuck noted we have had some. If there is none forthcoming right now, I could perhaps jump start it with a motion?

**Brad Pettinger** [00:01:03] That sounds like a wonderful idea given what my screen is showing me.

**Maggie Sommer** [00:01:13] All right, I am prepared whenever it appears on the screen. I move the Council adopt the following range of alternatives and preliminary preferred alternatives for Pacific whiting utilization for analysis and public review. Number 1: Whiting season start date for all whiting sectors north of 40 degrees, 30 minutes North Latitude: Status quo May 15th, and Alternative 1, May 1st with annual cooperative applications and salmon mitigation plans due 45 days prior to the season start date. Select that one as PPA. 2: Mothership processor obligation: Status quo. Mothership processor obligation made by November 30th through mothership catcher vessel endorsed limited entry permit renewal, and Alternative 1, remove mothership processor obligation from regulation. Select that one as PPA. 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. Selecting Alternative 3 as PPA. And Number 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, A 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: A vessel can switch between the mothership sector and catcher processor sector up to four times during the calendar year through permit transfer. And Suboption C: Unlimited transfers and selecting Alternative 1 and Suboption C here as the preliminary preferred alternative.

**Brad Pettinger** [00:03:44] Okay. Thanks Maggie. Does the language on the screen accurately reflect your motion?

**Maggie Sommer** [00:03:48] Yes it does.

**Brad Pettinger** [00:03:51] Look for a second? Bob Dooley. Would you like to speak to your motion?

**Maggie Sommer** [00:03:59] I would. Thank you. These are reflecting the range that was adopted in March of 2021. This motion would reconfirm that range and identify preliminary preferred alternatives to focus further analysis and public review. They have all been developed to meet the need for improving the mothership sector utilization that has been described in the purpose and need statement previously adopted, as well as in previous and current scoping documents and input from the Council's advisors and the public. These are the recommendations of the Groundfish Advisory Subpanel and which we have heard described in public testimony today as consensus among the whiting sector participants. Speaking specifically to the selection of the preliminary preferred alternatives. First, May 1st season start for all sectors. We have heard and seen in the analysis that this alternative is the one with the most potential benefit to the mothership sector in terms of utilization. We have heard about the multiple constraints and challenges posed by the current opening date and overlap with Alaska fisheries,

et cetera. I want to address the concerns about increased impacts to salmon stocks that have been raised here at this meeting and subject of much discussion. I'll say that in March when I proposed a range of alternatives that included May 1st, I expressed hope that analysis of an earlier start date could help inform an evaluation of whether that modification to the fishing season is expected to cause an effect not considered in the existing biological opinion. I very much appreciate the subsequent analysis and the information we have in appendices A and B to Attachment 1 in our briefing book and note that the conclusion is that a May 1st start date would result in impacts within levels considered in the biological opinion, and that the impacts, as we had some discussion on earlier, were additive. Were estimated conservatively. We also see in appendix B a sense of the scale of stock specific impacts. I want to recognize again 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, which have been described again today and on multiple previous occasions in public testimony and are available to read in the annual co-op reports. The suite of salmon bycatch mitigation measures already in place, including the voluntary salmon mitigation plans and the information sharing ability about bycatch events in real time and the ability to change fishing behavior rapidly are appropriate and adequate measures to minimize salmon impacts from an earlier start date in a flexible and responsive manner. I continue to believe that these represent the best suite of tools to minimize the whiting fisheries impacts on chinook and coho salmon and specifically the impacts of moving the start date to May 1st. I do want to acknowledge the comment from the Salmon Advisory Subpanel that every fish matters and to recognize the constraints and very difficult conditions that some of these salmon stocks and fisheries, directed fisheries are facing. However, seeing the information provided to us in the analyses at this meeting, as well as the, and understanding of the ability of the whiting sectors to monitor and respond to salmon bycatch events, make me comfortable moving forward selecting the May 1st start date as a preliminary preferred alternative. Regarding the remaining items, I particularly appreciate the industry's efforts to present information and positions representing a consensus among them on those as well as on the start date. Regarding the mothership catcher vessel obligation, pardon me, obligation deadline, let me find my spot on my screen here again. There it is. This, we have noted would remove an unnecessary regulation, would remove the burden of on catcher vessels of making that obligation to motherships in advance and would leave those arrangements in the hands of industry rather than controlled by a regulation which is not achieving a management or conservation objective. Regarding the processing cap, we've had quite a bit of discussion. Recognize that the original intent was to ensure participation by at least three mothership processing vessels. And we have heard quite a bit of public testimony that that is not achieving benefits for the catcher vessels in terms of potential price negotiation leverage. It is not achieving a benefit in terms of ensuring that there is a mothership platform available. In fact, it may be to some degree working against that. We have heard that there was a concern by catcher vessels and when Amendment 20 was developed that they wanted numerous markets again to potentially have, see some improved prices, but that that concern doesn't exist anymore. There has been a shift change in the dynamics within the whiting within the mothership sector as the fishery has matured and stabilized and we have heard that there is no longer some thinking that having more markets means higher prices. We heard quite a bit that the key factor here is having more processors on the grounds to address the problem that has been created or could be created by a chokehold in terms of processing capacity. I think I'll just note that I think that there is some synergy between the various elements of this package and the processing cap. Removing the processing cap and providing that flexibility is an important element of that. It really struck me when I heard in public testimony several comments that, well it's unlikely that there might be only one mothership vessel who wants to be on the grounds in a year, but if that's the case, it would be very important to have that platform be able to receive deliveries from catcher vessels. I don't, I will say I do have some reservations about this. I very much appreciate the brief discussion we had about the potential for consolidation and in particular for unintended consequences. I know we heard from Heather Mann that, well, this isn't necessarily permanent and if we found it to be a problem down the road we could make changes, that I have to think that would be extremely difficult. We have



seen, again, to use the gear switching example, that once something is in place and being used it is a very difficult process to make changes to that, so I am under no illusion that that would just be an easy change back if it was found to be a problem in the future. So, I think it is worth respecting the consensus recommendation brought to us here today selecting this as a preliminary preferred alternative, recognizing that what we have heard so far, both in the analysis and from the GMT and in public comment, is that there are no vessels currently reaching, let alone exceeding the 45 percent limit at current tax. There is, there does need to be continued consideration of the issue of excessive shares. It doesn't seem, well I think an important part of that will be to think about this question that was raised in the analysis and in the presentation we received earlier today about what's the context in which we consider that? Is it just the mothership sector? Is it the whiting fishery as a whole? So, I have not heard anything that leads me to believe that removing the cap creates conditions that will result in excessive shares, but I do think that will be an important area for further consideration. And then moving on to permit transfers, again we've heard a fair amount both in public testimony and in the analysis and from the management team and advisory subpanel on this. The original rationale that it would prevent higher capacity vessels from harvesting another sector's allocations was based on new program implementation in 1997, but we now have a more stable and mature fishery. We have the cooperative structures with a history of their internal practices, and we have some understanding of how the option for permit transfers can also help to provide opportunities for increasing the mothership utilization. So, I'll just note that the GMT views this restriction on permit transfers as no longer necessary and I would propose that we select the option of unlimited transfers again as a preliminary preferred alternative for further analysis and I will conclude my remarks there. Thanks.

**Brad Pettinger** [00:16:08] Thank you Maggie. Discussion of the motion? Marci Yaremko. Marci.

**Marci Yaremko** [00:16:21] Thank you Mr. Vice Chair. Thank you, Maggie, for the motion. I'd just like to spend a moment, if I may, speaking in favor of the motion, completely in favor of the motion. It's a great motion and this represents a very detailed and lengthy body of work, and this is the next step in the progression of events. With each discussion on this topic I learn more, and with each ask of the analytical team and of our stakeholders to evaluate new concerns. They've risen to the occasion. This meeting I came into this discussion with some very new and very real concerns about coho in light of the agenda item that we're facing on SONCC in the salmon world and how that situation is evolving and that the concerns that are, are being raised there with the prospect of impacting our directed ocean salmon fisheries. I appreciate all of the detailed explanations that I've gotten from folks around the table here today on those concerns and their enlightening me on how the plans work in practice. Clearly, the mothership sector is underattaining and these suites, suite of alternatives will help with attainment. I feel like this is our fourth bite at this apple and the industry has met every bar and exceeded each one. I also want to speak for a second about the three administrative measures separate from the start date. I want to thank Bob Dooley for really helping us in the delegation discussions back in March understand the origin of the processor obligation and the processor cap and the permit transfer situation and how it works and what the need is today, and sharing with us the origin of those measures and how they came to be, and that when we were building the IQ program there was uncertainty with how the program would roll out. It's a very novel new program and there was an interest on the part of the industry to have some measures in place to keep the playing field even and so that once we took all of the sideboards off and the IQ program went about its way and morphed and became what it's become that there would be protections in place that kept things on track, and that now we're going on 10 years later and the IQ program has had its opportunity to evolve and looking at these measures now, they impose inflexibility where it's not needed and that really to me, you know, understanding the needs and recognizing that needs change, and that folks have evaluated the circumstances in this fishery and where we need new flexibilities and where we don't need to worry. I appreciate the interchange with Phil and Heather on the topic of the processor caps and the industry's assessment of need, you know, recognizing that we are 10 years in, and I trust that they are also looking 10 years down the road from here. So, I

also want to speak to the SAS's concerns here. I hear you, particularly in the Klamath Zone as we face yet another season of zero commercial fishing in the California KMZ and a paltry five-week sports season, that the notion of expanding activity in this area by a fishery that has potential for bycatch of the stock that you can't go catch. I understand. I appreciate the efforts that Council staff has undertaken here to sit down and work with the SAS and evaluate prospective measures like block area closures and explain how those might work in the event that we do need to consider them. So, I think, you know, there's been a lot of good, good dialogue and understanding about what measures are there and how they might work and how we might use them in the event that they're needed. Guess.....you know I appreciate the remarks we've heard a few times here today, as well as in the past, that this is the consensus package. I do recognize that there were other controversial elements that were included earlier on, and this is the consensus of what the industry feels is the best path, best path forward for increasing our utilization. I am mindful on the coho side now that I've taken a refreshed look at the buy-op and the ITS, those coho numbers are lower and our focus when we built those buy-op mitigation measures was definitely on chinook, but looking at them and looking at the impacts as well as the discussions here today, I feel very comfortable that the industry is working through its process with salmon mitigation measures and its own internal monitoring and management planning that we can successfully avoid coho as well as we have for chinook as well. So, I guess with that, I just want to say thank you again for the extra lift and again express my complete support for the motion and the PPA. Thank you.

**Brad Pettinger** [00:00:01] Pete Hassemer. Pete.

**Pete Hassemer** [00:00:04] Thank you Mr. Vice Chair and thank you, Maggie, for that motion. I too want to speak in support of the motion. I do want to speak to two of the individual parts of that and then more globally. On the first part, the season start date May 1, the bulk of our discussion there in the analysis centered around the salmon impacts and you have to trust me that my antennae do go up significantly when I hear the word salmon and impacts and so I consider that very carefully. I did listen very closely to what the Salmon Advisory Subpanel talked about, and especially with reference to the KMZ. I support the preliminary preferred alternative that's identified here, Alternative 1, in that it meets the needs of what we're trying to achieve. I look back at our purpose and need statement. The purpose, of course, is identifying revised regulations that are constraining, provide increased operational flexibility, excuse me, increase utilization, and I thought if we implemented that recommendation they had with respect to the KMZ it actually puts an additional regulation in place which is constraining and what really, what partially swayed me was when we heard public testimony from Mr. Dan Waldeck, who talked about clean fishing in that Southern Oregon area and probably a little bit of Northern California clean fishing in the KMZ earlier in the year, and if we put that type of closure in that the May 1 opening did not apply to the KMZ, it would preclude fishing in an area where there was clean fishing possible to avoid impacts, and that was counter to what we were trying to achieve. And along with that, as others have stated, we have a long list of measures in place that are managing that bycatch management to prevent it, the block area closures, the hotspot reporting, the move along rules, the salmon mitigation plans and then the communication daily amongst the skippers that we heard occurs about where they might be seeing salmon or where they encounter problems. So rather than building in another regulation, let's rely on the tools we already have in our toolbox, which have been extremely effective. And although it's more anecdotal information as we were going through that discussion, especially when Mr. Brent Paine was talking, I thought about it in respect to coho and I thought back to March and April when we were dealing with our seasons and some of the preseason coho forecasts that were so large that people were alarmed something was wrong, but I guess I was just thinking about that, if the forecasts were that large there must have been some cues that there were coho out there. I think the coho fishing on the coast, at least the northern part has been fairly good, but we continue to look at the bycatch numbers and they're very low. So large numbers of coho in the water and the low bycatch seems to indicate that the industry is doing a good job of avoiding those. So anyway, I support

that Alternative 1 as it is stated. The other one I wanted to touch on was the processor cap. I spent a lot of time looking into this and based on what I've read, some of the... excuse me, prior analysis that came along with Amendment 20 and then listening to our public testimony, I could go on for a long time explaining why, the reasons why if the processing cap should be removed from regulation, I won't do that now. If I took the counterargument and tried to explain why we would have a cap of 85 percent, 65 or even 45, I cannot come up with a rationale that says why we should have a cap in place based on the testimony I've heard and the analysis what I've seen. So, at this time I don't have reservations of going forward with Alternative 3 as our preliminary preferred here. I understand there are under, there could be unintended consequences and so I looked at this and realized that this is not our final action. This is putting a package together to go out for public review and comment and if we are missing something there on these unintended consequences, why this removing the processor cap from regulation would fail us, then I want to hear that, and this is the opportunity. But as I said, I'm not seeing it right now at this point in everything what we've gone through, so I support that Alternative 3 there. That's the 500 elevation look at two of those specific things. I support the others as well, but I just wanted to back up to maybe the 10,000-foot level and look at this as a package, a suite of actions. As I said, our purpose and need were identifying regulations that are constraining to increase utilization and this as a package meets, I think, that objective we're trying to achieve of removing the unnecessary constraints and increasing utilization. The analysis bears that out quite a bit in the economic impacts it provides. When I take a step back and look at this as a suite of projects, there are a couple of other things that helped sway me to support this, and one of them is related to... well, which related to bycatch and a few other things that came out in some of my questioning today on that and as we have heard over the last two years, the way the fishery is executed or occurs under the current set of regulations there are fishers who in some years are not able to fish or deliver fish to a processor, and there is a subset that their fishing operation ends up occurring late in the season when bycatch is high and it is less efficient. So, I'm not keeping a national standards checklist here to make sure we check all the boxes, but there are a couple of things, two things I want to mention that don't bear, come to bear in an empirical analysis when we look at economic benefits or poundage increases, but do meet some of those national standards. One of them is efficiency that this suite of regulations could move some of that effort that currently occurs in October and November into more productive fishing periods and the guidelines under National Standard Number 5, which deals with efficiency, specifically mentioned fuel as one of the items, and we have heard in the past from vessel skippers that when they go out and fish in October, November, they have to travel further, spend more time on the water, longer tows to catch the fish. They burn more fuel and it's more costly. So, this suite of actions could move some of that effort to a time of the year when fishing is more efficient and more productive and that meets the intent of National Standard 4. An extremely important one is National Standard 10, life, safety of life at sea, and again if we can move some of that fishing effort out of that late period by moving some of the regulatory constraints, I don't know how much better the weather is in early May and June and July than November, but we have heard that we start risking some of those weather constraints. So, at the individual level of each of these items, these four items we have here and the preferred alternatives, I support them as I view it as a larger package, a suite of things to meet the purpose and need we have. I think this is a very good package, so I support that. Thank you.

**Brad Pettinger** [00:10:02] Thanks Pete. Corey Niles. Corey.

**Corey Niles** [00:10:03] Thanks. Thanks Mr. Vice Chair and yeah.... thank you, Maggie, for the motion. I'm going to, and for Pete and for Marci for those thoughts. I'm going to try to stick to Chuck's advice here about being efficient, but I also note that during the Chair briefing I'm pretty sure Chuck told us today was the most likely day to actually not go long, so what do you do, I hope he was wrong. But the, I'm just going to focus on.... I agree in most part for with what's been said. I'm going to focus on just some differences in views on the processor cap. And yeah, I want to emphasize, I think Maggie said that, you know, this the PPA. We're looking for more information, more thinking. Yeah, and it's

interesting to see how folks can see things from a slightly different angle. I'm almost hearing folks say, well prove that we need a cap. What does it do? I'm kind of seeing it the other way around is the Magnuson Act says shall have, you know, prevent excessive shares and as I said, 100 percent is excessive by definition in my mind. So, I'm more putting the burden of proof the other way. Prove that we can leave it open. And while I tend to agree that it seems unlikely that it will happen, I don't see why we would leave a possibility open if we don't, if there's no benefit, corresponding benefit other than there's some scenario that we haven't thought of, or it could happen in the future where the percentage will be limiting to one vote. That that is not a very strong reason in my view to not worry about excessive shares. And again, just signaling here I think some thoughts for thinking about later and open minded and quickly to wrap up. People keep pointing out that this is the only sector with a processing cap, yet this is, that's, you know, we don't regulate the shoreside processing sector. It's not a closed class. You know someone, it used to be said a lot more often that this is a closed class. I think only one person said it today. You know it's different because of the dynamic between, between the mothership, the processors and the catcher vessels and I hear Heather saying we don't, thank you for trying to help us help ourselves but that's, that's not really how I'm thinking about it. I'm thinking about our duty under the Magnuson Act. And the other, the catcher processors don't have a processing limit, but I think many of the Council members were on the Council not too long ago when we did take some action. We did leave that one open maybe as an oversight. When we did Amendment 20 there was no limit at all and what the Council did was basically put some triggers in place if the co-op were to dissolve. So, there are measures to address excessive shares in the catcher processors at least as a backstop, and we didn't issue laps or catch shares to the shoreside processors other than the processor allocation of whiting, which those are subject to excessive share limits. Yeah, I wanted to keep it brief. A lot of nice things have been said. This is, so I will not repeat it and I will stop there. Thank you, Mr. Vice Chair.

**Brad Pettinger** [00:13:32] Thank you Corey. Further discussion? Okay seeing none I'll call for the question. All those in favor of the motion signify by saying 'aye'.

**Council** [00:13:34] Aye.

**Brad Pettinger** [00:13:52] Opposed? Abstentions? Okay motion passes unanimously. Okay with that I'll turn to Brett and see how we're doing here. Brett?

**Brett Wiedoff** [00:14:10] Thank you Vice Chair. I think we've completed our Council action here. We've adopted basically a range of alternatives and selected some PPAs for us to continue to analyze and expect to see you back here in March and present to you an enhanced analysis as well on these and then finalize that for final preferred alternatives. So, thank you. Good work. I appreciate all the comments and the open dialogue and the cordial, meaningful interactions between everyone. I really do appreciate that with the SAS and the GAP. So, I think it was very productive all and all, a productive week and I appreciate that time from them. So, I think that completes and closes this agenda item. Thank you.

**Brad Pettinger** [00:15:04] Thank you Brett. And second that as far as all the good work that went into this. And with that we're a little behind but we've finished the day and with that, I will pass the gavel back to our Chairman.

#### 4. Electronic Monitoring – Final Action

**Brad Pettinger** [00:00:00] That will take us to public comment and I.....Council discussion... I should say, and I'll look for a hand. Still looking for a hand. Phil Anderson. Phil.

**Phil Anderson** [00:00:11] Yeah thanks Mr. Chair, or Mr. Vice Chair and good morning. Well, when you are ready, I will have a motion to put forward. I think just, you know, in general I share a lot of the thoughts that were expressed by members of the public, in particular in terms of acknowledging National Marine Fisheries Service willingness to take into account in a very serious way the concerns that the Council expressed in its letter.....(background noise)..... And I really appreciate the work that the West Coast Region did and particularly calling out Ryan Wulff, but I know he and as well as other staff members in the West Coast Region really went to bat for us and I appreciate NMFS headquarters as well, recognizing that we can make a much better program if we take just a little bit more time to work through some of the outstanding issues that have been identified. So those are just some overarching comments and I do, as I said, have a motion to propose when you're ready for that.

**Brad Pettinger** [00:02:07] Yeah, thank you Phil. You're completely accurate there I think of your overview situation. I know I was, personally I was pretty worried about where we're headed this last couple meetings so.... but anyway, Bob Dooley.

**Bob Dooley** [00:02:25] Thank you Mr. Vice. Chair. And so, thank you so much for those comments. They're right along the lines of my feelings as well. I really appreciate Ryan and members of his staff that have dedicated so much time to understanding the Council position on this that's been long, long held and I like the direction we're headed. I also, you know, I'd like to open transparent communications that have been going on for quite a while now on this with Ryan and his staff, so I think it's a, it's a way better place than I felt we've been in a while, so thank you Ryan so much. I also would like to thank the GAP for a really well thought out statement and that addressed a lot of the issues that were raised in the letter from Janet Coit and I do think that's a really good path forward. I also thank the agency, the industry as well on this, that they have come forward and really engaged and tried to see ways to fund this and to see the way forward. I would point out that it's the fifth paragraph where NFMS encourages the Council to coordinate with North Pacific Fishery Management Council and scope its own process to look at developing a consistent approach. I think that scale, economy of scale and understanding going into the future could really help us, so I think it's important to take heed of that and understand that we need to work together as the two regions to come to find a way to do this in a cost effective and efficient manner, so I really appreciate that and that guidance as well. So, I would, I just wanted to get those thoughts out there so thank you so much.

**Brad Pettinger** [00:04:35] Thank you Bob. Anyone else? And if not, I would look for that motion. Phil Anderson. Phil.

**Phil Anderson** [00:04:55] Yeah thanks Mr. Vice Chair, and thanks to Sandra and Kris for helping me with this. I would move that the Council recommend to National Marine Fisheries Service a two-year delay in the implementation of the Groundfish Electronic Monitoring Program for all trip types, thereby establishing a start date for the use of EM on fishing trips of no earlier than January 1, 2024. In addition, the Council recommends that National Marine Fisheries Service extend the Groundfish Electronic Monitoring EFP through, strike 'the' if you would please. I made a mistake there. Through 2023 and then also strike the word 'fishing' after 2023, if you would please. So, it would read 'Electronic Monitoring EFP through 2023 to collect', so there you go. I'll start over on the second piece. In addition, the Council recommends that National Marine Fisheries Service extend the Groundfish Electronic Monitoring EFP through 2023 to collect additional valuable information that will lead to a more

successful, stable and economically viable EM regulation. That concludes my motion and the language on the screen is accurate.

**Brad Pettinger** [00:06:59] Thank you Phil. Seconded by Bob Dooley. Phil, you want to speak your motion?

**Phil Anderson** [00:07:07] Yes, thanks Mr. Vice Chair. And my verbalization here, the rationale couldn't begin to equal what we have heard from our advisory panel, our Groundfish Advisory Panel, members of the public as we work through this issue. And much of the justification for this motion is also contained in the Council's July 21, excuse, yeah July 21st, 2021 letter to Janet Coit, the Assistant Administrator for Fisheries at NOAA Fisheries. So, my comments here just augment to some degree what has already been put forward in terms of the rationalization, the rationale for this this motion. I want to start out just by saying what I hope is the obvious, that the Council has a strong desire to continue working collaboratively with NMFS and the affected stakeholders to develop and implement a program that effectively meets our goals and objectives with particular emphasis on the cost effectiveness of this program. The Council and the industry still think that the future success of the groundfish fishery hinges on successful, cost effective and flexible monitoring program, but we remain concerned about how the program will be funded by the industry and National Marine Fisheries Service in the future and that is a big part of the reason for the delay to work through some of those challenges. We also want to, we want to build on our successes that we've achieved with the EFP. I mean this has been, I think without question, a very successful program and we want to again build on that. We don't want to take a step back here and make it less efficient, less cost effective as we move forward. In partic.....in part, we need to have some additional time to work and examine ways to develop mechanisms for the industry to fund video review and storage and reduce the concerns regarding confidentiality and federal record retention. The Council believes that an additional delay and extension of the EM EFP through at least 2022 is needed to continue investigating efficient catch handling and discard options that could provide lower costs and encourage more acceptance of electronic monitoring in the trawl catch share fishery. And we want to establish a cost-effective funding mechanism again for the video review and storage that is consistent with other EM programs across the regions. We have, we acknowledge the two conditions, I guess I'll call them, and or recommendations that were contained in the recent letter that the Council received from Janet Coit on September 3rd and Mr. Wulff spoke to those here earlier as he summarized the letter. And the first one was to explain the purpose and goals of the proposal to continue the EM program under an EFP. And as I mentioned and as the GAP and our public testif.....members of the public testified that we do have an opportunity here by continuing implementation of the EM program under the EFP to investigate efficient catch handling and discard options and that in turn could encourage some additional participants in the EM program, I think in particular the groundfish bottom trawl vessels. And then, as I also said in my earlier remarks, is that funding, a funding mechanism for the video review and storage that is consistent with the EM programs across other regions is an additional and important piece to allowing us to work through those issues and come up with the most cost-effective way of paying for those costs. In the letter that we received from Janet Coit, the second piece had to do with funding, and they have made it clear and they did it again here in the letter, that while there is some funding available to assist with the industry's costs in 2021, those funds don't exist, at least at this point of 2022, and so it's going to take a real concerted effort which I think the industry has demonstrated that they are going to step up and have stepped up to the plate to help find that funding, because it's been clear all along that one of the concerns that National Marine Fisheries Service has had about extending this further is that industry needs to start to begin to offset the cost associated with video review and data storage, and I think as we heard in testimony in particular from Mr. Payne as well as Ms. Mann that they have some funds identified already. They are ready to step up and do their part, which is not surprising. They have been doing that all along as we have worked through the development of the EM program and the process of moving it into regulation. So, Mr. Vice Chairman, those are my comments and rationale behind the motion that I put before the

Council for your consideration. Thank you.

**Brad Pettinger** [00:14:33] Thank you Phil. Discussion on Phil's rationale? Ryan Wulff. Ryan.

**Ryan Wulff** [00:14:44] Thanks Mr. Vice Chair. I just have a clarification question on the motion. Is this the appropriate time for that?

**Brad Pettinger** [00:14:53] Sure.

**Ryan Wulff** [00:14:55] Okay and Phil thank you for the motion and thank you for speaking to it. Just one minor clarification. I know we talk about the kind of in terminology, kind of a reference of a single EFP, but technically the way we administer it at NMFS we actually have a couple of EFPs for example, the fixed gear is separate from the trawl EFPs, so I don't think an amendment is needed. I just wanted to clarify that your intent is to extend both the EFPs that currently make up the electric, electronic monitoring program? Thank you.

**Brad Pettinger** [00:15:37] Phil.

**Phil Anderson** [00:15:38] Yeah Mr. Vice Chairman, and thanks Ryan. That was my error in not making that clear in that second part of the motion and you are correct, it is to extend the EFPs that are currently in place that implement our electronic monitoring program through 2023. So yes, your interpretation was correct and I apologize for my error.

**Brad Pettinger** [00:16:14] Okay. Thank you, Ryan, for that clarification. Maggie Sommer. Maggie.

**Maggie Sommer** [00:16:14] Thank you Vice Chair. I wanted to thank Mr. Anderson for the motion and speak in support of it. I, as has been said I echo all of the appreciation that has been expressed for the National Marine Fisheries Service, Ryan and West Coast Region staff in particular. But also, I am sure there's been a lot of work going on at the headquarters level there and appreciation for all of the work that industry has been putting into this for a very long time and the solutions that have been developed and brought forward, including the potential near-term funding solutions. In thinking about this issue it certainly stands out to me that as a Council we are working to address a variety of challenges across the groundfish sector under multiple agenda items, and many of those relate to the cost and efficiency of operations, and this is really a highlight in that area and a tremendously important one to make progress on, and I think that this motion will provide us with the time to move forward and do that, but also to continue the important work exploring some of these challenges and learning more about how to best implement EM through the EFPs. The importance of accountability was mentioned earlier. I can't agree more with the, the importance of that to our knowledge, to public knowledge, to knowledge among the industry itself of the fishing operations and the effect on our managed stocks and can't overemphasize the value of EM tools in advancing that goal of accountability at the vessel level, at the sector level, and the importance of continuing work under the EFPs to address these questions related to catch handling and the best application of EM systems on a wide range of different vessel and operation types. I'll just say Mr. Anderson referred to building on successes of the EM EFPs. We have a great opportunity to do that, and I think also to build on what had been very clear successes. It hasn't been an easy path, but I think we, there have been, there's been some great progress made and we can build on some success in the collaborations and the relationships that have gotten us here and will keep us moving forward. So, thank you for the motion. I'll be pleased to support it.

**Brad Pettinger** [00:19:31] Thank you Maggie. Further discussion? Christa Svensson. Christa.

**Christa Svensson** [00:19:34] Thank you Vice Chair. I also want to support the motion and I, I really

appreciate the thought that's gone into the motion and the clarification that's gone into the motion and wanted to express my appreciation for NMFS and the work that has been done there, as well as with industry to really come in and identify both problems and solutions. I do want to urge a little bit of caution in terms of as we progress when we're talking about expanding to regions or working with regions, and I see a lot of crossover in working with the North Pacific in terms of many of our vessels participate in distant water activities by going up there, and I do think that there is a lot of crossover and I realize that this is a groundfish program but when we talk about expanding to other fisheries and or potentially other gear types, the conversations that are going on in HMS and particularly with regard to longline are very, very different, and so I do think that the metrics question that I asked today, which does relate to it, I was wondering really what, what we should be looking out for as we work through this program that could potentially impact others? And that's because we're having conversations on EM in correspondence to block chain. We're having conversations about EM being used for social accountability, including facial recognition, and I certainly am not advocating for that but I do think privacy concerns will continue to be there and so I don't believe that this program as it is, necessarily will be a fit for everybody, and I do think that just making stakeholders aware that, yes, there's the opportunity for crossover, but we will need to continue with the EFPs will be important. So I am, I'm supportive. I am very appreciative of the work that has been done but I do want to urge some caution in people thinking that there is maybe more crossover than there is for expansion to other fisheries. So, thank you.

**Brad Pettinger** [00:22:24] Thank you Christa. Bob Dooley. Bob.

**Bob Dooley** [00:22:27] Thank you Mr. Vice Chair. And I'd like to thank Phil for a great motion, and I will be supporting it. I like his rationale behind it was very complete. I like all the comments by our, my fellow Council members afterwards and, Christa, I think you brought up some very good points. I would like to speak a little bit about the collaboration with the North Pacific. And I think we're in a pretty unique situation as a region in that we have a lot of industry crossover focused on this particular item of this EM program that's in regular, that is, you know, the regulations have been developed for and we're looking to delay. I think we need to work together with the North Pacific on their program as they develop within the next two years to get that collaboration and consistency, and I would urge the agency to do that. But also, please don't leave behind the industry and collaborate with them as well, because we do have such a close working relationship with the sector that is mirrored to our EM program that we currently have. So, I think that those voices are entrenched in the North Pacific as well as here and I think the collaboration between the agency as well as the Council as well as the regions would, you know, and making sure that our, our participants, our industry is involved in those conversations would help to make this a smoother process. So that's a comment I would make. And as we go forward, and I once again I really appreciate the transparency and the openness and the communication that we've started here, so I think that I will be supporting this motion so thank you.

**Brad Pettinger** [00:24:39] Thank you Bob. Further discussion? Okay seeing no more hands I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:24:58] Aye.

**Brad Pettinger** [00:24:58] Opposed? Abstentions? The motion passes unanimously, and I'll look to Brett to see how we're doing on C.4. Brett.

**Brett Wiedoff** [00:25:07] Thank you Vice Chair. You have completed your action as far as the delay of the implementation of the program and extending the EFPs. I am looking for a little bit of guidance on sort of the future of this. I know it's a little murky about the next steps, but if there are thoughts from the Council about how you would like Council staff to engage in this or just a wait and see how things



go and work on the side with National Marine Fisheries Service to strategize about the coming year or two years, we can do that. I just want to check in with you on that.

**Brad Pettinger** [00:26:00] Yeah okay. Does any Council members have any comments at this time or maybe we can deal with this with future planning? If not? Phil Anderson. Phil.

**Phil Anderson** [00:26:13] Thanks Mr. Vice Chair and thanks Brett. Yeah, in particular I'm thinking about the items that we referenced in our rationale for the motion in terms of the extension of the EFPs. Obviously, the funding side of it is one, and there's both some short term, as in the next couple of years, issues as well as the longer term, which in my mind is going to in part rely on National Marine Fisheries Service, NOAA General Counsel to, you know, reconcile what's going on here versus the North Pacific, what Magnuson Act allows, you know, those types of things. But on the other part where, and I think Heather spoke to this in her testimony, and it was in our letter as well about the potential of investigating catch handling, discard options, that we need to figure out exactly what it is that we will be asking. Is that something or asking for a particular set of experiments, if you will, on boats that are using EM and how do we go about putting those together, the protocols and what exactly it is and documenting what happens if we're looking at different approaches? So, I think that's the piece that I'm, I don't have an answer for right now, but I don't want us to get through the next year or two and not have, not follow through on that part of the extension of the EFP rationale. So, I don't, none of that was particularly helpful probably but because I'm not exactly sure where that work gets done and the EFP sponsors are probably the ones that need to think about that maybe first and will probably have some good ideas to bring forward.

**Brad Pettinger** [00:29:05] Okay. Thank you Phil. Anyone else? Okay. Okay Brett back to you.

**Brett Wiedoff** [00:29:16] Okay thank you for that information. Thank you Vice Chair. Thank you Mr. Anderson. I will look forward to maybe some discussion under workload planning if there is anything that the Council would like for Council staff to work on or reconvene a GEMPAC meeting, things like that, but we can ruminate on that for the week. Thanks very much. I think it closes this agenda item.

**Brad Pettinger** [00:29:44] Okay, thanks Brett. And with that I will turn the gavel back to Chair Gorelnik.

## 5. Sablefish Gear Switching

**Marc Gorelnik** [00:00:00] That completes public comment and takes us to Council discussion. As a reminder, we will come back to this agenda item on Tuesday, September 14th for Council action but we... it's a meaty topic so let's see if we can't get started with some Council discussion and because we're taking action on Tuesday, I can't exactly force the issue by asking someone to put forward a motion. So, I'm just going to have to implore folks to raise their hands to get us started on any aspect here, any of the alternatives, any of the numbers. Maggie Sommer, please, thank you.

**Maggie Sommer** [00:00:48] Thank you Chair, I will start. I think there are lots of subjects to, or lots of places to start in on this discussion, but here's one. We heard a lot about achieving OY today and I will say in my own mind that has always been part of this. It is certainly connected to the purpose and need we adopted. I think we may have been talking about it less at recent meetings because we have really been focused on some of the details of the alternatives, but I for one have been keeping that in mind and it is very connected to our action here. I also want to talk about, you know, as we started off this discussion today, we had a great presentation, very much appreciated from Jim and Jessi, and a lot of that was focused on the analysis related to the 29 percent level that the Council selected to guide further development of alternatives. There has been I think a lot of discussion, a lot of questions about the intent of that 29 percent and about this question of certainty, and I just wanted to share that in my mind it was intended to set a guide, set a mark that as we moved forward from that point, alternatives should be developed to allow for no more than 29 percent of the sector attainment by using fixed gear, and as we have arrived at this meeting with this question of certainty in front of us and the analysis, it has raised this question of whether it should be treated as a hard cap or not. How I have been looking at it is that any of the alternatives in front of us could be structured to achieve less, sorry, to allow less than 29 percent fixed gear attainment and to achieve reasonable certainty of that, depending on their details. We're in the middle of a process that's very iterative of taking a suite of approaches, refining the details, thinking about how they might work in practice to arrive at a range of alternatives for adoption potentially at this meeting and then further analysis and possible future modification, et cetera. We haven't yet arrived at any and I have not found the characterization of some of the alternatives as having as certainty based and some of them as projection based helpful. I can say that I did find the analytical projections very helpful in understanding how likely it is that various configurations of alternatives and their sub options would exceed the 29 percent level. So, I think we're still working through it. We're in the middle of that, that 29 percent value remains in my mind as a maximum intent, but I don't see a need at this point in my thinking today, this afternoon, to design every alternative that we move forward to have no potential for ever exceeding that amount, and I think somebody made the analogy earlier to our trip limit management and I think we can design management measures to achieve an objective with a reasonable amount of certainty and that is a very common approach we take and that's how I've been thinking about it. I'll stop there. I just thought I'd add that into a discussion and put that out there.

**Marc Gorelnik** [00:05:11] All right, thanks for that Maggie. Corey Niles.

**Corey Niles** [00:05:16] Yeah, thanks Mr. Chair. Oops. Sorry using the wrong mic there. Thank you Mr. Chair. Yeah, thanks Maggie for those thoughts. I'll start by saying, Mr. Chair, I did not see the chat in Don Marshall's request. I think that's too bad we didn't make the testimony list here. Yeah, and John Corbin said it. I think the question of new entrants is one we haven't heard much from. I have heard more about how it's happened in Alaska, and I've been intrigued by it. So, I do, Don, I hope we can get in touch and you can testify next time this comes up. I do think it's an important perspective for us to think about here. And just kind of maybe adding little to what Maggie just said there. You know, I too, have some, you know, I think I'm thinking about it similar to her in terms of what the 29 percent means

in configuring an option or options, alternatives, and I do appreciate the forecast as well that Jim and Jessi have done. On this optimum yield, I guess I've said it before and I think, Mr. Chair, you had some Q&A last time on this, but my view here of optimum yield is, is the purpose and need it is. What we're thinking about and the IFQ program is, puts optimum yield in the hands of the fishery. I understand the challenges Lori Steele in particular laid out and thank you for that presentation again, Lori. And it's going to take a lot, as we've heard, some efforts from, from the marketing side, from the investment side to build up those markets. That's what's going to be what builds optimum yield and we've heard all kinds of views on what gear switching is doing to that attitude, that aptitude for more investment or not. So, I think that's what we are doing here. We're trying to look at creating some more stability, certainty. So, yeah, I see it much differently than we've heard in testimony about our duties on optimum yield. We're very much thinking about that. And the other part of the Magnuson Act is the fair and equitable, many parts of the Magnuson Act, but fair and equitable is the other one I've been thinking about, and as we structure this range of alternatives and get to the next level of analysis, I hope you will see, begin to see more about how folks would be affected based on the time and times, the investment they put into and time, money, all that, and, yeah, it goes to both, all sides of the sectors. We, someone said it today, we act like there are two sectors here, trawl and a non-trawl, but it's more complicated than that, including the whiting, the whiting folks who have been leasing sablefish. So, I think that Lisa Damrosch said it. I mean I think too that we should be looking to keep this stability. I mean create some stability with as few and simple changes as possible. And I've said it most every time, I hope but this IFQ program is up there with the co-op programs in terms of being as flexible and letting fishing businesses make fishing decisions instead of us at the Council and it was nice again to hear yesterday the Council's confidence in, for example, for the at-sea co-ops to avoid salmon and the track record they have there. So, I'm hoping we can still use the IFQ program. I do, and thinking along the lines of the GAP, continuing to think of Alternative 1 in addition to the other alternatives, but in terms of a quota based way of doing it, just I see a simple creation of two pools of quota with a opt out that's done based on an investment in quota share and fishing as the simplest way to do it, to make really no other change to the program then to just create a new quota type and let the flexibility and transferability work. I think those are my thoughts for now. I will stop there. Thank you Mr. Chair.

**Marc Gorelnik** [00:10:03] Corey thank you for those thoughts. Let's see if we have another hand here. Bob Dooley. Bob did you have your hand up or did I....

**Bob Dooley** [00:10:23] Sorry I did, put the wrong button here, so sorry about that Mr. Chairman. Yes, I did. I have a few thoughts to offer just to get started here, and I would like to reflect on something I've said many times and people repeated that if we don't know where we're going, any road will get us there. I think we did a good job last time we addressed this of defining a road, potential road, but I still think there's more road, more direction, and understanding to be had. I go back to the beginning of this, that it was the topic on the five-year review and went through a long path of the five-year review committee and the SaMTAAC that was split off of that and all of that to try to address this problem that was perceived, and I think we have not as a Council addressed the SaMTAAC principles that are in Agenda Item C.5, Attachment 3 on page 6. 1.4 SaMTAAC agreement principles. We have skirted around them, but even there, even in that in this document it references that we have not formally adopted them by the Council. I think that might help us and guide us going forward. I think we need to think about those. I'll start with a few my feelings. First, I've always thought of this as a trawl fishery and trying to achieve OY trying to recover a trawl fishery that was in dire straits coming into this both from a stock perspective and in an industry perspective. I don't believe going forward, I was there, I don't believe the gear switching was intended to really be a surrogate for sector switching. I think there was concern at the time. I remember the conversation in the GAP particularly. Forgot the name of the other committee that it was that we had prior to that for the catch shares and understanding how to put that together, but there was a discussion there and a worry that dover would plummet, and we couldn't get, save a lot of the water, and I think Mr. Pettinger could probably has a lot better memory than I

could probably recall that for us at some point. Saying all that, I think it's really important that we think about this in a trawl, from a trawl perspective. Now going back to the principles. A, we had, we want to ensure there is affordable trawl access to sablefish. I think that's true. B was really I think the big statement here. Believe that unlimited catch of sablefish through gear switching was not desirable. I think C was a very, very important thing and high on the list there. We want to consider impacts on existing operations and investments. I have some comments on that. I'll come back to it. There was D, we want to maintain the gear switching option for trawl operations. And then there were a few after that. Probably not as informative as that first group. Go back to consider impacts on existing operations and investments. I've come to think about that and in the view that as it's matured through all of our conversations, it made me think about dependency on the fishery. It made me think about what is the, what's the threshold there to consider dependence on this fishery? And I think owning a boat, that's probably one. Having a permit, having a quota share is important. I think owning fish is a big deal. I think owning the fish is the thing that really sets the bar for me. Now leasing fish, that's an opportunity. That's something that you get occasionally. That it is not enduring. It is not, so to me I think of legacy provisions in that context that perhaps we shouldn't be thinking about giving legacy provisions on leased fish. But someone who owned a boat and fished it, gear switched it, and own the quota within the control date seems to me to be a real....and did it to a certain level as I outlined in a lot of the options, seems to demonstrate a real dependence. So that's where I see that, and I think we need to, as a Council, discuss these principles and come to a common understanding of where we think these items should be addressed and the importance of them, and I think it would be informative then to where we go and how to how to apply the alternatives to it. If we just try to focus on alternatives, I think we don't do service to the whole, the whole process in thinking about it. I appreciated Maggie's comments and on the thought of the 29 percent being a hard cap or being flexible. I looked at that as a hard cap. That was my impression. I didn't think we set that number with the intention of going above it, but, you know, that's part of our discussion as well. I do think we left room for it to go below it. There's been a lot of conversation about that. So, listening to all the comments, that's where I'll leave it there. I, that's my thoughts for right now and I'm anxious to hear others.

**Marc Gorelnik** [00:17:20] Thank you Bob. Looking for another hand. I know we all have hands. Christa Svensson.

**Christa Svensson** [00:17:31] Yep, I do have a hand and I will be speaking about a couple of things today. You know I've been wrestling with this for, well as long as I've been on the Council and I know that that is not as long as many of you, and I'm really, really struggling with the fact that I fully get it. I am sympathetic with the trawl industry. I'm sympathetic to trawlers. I spoke at the last meeting about, hey, the approach that we're taking, we're not fixing the mechanism. I... looking at these alternatives and to the decision that they will not fix the mechanism in terms of, yes, they will if we don't want gear switching, if we don't want fixed gear people in our trawl fishery. A hundred percent I agree with you. That will fix that particular component, but it will not fix the underlying issue of trawl allocation for trawlers because we have a system that is designed for basically open access, so I'm wrestling not with optimum yield, but I'm wrestling with National Standard 4 in the sense that, yes, we have caps on quota share but we do not have caps on leasing for quota pounds, and in fact we don't even have a requirement that you have to use the fish or that somebody needs to. So, we have the potential, and we heard in Mike Okoniewski's testimony that he's concerned about offshore wind. All we need is for somebody who is interested in having trawlers off the water, whether it's wind, whether it's activists that don't agree with trawl gear, whether it's commercial development, whether they would like to see housing without fishing vessels coming in to or out of town. We have the potential for any of those stakeholders or anyone else to go out, lease those pounds, and lock our fishermen off the water. And so, I'm not supportive of taking fixed gear people out of the equation and only focusing on that if we're not really going to wrestle this to the ground and take care of fishermen in general. I just don't see why we would exclude one user group but not actually solve the problem. The other component that I do want to touch

briefly on is the fact that we've had a lot of analysis that the Council did not necessarily ask for in terms of presentation today from staff. We did not get analysis on items that I asked questions for at the last meeting. And in fact, I've been asking for analysis about what this will do for communities and specifically for shoreside trawlers since 2019, and I really think that, again, getting back to my June testimony, hey, who are we trying to help? Because what we may say that we want to help the trawl industry and I believe we need to help the trawl industry. We don't have all trawlers who have the same ability to pay for this fish, as was demonstrated in June, and so we really as Council members and as the Council family need to decide who is the primary? Is it small shoreside vessels? Is it processors and capacity? Is it midwater trawlers? We need to decide who that is before we start really looking at these alternatives so that we can gauge are we likely to help them or are we not? And hopefully we can bring everyone along. You know a rising tide generally does float all ships, but we do need to be very clear about who it is that we are doing this for other than this pan overarching trawl fishery where we may lose our shoreside folks, many of whom have called me in the last year to say, why are we doing this? And when I ask the question about, hey, can we see some analysis, I'm trying to address their needs. And so, with that I will close my statements. I'm looking forward to seeing what the range of alternatives that get put forward if that is what comes, but I am very concerned about the fact that we're not addressing the underlying issue with Alternatives 1, 2 or 3 at this point in time, except with respect to fixed gear folks, and I think that that is concerning. Thank you.

**Marc Gorelnik** [00:23:05] Thank you Christa. Further discussion? Brad Pettinger followed by Phil Anderson.

**Brad Pettinger** [00:23:16] Thank you Chair Gorelnik. I thought the analysis, kind of interesting that it was focusing on the 29 percent of being a target. I looked the motion last April as a cap, is the way it should be viewed. It was going to be a target. I certainly wouldn't have supported the motion. So, I'm hoping when we do, we have a full range of alternatives coming out of this on Tuesday. Listening to the testimony it looked interesting that in the past we've heard about investment in the fishery. We should look at investment. Like one of the first commentators talked about how much more investment a trawler had in the fishery and it was easier for a new entrant to get into the groundfish fishery gear switching, but what he basically was saying, you know, was that trawl vessel, trawl fishermen had far more investment in this fishery than fixed gear folks. People who talk about stability and they want stability and I've been involved the groundfish fishery for third, this is my fortieth year, and we went through some crazy swings in this fishery as far as viability, and there is nothing in this, well there's a few things, the few things that I don't want us to go to in, and that's where we're at right now is the processing capacity. I thought that Lori Steele had a fantastic presentation. I know she talked fast but she got through it, but it would have been nice if we had a little more time to absorb it. I thought that.....it is interesting seeing the processors we have on the West Coast. Like I say I've been involved with this fishery for a number of years. I thought it'd be very interesting if she would have had a map of what the fishery was prior to the overfished designation. The groundfish species in the early two thousands. We did have a buyback program. I got, I heard some reports it did, but we needed that by golly for the fleet to survive because everybody would have went broke if amount of fish wasn't available to folks. I know how much processor there were back in the day because I fished up and down the coast from Westport to Morro Bay and I was on the Trawl Commission for a number of years, and we had a whole processor list. I think we had like 30, 40, I'll bet 50 companies back in the day. So when people want stability. I don't want stability. We need to have, we need to do something to incentivize people to invest. That is the current processors, we need to have them see a future. I would like people or companies or I would think it'd be nice to have some new interest in the processing side. We need some competition and we're not going to get that the way we're going right now. People say, what's been said quite a bit that, you know, sablefish doesn't have any bearing on how much dover sole or other groundfish is being landed. Some years you could say that, but not right now. My brother and I owned collectively about 3 percent of the depth to management pounds of the sablefish on the West

Coast for two vessels, which is pretty high, that's a pretty high number for two boats, one half percent of sablefish. The trips we've made this year have been 6 and 12 thousand pounds of sablefish is what we've landed in a 40, 50-thousand-pound trip. And they're not targeting sablefish. There is a lot of sablefish in the water. I think that the, certainly the current stock assessment that we have right now, the latest information says we need em' up in the quota and but it will take a couple of years to get there. But so, there's more fish in the ocean than the current management spex say there are and we're going to bump, bumping into that. So, if you look at that, I mean, if I could only hold enough sablefish for two boats, and, you know, in about 12 trips, 15 trips we'll be out of fish and have to go out to the marketplace. So, I think it's a folly to say that sablefish quota or sablefish to the trawl fleet does not matter for that obtainment. I thought it was, I thought Tim Hobbs had some great testimony as far as optimum yield and our, and trawl attainment. It really is about the future of this fishery to get this right. We have a legal mandate to do that. It's one thing if we wanted to, if we do it in gear switching or, gear switching is really the wrong term, but allow fixed gear vessels to fish trawl quota if we couldn't access that, couldn't catch that fish, but that's not a problem. It's the problem catching sablefish. Given the fact that this is a roadblock I think that we need to deal with it, and we need to deal with it fairly soon and I think we should be bold. We always cut back on whatever we do and where we end up at, but for me I have a very, I'm very fearful of the trawl groundfish fishery on the West Coast. Without my processor, without a processor, I have nothing. A fixed gear vessel fishing for sablefish, you know, they can shake down the boat, the processing is a very small component. They're not held to the constraints that we are. So, for me a healthy processing sector is paramount to a successful groundfish fishery. I could probably go on for a while, but this is going to continue this discussion next week, but that's kind of where I'm at right now. So anyway, I'll stop right there. Thank you.

**Marc Gorelnik** [00:00:00] Thank you Brad. Phil Anderson.

**Phil Anderson** [00:00:08] Yeah thanks Mr. Chair, and thanks to all my colleagues that spoke previous to me on this topic. I find a lot of commonality with my thoughts as those expressed by others, not all, but a lot. I don't know that this is particularly useful, but I thought I'd just take a quick run back in time in my years on the Council here and the groundfish fishery and the trawl and try to be quick. I remember when the Groundfish Management Plan was developed and adopted and put in place. I think that was in 1984 if my memory serves me correct. Joe Easley was a big part of that for sure. Fast forward to 1996 and we had stocks failing, overfished species and the groundfish fishery and in particular the trawl fishery was in crisis. In 1996, we held a Council meeting down in Gladstone, Oregon. That was solely for the purpose of addressing the groundfish fishery and particularly the trawl fishery. No other topics were on the agenda for that meeting. Coming out of that we developed a groundfish strategic plan that was part of the committee. We met more times than I like to think about, and we developed a groundfish strategic plan, brought it forward to the Council and it was adopted, I think somewhere around 1999. Out of that, well as part of that was identification of the need of, that we needed to reduce fleet size, so thanks to the industry, came along the buyback program. And not long after that, in 2004 or 5 we started down the path of the catch, of developing a catch share program and essentially dumping out what we had in terms of how we manage this fishery on the table and started from scratch. And that process took five or six years and as we all know was put in place I believe in 2011, and there were a lot of uncertainties about how that program was going to work. And of course, we built in the five-year review and some other features into the program to ensure that we could at least try to make corrections to the program as it developed. It took so long to get the thing in place that our control date was viewed as being stale by some and we had to go back. It took a year to go back and defend our action against a lawsuit, but our action prevailed at the end of the day. So here we are 10 years later, and we started our five-year review I think about seven years after, after 2011. As part of that five-year review was the industry meetings. I think they were called the Santa Rosa meetings. There were three of them as I recall. I went to a couple of them and at the last one, the issue associated with gear switching and the use of sablefish, trawl sablefish in fixed gear application was identified as one of the biggest issues that

many felt that we needed to address, or the program was going to fail to achieve its objectives. And so off we went as a Council and we gave, a number of different groups tried to wrestle it to the ground, if you will, and bring things back to the Council, and none of them were particularly successful despite their best efforts, the last being the SaMTAAC group and here we are still at it. I think the principles that Bob Dooley referenced that were developed and not adopted, they weren't adopted by the committee and they weren't adopted by the Council either, but they were kind of, they were a guidepost that we used and looked at as we went through the SaMTAAC process, and I do think they're good to look at and remind ourselves of some of the reasons why this has been so hard, because they are, there are our principles here that compete with one another and it requires us to balance between some of them to get us to a solution that makes sense, and we'll see, we'll see if we get there but I'm frankly confident that we will. It's also important that through this action, as we're not trying to fix everything about this program. There are vulnerabilities as Christa referenced and others to the welfare of the fishery as a whole. But we're not trying to fix everything here and if we do, we will fail to do much of anything, I think. So, turning to the, to kind of where we are here today and some of the issues that we're going to be grappling with when we get back to this on Tuesday. Just a few thoughts there. When we selected 29 percent back in June, I view that as an upper limit. I don't know whether you want to call it a hard cap or what you want to call it, but if it was just a guidepost I don't think we would have looked at the data, and Maggie certainly referenced that data and where she came, how she came to the point of recommending 29 percent to the Council if it was just something that was going to be a guideline and could be over. I do think we left a room for it to be under, but frankly I thought we were voting for an upper limit. So that's where my thought was relative to that issue. On the control date, I believe and I think past practice will tell us that when we set a control date we need to stick to it. I don't think we should deviate from it. It might be used a date later than that. It might be used for some recency, but as our analyst showed us, in particular Mr. Seger, there are pitfalls with even doing that, and I think we need to be really careful about using catches that occurred after our control date as part of a qualifying criteria. I think the other thing that is apparent to me is that we're going to have to make some modifications to the alternatives to the, to what was came out in the SaMTAAC report in order to adhere and stay true to the 29 percent upper limit, and I understand that there are differences of opinion around the table about that, and we'll work through that. But regardless of whether you think it's a hard or soft cap, I think we're going to need to make some modifications. I hope that we are able to look for ways to make the program as simple as possible, but at the same time be effective and fair and equitable and result in contributing to optimum yield for the overall fishery. I think I'll stop there Mr. Chairman and Council colleagues and I look forward to more discussion and look forward to our work that we have to do on Tuesday.

**Marc Gorelnik** [00:09:50] Thank you Phil. Maggie Sommer.

**Maggie Sommer** [00:09:59] Thank you Chair. I'd like to maybe clarify my earlier remarks on the 29 percent limit. I am certainly not intending to, that that be a target we should be trying to achieve in the sense of bringing gear switching up to that amount, nor am I intending to design alternatives that are intended to achieve that amount. Maybe just the clearest example I think I can offer of my thinking on this is what we saw earlier in the presentation from Jessi and Jim was a slide at one point where they were walking through the projections related to Alternative 2, which would be the gear switching endorsement alternative, and under a certain selection of options they indicated that if we were intending to allow non-endorsed permits, some gear switching opportunity, they might have to be restricted to 580 pounds per permit per year to ensure that if every one of those permits goes out and take your, takes the full amount they are allowed to, it would add up to 29 percent, and I think that that kind of thing is unlikely. And so that particular level, what has been specified is point five percent of the quota share for that, for the sector is certainly a number I'll be thinking a lot about. I found the analysis and projections provided very helpful in making it quite clear that that number is likely not an appropriate number. And I completely agree that there are places where the alternatives we have before

us need some modification before recommendation for adoption as a range, and we have some additional ideas that have been proposed in the GAP report and in written and verbal public testimony that I think are worthy of consideration as well. So, I will be giving all of that quite a bit of thought in trying to help the Council come forward with a clear range for some discussion and further consideration next week. Thanks.

**Marc Gorelnik** [00:12:48] Thank you Maggie. Further discussion? Corey Niles.

**Corey Niles** [00:12:58] Yeah, just real quick. Thanks Mr. Chair and thanks for everyone for those comments. I think we could stay here into the evening going back and forth and having a good discussion. I just want to give one specific example in terms of the 29 percent and what it means to me. I think Phil, I wish I wrote down his sentence, but he laid out the objective of keeping it simple while achieving the objective and then and being fair and equitable and achieving optimum yield. As always, he says the stuff better than I could ever. But the part about that's going to give me pause about the 29 percent is we don't know precisely that, kind of like Maggie, an example she just gave of how it affects the individuals, yet we have not gotten to that detail. So, it might be in the end when we see the next round of analysis that 32 percent looks a whole lot more fair and equitable than 29 percent. So I don't, I'm not hearing a wide range of difference between what we're talking about there, but I do think we arrived at this 29 percent number without having done the full analysis. When we see that it might be, it might look great, but there's the possibility that it might affect some people in a way we haven't seen yet and that's where I see some differences, and again this is, if it were a quota based system, it is 29 percent of a quota based system and it's up to the trading and the transferring business decisions on how much of that gets used by trawl and fixed gear, so it could always be less than 29 percent. So just sorry I just wanted to say that fair and equitable thing. And I also mentioned it briefly, but just so it doesn't get lost, I want to make the connection back to the presentation we saw yesterday in our NMFS report and the data on the ownership and participation in the fishery and the science the Northwest Fishery Science Center folks are working on. I think that's going to give maybe not answer all the questions Christa mentioned and others, but that is going to be interesting information to look at and I'm looking forward to that becoming part of the discussion.

**Marc Gorelnik** [00:15:17] All right, thank you very much Corey. Further discussion today? Jim Seger.

**Jim Seger** [00:15:32] Thank you Mr. Chairman. If there's not any further Council member comments, I did want to provide a couple of comments in response to some of the things that came up during the discussion here. First, there was a comment about the analysis treating 29 percent as a target. I'm not sure, we tried to, they tried to be very careful not to treat it as a target or even discuss it in that way, and if something slipped through that indicated that, I would apologize for that. And also, not... not even treating it as a soft cap, kind of along what Maggie, Miss Sommer's has been voicing that we looked at that as the Council objective to be at 29 percent or below 29 percent and looking at the probabilities that of achieving that outcome. Second, I wanted to note that the analysis presented today was what we understood the Council was looking for and asking for what would be helpful for them. Third comment that there was some concern that analyses had been requested over the last year so that maybe have not been conducted. I think that we have conducted all of the analyses that we are aware that the Council has asked for and presented them, starting with the meeting last September. We do need to draw all that together because I do understand it's hard to kind of keep track, even for us who have done it is hard for us to keep track of all the different parts of it, and we will be trying to bring all that together so it will be easier for you to track. Some of those analyses are not too satisfying for the questions that are being asked quite frankly, because we are constrained by both the data available and the confidentiality and a lot of times we're seeing things that might be more, much more satisfying for you but because of confidentiality we can't show those to you. But if there are some specific analyses, and this is really the main point I want to make, if there's some specific analyses that folks think could be produced and



they're not seeing them, please, please come and talk to us about it or let us know about it or even next Tuesday when they come up let us know about it, because there may be some ideas out there and some things and approaches that we haven't thought of that could be helped, could be done to help with your discussions and decision making process. So, thank you for the opportunity to make those few comments.

**Marc Gorelnik** [00:18:01] All right Jim, thank you. Bob Dooley.

**Bob Dooley** [00:18:03] Yes, thank you Mr. Chairman. And Jim thanks so much for all the hard work on this. And I know it's been a monumental task that you and Jessi took on. Appreciate that a lot. The thing that I keep going back to is the last, when we last saw this last meeting there was a lot of talk about this 11, 12 percent number of and I don't know the context of that and I didn't see it in the analysis today, but if my recollection's correct, it had to do with the fish people owned weighed against the, weighed against the qualification standards to be included in a legacy type provision if I'm saying that correctly, and I think those numbers are very pertinent, at least in my mind, and I would like to see them at some point. I think they're there. We had them last meeting, but I thought... and I didn't see them. I saw numbers much higher, and I don't know what those, I couldn't get my head around that. That was kind of confusing so I'm sorry to not be as clear as I should be but thank you so much for your work.

**Jim Seger** [00:19:20] Thanks Mr. Dooley. Mr. Chair, if I can respond?

**Marc Gorelnik** [00:19:23] Please.

**Jim Seger** [00:19:24] Yeah, so there's some different numbers that come in at around the 10, 11, 12 percent, and we can talk about, you know, what those are. But the big difference between the much higher numbers you saw today and those lower numbers is that those much higher numbers are based on quota share that is owned by the people who own permits used to gear switch, and the lower number is the quota share by people, owned by people who own vessels used to gear switch. And then those, those lower numbers, well both numbers, but they'll bounce around a bit depending on periods of time and various screening factors. And then there's also an annual number that comes in the 10 to 12 percent range if you just look at any one year the number of people, or the vessel owners that are in the fishery at any one year. But yes, we can certainly talk more about exactly what's going to be helpful to the Council in that regard.

**Marc Gorelnik** [00:20:23] Christa followed by Corey.

**Christa Svensson** [00:20:25] Yeah, thank you Chair. And I just wanted to speak for a moment about my comment with regard to, hey, I've asked for analysis since 2019. I, at that point asked for information with regard to our communities. How this was going to impact processors, small, mid-sized, large, et cetera, and, yes, there may not be enough satisfying information. I have continued to ask questions about what this is going to do to our communities and for I would say the last year have asked specific to small scale and regular any trawler. I asked at the last meeting for information on how this would affect our trawl fleet, similar to what was done in the five-year review for sablefish longline. Now, I think we have enough vessels in the trawl fleet that we don't have to be worried about not having enough information and masking what's going on. So, I am a bit concerned about it. I realize I am only one voice, but to not see anything in terms of what the breakdown is, particularly in light of seeing in the five-year review that different scales for trawlers have different capacity for purchasing sablefish and that we may be impacting some folks more than others, I think that is important to this conversation. So, my apologies if I was not clear enough in June, but it is something that moving forward I think is imperative that we sort out so that we know how these alternatives, should we pursue them, are going

to impact all of our community members. So, with that I will stop, but that really is the push and the crux of the matter and why I was asking for that in June and why I still think it's important.

**Marc Gorelnik** [00:22:29] All right Christa. Corey, followed by Butch.

**Corey Niles** [00:22:34] Thanks Mr. Chair. I saw Butch's hand go up if he had to follow up on Christa I can yield to him. I was going to go back to ask Jim to clarify his answer to Bob but....

**Butch Smith** [00:22:46] How are you going to... Corey.... I guess I'm going to be on the, hopefully on the same lines of Christa.

**Corey Niles** [00:23:00] Yeah, Mr. Chair, I would yield please.

**Marc Gorelnik** [00:23:04] Go ahead.

**Butch Smith** [00:23:06] Thank you Mr. Chairman. This is a heck of an issue to get dumped in the middle of a 70 mile-an-hour freeway but that's what we get. That's what we do but I think, I don't want to speak for Christa but, you know, I'm in, as a Councilman, as a fisherman, but as a coastal community person, a port Commissioner, I'm for everyone doing well. Everybody is possible and I would hope this next round analysis comes out I think just what Christa was saying. What does this mean to the processors, which are very necessary in our coastal community? Ilwaco lived without one for almost 18 months and it was horrible and almost lost access to dredging money out to the river and all kinds of stuff and all the jobs that go along with it, including boats. It's opened back up. We got boats that we didn't have back in here and jobs are increasing as fast as they could as the job market will let people go back to or people want to go back to work. But I also wonder about not only the big guys, but I also worry about the small-scale families that count on this as one fishery that makes the whole, the multi-fisheries, and this is just one that helps them get by and feed their families and what we, the next round what we will decide, if that is possible. I guess, Mr. Seger, and you do an amazing job, you and Jessi, and I guess I might be the only one, but and maybe a little more plain English on what that part of the analysis is... if it's possible. You do a marvelous job, and I know some of the analysis that I saw today went flying right over the top of my head, which is not hard, but I've got resources that I can call and draw on to ask and I don't mind doing that and I don't mind admitting that, and from what I found out that that it wasn't the only head that flew over. So, I think it's a very important part on this next step because I think that, you know, we can't bring everybody along but we sure need to try and we sure need to try to keep our coastal communities alive and our fishermen going. Sometimes processor fishermen I think are a marriage made in hell, but it's necessary. You know we need the processors. We need the fishermen, and they need each other. And I think if everybody is healthy, we have a healthy coastal community. So that's my statement and I hope, Christa, was in line with yours but I'd certainly like to see that in whatever range of alternatives that we that we come up with on Tuesday, the next analysis has that involved to see what it means to what's currently happening now important so when we have, make the final decision we have that information. Thank you, Mr. Chairman, for the opportunity.

**Marc Gorelnik** [00:26:56] Butch, thank you. Further discussion for today? Corey Niles.

**Corey Niles** [00:27:09] Yeah, thanks Mr. Chair. I don't want to take away from the big picture Christa and Butch just spoke to. But if I could real quickly, just to make sure, I think Bob probably got it and I think that just.... Jim, when you're, when you spoke to the difference in numbers being out there between the 10, 12 percent and then some other numbers and analysis. So you're speaking to was Alternative 1 from the SaMTAAC how it's based on, basically qualifying criteria based on landings associated with a permit instead of the boat and yet a boat owner might have leased a permit from

someone else who didn't fish and so had that permit and got transferred off but would the owner would then qualify to opt out their quota share and therefore then... and what you and Jessi did was do your best to guess which quota share account that permanent owner would opt out. So it's really the movement of permits, the leasing of trawl permits that adds some extra uncertainty into how much quota share would be opted out. You said it better than me, but I just wanted to highlight make sure understanding that was your answer to Bob.

**Jim Seger** [00:28:28] Yeah Mr. Niles, through the Chair, and Jessi may want to chime in here at some point as well. So, there were two parts of, at least two parts in trying to draw a connection under Alternative 1, but the key point is the connection that we were trying to draw there was between the limited entry permit that qualified, and a quota share account, and there were at least two methods we used. The first was cross ownership between the two so if the guy owns, or person owns the permit and then also owns the quota share account then they were linked up. And then the second part was then we tried to do, as you know, look at some transactions and quota share trading and leasing and so forth to make a similar linkage, but in all cases under Alternative 1, what we're trying to do is associate quota share ownership with permits. And the point I was making though, is that the, that 10 to 12 percent number that's kind of floating around, that's based on quota share owned by vessel owners, not by, not the quota share based that is owned by permits, and recall that about half of the time those permits are being leased, which and now we're kind of getting into more complexity in terms of tracking all these different avenues here, but the bottom line is that permits that have been, the owners of the permits that have been used in gear switching own quite a bit more quota than the owners of the vessels that have been used in gear switching.

**Corey Niles** [00:30:14] Thanks Jim. That was clear. Thank you.

**Marc Gorelnik** [00:30:18] Phil Anderson.

**Phil Anderson** [00:00:00] Thanks Mr. Chair. So, this comment isn't, my comment isn't being made to counter other comments that have been made about the analysis or what we need or what we don't need. But I think we need to pause on Tuesday before we leave the topic and make sure we have an understanding of what we are asking our analysts to do, and they can in turn tell us whether they can deliver on that. If I had to go out and pick two people to support the Council working its way through this issue, I'd pick Jim and Jessi. They are top notch. They're going to do their level best to bring us every available piece of information to help us make this decision and....but we also, I just want to make sure we're being fair to them, that we, that they have clarity on what we're asking of them and that we're asking what we're asking of them they have the ability to deliver. So, I think, again, just before we close this out on Tuesday, let's have a bit of a discussion on what we are looking for in the analysis or have them describe for us what will be in the analysis and if we identify something important that we think is missing, we can discuss that. Thanks.

**Marc Gorelnik** [00:01:45] I think that's an excellent idea Phil. And I'm sure Jim, as a staff officer, will remind us to go through that exercise if I, as Chair, forget to prompt us through it so there's no misunderstanding as we leave the agenda item on Tuesday. Further discussion? We have time, but I don't want to force a discussion if folks want to think about things and or maybe keep their powder dry until we have a motion and more concrete discussion on Tuesday, although I will note it's only scheduled for two hours so we'll have to make efficient use of that time. I will take whatever time we need, but keep in mind it's day, it's our penultimate day. I'm not seeing any further discussion, so I think it's a good place to leave it.....(BREAK UNTIL TUESDAY, SEPT. 14)..... And as promised we're going to return here to Agenda Item C.5, which is dealing with sablefish gear switching and so I am going to look to get some discussion started. I know that some folks are contemplating motions, but we should have some discussion of the issue first and I'll look for a hand. Who wants to break the ice? All

right, Phil Anderson followed by Christa Svensson.

**Phil Anderson** [00:03:40] Thanks Mr. Chair. I do have some relatively lengthy thoughts to offer. I'm happy to let Christa go first if she would like to do that, but I'm also happy to continue.

**Marc Gorelnik** [00:03:56] Well, since you're deferring to Christa, I'll ask Christa whether she wants to go now or wait for Phil?

**Christa Svensson** [00:04:00] I'm happy to go either. Either or whatever pleases the Chair.

**Phil Anderson** [00:04:09] Okay.

**Marc Gorelnik** [00:04:09] Well, go ahead Phil, and then we'll come back to Christa. We'll just do it in the order people raise their hands.

**Phil Anderson** [00:04:14] All right. Thank you. So, I have a few thoughts to offer in preparation for the Council taking action to select a range of alternatives for the gear switching suite of issues. First, I think we need to keep in the front of our minds that we are attempting to develop a reasonable range of alternatives that address the issues primarily contained in the purpose and need statement. We are not making any final decisions with today's actions. At least from my perspective we've come a long way since this issue was first brought to our attention, at least from my perspective through the so-called Santa Rosa conferences, designed in part to identify potential improvements to the Council's catch share program by way of the five-year review process. Today's deliberations have the advantage of drawing from the work that was done by the CAB and the GAP and the SaMTAAC and the many members of the public who have dealt with this topic and provided us comments along the way. We're also very fortunate to have a wealth of information that our analysts have provided us. They have pointed out the pros and cons of the alternatives developed through the SaMTAAC process and offered suggestions on how to improve them to meet the goals and objectives. Keeping in mind the complexity and the associated development and implementation costs will be important, recognizing that both of these activities are subject to charges against the cost recovery funds. So, both development and implementation have implications for the cost recovery dollars. The Council took, in my mind, great care in developing the purpose and need statement, and I think it's important to remind ourselves of what it says as we decide on a range of alternatives. As a reminder, it can be found in Agenda Item C.5, Attachment 3, September 2021. And while I'm not going to read all of them, I would like to maybe call particular attention to a couple of the sentences in the purpose and need statement. The first one was that the under attainment for some northern stocks may be due to the allowance to use fixed gear to harvest shore based IFQ. Declining trawl vessel participation and the lack of market and infrastructure are also contributors. It goes on to say later that the purpose of this action would be to keep northern sablefish gear switching from impeding the attainment of the northern IFQ allocations with trawl gear while considering impacts on current operations and investments. Management goals two and three of our Groundfish Fishery Management Plan, which respectively seek to maximize the value of the groundfish resource as a whole and to achieve the maximum biological yield of the overall groundfish fishery, are important to remember. Initially this action would seek to improve the program towards the goal of Amendment 20 to the FMP, which created the shore based IFQ program of providing for full utilization of the trawl sector allocation. During the first meetings of the SaMTAAC, the committee deliberations focused on developing some principles to guide their development of alternatives, and while these principles were not officially adopted by the Council or by the SaMTAAC for that matter, I think they are important guideposts for the Council to consider in developing a range of alternatives. Again here, I'm not going to reference all of them, but there are a few that I would like to draw particular attention to. The first one was we want to ensure there is affordable trawl access to sablefish. Another was that we believe that unlimited catch of sablefish through gear switching is not desirable, and we

wanted to consider the impacts on existing operations and investments. Another key one was we will consider industry and community impacts and ensure long term stability. And the last one I'll reference is that we want to increase the net economic value of the trawl individual fishing quota fishery. I think we need to be mindful that the range of alternatives under this action is not intended to address all of the issues in the trawl fishery. It will not solve the market limit issues, the processing issues associated with high volumes, of dealing with high volumes of dover sole, the ex-vessel price paid to fishermen, the consumer competition issues with species such as tilapia. Instead, I think we are trying to provide a higher level of stability and certainty for the trawl fishery into the future relative to the availability of sablefish quota to the trawl fishery and their ability to have access to other underutilized species. Finally, we will need to talk about next steps and the timing of those steps, next steps after we define our range of alternatives with our action today. I appreciate the patience of my colleagues around the table in listening to these thoughts. And I'll turn it back to you Mr. Chairman. Thank you.

**Marc Gorelnik** [00:10:29] Thank you very much. Christa Svensson.

**Christa Svensson** [00:10:34] Yeah, thank you Mr. Chair. And I want to thank Phil for starting the conversation today because I think that there is a lot that we are in agreement with. I'd like to really preface my comments by saying that I was not expecting to speak on this Friday.....

**Marc Gorelnik** [00:10:54] Hey, Christa your audio is going. Could you.....

**Christa Svensson** [00:10:55] Yeah, I don't know. Can you hear me better now?

**Marc Gorelnik** [00:11:02] No, I don't have you now.

**Christa Svensson** [00:11:04] Oh, oh. Okay, well give me one moment.

**Marc Gorelnik** [00:11:07] You started out great.

**Christa Svensson** [00:11:10] Okay, well I haven't, I have not done anything. Can you hear me now?

**Marc Gorelnik** [00:11:17] Well, not well but maybe well enough so.....

**Christa Svensson** [00:11:23] Hold on. I'm going to switch to phone audio if that's all right and then you'll be able to hear me and we'll be good.

**Marc Gorelnik** [00:11:30] Yeah, maybe that'll be, we'll have stable audio then. The joys of these remote meetings.

**Christa Svensson** [00:11:36] Okay are we good?

**Marc Gorelnik** [00:11:53] I think so. Carry on with your comment here.

**Christa Svensson** [00:11:56] Okay. I think hopefully you can hear me now clearly.

**Marc Gorelnik** [00:12:02] Yeah, it's great.

**Christa Svensson** [00:12:02] So as I was saying I was not expecting to speak on Friday, and I am appreciative of the comments on Friday as well as so far today. I will also say that my concern surrounding the alternatives remain the same, that I don't think the analysis today has addressed how small to mid-sized coastal communities in different segments of the trawl fishery are going to be

affected. The second point was that as the Council works through this agenda item, I think we do need to clearly define who the primary group is that we're wanting to help with the realization that we may be able to help many, if not all of us. And then the third item is that the gear switching topic as it is defined currently I am afraid, is a symptom rather than the underlying problem that we're trying to fix. So, while my concerns remain the same, I do want to clarify that the quality of analysis that has been done so far is exemplary, but it is not the quality of the work in the analysis, but rather the scope that I'm really calling for in terms of its need to expand. I also want to thank Council members and staff. I don't know who it was that made the decision to create a YouTube channel, but I will say that in terms of stakeholders being able to hear what was said, it is an amazing tool. I reached out over the weekend to a couple of stakeholders to confirm that I wasn't out in left field with my comments and I thought I might hear from a few, but the reality was fishermen up and down the coast, along with women who fish, were able to hear those comments unfiltered and the results were pretty electrifying. A few became a dozen and the dozen multiplied and before I knew it I had over two dozen individuals who represent far, far more trawl vessels, permits and quota share through their businesses and their organizations that were supportive. And so that support continues for me to push my comments that we do need to focus on the analysis of what our alternatives are going to mean for our communities and for different segments of the trawl sector in addition to fixed gear, because that outreach has been humbling. Stakeholders' bravery in reaching out, particularly to someone who in most cases they don't know, it hasn't been unnoticed on me, and I've been actively listening to industry on this topic since the beginning of my first term and have learned about their individual concerns. People have been willing to share intimate details about their businesses and in many cases about their families. And I will also say that the outrage from bottom trawlers and fixed gear stakeholders over the weekend has added a new dynamic. Stakeholders obviously do not agree on all points, but they do agree on some and I think most critically, if I made a Venn diagram, the point of convergence on this topic centers on can you please, please tell me clearly in plain English that I can understand how this decision is most likely going to affect me, my colleagues and my community, whether that is a positive impact or a negative one. And whilst I'm going to continue to listen to stakeholders, I don't think it's enough. I think listening without amplifying different views isn't going to get us where we want to go. We hear other industry colleagues at the Council table advocating for trawlers and processors who are not in favor of gear switching. And I've been keeping quiet because I've been working on clarifying the issue for myself and others, but I've come to realize that I'm inadvertently stifling the voices of fixed gear participants and trawlers who are in favor of gear switching because no one is speaking up for them at least from industry, and equally important we're not hearing from bottom trawlers who don't know if this will help, but they want to better understand their future choices before making a decision on which of these options they want to choose. Many of the voices that I've heard from individually fear publicly coming forward because as we've heard in the discussion on Friday, fishing vessels have to have a processor and with the consolidation of our processor community members, the option to take your fish somewhere else for the majority of our trawlers is limited to nonexistent. Having a Council member voice those concerns, I believe will create more robust discussion and help the Council family form a more informed decision. Representation I think really matters in this case, and I'll be advocating for stakeholders whose views haven't been at the table because, as our colleague Mr. Dooley so often says, if you're not at the table, you're on the menu. So, for those of you that have contacted me in the last few days, thank you. And for those of you who have not, I'm still interested in learning more about your concerns. I cannot guarantee how I will vote because I don't understand how the current choices or in Council speak, the range of alternatives will impact us all, but I can guarantee that moving forward I will work hard to understand the needs of those cohorts whose voices are not being heard and articulated maybe as clearly as I would like to hear as we move forward in this process. And with that, I will close my comments and just say thank you for giving me the opportunity to speak today.

**Marc Gorelnik** [00:18:39] Thank you Christa. Further comments? Discussion? Maggie Sommer followed by Corey Niles.

**Maggie Sommer** [00:18:59] Thanks Mr. Chair. And I just wanted to thank Mr. Anderson for his opening remarks. He really described the breadth and the history of this issue and our intent here and our purpose in what we're doing today quite clearly and I agree with all of that and I just wanted to say that I also really appreciated it being pointed out to us all that the number of fishery participants who participate in one way or another, as trawlers, as processors, as fixed gear fishermen, as quota share owners, it is possibly larger through this action if the Council in the end takes any action to limit gear switching than the original Amendment 20, and that for me that really struck home and helped explain I think in part why the Council has been, why this issue has been so difficult so far to move forward with. There are so many different interests represented. It has been challenging even to reach a conclusion on whether there is clear evidence of a current problem that needs to be addressed. So far, I think that the data have been as a whole inconclusive. There are a number of different conclusions that can be drawn from different elements of the data we have had presented to us and analysis. We have heard clear and repeated public testimony that gear switching is adversely affecting some current trawling and processing operations and inhibiting future investment in groundfish processing infrastructure, but I do recognize that there is clear interest, self-interest on the part of those making those statements in limiting or reducing or eliminating gear switching and there is also a connection to the very important aspects of infrastructure that support our coastal communities that we are all giving an awful lot of thought to. And likewise, we've heard testimony from gear switching participants who are representing their interests in maintaining the status quo or minimizing restrictions. Adding to the challenge is that we have, the Council has been presented so far with the alternatives developed by the SaMTAAC committee, with choices between alternatives that represent different approaches to limiting gear switching and within each of those alternatives there are multiple choices related to the magnitude of restriction, whether and how some participants with significant investment and participation history would be subject to lesser restriction and other elements. And the intermingling of all these different categories of choices has made it very difficult to compare and contrast alternatives. So, one of my interests moving forward in this, as I have been clear about for a while, is in looking to streamline the range of alternatives that we move forward with to help us focus throughout this process, focus both the attention of our analysts, our Council members and certainly the public. And maybe I'll save further remarks on this topic for potentially the end of the discussion when we talk about next steps, but want to say that I just connected to this challenge of understanding the materials that have been presented to us and the alternatives that the Council has considered up to this point, I, too, agree that I think there is some good opportunity to clarify those in plain language and help the public understand what the effects of whatever alternatives the Council moves forward with after today. So, I think with those remarks, I'll hold for now. Thanks.

**Marc Gorelnik** [00:23:47] Thank you Maggie. Corey Niles.

**Corey Niles** [00:23:53] Yeah, thank you Mr. Chair. And well said Maggie and Phil. Thank you for leading us off, pointing us to the purpose and need and the principles here. And Christa, thank you for reminding us that we may all be looking at those principles and purpose and need slightly differently and... but.... I think we're taking this seriously and I was going to joke that Christa... you made me... I wish you didn't mention YouTube because now I'm going to get stage fright. Pretend I'm by myself here in this room, but the way the story went on that's great to hear that, that they are, we are being listened to and, no, I fully understand, and Butch spoke to this, he spoke to this last week about at this point, I don't think, I understand why people don't understand whether, how they or their communities will be affected and I do think we're going to get there... closer to that stage here... where we start to see information in a more focused form where that becomes a little more clear. And, Mr. Chair, I do have a motion prepared to make. I think I might just preview it here. Jumping in and reading it, that would be maybe not totally intelligible and easy to listen to, but just some opening remarks about what I'd hope to do in a motion here at some point. In short, you know, we've looked at all the analysis that's

been done and Phil spoke nicely and Christa to all the high-quality work that's been done and we've learned a lot from that. You know my department we continue, you know, while having open minds to look at the quota based approach as having the most promise here if we are to act to change this program, and what I had planned here would be to introduce an Alternative 1 based on what, similar to what the SaMTAAC had been working on but with a couple changes that address some concerns we've heard without SaMTAAC Alternative 1 as currently structured. For one it would kind of switch the focus from the permit to the quota share ownership and then make a linkage to ownership of a vessel that's actively fishing. And the second goal is really to provide more certainty in terms of how much quota share would be eligible for gear switching. As we saw at this meeting from the analysis that came into this meeting, the current alternative kind of leaves that open and uncertain how much quota share quota pounds would be eligible for fixed gear. So, it looks like there will...Bob had his hand up so I'm not going to introduce the motion quite yet if there is discussion, but I just wanted to preview that and I'll have a little more overview if and when we get to that point.

**Marc Gorelnik** [00:27:23] All right, thank you Corey. Yeah, let's hold off on any motions until everyone's had an opportunity to weigh in with their comments. Bob Dooley.

**Bob Dooley** [00:00:00] Yes. Thank you, Mr. Chairman, and thank you Phil, and Christa, and Maggie, and Corey for your thoughtful comments there. Phil, I think you did an excellent job of kind of setting the table of where we are, where we've been, how we got to where we are. I've been involved with the process from the beginning as you have, many in the room have here and have been deeply ingrained in it. I, too, am a little confused sometimes of different alternatives and how they, how they address the issues outlined in the principles that Phil had laid out there. I know that the Council didn't adopt the principles. I know that the SaMTAAC probably didn't formally adopt, but they developed them, and they are included and I for one, being on the SaMTAAC had used them as a guide and use them as advice how to look at this, the lens to look at it. I think the first one that says, actually 'B' that says we believe that an unlimited catch of sablefish through gear switching is not desirable. I think we've checked that box. I think the Council in its previous decision has decided that 29 percent is indeed the maximum level that we would like to see gear switching at. I think that decision has been made, so I think yes, it is. You can't continue unlimited gear switching without fatally harming the trawl sector, and it is a trawl sector. So, then that's been said many times. I think the next decision point is important and maybe I'm just a step-by-step kind of guy and I believe that it's like eating an elephant one bite at a time. The next thing that I think is important is does the Council want to consider impacts on existing operations and investments? And where that takes me is a really important step. How much do we want to respect the right of people that have been doing this for, you know, in the control date before we'd said, hey we're thinking about this, the five-year review top line is a concern and we may not, we set a control date so we would put everyone on notice that anything after that date is not, it's on shaky ground. We may, we may not consider it, but I think that was a milepost. So, the people that did it before in my opinion have been doing it and totally, you know, didn't do anything wrong. But they were forewarned that the right to continue and any history accrued may not be recognized and may not be allowed in the future. So, we're discussing at this time whether those who participated before the control date should receive a special endorsement separate and apart from any gear switching limitations that we place on all other participants in the fishery. I believe this is the first and fundamental decision before us, since we have already made a decision prior to this. If it is decided to issue an endorsement for the participants described, I believe there are a few critical discussions, decisions to make, make. First in my opinion, what would be meant by dependence on gear switching in the trawl ITQ sector? I'm talking about this because I think trying to set the frame for how to look at this, at least the way I look at it, and maybe it might be informative. I think that would be some base number of pounds landed by a vessel over a period of time during the period, from the start of the program in 2011 until the control date. I'd use an example, 30,000 pounds for three years seems like that would be recognized some real dependence in that fishery. 30,000 pounds, somewhere between 60 and a hundred thousand dollars of gross economic



value there, according to the numbers we've been presented, would seem to demonstrate an appropriate level of dependence, but there are some options there. I believe vessels should use, be used for this determination rather than permits, because vessels catch fish and this is just when you consider qualification. They catch fish and permits don't. Permits can be traded, leased, it doesn't to me raise to the rise to the level of that dependence. The catch by vessels is a much more steady and verifiable measure to demonstrate dependent participation. Secondly, I believe to demonstrate dependence that qualifies for a special endorsement over and above anybody else there should be... additionally be measured by ownership and quota coupled with ownership of a vessel to qualify, just a qualification. Leasing in and of itself is not a long-term investment and could be categorized as speculation and opportunity rather than dependence. No assurance that a lease will be available over the long term and are subject to change. As for what a qualified vessel should receive as an allocation, and this is a special endorsement to a limited few that demonstrated this dependence, it should be what they, how much quota they actually owned at the control date. That's what I believe. So, I'm trying to get to this dependence thought. And of course, there's been some different options proposed, different amounts, and I opened for debate on those. So that's how I think you get the qualification. Now what do you get to use? You get to use what is your endorsement? To me it's the amount of fish you actually owned, and that endorsement should live on your quota share account because that's a special time. I'm really concerned every year on January 1st your quota share account turns into quota pounds. That's a time, designations could be made on restrictions on use of quota, and it can be calculated and used in the quota share account. The calculator that is all, that is used in the fishery now that assures use in a particular way. I think it could be automatic. I'm concerned about ongoing workload to keep track of all of these fish if it's not programmed into that system. It needs to be automatic, and we don't need to program a cost recovery provision forever. So, to kind of recap that, I think it's real easy in examples of how to calculate that. You start with did your vessel participate in the program? And then did a vessel you own use fixed gear? If you're yes you do qual....you go on to number two. Did a vessel you owned use fixed gear in the IFQ program to catch at least 30,000 pounds, at least three years? If yes, you continue. Did you own the ITQ trawl sable during the window period? If yes you continue. And if you answered yes to all of them subject to verification, you would qualify for a separate gear switching endorsement. I think at that time in the, once we establish who that is and how much fish that is, what vessels that are given this special legacy provision, if we get there then it seems like it could be very simple. There are people that want to maintain the right to active trawl switching. They want gear switching. There are people that want to maintain the right to lease fish. I think if you take the remainder or some lesser number than that, if we decide it needs to be reduced and we should analyze that at that point, I think we should be analyze points that are lower, lower than that and they would each get, every permit holder, every quota shareholder would get a specified amount. If we reserve 9 percent for the gear switching, the remainder should go, the 20 percent everyone should have the right for 20 percent unrestricted fish. That keeps a tight cap on it. It doesn't ever exceed that amount and it's done. I think if we get too complicated, we are going to go back to where status quo and I think that would be detrimental. So, I'll stop there, and I just wanted to share those thoughts that I think we need to be more measured in these, in the alternatives to be clear on exactly what Christa was talking about to be able to, for people to understand this. So, I think we have a decision before us. Do we want to recognize gear switchers that have had a demonstrated dependence and that if we say no and we want everybody to get some right, then that makes it much simpler too. So, I think we have some benchmark decisions to make. So thank you.

**Marc Gorelnik** [00:10:44] Thank you Bob. Brad Pettinger.

**Brad Pettinger** [00:10:52] Thank you Chair Gorelnik. Appreciate what everybody's had to say today, particularly what Bob just added in. I think, my concerns I guess, is from our discussion last week that people talk about status quo and that status quo is not a target in my mind. This fishery spent 20 years recovering from a groundfish disaster declaration and we saw a tremendous downsizing of fleet and

processing capacities and we need to start rebuilding that. Whatever we do with this topic, not just today but as it marches through the Council process, I think we need to ask ourselves will it get us to where we need to be, where we need to be in the future? And I would hope that, you know, we're not at 22 or 23 percent trawl attainment. In two or three years or five years, whatever, I think we should see some real increases of that amount. You know achieving optimum yield is a mandate. I think we ought to be, we're not going to get 100 percent, but we should easily double where we're at right now. I'm, I've heard of some parts of some of the motions that might be put together. I'm very curious to see what they are. You know the devil's in the details. I just hope that whatever we do here today, we have enough flexibility to really look at the full range of what we, of what the fishery needs to do, and we don't hamstring ourselves. I don't want to get too much into the weeds here I just appreciate everybody's comments and look forward to hearing what folks got for motions. Thank you.

**Marc Gorelnik** [00:13:09] Thank you Vice Chair Pettinger. Let's see if there is any further discussion or whether we should have, need a motion to focus our discussion. And I'm not seeing any hands. There is Corey Niles. Corey, please go ahead.

**Corey Niles** [00:13:33] Yeah thank you Mr. Chair, and thanks Brad, and thanks Bob. Bob, I know you've spoken throughout this process and, yeah, I continue to think, you know, this issue is interesting in terms of how I think we're thinking it similarly but we have some differences in how we perceive things. But to this stage I think what the motion I'm going to do here is attempting us to even bring us to focus even more where we continue to have these constructive debates and so, again, you know, I'm going to withhold some comments on the bigger issues, which we've been talking about for a while, and focus on putting this alternative on the table which I think will help us get us down the road. And Brad, yes thanks for the devil in the details comment. Some of these pieces in here will be new. We've been talking about it, and I've been bringing up the idea even on the Council floor over the past year but the details haven't been there so what I'm going to propose here is there are new pieces and, Brad, this is something that is new and if it gets added to the range of alternatives we expect feedback. We want feedback. There's going to be, there are going to be issues that staff is going to find and at the next stage I think we advance our understanding even further. So, I just want to echo those words of Brad and that this is not anywhere near final. This is, I know this process has been long, but this is just the initial range and the start of a refinement in my mind. And if I could ask Kris or Sandra to put up the motion. And before getting into it, Mr. Chair, I'll just say there are four pieces to this. What I'll, you know, reading it could be kind of tough but the four pieces and it's a pretty simple idea in terms of the first section would create two quota types. The second decides or it gives options for how much of each type would be trawl only and how much would be any gear. The third and fourth get into the issue of how the individual quota share owners would have their current quota share split up. So that's the basic structure and with that, Mr. Chair, I stand ready to make the motion.

**Marc Gorelnik** [00:16:15] All right, why don't you go ahead and make your motion and then we'll have a second presumably, and then we'll have a discussion on the motion.

**Corey Niles** [00:16:28] Thank you Mr. Chair and it is about, well Kris or Sandra made it a little more reader friendly, so thank you, but it's about a page at eleven point font, but it's not terribly long. So, I move that the following be added to the range of alternatives for analysis as the gear based quota share alternative. Creation of trawl only quota share QS. NMFS will create a new management unit from the existing sablefish north IFQ Management Unit that will only be eligible to be fished by trawl gears. The existing IFQ Management Unit will continue to be eligible to be fished with any legal gear. For ease of reference the resulting quota share units are referred to as trawl only and any gear. Split of the sablefish north trawl allocation. After conversion, both would be adjusted so that the total pool of quota share for each is 90 percent and 10 percent to leave after the management program. The quota share conversion will achieve the Council's specified split between the two quota share types, then each will

receive the specified percentage or amount of the trawl allocation of sablefish north annually. The two options for analysis include: Option 1: 71 percent of the trawl allocation will go to the trawl only quota share and 29 percent any gear. Option 2: the any gear quota share will receive the smaller of 29 percent of the trawl allocation, or 1.8 million pounds, with the trawl only quota share receiving the remainder. And then if you could scroll to the top for this one, please. Thank you. And the procedure for converting quota share holdings. NMFS will evaluate owners of sablefish north quota share based.....can you delete 'based' please, or replace, yeah... just delete 'based'. That would work, or that works too. Okay thank you. NMFS will evaluate owners of sablefish north quota share against the fixed gear and IFQ participation criteria and then convert the quota share using the following steps. 1: Quota share acquired by owners after the control date in excess of what they held on the control date will be converted to trawl only quota share. 2: Quota share owners that do not meet the fixed gear or IFQ participation criteria will have a hundred percent of their quota share converted to trawl only. 3: Quota share owners meeting the fixed gear participation criteria will have zero percent of their quota share converted to trawl only quota share up to the quota share they owned on the control date. Quota share acquired after the control date will be converted to trawl only quota share. For quota share owners meeting the IFQ participation criteria will have their quota share converted at the rate that achieve the Council's recommended allocation between the two quota share units. Participation criteria. The criteria focus on quota share owners with ownership tracked by the quota share permit, the term 'vessel' refers to a vessel owned in full or in part by the quota share owner, vessel ownership and fishing activity, or can you change that to 'evaluated' please. Thank you. Are evaluated based on the vessel account and the term 'fished' refers to landings of sablefish north quota pound and activity that qualifies under the control date unless otherwise stated. Fixed gear participation criteria options for analysis. Option 1: The vessel fished with fixed gear. Option 2: The vessel first at least 30,000 quota pounds in each of three or more years with fixed gear. IFQ participation criteria options for analysis. Option 1: All sablefish north quota share owners not meeting the fixed gear participation criteria and irrespective of vessel ownership and fishing activity. Option 2: The vessel fished quota pounds with bottom trawl gear in any of the two years prior to the year of quota share conversion.

**Marc Gorelnik** [00:21:20] So I would normally ask if the language on the screen is complete and accurate, but we can only show a piece of the motion at a time. Kris, would it be possible to at least show two pages at a time? At least that would capture most of the motion. So Corey, I'll ask if the language is accurate and complete?

**Corey Niles** [00:21:54] With the except there might be some intent issues to speak to, but yes, it is as intended.

**Marc Gorelnik** [00:22:02] All right. So, I'll look for a second. Seconded by Phil Anderson, although I see Jim Seger has raised his hand, so I'm going to hold off on the second and see what Jim has a comment on the language here that maybe will be easier to fix before it's seconded. Jim.

**Jim Seger** [00:22:32] Yes, thank you Mr. Chairman. Just a quick question. At the very top of the motion, you mentioned it being added to the range of alternatives. I just wanted to confirm that was your intent as opposed to a replacement of Alternative 1 with this alternative?

**Corey Niles** [00:22:51] Thank you Mr. Chair. If I could answer that.

**Marc Gorelnik** [00:22:56] Yes.

**Corey Niles** [00:22:56] Maybe my.....maybe I'm misunderstanding where we were but I didn't think we had a range of alternatives yet, so this would be added to the range that doesn't exist yet. So everything....that was my impression. If I was wrong, apologies, otherwise this would replace the

**Jim Seger** [00:23:23] Through the Chair, thank you, yes, I get so used to working with the SaMTAAC alternatives that I've gotten to think of them as being in place almost already so my error. Thank you, Mr. Niles.

**Marc Gorelnik** [00:23:31] All right, so to be clear you're kicking off our list of the range of alternatives. So looking for a second? Phil keeps trying to second it, I think. Thank you, Phil, for the second. So Corey please speak to your motion?

**Corey Niles** [00:00:00] Thank you Mr. Chair, and I'll try to walk through this as it is new and I mean I think it's in my mind pretty, the concept's pretty straightforward. The wording might, it might be confusing. So I will kind of walk through it a little bit slowly here and section by section. I think that first section is pretty simple. It says we currently have an IFQ management unit for sablefish, and what this would do was that would ask NMFS to split that into two so some quota from the current management unit would be added to a new IFQ unit quota share unit where, you know, sablefish north could only be fished with trawl gear. So pretty similar to the, what the SaMTAAC's been working with except this more, this directly affects the quota share. The other, what we've been working with is a quota pound type, but this is the quota share. So just two new types of quota share. The second piece, that section there, as I said, is about how much of each there would be, and that Option 1 reflects the 29 percent of gear switching that the Council has been talking about and in reference to some of like Brad's comments and Bob's comments and in question and answer in public testimony, that given the quota system, that would be the max, the max quota that could be fished in any one year just given how our quota, with the exceptions of deficit and all that, but that it would be a cap on how much gear switching could happen and it would more likely be something less, given that it's usable by trawl gear as well. You know I've spoken to a few times, at least a couple of times on, you know, I'm not totally convinced that 29 percent was the number we should land on given fair and equitable considerations. So, I've been hoping to see some comparing and contrasting of different numbers to help us work through that, and I'm not talking great departures from 29 percent, but a few percent here, there might look a lot better in the end than if we had one number. So I'm recommending two numbers here, but the other Option 2, you know, I am, I'm one who has difficulty in thinking at percentages in absolute numbers or poundages at the same time, so it didn't really occur to me lately, until lately that, you know, looking at the default harvest control rule for sablefish we have now, 29 percent, or we looked at this just an hour or two ago, if we went with the default harvest control rule for 2023 and 2024, 29 percent is going to be more than 2 million pounds. I don't know, I don't remember exactly what it would be, but it'll be over 2 million pounds, which is about what was landed in 2019 by fixed gear and IFQ fisheries. So, this option kind of does two things, it gives some comparing, contrasting between numbers but it also, the 1.8 million is about, it was the max landed, yeah, it was the max landed before the control date in the year right before the control date, so it maybe serves an expectation of what could have happened. But again, with the 29 percent versus poundages, there's an uncertainty there, and the intent would be for the analyst to give us at least two ranges to look at not too far apart, but and then that poundage there is backed up against the, you know, if 29 percent is lower than that 1.8 million pounds would be a percentage. So I think there's going to be some, and I'm trying to speak to intent here for staff to give them flexibility to structure the analysis in a way that's not too many options, but does that comparison in comparing and contrasting and there's a little, there's two things at play here really. There's the initial creation of a new quota share and then how much that each quota type gets each year, and so I'm not sure the poundage works precisely the way I have it laid out here, but the intent would be in the year of conversion that the under Option 2, the percent of the trawl allocation that would go to the any gear quota would be 1.8 million, the percentage equivalent to that unless it was, you know, unless it limited by that 29 percent. So maybe when I'm done speaking to the motion, Jim can speak to whether that intent makes sense. And then moving to that third section, so if we have two pools of quota, the question

becomes how do you divvy it up? How do you allocate it and convert it? And this is the scheme I'm proposing with this motion, and I didn't know which order to put these in, went back and forth, but those participation criteria, which I'm finding I've lost my ability to say participation today, but the two criteria are kind of key in how this works so I'm going to walk through it. And the other concept here is the control date quota share ownership and vessel ownership but walking through that third section, if it's any quota share that went to a new owner or to an owner that, you know, over and above what they held on the control date would automatically become trawl only. The second category says that the folks that don't meet those criteria below, they also have a hundred percent of their quota share converted to trawl only. So, after those first two steps there's going to be a percentage of trawl only quota already created. Third is where the gear switching connection that Bob spoke nicely and Phil spoke to nicely and everyone spoke to about recognizing the participation investment, which was what I mean by fair and equitable. So people who meet those criteria would have zero percent of their quota converted. They just keep all of their any gear quota. And then the fourth is really kind of, and then the remainder goes to everyone else. And so let's... we in our delegation meeting this morning again had this. We don't really know how many, how much quota share would qualify under the current Alternative 1, but for example, say it was 10 percent then and the Council's Option 1 is 29 percent. There's 29 percent, I mean excuse me, 19 percent of the any gear quota to address so that number four determines who gets that remaining percentage of the any gear quota. And then the last section here and sorry for going on so long, but almost finished. These criteria here and they set a couple definitions. You know, quota share ownership is, you know, NMFS collects data for quota share based on quota share permit owners. The vessel define as, basically it's the vessel with shared ownership by the quota share owners as measured by NMFS's vessel account tracking. And a vessel account is the combination of owner and vessel that NMFS tracks and has detailed ownership information on. And the term 'fished', I just avoid repeating myself, that refers to landings of sablefish north quota pound and ones that fishing that qualifies for the control, under the control date and the 'unless otherwise' stated part, I wish that's the part I'll speak to some intent for, I mean only stated within this section is what I meant, and it really only applies to that, the Option 2 under the second set of criteria. So, I maybe I'll repeat that again when I get to it. But... so the key parts in speaking to the, we've got two options for looking at the level of participation, dependence, investments for fixed gear vessels. Option 1 is, is the more lenient option. It's basically, you know, if they own that quota share, they own that fishing, the boat and fished it, any kind of any quota, then they would meet the criteria and be able to opt out, or it's not an opt out, it's an allocation formula. They would just keep all their quota as any gear. And that's another difference, I should say, this is not an opt out anymore, it's a formula. Option 2 would be more stringent, and it's based on, you know, Bob spoke to it, it's also comes from the SaMTAAC Alternative 2 I believe. And that's it requires more active fishing before the control date of 30,000 quota pounds in any one year. So again, these are the two criteria that would qualify folks under step three above and then this last part is a little bit new, and it just came to me recently, so I'll explain it a little bit. So remember we have this remainder after the gear switching vessels get their any gear quota, then there's a percentage to be distributed among the rest of folks. So that step four criteria, this IFQ participation criteria options, there are two options. Number one basically says any quota share owner, and it's no matter if they owned a vessel or fished the quota, so just everyone, you know, we have people who don't actively fish in the bottom trawl. They don't, you know.... lots of different situations here. In Option 1 everyone will receive a portion of the end of year quota. Option 2 is targeted just to bottom trawlers that are active in the year, the two years before the conversion takes place. So, the idea there would be, you know, like this would direct the remaining any gear quota to those vessels fishing with the idea of, you know, there are whiting vessels that don't bottom trawl. They're, you know, folks who, you know, who don't actively fish that have quota share, so they would, those folks would not receive any gear quota. They would only get trawl only quota. And then the, so the any gear quota would be in the hands of the active bottom trawling operations and so the fixed gear operations wanting to lease quota pounds would need to work with them to get it. So that's an idea. Just comparing and contrasting for maybe an angle we haven't looked at yet or looked at this way, but that would be the intent there. And I'll try to end up here and

see if there are questions. And, you know, other folks might have thoughts. But again, the intent here compared to the existing SaMTAAC Alternative 1 would be to focus on quota share and then businesses, and it's not just, it's not really a vessel on its own, it's the business owning a vessel sharing ownership with quota share and fishing that quota share with fixed gear. It is instead of the trawl permit, it seems, as I think Bob said, leasing a permit to a gear switching vessel, if you're not anything else, if you just have, there's a lot of permits out there and if you have an extra one at least to a gear switching boat, but that's not necessarily a strong connection to a fixed gear business. And same leasing quota pounds to a fixed gear business could be said to be the same connection, so that's a big difference. And the other big difference is this, the structure of this can hit the Council's targeted or targets have different meanings, but whatever percentage the Council recommends hitting this option could hit it. And there's other benefits that I'm not getting to and I'm sick of hearing myself talk. So, I'm going to stop there Mr. Chair.

**Marc Gorelnik** [00:13:05] All right. Thanks very much Corey. So now I will see if there are any questions for the maker of the motion. Phil Anderson.

**Phil Anderson** [00:13:18] I have two questions. One is, and if this is not the appropriate time to ask that question I'm happy to wait. But it has to do with the first discussion and the question from Dr. Seger. My understanding is, yeah, we have different alternatives that were, we have looked at previously, and certainly those that were developed by the SaMTAAC are among those, but in terms of identifying a range of alternatives that would go out for public review, we don't, we haven't identified any yet. So as we work through the process here this afternoon of identifying those, it isn't whether what is being proposed is in addition to or in replacement of, it is simply we are identifying a range of alternatives that would go out for public review and that clarity would be helpful for me and perhaps others so that when we get done with all this and perhaps some of the alternatives that were in the SaMTAAC report are no longer in our range of alternatives....that that's clear. So that's the first kind of just point. My question specific to the motion, and I am looking specifically here at what's on the screen. Under the fixed gear participation criteria options for analysis, and you did speak to it but I'm not sure that it is as clear in the written, in what's written in front of us, is that the vessel fished with fixed gear prior and up to the control date. Is that implicit and the same with Option 2? The vessel fished at least 30,000 pounds, 30,000 quota pounds in each of three or more years with fixed gear, and I'm assuming that's between 2011 and the control date but it isn't clear to me. So that's my question.

**Corey Niles** [00:15:50] If I could, Mr. Chair? Yeah Phil, yeah, I would, and again this is, maybe I should have been more repetitive, but I try to handle that in the paragraph above where the term 'fished' refers to landings of sablefish north quota pounds, so not.... not the tier fishery for example, so quota pounds and then it qualifying so under the control date, so that's supposed to apply and 'otherwise stated' only refers to this section and I'm using my mouse on the screen like you can see it, but of course you can't, but that's, that language and the participation criteria, man I can't say that word today, but in that paragraph pertains to those definite those terms. So, yeah, fishing would have been, fished means before the, you know, in compliance with the control date.

**Phil Anderson** [00:16:46] Thanks.

**Phil Anderson** [00:16:48] Bob Dooley.

**Bob Dooley** [00:16:52] Thank you Mr. Chairman. Thanks Mr. Chairman, and I had my mute on. And thanks Corey for explaining a well-crafted motion here. Got a couple of questions of course. I was okay with all of it down to number four, and you explain that, but I just kind of wanted just to get it clear in my mind what that means up to the number four. And I think the result of getting there, notwithstanding the participation criteria because that's a component of the top, you know, it's explained about it, but it

requires it, the result of this would result in three separate types of quota share, is that correct? Would be trawl only, any gear and then using Jim Seger's language, maybe legacy fish, that it would have a third classification there. Is that correct?

**Phil Anderson** [00:18:08] Corey.

**Corey Niles** [00:18:09] Thank you for the question, Bob. No, and not correct, sorry, it's just the two types and maybe that's where we have, and again respecting everyone's views. I'm not, at the department we're not viewing this as a legacy on number four. There are only two types of quota, one is restricted just to the trawling and the other type is the same quota that's existed in the program. Yeah, depending on, but then it behaves like all of the other quota share other than the gear limitation on trawl only it just behaves like quota in this fishery and then... but, yeah, depending on those participation, I can't say that word today, precipitation criteria, you know what I mean? But that Option 2 would direct the remainder of the quota not going to the gear switching or fixed gear operations would give it to the, you know, trawling, not folks who earned their quota by trawling and don't fish anymore, but the people who are actually in the fishery trawling. So that was one option here for getting some, you know, a look at, you know, if we put the any gear quota in the hands of the acting, the trawlers who are active, you know, would that change the likelihood that it's being leased out at all. But to answer your question again directly, no there would just be the two types of quota share and quota pounds, trawl only and any gear.

**Bob Dooley** [00:19:45] Follow up if I might Mr. Chair.

**Phil Anderson** [00:19:49] Go ahead.

**Bob Dooley** [00:19:50] Okay. So, if I understand it correctly would they also participate in the other part? If it's deducted from the 29 percent to account for the people that get those, that privilege, that qualify and get this special privilege or special allocation I guess, do they also share in the remainder of the 29 percent?

**Corey Niles** [00:20:29] Mr. Chair, through the Chair, yeah, no. That's what I'm, and just to speak to intent, maybe it's not clearly written for interpretation, it would be you look at Option 1 under the, and I'm just going to stumble on that word, after the second set of criteria, it says all sablefish north quota share owners not meeting the fixed gear participation criteria so they would not, so they would, they wouldn't be in that part and they wouldn't be in Option 2 unless they bottom trawl. So only I guess it would be Option 2 that they bottom trawl, that might be something for staff to have to see if I was, this motion was consistent, but no it would just be step three, they get, do they have all their quota that they own as any gear and then that's it. They don't, and, yeah, to just correct myself, no, even people who did bottom trawl and fixed gear would, they would have, that step three would have all their quota kept as any gear so they wouldn't get any of the remainder.

**Bob Dooley** [00:21:37] Okay. I have another question, but I know I'm on my two limit question, so whatever, I'm whatever you please Mr. Chairman.

**Marc Gorelnik** [00:21:47] Well, let's see if anyone else has their hand up, and if not, then you go ahead and ask your third question. So go ahead and ask, please.

**Bob Dooley** [00:21:56] Okay. So I assume when you get down to the very bottom Option 2, I'm kind of understanding that prior to year of quota share conversion I'm thinking that that's after we make a decision here at some point in the future, and so it's after the control date and are those vessels the only ones in the entirety of the ITQ sector that receive that allocation of that 29, that remaining allocation of

the 29 percent. I'm a little confused there.

**Corey Niles** [00:22:46] Thank you Mr. Chair. Under that Option 2 yes, so I'm just going to say I don't think this is accurate, but let's say there's that 10 percent of the... the quota goes to fixed gear businesses and then there's step three and then the Council selected Option 2, then that 19 percent remaining would only go to the people that meet this, that fished in the years, yeah, it would depend on when the Council acted. Only those boats that meet those criteria would get that remaining 19 percent. Everyone else would get.....

**Bob Dooley** [00:23:23] Trawl only....

**Corey Niles** [00:23:23] Yeah, and so that really changes the, changes the percentage of the quota that's converted to trawl only or stays, whatever way you want to look at it. So, there's only 19 percent, but it gives it to a smaller number of businesses possibly and then so the percentage they get of any gear is higher if that makes sense.

**Bob Dooley** [00:23:41] But you said prior to the year of conversion, you didn't answer that part of the question. Is that as of the control date? Or is it sometime in the future when the program is if we choose to do something is implemented?

**Corey Niles** [00:23:58] The latter, and excuse me Mr. Chair, the latter because the difference, and I had this question, but the control date applies to gear switching activity or fixed gear fishing, so the control date doesn't apply to bottom trawl fishing, so to me they're separate things. This is more of a, you know, this is more of a, that option would focus on active fishing instead of those folks who may not actually fish and just lease, so it's, the rationales are totally different between why we have a control date and why the Council may end up recommending this. So, the control date rationale doesn't apply to bottom trawler fleets, or the bottom trawlers who are actively fishing. You know it would be part of the purpose and need of acting at all would be to improve the situation for active bottom trawlers. So yeah, the control date would not apply. It would just be like if, I don't know when this conversion would happen, but just 2023 for example, then that, then it means they were active in 2021 and 2022. Sorry, I'm losing my words here but hopefully that answered it, Bob.

**Bob Dooley** [00:25:11] Thank you. Yeah, it does. You're clear. Thank you.

**Marc Gorelnik** [00:00:00] All right. Brad Pettinger please.

**Brad Pettinger** [00:00:05] Yeah thank you Chair Gorelnik. I'm kind of looking at Option 2 a different....well, I look at that as an active trawler designation. And so you're saying..... I would look at if you had a vessel fishing two years prior to the, basically you had to have two or three, two-year landings before you could be, your quota share could be converted to quota pounds that could be gear switched. Because what you're saying right here is that basically whenever this gets enacted, that whoever's been fishing for least two years prior, they're going to get a quota share locked in into the future that could be all gears. I guess maybe that's my question? Corey.

**Corey Niles** [00:00:56] Yeah, thanks Mr. Chair and Mr. Vice Chair and kind of yelping dog here so but I think I got it. Yeah, like for example Brad, if someone hadn't fished since the control date, someone hadn't bottom trawled since the control date, they wouldn't need Option 2. They would have had, again using hypothetical 2023, the boats would have to have been active in 2021 and 2022. I think the difference in that of the active trawler designation would be, it's not an ongoing thing, it's just this is a conversion, a onetime conversion and so, yeah, I think you said it then after that conversion they, the quota share that they qualified would remain, would remain in place until the Council ever acted again.



I hope that answered it.

**Brad Pettinger** [00:01:46] Okay. Okay. Okay.

**Marc Gorelnik** [00:01:46] You have a follow up?

**Brad Pettinger** [00:01:57] Well I'm just kind of wondering if there's a look at the Option 2 with the north at 29 percent. The devil's in the details here. I guess for analysis could that 29 percent number be smaller in this as far as looking at or are you basically stuck on 29 percent?

**Marc Gorelnik** [00:02:27] Corey.

**Corey Niles** [00:02:28] Yeah, thanks Mr. Chair, and thanks Brad. If you go to, if Kris or Sandra could scroll up to the second part. Yeah, that Option 1 and Option 2 under the split. Under this motion those would be the only two proposed here, Brad, so it would be, it will be 29 percent, which is going to be over 2 million pounds under the current ACLs we're looking at and then 1.8 million pounds, or 29 percent when the ACL is smaller. I would have to ask Jim and staff if there was, how that would work in terms of lower, but no it's really just that these kind of, these two different looks at 29 percent in terms of poundages and percent. Those would be the only two splits between.....and this motion.

**Brad Pettinger** [00:03:21] Thank you.

**Marc Gorelnik** [00:03:21] Christa Svensson.

**Christa Svensson** [00:03:29] Yeah, thank you Mr. Chair. I actually have a question about Option 2 and this split as well. I am interested in really the decision process behind why you chose to put in an 'or' for both of these of the 29 percent or the 1.8 million pounds. I mean it seems to me that this is asking folks that are fixed gear, small processors, vessels that would want to participate in gear switching or at least in quota to fixed gear folks, you're asking them to take the lumps but not if quota goes up or availability of fish goes up to not share in the bonus. So Corey, can you please explain why you made that decision in terms of 29 percent or the small, or 1.8 million pounds, whichever is the smaller?

**Corey Niles** [00:04:34] Yeah, thanks Mr. Chair. Thanks Christa. Well, I can try to articulate the thought. You know we were hearing interest from around the table that 29 percent was the number that folks wanted but I was hoping for a little bit smaller range around that, but in terms of sharing in the, sorry I don't remember the phrase you used, but sharing when it grows, sharing the benefit, that's, I think that's what Option 1 would do, because when, you know, the 29 percent I don't fully understand how we arrived at. I can't remember how it was arrived at last time, but it was an average of some years during the, you know, during the period between 2011 and 2000, and the control date. So, in terms of poundages, if that 29 percent is actually lower than what was fished with fixed gear during that time it got as high as, I can't remember what's in Table 1 in Jessi's analysis, but it was as high as thirty five something percent, if not higher. But that 1.8 million in terms of poundages was the high amount landed before the control date, the year before the control date was the high and that was at 1.8 million, which was something like 35 percent at the time. So, yeah, like I said, I get confused by percentages and poundages, and this was the way I just came up with to give some flexibility to look at both but, yeah, under Option 1 the 29 percent would continue to grow with the ACL, it's just in Option 2 that it's the 1.8 or less if the 29 percent is less. So hopefully I got there for you but that was the thinking.

**Marc Gorelnik** [00:06:33] Okay Christa?

**Christa Svensson** [00:06:33] Okay. Yeah, thank you Corey, and thank you Chair Gorelnik.

**Marc Gorelnik** [00:06:44] Let's see if there are further questions of Corey and if not, we can have some discussion on the motion. Not seeing any more questions so folks have, want to talk about it? Brad Pettinger.

**Brad Pettinger** [00:07:11] Yeah, thank you Chair Gorelnik. Corey, on this, on this motion if you look at the Option 2 at the very bottom, you say the quota share, it's a onetime deal they could convert it to whatever that number comes out to, is that then, does that quota share be, when it's sold is it to continue with the all gear designation?

**Corey Niles** [00:07:45] Yeah, thanks for the question, Brad. Yeah, I said it quickly, but, you know, the way this is, the motion's crafted it would just, this just quota share and quota pounds that behave like normal quota shares and quota pounds with the exception of the gear rule so the intent here would be, yeah, it would just be, it could transfer like quota share. It can go, you know, trawlers could buy it. The any gear quota share you're talking about could go to anyone and be fixed with any gear. It doesn't expire. Yeah.

**Brad Pettinger** [00:08:19] Okay. If I may Chair Gorelnik? Well, my fear is that that gear or that quota is going to be bought by a fixed gear person because they think they can commit to a higher price because they're fish is bigger and they can, it's worth more money. That's fine. My fear with this with that aspect is that you're just going to, the quota is going to go out, permanently outside the trawl fishery. And that's my, that's what doesn't sit well with me. So thank you.

**Marc Gorelnik** [00:08:57] Corey.

**Corey Niles** [00:08:59] Yeah, well thanks Brad for the, I don't want to get too into merits, but that's going to come out in analysis Brad, and I don't mean to get into a debate but I think I've seen some data that you get more per pound of sablefish by trawling it and if the markets were to take off what you're statement wouldn't be necessarily accurate. You could earn more for the quota share per pound of sablefish by trawling it than you could by fixed gear, and that's in the analysis so understanding your concern, but I think that's still an open question. I don't mean to diminish your concern, but I've seen, we've seen evidence that if the economics is there, which it is for some people, then, you know, a processor or a bottom trawler would be willing to pay more for the quota share.

**Marc Gorelnik** [00:09:51] Bob Dooley.

**Bob Dooley** [00:09:53] Yes, thank you Mr. Chair, and I'll make it short. Just one clarifying question for you Corey is that the Option 2 at the very bottom of the page, is that a onetime opportunity or is it recalculated every year, every couple of years for active trawlers? It looks like that's kind of an active trawler thing, but do you, you just get one bite at the apple or are we going to create a new race for making sure people throw a net around to get part of that?

**Corey Niles** [00:10:29] Thanks Bob. Yeah, a onetime thing. This would just be a onetime creation of the new quota share category and then, you know, well.... one time until the Council ever acts again, but under this if the Council were ever to take this action on contemplating this motion it would just be that one time. One time thing.

**Bob Dooley** [00:10:52] Thanks.

**Marc Gorelnik** [00:10:54] All right, thanks Bob for the question. Anything further on this motion? Any discussion on this motion? Marci Yaremko.

**Marci Yaremko** [00:11:08] Thank you Mr. Chair. Thank you, Corey, and I'm going to step back a little bit and think back to our last decision point and our last discussion and you might recall I voted no, and here again I will be voting no for the following reasons. But with all respect to my colleagues around the table, especially those that have worked so hard to try to strike compromises here at this stage in the process and develop a range of alternatives forward on this issue. I know there's been a ton of thought and compromise and looking out for what's important, looking to the future. But I just can't see the outcome here culminating in something that overall is a win. Number one, there is no clear purpose or need to curb gear switching in the current IQ program. Initially, we heard that shortage of northern sablefish shares was preventing the trawl fleet from getting other desired targets out of the water. That problem no longer exists, and markets now have vessels on trip limits for dover sole. Market conditions can and will change, and I hope that does change soon, and the program was designed to afford markets and vessels maximum flexibility to adapt to changes in circumstance. Also, I've seen no evidence that northern sablefish IQ landings made with non-trawl gear would result in those IQ landings instead being made with trawl gear. But conversely, there's plenty of evidence to suggest those landings would just be lost altogether. There is no conservation concern with fixed gear landings and no benefit accrued to the industry or to the nation if those landings are simply lost. So, I'm concerned about that. I'm concerned that this proposed alternative and possibly others propose something like a limited entry or an IQ program within the existing IQ program. I didn't hear any individuals or sectors in this discussion this meeting or previously express any support for the most simple way to curb gear switching to the 29 percent level the Council previously selected. That would be through simple inseason quota monitoring. So, if the concern is keeping landings with fixed gear to 29 percent, there is a mechanism to do that that is simple and effective and doesn't sound like that's what people want. To me that suggests the proponents are more interested in a new suite of rules that will restrict some people's activities but not others. Originally the limited entry trawl fishery could have been considered a closed class, permitted vessels. That's something we've been hearing about in the mothership fishery. Now with quota shareholders, in addition to trawl permittees, lessors, lessees of quota and buyers and brokers representing varied interests, the class really can no longer be considered closed. In recommending the program allow for gear switching at the onset, at that time some trawler's envisioned converting or the option of converting either through a sale arrangement or through a quota pound lease arrangement. Each trawl entity was able to make that choice for itself and proposing to take away these choices now once ownership interests have changed hands means forcing some operations into a business model they didn't bargain for, or it means selling to a much smaller universe of interested buyers and also limits the future buying and leasing pool, and consequently the likely value of those shares or vessels. One of the life lessons that I remember being told from the youngest of ages is that you don't build yourself up by putting others down. I, like everyone else around this table wants nothing more than to see our trawl fleet succeed and grow. I see no reason we should be interested in reducing the diversity that now comprises the IQ fleet by forcing most of the fleet to use the same fishing strategy. I agree also with those suggesting the Council must consider the national standards requiring fair, fairness and equity. Number three. I want to talk about cost for a minute. We haven't heard yet what any of these alternatives might cost. Of course, we don't have alternatives yet but we really don't need NMFS's cost analysis to guess what this might cost. One thing is for sure, there are not enough cost recovery dollars to cover both this program and electronic monitoring. Litigation must be expected with any proposal that limits entry and takes away an interest that someone paid to acquire, and I think Bob Alverson is probably right with what we heard from him earlier this week. The alternatives are so complicated that those that think they will qualify under one proposal or another may face an unpleasant realization that they misunderstood and expected litigation costs really need to be included in any estimate of costs. Number four. The chilling effects. I do agree with remarks to us that suggest we might only be hearing testimony and receiving written comment from a portion of the potentially affected communities and interests because of possible repercussions that might come from airing remarks in a public forum such as this. That's unfortunate and I really support those suggestions that should the development of alternatives and analysis proceed that NMFS or the Council find a mechanism to allow for some

verifiable way for program participants from all facets to offer confidential submissions. And number five. Fear of the unknown. For those that have raised concerns that the shortage of available sablefish shares on the market may not exist today, but could once again in the future, and we should worry about that concern and fix the problem for next time. I think there's likelihood that any number of unforeseen events affect markets and business plans and operations. It's important to keep in mind that one big reason we decided to move to an IQ program was to allow businesses and marketplaces to choose how they would respond to new circumstances, whatever they may be, good or bad in their own individual manner. Mentioned this argument last time but I think it deserves repeating, what would happen, when we're talking about the unknown and what the future holds, what would happen if we were to find a trawl dominant target stock like petrale or dover sole become overfished? Wouldn't we want trawlers to be able to use or lease out potentially all of their sablefish shares for use with fixed gear in order to continue harvesting what is usually one of our most valuable West Coast stocks? I sure wouldn't want to preclude that possibility. So, in closing, reducing flexibility to the IQ fleet is not in our state's interest for sure, which is why or where we have extremely diverse groundfish fleets, ports, and communities. And for those reasons I am voting no. Thank you.

**Marc Gorelnik** [00:20:47] Thank you Marci. Further discussion on the motion? Christa Svensson.

**Christa Svensson** [00:21:02] Hold on one moment. There we go. Okay. Thank you Chair, and I know I've spoken a lot in the last few days about this and I agree with virtually all of the sentiments that Marci just outlined and I will say that I voted in favor of moving forward in June. I will also say that last night I would have said that I'm no longer in support of moving forward on this agenda item. I think that the State of Oregon, which I represent, is fractured on this topic and I really was thinking that dissent is the only path to getting alternative voices heard. I also just want to reflect for a minute on what has changed my mind in that opinion. I, like every Council member, takes my role seriously and I will say that September is my favorite meeting, regardless of where we meet, whether it's online or in person, because it gives us a chance to hear the oath once again as new Council members are sworn in. And my copy is pretty honkin' crumpled. I was nervous when I gave mine. I look at it regularly. It's sitting right here next to me because I want a tangible reminder that I am here to serve others. And I also just want to reflect for a minute for members of the public that you should never underestimate the power of public testimony, including individual outreach to Council members, because that collective outreach this weekend really was a reminder when I woke up this morning that we do need to have analysis so that we can discuss how to create a future that better meets the needs of active fixed gear and trawl fishery participants than what we have today. I do also want to say that I quit counting when I had talked to 50 people, I've talked to just a ton of people and I know we all have, but I have never heard anyone say that they wanted to have a hundred percent fixed gear. And I sometimes feel like that's a bit of a fear mechanism to get people overly excited that we will not have an opportunity for trawlers. So, I have heard repeatedly, however, that fixed gear participants and trawlers in favor of gear switching or leasing their quota are only in favor of status quo. And I also want to say I am appreciative of the testimony this week for folks who were willing to consider Options 1 and Options 2 that were put forward to us, while I recognize that they are not what we are necessarily deciding on today. It indicated to me that positions are not so firmly cemented that we cannot find a path forward, but rather that any path forward we choose needs to include a future for all of us. I also understand that, and this is a bit of fear of mine, that if I have had voted no that it would signal to Council members and to the public that certain stakeholders are so firmly entrenched that we cannot find a path forward. So, I am voting in support of this motion. I'll be supporting in favor of other motions that come forward, but that support is hesitant. I think that we need to consider all stakeholders and otherwise they will not be acceptable, and they won't be acceptable to me, but they also won't be acceptable to dozens of other businesses and organizations out there that have called me this week. So, I think that, you know, with additional and comprehensive information from Council staff, advisory bodies and the public, that we can move forward in a fair manner and I will be firmly supporting this motion. So, thank you for letting me air

my thoughts.

**Marc Gorelnik** [00:25:37] Thank you Christa. Further discussion on the motion? Butch Smith.

**Butch Smith** [00:25:48] Yeah, sorry Mr. Chairman. It's getting late but this is obviously an important decision the Council making, not just this one, the one after, but I am going to support this motion with the expectations that there is some kind of economic study done on what these mean so we can have the tools to make a qualified decision, whether you're the biggest boat in the ocean or a smaller boat in the ocean, you know, to me all fishermen count, and I think this Council believes that too, so whether you're landing in Newport, Oregon or Ilwaco, Washington or Westport, Washington or anywhere in between California, we need to know, I need to know once we get these things up on the wall what this means to real people, what the economic values mean, losses and gains mean to the fishermen and also the communities and the plants. So, I'll be supporting that, but I do have expectations that we will do that work, you know, as we narrow these alternatives down. So, thank you Mr. Chairman and thank you for all the speakers that went before me because it was real informative. Thank you sir.

**Marc Gorelnik** [00:27:29] Thank you Butch. Christa your hand is up.

**Christa Svensson** [00:27:40] I don't know if you can hear me. I don't know if you can hear me but I am sorry, but I need to just lower my hand. Thank you.

**Marc Gorelnik** [00:27:48] Okay. All right that's perfect. I just wanted to make sure that if you wanted something, wanted to say something more, I wanted to make sure I call on you. Okay, Maggie Sommer.

**Maggie Sommer** [00:28:00] Thank you Mr. Chair. I'll keep it very brief now because you'll hear from me at length shortly, I think. I just wanted to speak in support of including this motion and a range that the Council adopts. I do think it presents a good approach for consideration and appreciate Corey bringing it forward and the thinking going into the use of the nexus with quota share account ownership, quota share ownership, and certainly keeping in mind that what our action today is adopting a range and there will be further analysis and review and the chance for public input and Council consideration of all of that and adjustments as necessary. But overall, again I will be voting yes on the motion and think this is a good approach to move forward for further consideration.

**Marc Gorelnik** [00:00:01] All right thank you Maggie. Any further discussion on the motion? Brad Pettinger.

**Brad Pettinger** [00:00:06] Yeah thank you Chair Gorelnik. You know, I like a lot about this notion. It's the building in the, dealing the quota share to specific trawl or, you know, trawl only or all gear, especially the Option 2, and I'm just not sure, it's a big motion, I don't even know where to start on it as far as making an amendment. But I'm just kind of curious just if this moves forward I would, which I think that if those are the flexibility to have quota pounds as part, instead of quota share, and I'm not sure how to do that but that if that would be, if the, I guess the amendment, the main framework of how it's put together using quota pounds, if that would be considered as we move forward because I think at least right now it locks the Council into decisions that down the road that might not, we won't have any control over. I think that's not very good management on our part. So, don't know if that's a question for Jim or whoever that as far as who would look at this?

**Marc Gorelnik** [00:01:39] Well, it's either a question for Jim or the maker of the motion. Phil, do you have an answer there or just a different comment?

**Phil Anderson** [00:02:00] I have an answer and a different comment.

**Marc Gorelnik** [00:02:03] All right, we'll go two for one. Go ahead.

**Phil Anderson** [00:02:08] Well, first of all I support this motion. I think the issues that we saw in the analysis about whether you use permits or vessels in the, and the difference in the individuals that qualify depending on the entity you use are addressed by using quota shares and I, so I'm, I like this approach. I think the framework is a good one. I think in terms of my answer to Brad's question is that my understanding and anticipation is once we make our decisions on a range of alternatives, assuming that we have some when we're done with this discussion, it's going to go back to the analysts. They're likely going to be bringing these back to us in March and it does not preclude us from making changes to the alternatives based on what we learn from further analysis by our analysts. So, I would not be in support of changing this, that aspect of this motion at this time, but if we learn through the further work that's done on it, in the analytical work that's done that we, that that kind of a change would make sense, we would have a chance to entertain that when the time comes.

**Marc Gorelnik** [00:03:54] Thanks for that Phil. Bob Dooley followed by Corey Niles.

**Bob Dooley** [00:03:59] Thank you Mr. Chairman. And thanks Phil, that was kind of my understanding going in. I'm glad you stated it. I think that these are a preliminary range of alternatives and through the analysis that comes forward later we can make adjustments and I, that's the reason I will be supporting this is because I think it has a lot of good parts and it has some flaws, but we'll deal with those when the analysis comes out... that maybe my perception is wrong when the analysis comes out. So, I'm willing to, you know, we need to have something. I really appreciate the fact that Corey has been so receptive to ideas and conversations to and actually has acted on those to change it and so I appreciate that. There's parts I'm on board with, parts I'm not, but we'll just, you know, I think that this is, it covers a lot and so I will be supporting the motion.

**Marc Gorelnik** [00:05:13] Okay Bob. Thank you. Corey Niles.

**Corey Niles** [00:05:17] Thanks Mr. Chair. I just want to echo one thing Phil said, and then I didn't say clearly before in the response to Brad and Bob's comment. I could hardly say participation today so I didn't say it clearly but this was Butch's request even before we got to this level of detail, but, you know, after this meeting could we have, could we sit down with various groups and talk through the details and we said yes, that would be a great idea. So, I just want to say that again for people who are listening. This is no way, I totally agree with what Phil and Butch, I mean Bob said, not entrenched here, not convinced that this is the best way of acting but just emphasizing yes we tend, we plan on reaching out and reach out to us and others and that type of feedback and really I think the purpose here is to focus in on those issues like Brad... quota share versus quota pounds... which I think we've heard might be an issue already. And so, yeah, just hone in on what the key issues are and so at that next stage we can zero in on the differences. But again, just point being yeah, really willing, wanting to hear feedback and talk through ideas from this point forward.

**Marc Gorelnik** [00:06:41] Thank you Corey. Further discussion on this motion? And I'm not seeing any hands so I'm going to be brave and call the question. All those in favor say 'aye'.

**Council** [00:06:58] Aye.

**Marc Gorelnik** [00:06:59] Opposed, no?

**Marci Yaremko** [00:07:03] No.

**Marc Gorelnik** [00:07:06] Abstentions? Motion passes with one nay by Marci Yaremko. Thank you,

Corey, for the motion moving this agenda item forward. But I am led to believe that there's more action here, so we'll see if someone wants to raise their hand and continue to move us forward. Maggie Sommer.

**Maggie Sommer** [00:07:40] Thank you Chair Gorelnik. I have a few introductory remarks. I intend to offer a motion, but I'd like to provide a few comments first to frame it before it is put up on screen and I read through it to help orient people to my thinking.

**Marc Gorelnik** [00:07:59] Sure.

**Maggie Sommer** [00:08:00] All right. Thank you very much. I want to first really appreciate the discussion that was just had. That is very important, and it is certainly how I have approached the alternative I will be proposing as well. I, you know, we are at the first formal step in the process here of adopting a range of alternatives and there will be opportunity for review and comment and adjustment as we move through it and it will be very important to understand how these alternatives might work within their own bounds, but also to be able to compare them to each other and make a choice overall on which we think might be an appropriate, the best approach as we get farther down the road to eventually... possibly a preliminary preferred alternative step. I'll say in developing an alternative to propose I considered a couple overarching questions. One is do the proposed, or does the alternative, does it address the purpose and need statement that this Council adopted in last September, and is it consistent with requirements and guidance, including those in Amendment 20's goal and objectives, the West Coast Groundfish Fishery Management Plan, Magnuson National Standard 1 and the National Standard 1 guidelines on optimum yield, National Standard 4 on allocation and NOAA's technical memo on allocation of fishery harvests, which provides guidance, particularly regarding considerations for fair and equitable allocations, the Magnuson's requirements and guidance on limited access privilege programs, National Standard 5 on efficiency, National Standard 8 on providing for sustained participation by fishing communities and minimizing adverse impacts, outcomes from the catch share program five year review and extensive analysis, including, but not limited to the current Attachments 3 and 4 in this briefing book and the preliminary assessment of trawl under-attainment issues and SaMTAAC alternative qualification criteria from last September as well as the SaMTAAC principles? That was a lengthy list, but I think it's important to get on the record the range of guiding principles and requirements that I have been considering and I know others have too as we move forward on this. So, with those in mind, as I said I put together a motion in a moment to offer a second alternative to the range. It will be based on Alternative 2 from the SaMTAAC recommendations found in C.5, Attachment 1. It begins on page 5 of that document if anyone wants to turn to it so you can refer to that as it's scrolling by on screen shortly. And I'll note that I will be including some modifications based on input we've received from the GAP and the public and in Council discussion today in fact. Those modifications will be noted through strikethrough and gray highlighting for items to be deleted from the SaMTAAC alternative, and green highlighting will indicate new language. It will, as Alternative 2 does, offer an endorsement approach where gear switching will be limited at very low levels for vessels except when fishing under a permit with a gear switching endorsement that will allow higher levels of gear switching. It will contain options for qualifying for the endorsement based on the permit vessel and or quota share ownership. It will also contain options for how much gear switching the endorsement will allow based on potentially landings history, quota share ownership or a combination of both. In all configurations of the option I intend to offer, it would keep gear switching under 29 percent. Some options would reduce it to levels below 10 percent. I'll speak to details when the motion is up, but I also I guess will note for the record that I've used the full, well as I have said, I've used the full language from the SaMTAAC alternative in Attachment 1. And I chose to do that because it has been in our Council documents. It was first provided to us in the SaMTAAC report. It has been in our briefing book. We first saw it last fall in this form and it's again in the briefing book for this meeting and its language and layout may be familiar to you by now, but it does make it lengthy. So, I just wanted to

provide some advance warning and apology for that. And then finally, you know, again I will speak to this at the end, but I am approaching this in the spirit of doing my best to do some streamlining. It is important to be as specific as possible in adopting a range so that the analysis and public review are focused, but I want to recognize, and we've all heard through this discussion today that there remains such a need to understand a wide, a big number of open questions about potential gear switching limitations and methods and how various permutations would work, and I did feel it was important to include those. So, the alternative will contain a number of options that will need some, to be, to have a choice made between them at some point in the future after we receive the next round of analysis, should the Council choose to adopt it for review. So, with those introductory remarks at your pleasure Chair, I would be ready to offer a motion.

**Marc Gorelnik** [00:14:26] Well, I would suggest you go ahead and offer it and Council members will have an opportunity to follow up the questions on the motion as well as your introductory comments.

**Maggie Sommer** [00:14:39] Great, thank you very much. Thank you. I move the Council include the following alternative. There's one correction Kris. Would you please make 'alternatives' in the top, sorry, the line below that. That one's singular. Thank you. I move the Council include the following.....Kris would you put the 's' back in. I'm going to take a drink of water and start over here. I move the Council include the following alternatives in the range adopted for further analysis and review. No action alternative: Gear switching endorsement alternative, action Alternative 2. Overview: in the area north of thirty-six degrees north latitude a vessels gear switching activity will be restricted based on limited supply to its trawl limited entry permit and the size of the limit will depend on whether or not the permit has a gear switching endorsement. The amount of sablefish gear switching allowed will be larger for gear switching endorsed permits then for non-endorsed trawl permits. Gear switching endorsements will be attached to permits and based on a permit or vessel meeting minimum qualification criteria that include gear switching history and under some options, linkage between the permit quota share and or vessel ownership. The endorsement might or might not expire when the permit to which it is attached is transferred. If endorsements expire with permit transfer, the higher gear switching limits would eventually phase out and all vessels would be restricted to the lower, to lower level gear switching limits provided for permits without gear switching endorsements. Full description: Moving on to the page on the right. Gear switching endorsement and qualification: Gear switching endorsements will be attached to trawl limited entry permits and will not be severable from the permit. The gear switching endorsement on a permit or the absence of such endorsement will determine the northern sablefish gear switching limit associated with the permit. To qualify for a gear switching endorsement between January 1st, 2011, and September 15th, 2017, the control date, the limited entry trawl permit option for further analysis or vessel must have landed northern sablefish IFQ with fixed gear totaling at least: Endorsement qualification Option renumbered number 1. Permit option for vessel has 30,000 pounds per year in at least three years. New endorsement qualification Option 2: Permit option for vessel has 30,000 pounds per year in at least three years and quota share ownership, any amount on the control date by the permit owner. Option for vessel owner. New endorsement qualification Option 3: Permit option for vessel has 30,000 pounds per year in at least three years and quota share ownership any amount and vessel ownership on the control date by the permit owner or for vessel owner option and permit ownership on the control date by the vessel owner. If vessel is used as the qualifying entity, then at implementation the vessel owner designates a limited entry trawl permit to carry the gear switching endorsement. Sablefish gear switching limits: Trawl permits with gear switching endorsements. The annual sablefish north gear switching limit for a gear switching endorsed permit is: Endorsement limit Option 1: For each qualifying permit or.....could you please strike 'option for vessel there' and that changes because the endorsement would be attached to the permit. For each qualifying permit the average percentage of the sablefish north trawl allocation caught with fixed gear for years fished between 2011 and the control date. New endorsement limit Option 2: Each qualifying permit owner.....please strike that parenthetical also, thank you.....receives a gear switching limit



equivalent to the percentage of quota share owned as of and since the control date. In addition, the difference between the amount thereby allocated and 29 percent will be allocated among all qualifying permits. And strike that option for vessel. Thanks. Proportionally to each permit's, and again, thank you very much, I missed this earlier. Proportionally to each permit's.....okay I will have a correction for you to type in a second Kris and then I will reread this endorsement limit option. Each permit's average annual gear switched landings. If after that, you would put a new parentheses, or the qualifying vessels landings, close parentheses. And please strike the option for vessel at the very end of that green highlighted paragraph and I will restart reading new endorsement limit Option 2. Each qualifying permit owner receives a gear switching limit equivalent to the percentage of quota share owned as of and since the control date. In addition, the difference between the amount thereby allocated and 29 percent will be allocated among all qualifying permits proportionally to each permit's average annual gear switched landings or the qualifying vessels landings in years fished in the trawl IFQ program before the control date. This additional allocation will be operationalized as an addition to the permit specific limits. Next page please. New endorsement limit Option 3: The percent of sablefish north quota share owned by the qualifying permit owner, option for vessel owner as of and since the control date. Trawl permits without gear switching endorsement. The annual sablefish north gear switching allowance for a trawl vessel except when fishing under a permit endorsed for gear switching is 10,000 pounds. Gear switching limits and permit transfers. For both gear switching and, pardon me, for both gear switching endorsed and non-endorsed permits, the gear switching limits are associated with the permit. If a permit is transferred mid-year, the fish caught prior to the transfer still count against the permit's limit for the year. I left in a question that was included in the version of the alternative in Attachment 1. For further deliberation should a vessel be able to expand its gear switching opportunity by sequentially fishing under multiple gear switching endorsed permits? Yes. Combination of trawl permits. There has been no change to these, but I will continue to read through them unless instructed otherwise by the Chair. Current management measures allow vessels to combine permits to create a single permit with a larger vessel length endorsement. If a trawl, if trawl permits are combined and if there is a gear switching endorsement on either permit, the permit resulting from the combination will have a gear switching endorsement. If both of the combined permits have a gear switching endorsement, then the larger of the two limits will be included on the resulting permit. Gear switching limit overages. When a vessel reaches the gear switching limit, as determined by the permit registered to the vessel, it may retain and sell any sablefish caught in excess of the limit, but may not deploy non-trawl gear on any trawl IFQ sector trips taken during the remainder of the year. The gear switching limits are specified as limits on the max, maximum amount of sablefish quota pounds that can be used to cover fish caught under the IFQ program with non-trawl gear. All gear switching overages must be covered by quota pounds. Any quota pounds a vessel uses for gear switching in excess of its gear switching limit will reduce the following year gear switching limit for its permit by the amount of excess quota pounds used. This applies to the permit being used by the vessel at the time of overage. Suboption. Any quota pounds a vessel uses for gear switching in excess of its gear switching limit will not reduce the following years gear switching limit. Other species gear switching limit for all trawl permitted vessels. There will not be any gear switching limits for other IFQ species. Annual vessel quota pound limit. Regardless of these gear switching limits, trawl permitted vessels are not allowed to catch amounts in excess of the northern sablefish vessel quota pound limit, taking into account both the vessels trawl and non-trawl quota pound landings. Endorsement expiration. Expiration Option 1: Gear switching endorsements will expire when the permit is transferred to a different owner, or a new owner is added to the existing permit ownership. Ownership based phase down of gear switching. Expiration Option 2: Gear switching endorsements do not expire when the permit is transferred. That is the end of the motion.

**Marc Gorelnik** [00:25:58] All right, well that's quite a mouthful there. Very comprehensive. Very detailed. Well explained. Jim Seger has his hand up, so he may have some thoughts.

**Jim Seger** [00:26:14] Mr. Chairman, I know the Council's been at this for over two hours now and we

just dealt with a very complicated motion and this one has a lot of complexity to it. I'm wondering, before you take a second on this, we might have a little break for some additional side discussions?

**Marc Gorelnik** [00:26:34] Well, how the time flies when you're having fun. You're right, we resumed at 3:45 and we've been at it for over two hours. It is of course almost six o'clock and I want to be, of course that's in the Pacific Time Zone. Of course, almost seven o'clock in the Mountain Time Zone so can we keep this to a 10-minute break so that we can come back and address this motion and hopefully complete this agenda item without it bleeding over it to day last. Maggie.

**Maggie Sommer** [00:27:13] Yes.

**Marc Gorelnik** [00:27:15] All right. You're agreeing with a 10-minute break?

**Maggie Sommer** [00:27:19] Yes, I am.

**Marc Gorelnik** [00:27:20] Great. All right, it's 5:55. We'll be back at 6:05.

**Marc Gorelnik** [00:00:00] Okay my friends it's 6:05 on Tuesday evening and we are on our last agenda item of the day and Maggie has read her motion into the record. It has not been seconded and Maggie do you have any corrections or changes you wish to make?

**Maggie Sommer** [00:00:27] I do. Thank you Chair. I'd like to make a couple of corrections and appreciate advice from Jim and Jessi, who I had had some exchanges with about my intent and so they are hopefully making sure I don't go off that track in wording here. So if we could go back a page to the.....okay sorry, let's go back one more page. Perfect right there. We are going to go and put back in some of those option for vessel parenthetical statements that I had you remove. Thank you for your patience, Kris. So, the first one will be, well I'll just read through it, each qualifying permit owner, and then open parentheses, option for vessel, closed parentheses, receives a gear switching limit equivalent to a percentage of the quota share owned as of and since the control date. In addition, the difference between the amount thereby allocated and 29 percent will be allocated among all qualifying permits, and then open parentheses, option for vessel, closed parentheses, average annual gear switching landings. Oh, I've skipped a line pardon me. Proportionally to each permit's.....Let me re-find my place there. I'm going to start with 29 percent will be allocated among all qualifying permits, option for a vessel proportionally to each permit's, and follow that with option for vessel please, that's the right place where your cursor is, average annual gear switched landings in years fished in the trawl IFQ program before the control date. This additional allocation will be operationalized as an addition to the permit specific limits, follow that with one more, open parentheses, option for vessel, closed parentheses. Thank you very much. That is the end of the corrections, and I will explain them when I speak to the motion.

**Marc Gorelnik** [00:02:50] All right.

**Maggie Sommer** [00:02:50] Jim's hand is up so maybe it's not.

**Marc Gorelnik** [00:02:53] Jim do you have some.....

**Jim Seger** [00:02:57] Thank you Mr. Chairman. I think you might have some similar corrections to make on Option 1.

**Maggie Sommer** [00:03:03] Oh, thank you. Can we scroll up to.....

**Jim Seger** [00:03:13] So just right above, Kris just right above, she was in Option 2 just now and then just the one that was right above that. So that would be the, Kris that would be the endorsement limit Option 1, so under, under gear switching limits the endorsement limit Option 1.

**Maggie Sommer** [00:03:41] Right, so endorsement limit Option 1, that's going to be on the following page. Jim, if you're suggesting an endorsement limit Option 1, that text that Kris is highlighting?

**Jim Seger** [00:04:02] Yes.

**Maggie Sommer** [00:04:03] Thank you very much. That is correct. Let's....that should read for each qualifying permit option for vessel, the average percentage of the sablefish north trawl allocation caught with fixed gear per years fished between 2011 and the control date, and Kris if you would please highlight that option for vessel in green so that it indicates that is in addition to the SaMTAAC language. Thank you.

**Marc Gorelnik** [00:04:44] Thanks Jim for the assist. So, Maggie is the language now accurate and complete?

**Maggie Sommer** [00:04:57] Yes, it is. Thank you Chair.

**Marc Gorelnik** [00:04:59] Okay, I will look for a second? Seconded by Bob Dooley. Please speak to your motion.

**Maggie Sommer** [00:05:11] Thank you very much. Appreciate the indulgence on getting it out there. I provided a little bit of introduction to what the motion is intended or how it's structured it's intended to achieve. I do want to note for the record that the SaMTAAC alternatives in Attachment 1 that this is based on do contain numerous footnotes with details that I intend to remain part of the alternative even though they're not specifically repeated here, with the exception of footnotes related to items entirely removed from the adopted alternative. They are not critical to any of the changes I am proposing, and I thought it would make it more readable as a motion if they weren't included. I just wanted to note that. And then before I describe the action alternative I'm proposing, I will note that I have, just to highlight it, included the no action alternative here. Status quo, of course, will remain an alternative throughout the analysis and the process of consideration. Just making that clear here. So, I'm going to walk through it from the top explaining the changes I have made from the SaMTAAC alternative and then have some concluding remarks about it at the end. So, beginning with the overview section. Thank you very much. That's the first green highlighting. That revision reflects modifications that I will describe below, which add options to the qualifying criteria and to the endorsement limit. On this section, as with others, my intent is to give staff the leeway to reword these general descriptions if necessary, assuming that I can make the intent clear enough in my statement here for that to be, you know, be understood. On the second page there where I have the first green highlight indicates that vessel will be an option for further analysis and consideration as a qualifier for the endorsement. We have had a fair amount of discussion, including here today, about which of those better represents true history and dependence, history in fishing activity and dependence on that activity and I do think that it is important to retain both at this point due to the ongoing uncertainty about which is the most appropriate means of determining participation. I will note that even if vessel is used to meet the qualifying thresholds, this alternative would specify that the endorsement is attached to the permit, to a permit identified by the qualifying vessel owner at the time of implementation. On the selection of endorsement qualification Option 1 of the criteria of 30,000 pounds per year in at least three years and the exclusion of the ones highlighted in gray and struck out there, that amount demonstrates a minimal threshold for substantial participation that could be considered representing dependence. The control date represented Council recognition that gear switching may be a problem that should be addressed through policy and regulation change.

And the Council has been continuously, albeit slowly, actively working on the gear switching issue since then and I am recommending using the control date in these qualifying criteria. I am not, I have excluded the recency provisions that were options in the SaMTAAC alternative. As I noted, the control date, we have the control date that was established, and I think considering activity after the control date is inconsistent with the original intent of establishing that control date. I would be concerned that it could set a precedent that motivates future speculative activity in similar situations. I'll note that while the recency provision was intended to screen out vessels that might qualify based on activity very early in the program, because three years are required, vessels that just tried it for one or two years at the start would not qualify, and if they did three years of the seven year qualifying period, then it may be something that was an important option for them to be able to come back to. For adding an option, and this would be endorsement qualification Option 2, this would include quota share ownership in the qualifying criteria. This would add an additional element of investment to that threshold represented by the purchase and ownership of quota share. Option 3 would take that one step further and add an option that would include both quota share ownership and vessel ownership on the control date in the qualifying criteria, representing a stronger element of investment. And the intent here is that that vessel used in the IFQ program to gear switch. For adding the new endorsed permit annual limit options, the, well the first highlight on the right page there talking about endorsement limit options, that is including, that is recognizing the addition of vessel as an option for qualifier. Speaking to the new endorsement limit option beginning at the top of the right hand page, the new options, both two and three, would factor quota share ownership or both quota share ownership and vessel ownership into the determination of an endorsed permits gear switching limit, which considers the participants investment here as well as in the qualification criteria. Under endorsement limit Option 2 each qualifying participant would end up with an endorsement that allows gear switching up to the amount of quota share they owned on and since the control date plus the remaining quota share after that allocation occurs, the remaining quota share up to 29 percent would be distributed to all qualifying entities based on the criteria selected in proportion to their gear switching, average annual gear switching landings. The intent of structuring this limit option like that is to allow quota share owners who meet the qualification threshold to continue to gear switch the quota share they owned and to provide for some gear switching opportunity for those who met the qualification threshold that only included participation, but they did not own quota share. This would provide some opportunity under this endorsement for them to continue gear switching. It also adds a little bit to the quota share, the qualified quota share owners' gear switching limits also in proportion to that, to their gear switching history. Under endorsement limit Option 3 each qualifying participant would be able to gear switch the quota share if they owned on and since the control date and that's it. The.....let me see I lost my spot in my notes. For setting the non-endorsed permit limit, trawl permits without gear switching endorsements, I am recommending changing that from the point five percent of the allocation to 10,000 pounds. The intent of this allowance is to cover incidental catch if gear switching for other species to avoid requiring regulatory discards in the trawl catch share program. 10,000 pounds would cover the projected sablefish catch by permits making gear switched landings in which sablefish are less than 50 percent of the total landing. This may indicate targeting other species according to analysis provided to us in November 2019, the Attachment 1 analysis. According to that analysis, there are four vessels with a history of non-sablefish targeted trips north of 36 degrees north, and they took an average of 15 trips per year. 10,000 pounds would be also roughly similar to 15 landings at open access daily trip limit daily limits of 600 pounds per day. 600 times 15 is 9,000 pounds. So that is also ballpark, the amount that someone fishing under the open access daily limit fishery if they took 15 trips could potentially take. Moving down or rather over to the right page for further deliberation, let me pause and close my door. My family's noisy behind me. My apologies. Moving to that green highlighted 'yes' which provides an answer to the question of should a vessel be able to expand its gear switching opportunity by sequentially fishing under multiple gear switching endorsed permits? Yes, because the endorsement and the gear switching opportunity are attached to the permit. The permit is the mechanism that is limiting overall gear switched take in the fishery and so the permit can be moved to different vessels. It would not increase the overall amount allowed to be taken under

this alternative, and I would not want to put in a regulation here interfering with operational decisions on the part of permit and vessel owners. For, let's see, the language that's not highlighted on there remains. I will note that on the gear switching limit overages, the rationale for retaining both options, one of which is currently described as a suboption, but they are really an either-or choice to debit a permit's gear switching limit in the year following an overage by the amount of that overage or to not debit the gear switching limit in the following year. This will give us an opportunity to understand and evaluate the tradeoff between the potential impact on total level of gear switching if the following years limits are not debited with the potential administrative complexity and burden of making those debits. Thank you very much. Regarding the other species gear switching limit, also no change there. Throughout this process the SaMTAAC Committee has recommended and I am not suggesting any changes from that, but this action only apply to sablefish and north of 36 at that. The annual vessel quota pound limit section is simply noting that regardless of anything in this alternative, the vessel quota pound limit will remain in place, and I have retained both of the endorsement expiration options here. Pardon me, got my notes in the wrong order....retained both endorsement expiration options in order to again give us a range to continue to analyze and understand the impacts of both on participants who would potentially receive endorsements on the effect of permit expiration and a transfer in the ownership based phase down alternative option provided here versus making the endorsements so that they don't expire. Pardon me. Finally, that concludes my specific remarks on this alternative. I do want to comment but I am not proposing consideration, further consideration of Alternative 3, the active trawler alternative. It did have a number of complex features, elements, and I think its key features, which were provisions to provide gear switching opportunity for active trawlers, a link to quota share ownership and low overall gear switching levels are now found within one or both of alternatives 1 and 2 if the Council moves forward with adoption of a range that includes both the one Corey proposed and this one. Those are, I also want to say the, regarding the overall level of gear switching, as I noted before I started, the intent here would be to keep the overall level of gear switching at 29 percent of the quota share or below. I recognize that there may need to be further adjustments to some elements to achieve that. For example, the 10,000-pound annual limit for non, for vessels not fishing under an endorsed permit. But overall, this approach, it really does take one I think that is somewhat, that will be effective in keeping gear switching below 29 percent. The alternative, the qualification criteria included here that include permit ownership would result in qualifying entities that owned approximately 11 percent of quota share on the control date and the qualifying criteria that include both permit and vessel ownership would result in qualifying entities that owned roughly 5 percent of quota share equating to a little bit more, 5.4 percent I believe, of quota pounds. So, depending on the selection of qualification criteria and then endorsement limit criteria there's certainly pathways through this alternative that could result in very different overall levels of gear switching, ranging from about 5 percent to 29 percent and hope to see and understand more on that in the analysis. So just in closing, I'll say that I think that this alternative complements the one presented earlier and as a package they will represent a range adequate to meet the purpose and need and the other relevant policies and objectives that I referenced in my preliminary remarks, and I do think that they make some achievement in simplification by reducing the number of different overall approaches we are moving forward, which should help focus analysis and public review, better enabling everyone to understand what's being considered and to compare and contrast the alternatives and the various options with them. This alternative may appear complex, and it does have a number of options within it as I noted that will require choices at a future step, but I think those were important to leave in at this point, and overall it does simplify the types of things that we'll look at going forward. I think I'll conclude there and be willing to answer any questions.

**Marc Gorelnik** [00:23:16] Well thank you, Maggie, for the motion and I imagine there may be a question or two. So, let's look for some hands. Any questions for the maker of the motion? Any discussion on the motion? Brad Pettinger.

**Brad Pettinger** [00:23:35] Thank you Chair Gorelnik. Thank you, Maggie, for the motion. So, to make sure I capture this. So the range, I guess the, you know, the 29 percent as the high and then I guess the low would be the new endorsement limit Option 3, which is something, somewhat less than 10 I'm guessing. Is that the component that gets the, the lowers, the low option I should say?

**Maggie Sommer** [00:24:15] Through the Chair, yes, Brad. The.... it depends on the combination of endorsement qualification criteria and the endorsement limit selected. The endorsement qualification criteria, the option, the Option 2 where it links the permit with the quota share ownership, I believe that that would, that would mean that that would reflect about 11 percent of quota share ownership and then if the limit option with that was selected that only allowed endorsed permits to fish up to that quota share ownership, that would result in 11 percent. If the endorsement qualification Option 3, which would also bring in vessel ownership and, vessel ownership and quota share ownership, so someone met the history requirements, met the 30,000 pounds in three years, owned a vessel on the control date, owned quota share on the control date, that group represents, I believe, just under 5 percent of quota share and so if the limit option then to just allow those qualifying endorsements to fish the quota share that was owned on the control date, that could result in approximately 5 percent of the sablefish, northern sablefish quota share.

**Brad Pettinger** [00:25:53] Well thank you and just it's a, you know, very long, one of the longest motions I've ever seen, so it's just, it's kind of hard to follow that. I just what make sure we have the full range in there and so you do and thank you.

**Marc Gorelnik** [00:00:00] All right. Any further questions on the motion or discussion on the motion? Now some hands go up. Phil Anderson followed by Bob Dooley.

**Phil Anderson** [00:00:10] Thanks Mr. Chair, and thanks, Maggie, for the motion. Appreciate all the work and thought that went into it and the modifications that you have made from what came out of the SaMTAAC's deliberations. I think those are good ones and I agree with you that this, coupled with the previous alternative that we approved a little bit ago gives us a good range of alternatives to look at and moves us forward, and I also appreciate the explicit retention of status quo, which would be no change as part of the suite of alternatives that would move forward. So, thanks very much for your efforts.

**Marc Gorelnik** [00:01:03] All right. Bob Dooley.

**Bob Dooley** [00:01:06] Thank you Mr. Chairman. I would echo Phil's compliments. Maggie, you did an excellent job here of slimming things down and taking other parts of this into account. The question I have is if this.....I don't have internet page numbers, but under sablefish gear switching limits new endorsement limit Option 2, if that is chosen would that and then later you pick the trawl permits without gear endorsements and add that 10,000 pounds, does that get you over 29 percent?

**Maggie Sommer** [00:01:52] Through the Chair, thank you Mr. Dooley and thank you for that clarification. I think it could if there was any substantial gear switching by the non-endorsed permits, so that is a correction to my statement earlier about that all of these would keep it under 29 percent and that will be something for us to think about going forward. This would limit the, those who receive an endorsement based on their history and investment to 29 percent and then the others could still accrue above that so it will be good to understand in further analysis as well as input from the public on how much that might be expected to happen and then we can make adjustments either to the 29 percent number or the 10,000 pound number if either of those seem appropriate and the Council wishes to.

**Bob Dooley** [00:03:01] Thank you Maggie. One more question, if I could?

**Marc Gorelnik** [00:03:04] Of course.

**Bob Dooley** [00:03:06] Thank you. Mr. Chairman I am looking at the next one, new endorsement limit 3 and I think you talked about that might mean a 5 percent or 11 percent quota, depending where you use vessel or permit, something in that range, but all other participants other than those who qualify for that exemption or endorsement, they.... would they fall into the category of trawl permits without gear switching endorsements?

**Maggie Sommer** [00:03:46] Yes.

**Bob Dooley** [00:03:46] So if I'm, so then let's pick 11 percent as a number that is a new endorsement limit 3 and if you had the trawl permits without gear switching endorsement, that would be, if that was chosen that would be a place where you could potentially have options to increase that amount to give every permit holder some, isn't included some amount of gear switching, is that correct?

**Maggie Sommer** [00:04:28] Through the Chair, I'm not positive if I understand your question right, but if you are asking if the limit of 10,000 pounds for non-endorsed permits could be increased to provide some opportunity for those who would not receive a higher limit under that selection of limit, qualification limit options, certainly.

**Bob Dooley** [00:04:54] Yeah, okay, just to make it a little clearer for me just so I understand. I don't want to walk away without understanding. If I remember the analysis, it's somewhere around 15 vessels or permits that would be captured under the endorsement limit Option 3 that percent of that one, so if that's, let's call it 10 percent, there would be 19 percent if we kept at that level that could potentially be spread amongst the other permits at some point. Is that, would that be a deal that would capture that part of it, wouldn't it?

**Maggie Sommer** [00:05:41] Through the Chair, I think what you're describing there is captured in endorsement limit Option 2 where the difference between the owned quota share and 29 percent is distributed to all who would qualify based on landings, based on the selected criteria.

**Bob Dooley** [00:06:05] Got it. Yeah, okay I get that. So, then you would not choose trawl permits without gear switching because that would include them as well. That endorsement limit 2?

**Maggie Sommer** [00:06:18] Correct. Endorsement limit 2 describes the limits for permits that receive an endorsement and regardless of which endorsement limit option is selected, this alternative would provide for an annual limit of 10,000 pounds for any vessel not fishing under an endorsed permit.

**Bob Dooley** [00:06:45] Okay. Thank you for answering.

**Maggie Sommer** [00:06:49] Thank you for the questions.

**Bob Dooley** [00:06:49] And appreciate all the work you did on this.

**Marc Gorelnik** [00:06:54] Marci Yaremko.

**Marci Yaremko** [00:06:56] Thank you Mr. Chair. This is a question for Mr. Seger. I just want to clarify that whether or not the motion prevails, the no action alternative will remain in the range?

**Jim Seger** [00:07:13] Through the Chair, Marci that's my understanding of the motion that it said alternatives at the start is my recollection in both the no action alternative and then this alternative as

listed.

**Marc Gorelnik** [00:07:25] If you go to the first page of the motion, the first alternative listed is the no action alternative. Maggie, your hand is up. Do you have?

**Maggie Sommer** [00:07:43] It has remained up, but I will say my perspective on the question just posed would be that the no action alternative is always part of a range. I apologize for the potential confusion including it here. If this motion were to not be approved and go forward, it might seem that that would reject the no action alternative and I actually don't think that's possible. I think that no action remains part of the range regardless, and that would certainly be my intent.

**Marci Yaremko** [00:08:22] Thank you Mr. Chair. Thank you, Maggie and Jim. Yes, that would be my understanding as well. I just wanted to make that clear. Thank you.

**Marc Gorelnik** [00:08:29] Yeah, and it's already an alternative I guess via Corey Niles motion. So, any further discussion on this motion? And not seeing any other hands and being patient and waiting and still not seeing any other hands, I will call the question. So, all those in favor of this motion say 'aye'.

**Council** [00:08:55] Aye.

**Marc Gorelnik** [00:08:55] Opposed, no?

**Council** [00:09:01] No.

**Marc Gorelnik** [00:09:04] That was.....

**Marci Yaremko** [00:09:04] Marci Yaremko.

**Marc Gorelnik** [00:09:08] Marci Yaremko. And any abstentions? All right the motion passes. Thank you for the motion, Maggie. Before going back, I don't know if this covers it, but before going back to Jim, I want to see if the Council has any other business on this agenda item? Corey Niles.

**Corey Niles** [00:09:42] Thanks Mr. Chair. And just maybe a small thing, and I don't know if we're going to speak to the types of analyses we're expecting, but Maggie's discussion, and thanks Maggie for that, but talked about the issue of the control date and I meant to speak to it just briefly. You know we didn't include any alternatives that go beyond the control date but just some ideas for, I think the effect of sticking to the control date can be analyzed nonetheless. So, I don't know if we're going to get into the, what we talked about earlier in the week about analyses we'd like to see, but that would be one if we were to talk about that, and I meant to mention it earlier about I think we can look at the importance of sticking to the control date versus not within the structure of the alternatives just passed.

**Marc Gorelnik** [00:10:38] Okay, I think if we're going to ask for any other analysis we ought to be express about it and my preference is all the other business here has been done by motion. You know it'd be very useful to spell it out at this stage because if we don't spell it out it may not get done. Phil Anderson, please.

**Phil Anderson** [00:11:09] Thanks Mr. Chair. And I would, I guess I would like to ask Dr. Seger and Jessi. It seems to me they're going to need to take a look at what we did here today and perhaps they could come back with some categories of analysis, I use categories for lack of a better word, in terms of the analysis that they would perform. I think there, you know, there was clear indication yesterday



as well as today about our interest in understanding the economic impacts on communities and individuals that would be impacted by the adoption of either of these alternatives or status quo for that matter. And I guess so I'm wondering in my own mind here is that something that we could ask them to come back to us in November? Is it a reasonable request to ask them to come back tomorrow? But I'd like to, it seems like it would be fair to give them a chance to digest what we've done here and then come back and tell us what their plan for analysis would be, in part informed by what the Council has indicated as being important to them.

**Marc Gorelnik** [00:12:52] Okay Phil, thanks. So Jim, would you like to respond to that as to if you were to provide some economic analyses, how much, is that something you could do tomorrow or is it something you'd come back to us in November? Jim.

**Jim Seger** [00:13:13] Thank you Mr. Chairman. Yeah, as I understood the question it wasn't so much coming back with the analyses themselves as much as categories of things we would look at. However, I do think that even coming back by tomorrow with those categories may not be helpful because we would inevitably have things probably not well stated and things left out, which would then lead to perhaps a lot more Council discussion, extensive discussion. So, our preference would be to come back, I suppose at the earliest November. I was just trying to think of then how you do that on your November agenda, whether we might put it in some kind of an informational report. You know the other discussion I've heard is coming back in March or April with some preliminary analyses of the range of alternatives, and if, I know the other thing that Mr. Anderson discussed earlier was sort of discussing the process, which I guess is what we're doing now, and what we might do since that would not be as I heard it, coming back for a PPA because we wouldn't be able to have a complete analysis done by March, but we would be able to have a lot of useful analysis done by then or April or whenever you schedule it next, and then at that point, we could also at that point indicate what we plan to do and have not gotten to and it wouldn't be too late at that point then for the Council members to advise us on what need this, what else they would like to see and so forth that we could get, then get into the analysis before we get to the PPA, which I think is the, is one of the main concerns.

**Marc Gorelnik** [00:15:12] Phil.

**Phil Anderson** [00:15:15] Yeah thanks. Thanks, Jim, and I certainly wasn't asking for any analysis by tomorrow or November for that matter. I just want to, as you know, building off the discussion we had a couple days ago on the analysis and the particular emphasis on the economic impact on communities. I'm sure you heard that loud and clear and if you.... you know in my mind if the Council doesn't have any other specific areas beyond those that you're going to explore anyway, then there isn't then a need in my mind to come back in November. And I think your suggestion, and I thought that was the, the plan to come back with some preliminary analysis in either March or April, and if there's something that we feel is needs more, we'll certainly have the opportunity to indicate that to you at that time. So, and that works for me as well. I just don't want you or Jessi to be caught with, you know, in the position of having us expect, having thought we expected something and you're not delivering it and you're going, what are you talking about? So, I just want to avoid that. So long.....yeah, I think the plan you laid out coming back in March with the preliminary analysis and obviously understanding that you've heard some of our concerns about the economic part still gives us the latitude to ask for some additional analysis that may not have been done by then. Thanks.

**Marc Gorelnik** [00:17:01] Kelly Ames. Kelly, we're not hearing you.

**Kelly Ames** [00:17:17] Thank you Chair Gorelnik and thanks, Phil, for the thoughtful dialogue. I would prefer that we have this discussion under future workload planning with regard to the specific Council meeting where we have follow-up discussions on this item.

**Marc Gorelnik** [00:17:39] Okay. Christa.

**Christa Svensson** [00:17:43] Yeah, thank you. And I'm not going to be talking about scheduling so Kelly you can breathe a sigh of relief there. I do just want to make sure that I'm very clear on things so that I don't get wound up again. I want to make sure that I realize that no action is included in the alternatives, but just making sure that we will have the same robust level of analysis for that item before that alternative. And then the other component is we've spoken a lot about economic impact to communities, but I do want to just capture that I think we need to do some analysis on how this is going to affect bottom trawlers, in particular those that are fishing 12 months a year, which are the backbone of our processing plants and in many cases the backbone of our groundfish communities that are reliant on groundfish. So just wanting to get that out there and make sure that I'm on the same page as everybody else for those two components and if I'm not then I want to have the discussion now rather than later.

**Marc Gorelnik** [00:18:55] All right, so we're not going to have a discussion on timing at the moment. We'll have the discussion tomorrow workload planning, but I do think that we've had a good discussion on the scope of analyses we would like to see, particularly with regard to economic impacts. And I think, Christa, all of the alternatives would need to be analyzed from that perspective for it to be an effective analysis so, and I think if we get a second, you know, if we don't get the analysis we want as has been pointed out, we can say we want, you know, analysis on A, B and C. So.... and I trust we won't hear at the time that there's no time to do that because, of course, we need to have the analysis we need to have to make our decisions. So, with that ineloquent comment, anything else on this agenda item? Maggie Sommer.

**Maggie Sommer** [00:20:04] Thank you Chair. I know you're delighted to hear me speak again. This one's brief. I think we all or many of us who have spoken today have referenced the complexity of the alternatives and the difficulty in understanding them and I think that goes double for or more for members of the public who are not immersed in it as we are, and I would just express some interest I guess at some point as we move through and the analysts have a chance to digest the alternatives here in developing if we can... in looking for maybe some plain language descriptions of them and some ways to help our stakeholders really understand them so that they can bring us their most informed comments at the appropriate time in the future. And we can think in the future about ways to do that. You know certainly some, some plain language written descriptions are one, but there might be other means we would want to think about as well of outreach to help people understand these complex alternatives. I just wanted to share that today. Thanks.

**Marc Gorelnik** [00:21:19] Thanks Maggie. Bob Dooley.

**Bob Dooley** [00:21:21] Yes, thank you Mr. Chairman. I guess I would just like to interject that I would hope that both Jim and Jessi and potentially Kelly could look at this through the lens of implementation and being able to do it with the least amount of moving parts, and where there may be ways to get this programmed and implemented without a, you know, is there a way, a choice here that we should be leaning toward for simplification? And I, you know, I'm really sensitive to that simplification issue and would, you know, we've looked at this from a fair and equitable and splitting the baby type of approach to, you know, gear switching and limiting gear switching, but I'm really I think we need to really think about how this might go together if we get to implementation, or if we ever get to some agreement that we look at it through that lens as well, and I'd appreciate it if they could keep that in mind as we go forward to maybe guide our choices. We're talking vessels and permits, and I think I brought up about which permit might be another, you know, is it the limited entry permit or is it a quota share permit? I think there's some choices to be made that could make it easier, so I just hope they look at it and advise us through that lens as well. And thank you.

**Marc Gorelnik** [00:23:04] All right, thank you Bob. Let me ask again if there's anything further on this agenda item from the Council? So, I will go to Dr. Seger and ask him how we're doing?

**Jim Seger** [00:23:17] Thank you Mr. Chairman. You've adopted the three alternatives for your range. Status quo. The alternative from Mr. Niles dealing with quota share in that deal from Miss Sommer dealing with endorsement limits, endorsements and limits and so forth and we've also had some good discussion. We have been taking notes and are taking very seriously the Council, all the Council member requests for analyses and moving forward and sounds like you'll be discussing timing of actions moving forward when you come back for your future meeting planning tomorrow.

**Marc Gorelnik** [00:24:00] All right thanks very much Dr. Seger, and thanks to the Council for getting through this meaty agenda item.

## 6. Adopt Stock Assessments

**Marc Gorelnik** [00:00:00] And that concludes public comment. We've received a lot of good comments, so let's go to our Council discussion and action, which here is to approve stock assessments for use in 2023 and beyond. And we'll need someone to be brave and get us started. And as usual it's the bravest Council member of all Maggie Sommer. Thank you Maggie.

**Maggie Sommer** [00:00:37] Thank you Chair Gorelnik. I'm not going to earn that distinction with this comment. I imagine we'll have a lot of discussion on some much more difficult aspects of this, but I did want to take the opportunity to comment on the yelloweye catch report. As the GAP noted, total mortality for yelloweye rockfish has been under ACLs in recent years, and I just wanted to take a moment to recognize the Council's successful design and implementation of the suite of management measures now that we have adopted and, in some cases, additional state measures as well for the purpose of supporting yelloweye rebuilding. And it appears that we are on track for that and doing a successful job at keeping catches where they should be to support rebuilding. So, I thought that was worth acknowledgment. Thanks.

**Marc Gorelnik** [00:01:36] Thank you Maggie. Kelly Ames.

**Kelly Ames** [00:01:40] Thank you Chair Gorelnik. Just before we get started here in Council discussion, I did just want to take a moment to recognize the tremendous amount of work that's been completed by our stock assessment teams over the last many months, including several additional requests for analyses. Just want to really express our support and gratitude for the work that they've done. As we all know stock assessments are the cornerstone for successful fishery management and I really, really appreciate the work that has been done in support of our mission. And I also would like to take the opportunity to congratulate Dr. Chantel Wetzel and Owen Hamel, who recently received a scientific achievement award for developing a novel comprehensive method to estimate the uncertainty of stock assessment forecasts to ensure sustainable U.S. West Coast fisheries. Really proud of them and really grateful that they contribute to our groundfish process as well.

**Marc Gorelnik** [00:02:47] Thank you Kelly. All right. No one wants to touch the stock assessments, is that what I'm sensing? Kelly Ames. Thank you.

**Kelly Ames** [00:03:16] Thank you Chair Gorelnik. So, I did just also have a few thoughts to offer about the relationship between the two agenda items we have here at our Council meeting. So, you know, under C.6, this current agenda item, we're here scheduled to adopt stock assessments based on SSC recommendations and or request additional evaluations be conducted at the Groundfish Subcommittee meeting or the mop-up panel that it has been called. Additionally, later in the week under C.8, we're scheduled to establish the geographic harvest specifications that are based on these new assessments, based on the biology of the stock and the associated conservation risk taking into account our management needs. And as a reminder, Magnuson states to the extent practicable an individual stock of fish shall be managed as a unit throughout its range and interrelated stocks of fish shall be managed as a unit or in close coordination. So, under C.8 we would anticipate that the Council would identify those stocks that require conservation and management including those geographic subdivisions. Before we make that decision, I would like greater input from the SSC for any stocks where the assessments and by extension the forthcoming status determinations and OFLs for any of those stocks that have boundaries that are different than those that are currently specified. And by my count, it's copper, quillback, and vermilion sunset where we have this situation where the assessment boundaries are different than our current harvest specification boundaries. And so, in the SSC report this morning we heard that they're going to look at these questions of stock delineation for copper in California but

that is it. They didn't extend that evaluation to the other stock. And I would like to see a comprehensive evaluation from the Subcommittee and then input from the full SSC on those newly assessed stocks. So as such, I would like to direct the Groundfish Subcommittee to evaluate and make recommendations on the stock delineations of copper, quillback, vermillion, and sunset rockfish at their September 29th through 30th mop-up panel review with participation from the stock assessors as well. So, it's a public meeting and I think it's important to get all the people at the table who have knowledge to contribute to the discussion. And then those Groundfish Subcommittee recommendations would go to the full SSC for their review and discussion in November. Then I'd envision that the Council would take into account the specific guidance from the SSC in generating their harvest specifications, recommendations in November. So, to be clear here I'm not recommending that the stock assessments be redone, but just rather that the committee evaluate the available data to inform the stock delineations that the Council would recommend. So, I'm prepared to offer a motion along these lines, but before I do, I can pause for any questions about my intent or any related Council discussion on this issue.

**Marc Gorelnik** [00:07:02] Thank you Kelly. Why don't we hold off on the motion just for a moment here because if we have a little bit of discussion, it may or may not change the bounds of the motion. So, let's see if there's any discussion on this topic and if I don't see any hands, then I would ask that you go forward with your motion. And I'm not seeing any hand...ah, Phil Anderson.

**Phil Anderson** [00:07:33] Thanks Mr. Chairman. Thanks, Miss Ames, for your comments. There are statements in the SSC's report under both the quillback and copper that indicate that the SSC would reconsider the assessments for use in management, it fits to the new age length data reported in a mop-up review panel are substantially inconsistent with the existing growth curves. So, I guess as just a question in my mind, oftentimes we adopt stock assessments for use in our management for whatever time period we're talking about, generally in the coming biennium and beyond until they're substituted with something else, but I'm just in thinking that in recognition that there is that statement in both, in the SSC's report for both of those species. And also, in addition to thinking about the assignment that Kelly may propose by way of a motion, whether or not there is a need to take into consideration that possibility before we were to move forward with a motion that included using the stock assessments for management prior to the mop-up panel deliberations occurring and having that question answered. I don't know who best to answer that question, but that's one that I have in my mind.

**Marc Gorelnik** [00:09:34] Well, are you thinking maybe we can ask someone from the SSC to answer that question now or are you thinking this is a question we'll pose for an answer later?

**Phil Anderson** [00:09:51] Well, if later means later under this agenda item that's fine. Maybe John DeVore may, may have a thought about that question as well. He may have something to offer for us.

**Marc Gorelnik** [00:10:06] All right, well let's see, John, if you have any guidance there or if you recommend we call on the SSC?

**John DeVore** [00:10:24] Excuse me. I think we do have SSC representatives here, so I think it's always preferable to hear from them directly so....we have Andre Punt delivered the SSC statement, he's still on the line here.

**Marc Gorelnik** [00:10:45] Okay. So, Andre, if you could respond to Mr. Anderson's question and if you need him to repeat it, I'm sure he'd be willing to do that.

**Andre Punt** [00:10:55] Yeah, if we could just get the....there's two points that are floating around just to make sure I fully understand the question, but I am online and waiting for the question.

**Phil Anderson** [00:11:05] Well, first of all Andre and Mr. Chair I apologize if I put an additional question on the table in the middle of Miss Ames' points and I'm happy to step aside while we take that up if you'd rather do it in that way. My question had to do with the statement in the SSC's report that under, I believe it was, I see it both under copper and quillback, that the SSC would reconsider the assessments for use in management if it fits to the new age length database reported in a mop-up review panel were substantially inconsistent with the existing growth curve. So, I am just trying to, thinking about what a motion might entail and might include here, that in particular for those two stocks until we get the answer to that question, it might be premature to adopt for use in management.

**Andre Punt** [00:12:11] Yeah, I can't comment on that, but of course if we do decide to withdraw the assessments because there are something major going on and that would obviously then feed back into your process because you wouldn't want to approve a stock assessment that we've unapproved, as it were. We don't know what the outcome of that process will be and obviously if Miss Ames' suggestion about stock boundaries come into play that, we won't change the stock assessments, but we will certainly provide additional guidance, assuming we have information on which to do that on appropriate, you know, how the boundaries might or might not change. But certainly, we will be looking at those assessments given the information that we get from the Northwest Fisheries Science Center on the new ages. And unfortunately, what we don't know is how many of those will be and, yeah, it's hard to second guess exactly where we'll go, but certainly if we reject the assessments on the basis of what we see, that will feed back into your decision making.

**Phil Anderson** [00:13:21] Okay thanks. Thanks Andre and thanks Mr. Chairman.

**Marc Gorelnik** [00:13:27] All right what I'm going to suggest is that Kelly, that you go forward with your motion with your request of the SSC, and I'm going to propose if folks have other requests that perhaps they could add them by amendment. So at the end of the process, we will have a motion that includes any request the Council may want to make of the SSC. Marci Yaremko.

**Marci Yaremko** [00:14:11] Thank you Mr. Chair. I have a related question and I think it's really for Mr. DeVore, but I'm happy to wait on that. I don't know if it has any bearing on the motion. I don't think so, but I just want to flag that that there are some other things I think to discuss beyond just the motion, and I don't know when the appropriate time is. Thanks.

**Marc Gorelnik** [00:14:42] Well, let's have clarity here, so why don't you go ahead and ask your question and it may or may not impact the motion, but let's not have to come, I prefer we not have to come back.

**Marci Yaremko** [00:14:57] Okay, thank you and thank you Miss Ames. Apologies. My question for John DeVore is this. We, since June, have had kind of a number of sort of circular discussions on the application of data moderate stock assessments for stock status determination. I know looking back in the record, there's some lengthy review and discussion on the Council floor following the 2012 assessment cycle and those data, or those index-based data moderate assessments about the application for use in determining status. And I think that, you know, we've heard folks discuss that we've used data moderate assessments to determine status and been comfortable with that determination in cases where the stocks came back healthy or even precautionary, but that there's kind of a different feel for whether there is appropriate application of an overfished determination from a data moderate assessment. I'm feeling like that whole, like that's very nebulous, like what was in our record from 2013 and then jump ahead eight years and here we are. There are different people around the table. There was a lot of history that went into the decisions back then and now we have new history and new stocks and new assessment methods that we are considering here for this upcoming cycle. And I'm just wondering how, is there any way that we can put this question or frame this question up for the Council

in a little better way or a little more directly? Again, I'm feeling kind of left like there was a big.....you know this all kind of went away in 2013 and then now we embarked on a process to build new data moderate assessment methods and we've approved them and the Groundfish Subcommittee and the SSC have done a great job looking at those tools and building them and reviewing them for adequacy, but I feel like that whole other side of the analysis has yet to happen. You know, if it is appropriate or not to make a determination of overfished from a data moderate assessment. So, is there anything that can be looked at between now and either the mop-up or the November meeting that will help, help us on that topic? Thank you.

**John DeVore** [00:18:33] Thank you. Through the Chair, we did go through a process as you pointed out back in 2013 about whether we can use data moderate assessments to determine status, and that culminated in the national policy saying, you know, assessments of this type and quality are routinely used for determining status so, you know, that's the policy. That you can use it for determining status. I'll have to look more closely and maybe ask folks from the National Marine Fisheries Service to assist me on the question of whether you can use them for making an overfished declaration. I believe the answer is yes, but I sort of reserve the answer or conditionally provide that answer.

**Marc Gorelnik** [00:19:42] Did that clarify things for you Marci?

**Marci Yaremko** [00:19:45] Yes, yes thank you Mr. Chair. And I guess I'm certainly interested in that exploration, and I guess if we're giving guidance that would certainly be something that I would appreciate. Thank you.

**Marc Gorelnik** [00:20:06] Okay. So is there any discussion before we hear a motion, keeping in mind that there will be time for more discussion and more motions after this motion. So, Kelly, don't mean to put you on the spot, but if you're prepared to offer a motion?

**Kelly Ames** [00:20:34] Yes, thanks Chair Gorelnik. Kris, do you have, Kris or Sandra, do you have the motion ready? As always of course they do. I move that the groundfish sub, the groundfish, the GFSC evaluate and make recommendations on the stock delineations for copper, quillback, and vermilion slash sunset rockfish at the September 29 through 30 mop-up review panel with participation from the stock assessors for SSC review in November. The SSC statement in November would then be used to inform the Council adoption of harvest specifications by geographic area.

**Marc Gorelnik** [00:21:21] All right, thank you Kelly. And that language appears to be complete and accurate?

**Kelly Ames** [00:21:31] Yes. Thank you.

**Marc Gorelnik** [00:21:32] So I will look for a second. Seconded by Maggie Sommer. Please speak to your motion.

**Kelly Ames** [00:21:40] Thank you Chair Gorelnik. I spoke to my motion prior to giving it.

**Marc Gorelnik** [00:21:47] Fair enough. Is there any discussion on this motion or questions for the maker of the motion, or does anyone want to offer an amendment? And not seeing.....oh, there's a hand. Corey Niles. Corey, you're muted.

**Corey Niles** [00:22:15] And you said mic checks weren't necessary.

**Marc Gorelnik** [00:22:17] I can hear you but it's very faint.

**Corey Niles** [00:22:22] I will pull it off then. Sorry Mr. Chair. I would just support the motion.

**Marc Gorelnik** [00:22:29] Okay thank you. Any, anyone else with a comment, discussion, question? All right, Marci Yaremko.

**Marci Yaremko** [00:22:44] Sure. Thank you Mr. Chair. I just like to speak in favor of the motion. I think we've heard quite a lot of testimony from our stakeholders that raise questions about the delineations of these assessments. Heard Bill James speak about the Northern California quillback population looking more like Southern Oregon. Heard folks talk about copper offshore and inshore being considerably different and really think that this look about what delineations mean and how they're applied is hugely important. I think this is a great next step and I appreciate the Subcommittee's willingness to add more to their agenda, recognizing how critical this, these decisions are. I think it's just so important that we do a thorough job examining the stock delineations and what they mean and appreciate the motion. Thank you.

**Marc Gorelnik** [00:24:21] All right, anything further? Any further discussion? And Marci your hand. All right, so not seeing any other hands I will call the question on this motion. All those in favor say 'aye'.

**Council** [00:24:39] Aye.

**Marc Gorelnik** [00:24:39] Opposed, no? Abstentions? Motion passes unanimously. Thank you, Kelly, for the motion. Okay that may address some of the stock assessments. We have other stock assessments. John, I have a feeling we're missing something here. Can you confirm or correct me?

**John DeVore** [00:25:39] Yes, we do. We have lingcod and vermilion stock assessments. We have the squarespot assessment. There's nothing planned for a follow-up review of that assessment. We also have the catch only projection updates and the yelloweye catch report should all be adopted for use in management. It's my recommendation.

**Marc Gorelnik** [00:26:07] Thank you. And thanks. Yeah I... so we have to finish this, finish these items one way or another. Either accept, either adopt them or have some sense that we're not going to. Can't leave them hanging out there so I'll look for a motion from someone, or discussion from someone. Maggie Sommer, please.

**Maggie Sommer** [00:00:00] Thank you Chair Gorelnik. I have a question related regarding the SSC recommendation on squarespot rockfish. In particular I noticed that they phrase their recommendation that the SSC endorses the 2021 data moderate assessment for California squarespot rockfish as category 2 stock assessment for use in stock status determination. Missing from that phrase was the common following phrase 'and management', and I'm wondering if there is significance to that absence?

**Marc Gorelnik** [00:00:43] Okay, well that's a question for the SSC and so Dr. Punt can you answer that question or call in someone else to answer it?

**Andre Punt** [00:00:55] I think that that is probably an example of exhaustion after too many hours of reviewing assessments. The SSC endorsed the decision table and use for management. Unfortunately, we didn't copy and paste the words quite as often as we should have. Apologies for that.

**Maggie Sommer** [00:01:19] Thank you very much.

**Marc Gorelnik** [00:01:23] All right. We have that clarification. Do folks want a break before we finish



this agenda item, or would you like to finish the agenda item before a break? Maggie, your hand is up.

**Maggie Sommer** [00:01:50] Yes Chair Gorelnik. I could offer a motion, but it would take a moment to send to Sandra and Kris.

**Marc Gorelnik** [00:01:58] All right why don't you send that off. In the meantime, I will call on Corey Niles. Corey.

**Corey Niles** [00:02:05] Thanks Mr. Chair. Maggie beat me to it. I'm kind of worried about my mic issue here, but I believe the action's pretty clear and grateful if Maggie is already on it, that's great.

**Marc Gorelnik** [00:02:17] And you sound good now.

**Corey Niles** [00:02:19] Okay thank you.

**Marc Gorelnik** [00:02:22] All right. So, let's just pause for a moment for the motion to find its way through the ether to Sandra and Kris and we'll get up on the screen.

**Maggie Sommer** [00:02:35] Mr. Chair.

**Marc Gorelnik** [00:02:38] Yes.

**Maggie Sommer** [00:02:39] May I ask a question of Mr. DeVore?

**Marc Gorelnik** [00:02:42] Of course.

**Maggie Sommer** [00:02:44] Should the motion include stock categories?

**John DeVore** [00:02:52] Sure. I'd say the stock categories as recommended by the SSC would be perfectly fine and very clear in the motion.

**Maggie Sommer** [00:03:08] Thank you very much. A motion is on its way.

**Marc Gorelnik** [00:03:28] Apparently there's a delay in getting the, getting the motion over. So rather than us.....okay it just came in so one moment.

**Maggie Sommer** [00:04:23] My apologies. We could have typed it out by now.

**Marc Gorelnik** [00:04:29] There it is.

**Maggie Sommer** [00:04:30] I move... Kris or Sandra I will have two corrections as we go through. I move the Council adopt the following stock assessments and stock categories for use in 2023 and beyond provided in the Council's September 2021 briefing book, Agenda Item C.6. Would you please between the closed parentheses and the colon after C.6 insert 'as recommended in Agenda Item C.6.a, Supplemental SSC Report 1, September 2021. Full assessments for lingcod, northern and southern, both category two', and would you please delete everything else on that line after two. Great. Thank you. Vermillion and sunset rockfishes off California, South of Point Conception and off California. I believe there's a piece missing there, let me just.....I am.....pardon me, that the second bullet should read vermilion and sunset rockfishes off California, South of Point Conception and off Washington, both category two. Vermilion and sunset rockfishes off California North of Point Conception and off Oregon, both category one. Squarespot rockfish off California, category two. And catch only projections for

arrowtooth flounder, petrale sole, canary rockfish with corrected sigma value, as noted in C.6.a, Supplemental SSC Report 1, page 6 and darkblotched rockfish.

**Marc Gorelnik** [00:07:06] Okay Maggie, and the language on the screen is now complete and correct, can you confirm?

**Maggie Sommer** [00:07:12] Yes.

**Marc Gorelnik** [00:07:14] And I will look for a second. Seconded by Phil Anderson. Please speak to your motion.

**Maggie Sommer** [00:07:23] Thank you Chair and thank you for your patience with the motion. Want to appreciate the lengthy and very helpful comments provided by the SSC on all of these stock assessments and the discussions had by the full SSC as well as the Groundfish Subcommittee. These are all the suite of assessments recommended for approval at this time. I do want to note that I think we have all given a lot of attention to the lingcod assessment and the tensions in that model and between the various data sources and the challenges there. We'll be looking for future improvements as possible and I know on all of these assessment related issues, the states will be looking for ways we can contribute to improved data available to the assessments, recognizing that there are also a number of model related issues in addition to data availability. The categories here represent some of the uncertainties that resulted from the assessment processes, from the model related uncertainties and the data related uncertainties and I think I will for the remainder just not leave it at that and refer to the information again provided to us in the SSC report rather than reiterating it any further here. Thank you very much.

**Marc Gorelnik** [00:09:14] All right, thank you very much Maggie. Questions for the maker of the motion? I have a question for you Maggie. In looking at the SSC report under catch only projections there were other species listed. Four species in the first paragraph there and I switch back here. Never mind, I see that, okay they're all four there, never mind. All right, any discussion on the motion? Corey Niles.

**Corey Niles** [00:10:10] Thanks Mr. Chair, and no real discussion. I think Maggie and the SSC covered it. Thank you, Maggie, for doing that. I do want to and there.....and Miss Ames gave some nice appreciation for the stock assessment community at the start of Council discussion and I know we at the Council, given how important these assessments are and the consequences of the results, we tend to focus on the questions we have in the, in asking for more work, but I hope we're also, I hope it comes out that we're appreciative of all the work that goes into these assessments and really I know some of these conversations are hard, but I think everyone around this Council has the utmost respect for the process and the scientists involved and so it's a lot of work, including on SSC and Dr. Punt said in reviewing all these. So, I just wanted to note that appreciation and, and thank everyone for their work.

**Marc Gorelnik** [00:11:13] Thank you Corey. Marci Yaremko.

**Marci Yaremko** [00:11:18] Yeah thank you Mr. Chair. Thank you, Maggie, for the motion. Just want to speak to squarespot for a minute. I very much appreciate the stat authors incorporating the additional length data that CDFW was able to provide. I appreciate that the group did take a look at model sensitivity in response to potential changes due to depth closures. And that... but that modeling exercise produced a less stable model. So, I guess, you know, again, I feel like they did the best they could with what they had and appreciate them spending a little extra time between now and June. Certainly does give me pause that while the adding more data makes a less stable model, but we had a task to complete in this cycle and it's been complete but I certainly look forward to additional discussions regarding

closed areas and stock assessments for squarespot as well as for copper. So, support the motion, noting that certainly future work is warranted. Thank you.

**Marc Gorelnik** [00:13:08] Thank you Marci. Anything further, any further discussion, questions? And not seeing any hands I will call the question on this motion. All those in favor say 'aye'.

**Council** [00:13:26] Aye.

**Marc Gorelnik** [00:13:26] Opposed, no? Abstentions? Motion passes unanimously. Thank you very much, Kelly, for the motion. I think what may be missing here is the, is a reference and a motion to a yelloweye rockfish catch report. That's something with John DeVore had mentioned... so... and John you believe we need a motion here?

**John DeVore** [00:14:07] Well, it's on the record. It was in the advance briefing book. It uses Council approved methods for determining catch. I think it's sufficient in my opinion without a motion. But you know, if...

**Marc Gorelnik** [00:14:33] Well, let me just ask, short of a motion, let me just ask if there's anyone around the table has any concerns or whether we endorse it? Corey Niles.

**Corey Niles** [00:14:47] Thanks Mr. Chair. No concerns. Again speaking, not speaking enough to the things that are not creating the largest issues of the day but appreciate all the work again. It's good news that we're expecting adequate rebuilding progress. That's an important determination by the SSC. So, I think I very much acknowledged it. Catch continues to come in well below the ACLs. So yeah, just nothing but supportive and thankful for the work and good news that our management is continuing to work and hopefully it'll be rebuilt here before the end of the decade, if not faster.

**Marc Gorelnik** [00:15:36] I think we, I think the sense of the Council is to endorse that finding by the SSC so let me go back, let me first see if anyone on the Council has anything further they want to bring up under this agenda item? And not see any hands I'm going to go to John DeVore. John how are we doing?

**John DeVore** [00:16:07] We're doing fine. Thank you Mr. Chair. We've adopted those stock assessments that have been endorsed by the SSC, including their star categories. And then the other analyses that we use to or that you use to make decisions. So, I'd say with that, you have completed your task. Thank you.

**Marc Gorelnik** [00:16:34] All right, thank you everyone for your hard work on this difficult agenda item and thanks to the SSC and all the folks that worked on this, on the stock assessments, all of us staff at state level, NMFS Staff, et cetera. So, we've completed this agenda item.

## 7. Inseason Adjustments – Final Action

**Brad Pettinger** [00:00:00] Don't see any sign ups for this agenda item, so that would take us to Council action which is before you and Kelly Ames. Kelly.

**Kelly Ames** [00:00:18] Good morning, Vice Chair Pettinger. Good morning, Council. I just wanted to open by saying I do appreciate the GMT's recognition in their statement that the emergency rules will take priority over the inseason recommendations. And I just wanted to be clear to the Council that we have two emergency rules in process right now. We're working on an extension for the whiting emergency rule. That's the rule that the Council recommended earlier this year that allows a platform to operate as both a catcher processor and mothership in the same year. This must be published by November 10th. We are also under consideration for the Council's recommendation earlier this week to extend the limited entry tier fishery season. So, both of these considerations and rulemakings would be completed prior to us turning to any inseason recommendations.

**Brad Pettinger** [00:01:22] Okay. Thank you, Kelly. All right, with that discussion? A motion? Ah ha! Marci Yaremko. Marci.

**Marci Yaremko** [00:01:32] Thank you Mr. Vice Chair. I believe Sandra has a motion.

**Brad Pettinger** [00:01:43] Wonderful.

**Marci Yaremko** [00:01:45] Thank you. I move the Council adopt the inseason adjustments as recommended by the GMT as shown in C.7.a, Supplemental GMT Report 1, September 2021. Item 1, Option 2: 45 hundred pounds per week not to exceed 9,000 pounds for two months for the limited entry north sector of the sablefish DTL fishery to be implemented as soon as possible through the end of the year. Item 2, Option 1: 600 pounds daily or one landing per week up to 3,000 pounds, not to exceed 6,000 pounds for two months for the open access north sector of the sablefish DTL fishery to be implemented as soon as possible through the end of the year. Number 3, Option 1: For lingcod trip limits in the limited entry open access sectors north of 42 north latitude. Number 4: Using an average of the years with observer data, 2017 through 2020. 2.66 metric tons as the projected impacts on yelloweye rockfish mortality from the Pacific halibut fishery for 2021.

**Brad Pettinger** [00:03:19] Okay. Thank you Marci. Does the language on the screen accurately reflect your motion?

**Marci Yaremko** [00:03:19] Yes, it does. Thank you.

**Brad Pettinger** [00:03:26] Very good. Thank you. Seconded by Virgil Moore. Speak to your motion please?

**Marci Yaremko** [00:03:27] Yeah, thanks. Just want to support the recommendations of the GMT and acknowledge the analysis that they have given us on each of these items. I think with regard to the limited entry fixed gear north fishery, they've done a good job to model out Option 2 that projects those limits will keep within, but not exceed the limited entry north allocation. Quite a significant increase in opportunity for folks recognizing, too, that the date of effectiveness of the inseason rule is contingent on other emergency actions as Kelly Ames just described for us. So, the relative value of these increases isn't completely clear until we know the effective date, but I think the GMT has done a great job in explaining that to us in the report and suggesting that they're, or indicating that they're modeling based on a projected effective date of October 1st, but that is, of course subject to other activities. On the second item, the trip limit increases proposed for the open access north sector, we see a modest increase

here. It doesn't get the fishery up anywhere near the target but does provide some increased opportunity at the end of the season for the open access sector compared to status quo. And on the lingcod north of 42, as Mel described for us there is a request to increase this limit in order to accommodate some incidental retention that is going on in the sablefish fishery and there's plenty of room to be able to do so within the north of 40 10 trawl, non-trawl allocation for lingcod, which is shown in Table 4. Getting to the recommendation number 4, which is to use an average of years with observer data, meaning 2017 through 2020, as the projected yelloweye impact in the halibut fishery for 2021. I appreciate the GMT looking at this in some detail and describing it for us. I think we all recognize that there is large uncertainty in this estimate, and we are just in the earliest stages of having some real, real data to work with from our observer program, recognizing the spike that we had in 2019 with that number of 7.42 tons. I think all of us are really watching what happens with our annual observer estimates as they come in, but I think the approach that they've proposed for estimating the 2021 mortality, which has to be done as I understand it for the preparation of our materials and our spex agenda items for November, that the approach that they've outlined for us looks reasonable to me. So, with that, I'll take any questions.

**Brad Pettinger** [00:07:48] Thank you Marci. Questions for Marci on the motion, or discussion? Corey Niles. Corey.

**Corey Niles** [00:07:49] Yeah, thank you Mr. Vice Chair. Thanks, Marci, for the motion. I'm in support. On number 4, as I asked the GMT, I'm a little, I don't think it's the Council's role to decide what the estimates should be, but it is the Council's role to make, you know, a risk call where there's uncertainty in the set aside that poses risk, and I think that's what I heard the GMT asking us to do, and it does seem to be an acceptable choice here for the set aside. I do, Marci spoke to the uncertainty here and we are, you know, this was a few, not too long ago this would be causing a lot of issues with the ACL but as we heard from the SSC earlier this meeting, we are under the ACL and making adequate progress to rebuilding. So thankfully we have a higher ACL than we used to, but appreciate the motion and also thanks to the.....yesterday I forgot to thank the National Marine Fisheries Service for their work on the emergency actions, recognizing that this inseason actions will be behind that in the pipeline and I think that that makes sense in this case, and they got them both done last year and still very appreciative of that work last year and this year. Thank you.

**Brad Pettinger** [00:09:28] Thank you, Corey. Further discussion? Comments? Okay, not seeing any hands I'm going to call for the question. All those in favor signify by saying 'aye'.

**Council** [00:09:43] Aye.

**Brad Pettinger** [00:09:43] Opposed? Abstentions? Motion passes unanimously. Okay. Thank you, Marci, for that motion and thank you Council members, and with that I think I'm going to turn to Todd to make sure we're good here. Todd.

**Todd Phillips** [00:10:04] Yes, thank you Mr. Vice Chair. It is my opinion that you guys, that the Council has completed this action as appropriate. We have some good, a good motion here to go forth and write our transmittal letter. And with that I say that you've done a good job. Thank you.

**Brad Pettinger** [00:10:22] Fantastic. Thank you, Todd.

## 8. Initial Harvest Specifications and Management Measure Actions for 2023-2024 Management

**Brad Pettinger** [00:00:00] Well that finishes public comment and takes us to Council action which is on your screen. So, with that I'll open the floor up for discussion. Chair Gorelnik.

**Marc Gorelnik** [00:00:28] Thank you Vice Chair Pettinger. I know it's always easier if someone breaks the ice so here I am. I wanted to talk briefly about the shortbelly rockfish. I'm sympathetic to the notion that we should consider management measures to ensure that the stock does not become the target of a directed fishery. I've not heard of or even heard any discussion or even a hint that that's a possibility. All the more reason to put it in a management measure because no one, I'm not sure that anyone would object, but it is an important forage species and we do have some measures in place limiting bycatch, but I think that taking the extra step shouldn't be too difficult and would be appropriate. So, I'll just end my comment there.

**Brad Pettinger** [00:01:33] Thank you Marc. Phil Anderson. Phil.

**Phil Anderson** [00:01:36] Thanks Mr. Vice Chair. While we're on that topic, I am in the same camp as our Chairman on this issue. I do want to understand better the workload implications of it as it relates to having it placed in the management spex process. I think there's a lot of, there's a lot of things that are over and above what we normally do or what I would consider normal measures that are being suggested so I suspect that when you look at all of them, the workload implications are overwhelming and we're going to have to make some choices, I suspect. And I appreciate that the GMT, you know, thinking about an alternative pathway to get there, I'm not sure what the workload implications or timing of such a, such an approach would be of having a shared ecosystem species prohibition. If we're talking about needing to amend all of our FMPs to get there, I think that the definition that is in that approach is one, the definition of a directed fishery is one that we could work with and we could design it in such a way that it did not have impacts on our existing fisheries and allowed the appropriate disposition of shortbelly rockfish that were caught incidentally and brought to shore in our fisheries where total retention is required. So I don't, again I'm just supporting keeping the conversation active. Looking if it is a burden with a capital B to getting the work done for our spex process and we need to look for another pathway I'm more willing to look at that, and... but I don't want to drop it because I think this is, we have the opportunity. This is the right time to make the move while we before we have potential fishery interest in it most likely for a reduction purpose and meal production, but I'll stop there. Thanks Mr. Vice. Chair.

**Brad Pettinger** [00:04:52] Thank you Phil. Kelly Ames. Kelly.

**Kelly Ames** [00:04:52] Thanks Mr. Vice Chair. And in response to Phil's points, I was wondering if either John, Todd, or maybe GMT folks that are on the line could answer the question about recent catches. So I note in the GMT statement they reference a decision by the Council to set a 2,000 metric ton threshold of cumulative catch in a calendar year that would trigger further Council consideration of shortbelly rockfish impacts, and I note the inseason statements for this meeting isn't up yet, so I just was curious if we could get some information on the 2020 cumulative catches and how we look this year as an attempt to kind of frame prioritization of this management measure in the spex or another package.

**Brad Pettinger** [00:05:55] Lynn Mattes has her hands up or hand up so she might have an answer as to the catches. Lynn.

**Lynn Mattes** [00:06:03] Vice Chair Pettinger, Miss Ames. I don't have the numbers for 2020 handy, but as of yesterday at about eight o'clock in the morning we were sitting at 246 metric tons for 2021. So, 200 and less than 250 metric tons as of eight a.m. yesterday for shortbelly rockfish for 2021. I can get the 2020 numbers, but it'll take me a couple of minutes.

**Brad Pettinger** [00:06:32] Okay. Thank you. Good. Appreciate that. Maggie Sommer. Maggie.

**Maggie Sommer** [00:06:43] Thank you Vice Chair. I just wanted to add that I also support Mr. Anderson's comments on shortbelly rockfish, and I'm supportive of continuing to explore options to prevent the development of a targeted fishery, particularly for reduction. Wanted to share with the Council that I did take the opportunity over the summer to do some exploration of some shortbelly landings data, looking at frequency and volumes of landings and I think there are some good avenues for, to pursue to develop this and so I appreciate the engagement that we have had so far. Really appreciate a good conversation with Anna Weinstein in particular and the suggestions brought forward to the Council as well as engagement with industry members, and that will be very important to keep them involved going forward because there are really some operational aspects of this. So wanted to support that and indicate my interest in continuing to be involved in this issue and also to recognize the challenge that we will face in determining what to include in the groundfish harvest specifications and management measures process. And as Mr. Anderson noticed, noted, we may be faced with some difficult decisions there and may be looking at a different pathway to pursue this. Since I've got the open mic, I'll take the opportunity to add that while Lynn was noting that she had not, didn't have the 2020 shortbelly landings handy, it was that quick for me to go online to the Pacific States Marine Fisheries Commission PacFIN site and look at the public groundfish short card, pardon me, the public groundfish scorecard and find that in 2020 the total mortality of shortbelly rockfish was 606 metric tons.

**Brad Pettinger** [00:08:48] Thank you Maggie. Appreciate that. Anyone else? I would like to maybe interject here a little bit as far as the shortbelly issue. I do remember a couple of years ago about, they talked about the recruitment of the shortbellies here in the last few years, and I believe the recruitment were of the magnitudes larger than anything that's ever been seen before and I don't know if anybody at the Science Center or maybe if John DeVore might remember those numbers, but there were some pretty significant I think for the fleet maybe if that, if those fish would reach maturity they'd have to be dealing with those and the uncertainty of dealing that with more constraints is potentially scary so but I haven't heard anything since then... so...and with that I'll just, I see Bob Dooley has his hand up. Bob.

**Bob Dooley** [00:09:43] Thank you Mr. Vice Chairman. I, you know, I agree with Phil's statements there. I think he's, and others that I think it's something we need to be concerned about. However, in the context of all of the other stuff that's on the plate and the catches over the last, you know, the trend over the last few years seems to indicate that we're going back down again, that we're on the back side of the bell curve here. And maybe, you know, there's been a lot of a talk but potentially not enough yet to really dig into the weeds yet and preempt a lot of other things if we don't have the time for it. I just, you know, I know from the whiting perspective I know that at 2015 we had about a half a ton of bycatch. 2016 we had 2.5. Then it went to 250 in 2017, 408 in 18 and 600 in 19 and that was when Heather came forward and actually said, hey, we're really deep in the weeds here. We've got to do something. You know is anybody worried about it? And since then, it's now... it's 2020 it's 400 and 200 this year. So, I think we're on the downslope and, you know, I'm not, I think whatever we do, we need to do a well-considered approach. I'm a little concerned about, you know, identifying targeting by the amount that's caught because this typically, you know, on a particular set or a particular trip, because we've heard that this is a lightning strike type thing, you know, and if you started saying it's a directed fishery because you've caught a predominance of those, well that's... you know... and I think that could be an issue and unintended consequence and we need to think through these things. So, I'll stop there but I do appreciate

everyone's comments.

**Brad Pettinger** [00:11:53] Thanks Bob. Phil Anderson. Phil.

**Phil Anderson** [00:11:55] Thanks Mr. Vice Chair. And I don't want to prolong this, but I don't hear anybody suggesting that whether it's 246 or 600 or whatever, that they think there's a problem where we are right now. The concern is the potential of a significant targeted fishery for purposes, primarily meal production and we've seen there's an increased demand for yield across the world. And so, there's a concern and so it's wanting to be preemptive and get out in front of any potential problem to protect our very important forage fish species. And yeah, we need to do it carefully and yeah, I don't, I haven't heard anybody that wants to do this in a way that disrupts our current fisheries. So, I think there's a way to do this and it requires some more thought. We are going to need to be careful, but that doesn't mean we shouldn't do it.

**Brad Pettinger** [00:13:00] Okay thanks Phil. Corey Niles. Corey.

**Corey Niles** [00:13:03] Yeah quickly I'll just support what Mr. Anderson said there and with the added, I think that there has to be, and workload is going to be a major concern. Whether at the spex or not, I think there has to be something... I hope there's, I mean I have to believe there's something out there, a prohibited species type approach that doesn't necessarily quantify catch levels. But I just want to add into it, I think something's doable, understandable given the workload but just supportive also of taking a look and recognizing the challenges here with workload priorities.

**Brad Pettinger** [00:13:47] Okay, thanks Corey. Okay. Further discussion? Even a motion would be welcome. Maggie Sommer. Maggie.

**Maggie Sommer** [00:14:04] Thank you Vice Chair. I am prepared to offer a motion that would cover items number one and two under Council action.

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

**Maggie Sommer** [00:14:18] Thanks. That was much quicker than yesterday. Glad to see it. I move the Council conditionally adopt the 2023-2024 OFLs, stock categories and P star values presented an Agenda Item C.8, Supplemental Revised Attachment 1, September 2021, except those highlighted in that document, spiny dogfish, California copper rockfish, California quillback rockfish and California squarespot rockfish. The Council will confirm or update these values after receiving results of the SSC's review of all values in November 2021. In addition, for the stocks indicated below, request projections associated with the alternative harvest control rules presented in Table 1 in Agenda Item C.8.a, Revised Supplemental GMT Report 2, September, 2021 reproduced below, prior to the November Council meeting to inform adoption of a range of alternative harvest control rules at that time. And Table 1 from that GMT Report is included in the motion.

**Brad Pettinger** [00:15:33] Okay. Thank you. Does the language on the screen accurately reflect your motion?

**Maggie Sommer** [00:15:38] Yes it does.

**Brad Pettinger** [00:15:42] Wonderful. Looking for a second? Seconded by Marci Yaremko. Maggie, speak to your motion please?

**Maggie Sommer** [00:15:52] Thanks very much Vice Chair. As we have heard we have the, if you



wouldn't mind scrolling back up to the top, Kris, we have the main attachment, Supplemental Revised Attachment 1, which presents all of the OFLs, categories and P star values for stocks under the default harvest control rules, pardon me, yep, and presents the OFLs, stock categories and P star values for those stocks. There are several that are still outstanding and need either to be provided or confirmed at our November meeting. And the SSC in their report noted that they are conditionally endorsing the values in Attachment 1, and they do intend to go through a fine tooth comb review of the values and make sure there are no errors there. So that is the reason for the conditional language here. Just wanted to make sure we recognize that and have an opportunity to either confirm that after hearing from them if everything looks good or make any updates if needed, if there are corrections. In addition, the GMT then provided the table that I have included in the motion here that incorporates a number of departures from the default harvest control rules that have been suggested through various pathways. Those are addressing some concerns about impacts of harvest into the future on sablefish under default harvest control rules, uncertainty in the lingcod stock assessments, both of those, as reasons to consider departing from the default with more conservative P star values. For black rockfish as I provided rationale in the ODFW report under this agenda item, we are proposing projections based on a case by case ABC. Pacific spiny dogfish related to uncertainty in the assessment as are vermillion and sunset and then the GMT table at the bottom just notes that quillback rockfish off California and copper rockfish off California are dependent on the outcome of the.....we still want to hear from the results of the mop-up panel on those before we go ahead and confirm harvest control rule alternatives for those. So, the intent with the stocks in this table, again is to request projections based on these harvest control rules so that we as a Council in November can determine which we want to include in a final range that will then go forward from there. I will conclude the motion there.

**Brad Pettinger** [00:19:09] Okay, thank you Maggie. Discussion on the motion? All right, well....ah ha! Corey Niles. Corey.

**Corey Niles** [00:19:24] Thanks Mr. Vice Chair. Yeah, slow on the button there again. Thank you Maggie. I just want to speak in brief support of this and it gives us a good range to work with. I do just want to highlight some thoughts so they're out there. For sablefish we do have a good range here. A P star of point three five to all the way to the default of point four or five. Without going too much into it, I'm... the P star approach still is not fully mature to me in terms of how we use it and the reasons we use it for. I do, I just want to point there, I do see some questions with the sablefish assessment, which we spoke to in June about this completely, extraordinarily different perception of what's been going on with the stock before. You know we still have this North Pacific wide and some kind of worry or possible worry about assessing three different areas separately and maybe overfishing the population as a whole because of that. That's not a certainty, but there's a lot of uncertainties here. So, I do think it's important that we take a look in November. I'm wondering if an ACL approach in the end might be better and just highlighting what the concern here and possibility of bringing forward something else in November. But the worry to me is if you look at the ABC for a proposed, particularly under the default harvest control rule, it's, it would be a 50 percent, over 50 percent increase from what is anticipated to be caught in 2022. That's a big jump when there's uncertainty there and maybe there's something less that could be done, and this is a long-lived stock and so just highlighting there might be a different approach. I'm not, I don't know any of these P star approaches are what we'll end up with, but I just did want to highlight that concern. And thank you, Maggie, for putting this range together. That sets us up nicely for November.

**Brad Pettinger** [00:21:41] Thank you Corey. Further discussion? Okay you're going to make me call for the question here. I don't see any hands so with that I'm going to call for the question. Of those in favor signify by saying 'aye'.

**Council** [00:21:57] Aye.

**Brad Pettinger** [00:21:57] Opposed? Abstentions? The motion passes unanimously. Thank you Maggie. Much appreciated. Kelly Ames.

**Kelly Ames** [00:22:11] Thanks Chair Pettinger. I was going to have some opening remarks as we move into considering management measures, but I did see that Marci has her hand up so if she had something relative to items one and two, I can stand down for a moment.

**Brad Pettinger** [00:22:32] Okay Marci.

**Marci Yaremko** [00:22:34] Thank you Mr. Vice Chair. No, my comments pertain to item three.

**Brad Pettinger** [00:22:40] Okay. Back to you Kelly.

**Kelly Ames** [00:22:44] Okay thank you. Just a few comments as we move into this discussion, none of which I think will be surprising to you all. You've probably heard me say it as I've moved seats in the Council process from GMT Chair to Council Staff and now NMFS Staff. You know we've done some great work here identifying the potential list of management measures for inclusion in the 23-24 specifications. But as always, we need to prioritize among those items that are most important to be implemented on January 1. So that's kind of the key point of the specifications action. Recall we also have a dedicated groundfish workload agenda item where the Council can spend time prioritizing the items that are not included in the specifications package. So, as we move into this discussion, I'd like to have you all keep that in your mind what our available options for considering, you know, what is a list of important measures to, to be considered by the Council, whether it is in this process or in a new process. And I just want to flag as well that, you know, during the specifications process if there is incomplete analysis of any management measures, you know, we're going to raise that issue to the Council and we're going to ask the Council to seek alternative pathways for further consideration and implementation. So, if the analysis is insufficient, then that new management measure would be taken out of the specifications package, and we'd need to identify a new pathway for it. Basically, we don't want to hold up the entire specifications package as a result of incomplete analysis. And when it comes to considering the work that needs to be done, when we think about how we're going to manage our groundfish fisheries as it relates to the discussions we had earlier in the week on the stock complexes and, or sorry, on the stock assessments, there is a related issue to how we're managing those stocks and we do believe that the Council should undertake a review of the stock complex compositions for the 23-24 biennium. You had a statement here from the SSC along those same lines, and in particular we would like to request that the GMT prepare a comprehensive evaluation of mortality estimates compared to the harvest specifications, contributions of the species that are managed in stock complex. As part of the task that they do at their October GMT meeting, we intend to participate in that meeting and be part of those discussions. And at that time, I'd also like to have the SSC at their November meeting review the GMT statement and provide us any input on our stock complex performance and any recommended solutions to address concerns that might have been identified.

**Brad Pettinger** [00:26:18] Okay. Thank you Kelly. Marci Yaremko. Marci.

**Marci Yaremko** [00:00:00] Yes, thank you Mr. Vice Chair. I do have a motion relative to item three on our list.

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

**Marci Yaremko** [00:00:09] Thank you. Kris or Sandra, thank you. I move that the Council adopt the preliminary range of management measures outlined in Table 1 and 2 of C.8.a, GMT Supplemental Report 3 for public review.

**Brad Pettinger** [00:00:30] Okay Marci. Is the language on the screen accurate?

**Marci Yaremko** [00:00:33] Yes, it is.

**Brad Pettinger** [00:00:35] Wonderful. Looking for a second? Seconded by Maggie Sommer. Okay. Speak to your motion Marci, please?

**Marci Yaremko** [00:00:49] Yes, thank you Mr. Vice Chair. First, I want to acknowledge the hard work of the GMT here in Supplemental Report 3 to pull together all of the proposed management measures that we possibly can envision we might need. Looking forward to this very challenging spex cycle and the decisions yet to come on stock assessments, as well as keep the kind of running list going of other actions that we might pair with spex in this cycle. And in coming up with this comprehensive list however, I will note that there are for purposes of brevity, the content in Table 1 and Table 2 really is just a very brief summary of what might be contained in each of these proposed management measures. So, I think that needs to somehow be made clear when we put materials out for public review. There are a lot of supporting documents looking back in the record back to June that are relevant to the items in this table, as well as content in other agenda items, notably the stock assessment items that have substantial bearing on this preliminary range of management measures reflected here. We have in Table 1 our management measures that help us ensure that we stay within our specifications. So, we have ACTs, off the top deductions, our trawl and non-trawl allocations are within trawl allocations, are within trawl at-sea set asides and are within non-trawl HGs or shares. And these are the tools that we use to manage our sectors and our fleets to properly share the specification amounts that are identified concurrently with this action. Then we get into our catch control measures that are identified by the GMT and then we have item seven and eight, seven is the prohibit directed fishery for shortbelly rockfish. We've had quite a bit of discussion about that here today and again, this list is our all-encompassing list. We have not begin, begun the process of really determining how we go about refining this list, but that process will begin in November. Similarly, we have the Cowcod Conservation Area removal on the list, which is another catch control measure that is under consideration by the GMT. Both seven and eight are also items that were on our groundfish workload matrix as well. Looking to item nine, the proposed new coordinates for the non-trawl RCA boundary lines off California. You heard a lot about that in our CDFW Supplemental Report for September, as well as some content on that for June. But I really want to reiterate the reason that we need new coordinates. We are going to rely on area management for our fisheries measures to ensure that we attain our specifications, and maybe what wasn't said in some of the discussions so far is that in the event that we wind up needing to move fleets out of the nearshore and onto the shelf and beyond, we need a robust set of waypoints that is workable for the public and the industry and that have been reviewed and that we know are free of errors. So, we expect that that may be part of the discussion as we proceed in this process where, you know, it seems almost insurmountable. But the concept of moving a fleet of nearshore recreational fisher folks out onto the shelf with no or little access in the nearshore is something that we need to consider in our range. Seasonal closures likewise, something that we need to consider in our range until we have a better feel for what those specifications are going to look like. I want to speak to groundfish retention in the salmon troll fisheries, number 10. We have some authorizations for this now. There are some industry requests to increase groundfish retention allowances, but we will continue to discuss as the process moves forward. And then you heard today the recommendation from the GAP on the sablefish primary tier fishery end date to keep that on the list of items to consider in spex looking for some sort of vehicle for that action for a permanent fix to that situation, so that is on the list. The recreational measures for Washington, Oregon and California. I would just note that the description here that lists bag limits, season structure, length limits, et cetera, that description is somewhat, I would say incomplete. I think it's important that the public recognize that we may need, well, the description of a season structure, the discussion that you heard with Lynn on the floor, the season structure does involve consideration of depth limits and I would also extend

that to mean area closures or regional closures as necessary. That may be part of the discussion as well as, and when we talk about closed areas, we may be talking about regional areas, we may be talking about RCAs, so exactly how those would be designed, those closed areas would be designed is still all yet to come. So it's important, I think to realize that while this brief listing is intended to basically notice everybody that we will be discussing rec measures. There is an awful lot involved in what rec measures mean. Also on the list, 15, our nearshore trip limits, those two will be subject to significant review and potentially adjustment, depending on the discussions we've heard here from Kelly about complex management and what those nearshore trip limits might look like into the future. So, keeping that on the list is certainly a necessity. Similarly, non-nearshore trip limits I think is another item that we may need to address in response to new stock information and new configuration of complexes. So with that, I support the need to put this material out for public review and would, in so doing, encourage Council staff to maybe do what we can to maybe expand a little bit of the messaging or the front matter that goes with this content, just to clarify how broad this range is and what all we are actually proposing here be brought forward for consideration. I'd also note quickly that there are a few adjustments that are needed in some of the links in this table, specifically item eight, the Cowcod Conservation Area Removal. The table description refers to a supplemental report for September of 2021 are, the bulk of the cowcod proposal is actually contained in the CDFW report back from June. And at that time, we brought it to the Council for kind of an early review and early preview so that folks could have a look at the depth-based management that we would propose replace the boundary areas that exist now for the cowcod area, so that reports in June, or from June. I'd really like to see a reference to that report in addition to the September report. Similarly in item nine, I've been informed that the link there for June 2021, the link doesn't work. So maybe just encourage Council Staff as we move forward with putting this out for review that we do what we can to make sure all of the links work. Thank you.

**Brad Pettinger** [00:11:43] Thank you Marci. Questions for the motion maker or discussion? Of course, if I don't see a hand we're going to call the question, which I'm going to do now. So okay. All those in favor signify by saying 'aye'.

**Council** [00:12:07] Aye.

**Brad Pettinger** [00:12:07] Opposed? Abstentions? Motion passes unanimously. Okay. Kelly Ames. Kelly.

**Kelly Ames** [00:12:27] Thank you Mr. Vice Chair and thank you, Marci, for the motion that we just passed. I would be remiss in not acknowledging my disappointment in the lack of kind of a first cut at prioritizing the measures. I do understand your rationale which is why I voted for the motion to put these out for public review, but I do hope that perhaps in the decision summary document published by the Council, you know, there could be some acknowledgment of the discussion and concerns regarding workload and a flag to the public that in November we will be seeking some prioritization so that they are aware and they come into that meeting prepared to provide us their prioritization as we move forward in the specifications process.

**Brad Pettinger** [00:13:25] Okay. Thank you Kelly. Maggie Sommer. Maggie.

**Maggie Sommer** [00:13:25] Thank you Vice Chair. I just wanted to really appreciate the comment that Miss Ames just made, and I think that.....I think the fact that we, the Council did not arrive at any prioritization, even a preliminary cut at it at this time is an indication of exactly how much it's needed. At this meeting we are considering so many very workload intensive groundfish items that I suspect that some of us around the Council table and many of the GMT members and groundfish focused staff have just not been able to devote the time necessary to really evaluating priorities and being able to bring some to the table here to recommend today. So we are feeling that squeeze already and it is going

to become even more urgent in November and so I would very much support making it quite clear that we are looking for input on prioritization in November and we will need to be doing that with a very clear thought to, as has been said, making sure we are putting at the top those items necessary to achieve our fundamental harvest specifications and have them in place and at the appropriate date. Thanks.

**Brad Pettinger** [00:15:05] Thanks Maggie. Bob Dooley. Bob.

**Bob Dooley** [00:15:09] Yeah thank you Mr. Vice Chair. I don't think I could let this go by without making this comment as I've made it many times in the past. I appreciate Kelly Ames questions about accountability in the, you know, in these new openings and new areas we're going into and how we might account for it. We've heard it in many different venues, you know, on the Council agenda, in different places on the Council agenda over the years. And there's concern about that. And I go back to the beginning of the meeting when we talked about this electronic mandatory logbooks and required in the fixed gear sectors and things like that, and I think it would be very good for people to think about ways of embracing accountability measures that don't burden particularly these smaller entities, and I believe that logbook has a lot of utility and I think we need to consider those so we don't end up with, we want to go someplace, we want to do something but we have a roadblock. And I think as these things go forward, I heard a lot of concern about the burden of the logbook, and I look at it from a different direction. I see it as a maybe a potential key to the gate by getting more accountability. And I also see the lack of data that's coming and affecting our stock assessments, and it's affecting all of those things and I think there's a way to integrate these things and possibly smooth the way for future. And I'm not looking to burden anybody, I'm just looking to get as much info at the most economical and best way we can to particularly in the context of non-trawl RCA, cowcod area, that we know what we're doing when we go into an area that's been closed for 20 years so. I'll stop there. I just, I want people to just kind of think about that. So thanks.

**Brad Pettinger** [00:17:24] Thank you Bob. Let's see Chuck Tracy. Chuck.

**Chuck Tracy** [00:17:31] Thanks Mr. Vice Chair. I guess I just want to chime in here a little bit on the prioritization issue, and I realize that there's still a lot of moving parts out there and we're not sure where we're going to end up in November. I just do want to maybe sort of reiterate that the expectation should not be that we get to November and while we prioritize the list, we don't leave anything off the list. I just don't think that's sustainable or appropriate to leave that impression. I just, you know, I think we need to be disciplined and recognize the limitations of our staff and the GMT and the analysts that are going to be looking at these things going into the spex and recognize that we can't just expect them to try and get to everything if they can, which... so I just want to make sure that the expectation there is that we're not going to end up in that place come November. Thank you.

**Brad Pettinger** [00:18:46] Yeah thanks Chuck. Marci Yaremko. Marci.

**Marci Yaremko** [00:18:51] Yeah thank you Vice Chair. Just wanted to thank Geoff Shester for his comments today on the CCA reopening and the interest that the NGO community has in ensuring that we do that wisely and that we take steps to protect the kind of most major sensitive areas in that area and want to acknowledge the work the Habitat Committee embarked on this meeting to take a step that direction as well. We had some discussion about this this morning in delegation and recognition that we need industry reps and the NGO community to get together to identify those priority areas for consideration as we develop that alternative looking forward. So, I just want to acknowledge the work that's already gone on for that becoming a reality and appreciate the interest in the topic and the offer here from Geoff to work on the sidelines on that proposal. Much appreciated.

**Brad Pettinger** [00:20:14] Okay thank you Marci. Maggie Sommer. Maggie.

**Maggie Sommer** [00:20:15] Thanks Mr. Vice Chair. Just one brief comment following along that I noticed the Habitat Committee also reminded us that we had previously requested assistance from NMFS on habitat impact analysis and some other aspects of potential changes that could be reintroducing bottom contact gear types into areas that had been closed, and they certainly have the, you know, an extensive habitat expertise and I think can be very helpful in this process. So just wanted to make sure that was raised up again in discussion. Thanks.

**Brad Pettinger** [00:21:02] Okay thanks Maggie. Anyone else? Okay not seeing a hand I'm going to turn to John and make sure we're done here.

**John DeVore** [00:21:17] Okay thank you Mr. Vice Chair, Council members. Yeah, I'd say that you have adopted, conditionally adopted the harvest specifications for 23-24 under default harvest control rules and a preliminary range of alternative harvest control rules for select stocks. So, we'll certainly put out those requests to the stats to get those alternative projections in time for Council consideration of a range for detailed analysis that you will be making at the next meeting in November. And from my perspective it looks like you've adopted a preliminary range of potential new management measures, but certainly if Todd has anything to add to that side of this action, I will stand by and listen.

**Brad Pettinger** [00:22:21] Okay. He was my next stop. So... Todd.

**Todd Phillips** [00:22:21] Yes, thank you Mr. Vice Chair. I would concur with Mr. DeVore. I believe that the last motion did specify a range there for the GMT to explore during their October meeting and present those analyses to the Council in November. So, thank you.

**Brad Pettinger** [00:22:45] Okay. Wonderful. Great work everyone.

## 9. Emergency Action to Consider a Season Extension for the 2021 Limited Entry Fixed Gear Primary Sablefish Fishery – Final Action

**Brad Pettinger** [00:00:00] Takes us to Council action. There's two things to consider here and we're going to start that off so. Marci Yaremko. Marci.

**Marci Yaremko** [00:00:17] Thank you Mr. Vice Chair. If I may, I have a few questions for the National Marine Fisheries Service.

**Brad Pettinger** [00:00:27] Okay.

**Marci Yaremko** [00:00:27] Thank you and thank you Kelly. Regarding the regulatory process we went through this last year, we will transmit our recommendation to NMFS and then NMFS will prioritize this action ahead of others. But I'm hoping you can describe for us internally what adjustments might be needed to your work plans and priorities that other staff have or that staff already have on their plate that might need adjustment in response to accommodating this action?

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

**Kelly Ames** [00:01:15] Through the Vice Chair, Miss Yaremko, thank you for the question. We have done a thorough workload assessment and at this time we believe if the Council recommends an emergency rule, we would immediately redirect our staff resources to address the request. And at this time, we think the likely scenario would be a delay in any inseason recommendations put forward at this meeting.

**Brad Pettinger** [00:01:44] Okay. Marci.

**Marci Yaremko** [00:01:51] Thank you. Thank you Kelly. Next, next question. Thinking about the GAP recommendation on the five-year program review, I think Mr. Alverson described an agenda planning process that would essentially require us to schedule those two items for November and March in order for a permanent rulemaking we'll call it, to be effective in time for 2022. I'm asking if that scenario is likely? I realize that other thing, other elements are included in the program review and maybe, you know, I mean, I'm just wondering if that is the most expeditious pathway or if NMFS sees other pathways to avoid the situation in 2022?

**Kelly Ames** [00:03:07] Through the Vice Chair, thanks Miss Yaremko. What you are hitting on, and the GAP has hit on an important part of this issue and that is if the season extension is important for the functioning of the fishery, we should be moving toward a permanent change and not expect that we can continue to do emergency actions in future years. So, I think we would have to see what is brought forward in November with regard to the program review and what the priorities are, and at that time we could make a comment and then, of course, under the workload planning can consider together all of the groundfish priorities and how they might best be accomplished in order to assess whether that timeline is feasible.

**Brad Pettinger** [00:04:12] Okay. Marci, your hand's still up.

**Marci Yaremko** [00:04:14] Oh, my mute button is not responding very well. Thank you Mr. Vice Chair. Thank you Kelly. Third and final question. The primary tier fishery we've been reminded by NMFS in multiple discussions that this is a lap fishery, and I'm just wondering if you can characterize the situation with cost recovery? I'm somehow thinking that emergency actions aren't subject to cost

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recovery, but regular actions are. If you can refresh me on that situation and how it pertains to the action in front of us today that would be great. Thank you.

**Kelly Ames** [00:05:03] Thanks Miss Yaremko. At this time there is no cost recovery program implemented for the tier stacking program. That will be an issue that we discuss in November during the program review, the history around that determination and whether or not that determination should stand moving forward. But as it stands today there is no cost recovery program so there would not be fees associated with an emergency rule making.

**Marci Yaremko** [00:05:36] Thank you.

**Brad Pettinger** [00:05:39] Okay. Thank you, Kelly, on that. Further discussion? Corey Niles. Corey.

**Corey Niles** [00:05:51] Thanks Mr. Vice Chair. If there's no discussion, I would be prepared to put forward a motion.

**Brad Pettinger** [00:06:06] Yes. I don't see any hands behind you.

**Corey Niles** [00:06:08] Okay, thank you Sandra. And we'll go ahead and move that the Council request that the National Marine Fisheries Service 1: Initiate to extend the primary season from October 31st, 2021 to December 31st, 2021, and 2: Extend the period allowed for incidental halibut retention until noon local time on December 7th, 2021 continuing the current allowance of 225 pounds per 1,000 pounds of sablefish. And Sandra, sorry, I forgot, could you after that thousand pounds of sablefish, comma, plus 2 fish. Thank you. And employing the standard inseason process to manage to the 70,000-pound limit.

**Brad Pettinger** [00:07:22] Okay. Does that modified language on the screen accurately reflect your motion?

**Corey Niles** [00:07:33] Yeah, if I could just check with Todd real quick. I was going off the 2 fish on memory, but I believe that's accurate but just to confirm with Todd that's the current limit, the current allowance?

**Todd Phillips** [00:07:49] Yes, through the Vice Chair. Yes, Corey those are the correct numbers.

**Brad Pettinger** [00:07:56] Okay.

**Corey Niles** [00:07:56] Thank you Mr. Vice or thank you, Todd, then yes.

**Brad Pettinger** [00:07:59] Very good. Thank you. Looking for a second? Seconded by Phil Anderson. Thank you Phil. Corey, I'll let you speak to your motion.

**Corey Niles** [00:08:11] Yes, thank you Mr. Vice Chair. Unfortunately, we're here again in a time we thought would be back more to normal conditions. Yeah, we've heard, you know, beginning with open public comment or open comment again today from folks in testimony and the GAP and echoed by the GMT that, you know it's, operations are not normal. They're affected by the pandemic anywhere from, you know, from crew and in processing facilities to getting parts. So, yeah, the reality is that, and I can't say it much better than the GMT wrote it down in terms of unforeseen events occurring and they are causing a serious management problem in the fishery and NMFS can address this through emergency regulations. In terms of the emergency justification and which is, you know, the second part of these criteria about waiving notice and comment. On this is, I would point to the second and fourth, you



know, pieces of that, the economic loss and the health conditions, those are here. We saw the benefit last year. Expecting a similar benefit this year in doing this emergency action in which, if we don't do it, would convert to a loss. And there are health issues here. We don't need to have people rushing, you know, and putting their health at risk. So, I would look to the other Council members to add to the... their thoughts, but that's what I'm seeing in terms of the conditions and the benefits here in terms of justifying emergency action. You know Marci did bring up some questions and points I think that are important to think about in the future for making this change permanent, but that would be for much different reasons in terms of allowing more flexibility to the people that make business decisions just in normal, in the normal world. Hear people's business decisions are being affected by the pandemic conditions and it's not just in here and Alaska, but we heard from testimony that it's, you know, it's where in the markets, international markets in Japan as well. So, the pandemic is causing this emergency. I think one more thought and I'll end but, yeah, thanks to the GMT and others for bringing up the humpback whale situation. I know NMFS looked at this closely last year after the Council action. It is an important issue and maybe after this vote I'll ask National Marine Fisheries Service to remind us of what the plans are on workshops and outreach on dealing with that issue but I think given we heard this is not going to affect any entanglement risk in my mind, it's more of, anything it would lower it, or maybe not lower it but it is a shift in effort more than normal so... and given the migration patterns of the humpbacks that are of most concern and where the areas fished. I'm, of course, depending on National Marine Fisheries Service to do their independent evaluation of that, but in my judgment this is not upping the entanglement risk in a meaningful way. So, I will stop there and again, hope my fellow Council members can add to the justification.

**Brad Pettinger** [00:11:55] Thank you Corey. Butch Smith. Butch.

**Butch Smith** [00:11:55] Yes, Mr. Vice Chair thank you. I will be supporting this motion. I feel that getting those fish out of the water and get them to coastal communities so they can process this helps the economics of the coast that, you know, we're always kind of struggling and helping keeping people at work. The ones that can work and crews on boats is important. This is no occasion for any kind of conservation need, these fish are in the water and just this Covid mess we're under is delaying that and so I think that the same reasons I supported this last year, I'm going to support it again. So, thank you Mr. Vice Chair.

**Brad Pettinger** [00:12:50] Butch. Maggie Sommer. Maggie.

**Maggie Sommer** [00:12:52] Thank you Vice Chair. I'd like to support the motion. I also found the rationale presented in the GAP report and in public comment a compelling description of these unanticipated factors. While the pandemic itself is at large, a continuing situation from last year. The course it has taken has been quite a roller coaster with many unexpected twists and turns, including its resurgence due to the Delta variant, lower than anticipated vaccination rates in some areas, et cetera. It certainly does not leave us where I thought we would be at this time this year and I know that that has been expressed by many of our participants in public comment. And I also wanted to factor in a number of the comments we heard about supply chain related issues, the availability of some necessary equipment to prosecute fisheries and fish processing. I remember an example of ice machine parts being given, but there were others as well and so I think it does, in my mind, meet the anticipated standard and very much appreciate all the analysis provided by the Groundfish Management Team on the range of aspects involved in this decision and it gives me comfort moving forward that this is the right decision to make. Thanks.

**Brad Pettinger** [00:14:32] Thank you Maggie. Pete Hassemer. Pete.

**Pete Hassemer** [00:14:33] Thanks Mr. Vice Chair. I, too, just wanted to speak in favor of the motion

here. I appreciate, thank Corey for making the motion. He had asked for some other justification and mine, I looked at it from a different angle than what others have mentioned. The first bar to clear, I think is does an emergency exist? And, yes, I think there's plenty of evidence that an emergency situation exists. So, the second question I ask is if we make this recommendation for NMFS and all the parties involved could go through the work of doing this does this result in a beneficial impact? Do we actually see a positive outcome from this? And the quality of the GMT report bears that out. I didn't ask any clarifying questions but what I saw in there this year and what occurred last year is up through about September 12, 13, 14 date. Significantly fewer vessels have fished this year than last year, I think it's in the mid 50's range then have fished up to that date in prior years. And if you look at the final season totals, that gap is made up considerably that there are a number of vessels, I believe, that ended up fishing last year, can't speak to this year yet, but last year that deficit in vessels that was fishing was made up at the end of the season. And the only factor I can see, and I think the GMT report points to it, is that this emergency action was in place that allowed some additional opportunities. So, I think it does demonstrate that for the effort we put into this, it is very effective in achieving our stated outcomes. So again, I'll support that. Thank you.

**Brad Pettinger** [00:16:55] Thank you Pete. Marci Yaremko. Marci.

**Marci Yaremko** [00:16:55] Yeah, thank you Mr. Vice Chair. I appreciate the dialogue. I appreciate the Q and A and getting some very I think complete and honest answers from a number of folks that I asked questions of on this item, and very much appreciate that all of us around the table have our own perspective and that they may differ, and that's okay. But unfortunately, I will not be supporting the motion. But again, appreciate the considerations here today. My concern here is that I think we're hearing a request to extend the season end date to provide flexibility, and the reason that that flexibility is desirable is to increase utilization of their allowable yield and I think we've heard that in a number of discussions, a number of agenda items, and I am extremely sensitive to that. And looking at the season end date and why it is there, I don't even know why it's there but there was a reason at one point in time, and it sounds like there are some very real and serious interest in removing that end date. And I'm very interested in considering that in another process so that the change becomes permanent. I'm thinking about workload, I'm thinking about how we accomplish the same need next year. I'm not ready to make a decision right here and now that the 2022 fix is through the five-year review and that the scheduling of that on our agenda compared with all of the other competing initiatives. And I think what's kind of really at the root of this is folks in all of our fisheries are making business decisions and folks that participate in multiple fisheries with multiple permits, they've diversified their operations in a way that works for them and certainly in this business you must do that. You must have options. You must be able to move from fishery to fishery and participate in those that are going to be the most lucrative or the best for your business model, considering all of the prevailing circumstances. So when the Alaska season this year kicked off, folks had to make a choice if they were going to do that or not kind of knowing that the season end date down here is what it is and, you know, I feel like all of our sectors and all of our fisheries at this point in time are in the unsavory situation of having to make business decisions that are really difficult in the face of changing circumstances, the face of uncertainties in the marketplace, uncertainties in the workforce. So I am, that is not lost on me and I realize the predicament that that has put so many of our fleets in and how difficult it is, but in this situation I'm not really clear how many people are really in Alaska and wanting to finish there and come here and prosecute their trip limit versus those that are presently here and just waiting to go fishing until the price is right, and, you know, the price isn't very good and there aren't a lot of incentives and I, you know, that there's some of that sentiment in the, in the GAP report and, you know, again, I very much understand the desire for flexibility and I think we hear that across many of our fisheries and fleets, but I am concerned that by voting or forwarding this action that we're kind of reshuffling the deck of our priorities and, you know, I'm very interested in looking at all of our fisheries and how we increase utilization and how we provide flexibility, and so for those reasons I'll be voting no. Thank you.

**Brad Pettinger** [00:22:17] Thank you Marci. Bob Dooley. Bob.

**Bob Dooley** [00:22:23] Thank you Mr. Vice Chair and thanks Marci for hitting a lot of the concerns I have. I'm conflicted. I see if I have a base decision to make, I like to give fishermen the ability to fish that doesn't markedly affect our process and we have the ability to do that. So, I'm really conflicted. I think that I probably ultimately will be supporting the motion. My concern here, and it stems from notwithstanding all the things you mentioned Marci and others have mentioned, I support the rationale that has come before me or before this. I, my big concern here is this whole entanglement issue and not necessarily that there's an entanglement problem, but it's kind of entwined around this issue of maybe not having observer availability and Covid reducing our observer coverage in this fishery during that time, and I would hope that we have an increased desire or effort to make sure we up the level of observer coverage, not necessarily to, just to verify what's going on so that we don't have uncertainty rule the day and end up with a bigger problem. This was an issue with the Endangered Species Workgroup. You know that they talked about whale entanglement. I also would, you know, remember we in California here we delayed our Dungeness crab season because of whale presence and I believe they're migrating south at that time of year. That's in November. So, it would stand to reason to me there's a strong possibility they could be present north of here, north of here being San Francisco. So I, it's a concern of mine. We've heard from the observer program through the various venues that there's a limited availability of observers because of this, the continued Covid problem, as you know the complications of keeping observers on vessels, particularly in Alaska for long, long periods of time and burnout. So, the pool of observers is impacted. So that's what I would say there but I think ultimately, I'm going to support the motion because I think if we have the ability to do something that doesn't negatively impact our scheduling to an extent, and I heard that from Kelly Ames comment that it wouldn't, and I don't see anything going forward in the inseason planning at this meeting. So, I think I will support but I just, I would hope that we proactively make sure that we have the rationale to defend this later season in the context of whale entanglements and bycatch and all of the other things that are that are entwined in it. So, I'll stop there and thank you so much for the motion.

**Brad Pettinger** [00:25:46] Thank you Bob. Okay. Further discussion of the motion? If not, I'm going to call for the question. All those in favor signify by saying 'aye'.

**Council** [00:25:58] Aye.

**Brad Pettinger** [00:25:58] Opposed?

**Marci Yaremko** [00:26:04] No.

**Brad Pettinger** [00:26:06] Abstentions? Okay the motion passes with one nay, Marci. Okay with that I'll turn to Todd... and Todd have we, we're good here?

**Todd Phillips** [00:26:27] Yes, thank you Mr. Vice Chair. I see that Corey, Mr. Corey Niles has his hand up before I consider anything else.

**Brad Pettinger** [00:26:34] Okay. Corey.

**Corey Niles** [00:26:38] Thanks. Thanks Mr. Chair. And I don't know if Miss Ames is prepared at this point, but I just wanted to, and it's not, I don't think directly impacting this agenda item but since we had public testimony on the fact, just the idea that the Council has recommended some outreach on the humpback entanglement, and we heard from some folks today with some ideas. So, I just want to get on record that you've heard those and that we are putting on record that we are continuing those discussions and having that outreach. And I was personally encouraged to hear these ideas brought

forward today.

**Brad Pettinger** [00:27:22] Okay.

**Corey Niles** [00:27:23] If Kelly had any response, I appreciate hearing. If not, understand. It may be an unanticipated question.

**Brad Pettinger** [00:27:36] Kelly.

**Kelly Ames** [00:27:36] Through the Vice Chair. Thank you, Mr. Niles, for the question. Yes, we do appreciate the discussion that occurred here today regarding this issue. We are in the early planning stages for workshops, likely sometime in 2022 to fulfill the biological opinion terms and conditions related to humpback whales and the requirement to develop a gear marking feasibility report. We have not determined the full scope of these workshops, but we will update the Council and industry as we have additional information.

**Brad Pettinger** [00:28:14] Thank you Kelly. Okay I don't see any more hands, so Todd back to you.

**Todd Phillips** [00:28:19] Yes, thank you Mr. Vice Chair. So, the Council has approved a motion shown here on the screen to consider emergency action to extend the limited entry sablefish tier fishery along with your revisions to the incidental halibut landing restrictions. We will go forth and get our transmittal information ready. So, I believe that the Council has appropriately and appropriately addressed this particular item and I have no further comments. Thank you.

**Brad Pettinger** [00:28:51] I'm sorry I was muted. Okay, we'll see everybody back at here at 10:35. We can take a break.

## **D. Highly Migratory Species Management**

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

**Brad Pettinger** [00:00:00] And with that I will turn to Kit to make sure we're done with this agenda item.

**Kit Dahl** [00:00:09] Thank you Mr. Vice Chair. Absent any additional discussion the Council might want to have on the information that's been brought forward, you're finished here with this agenda item.

**Brad Pettinger** [00:00:20] Lyle.

**Lyle Enriquez** [00:00:20] Thank you Mr. Vice Chair. I just have one item for discussion regarding the lack of observer data summaries for the June Council meeting. We did just want to note that we do have a process for making observer data summaries public and it did not align with the June Council meeting. NMFS staff preparing reports and serving on the HMSMT did not have access to the final 2020-2021 observer data at the time of the June Council meeting and we reported the reason why in our NMFS Report under performance metrics. We were working to go to a new platform for presenting those data. However, we were aware of the humpback take as it is typical for the observer program to alert us to takes of ESA species, and in light of that West Coast Region representative shared that information with the management team and I was prepared to speak to it on the floor. And then following the June meeting we did post the new data summary online in the old format to meet the deadline before request, rather than to rush the plans to release it in the new APAX format, APEX format, so that was the first time this summary data for the full 2021 season became available, and we do see that to become available and it was used for public comments during this agenda item. So I just wanted to clarify how that process just did not align for June, but the data are out there now. Thank you.

**Brad Pettinger** [00:01:39] Okay. Thank you, Lyle, for that verification and affirmation. Anyone else? Okay, seeing no hands, Kit back to you.

## 2. International Management Activities

**Brad Pettinger** [00:00:00] That will take us to I believe Council action. Still looking for hands. Ah, Caren Braby. Caren.

**Caren Braby** [00:00:09] Thanks Mr. Vice Chair. I just, I don't have specific recommendations to discuss or to put on the table. I just wanted to acknowledge the difficulty of participating in these activities over the last year, two years and express appreciation for our Council representatives for forging ahead despite the circumstances, and I hope that we can return to in-person negotiations that are more productive in terms of negotiating discussions. So obviously a lot of things are on hold because of the lack of productivity of those virtual meetings and just appreciate moving things forward as it's possible so...

**Brad Pettinger** [00:01:23] Yeah, thanks Caren. Corey Niles. Corey.

**Corey Niles** [00:01:25] Yeah, thank you Mr. Vice Chair, and thanks for those comments, Caren. Yeah, I think I'm remembering back to June and saying just don't want to be completely silent here. Silence is appreciation so thanks to Dorothy and Christa and Kit and the U.S. Delegation and Ryan for the excellent report. Yeah, I can't imagine the situation of negotiations and doing it virtually and here Ryan's level of optimism or not for October, but appreciate what is being accomplished and it seems we're all working on the same page and towards good goals, so thank you for all that. And we'll briefly mention the management, I'm going to get, I always get the MSE, MSEs mixed up, but the stewardship certification, Marine Stewardship Certification processes for the albacore and the tunas and understand that we are still on track and look forward to hearing more about those, especially for the North Pacific albacore here in the next year or so. So, again... yeah... thank you and not a lot of specifics to say other than that.

**Brad Pettinger** [00:02:52] Thanks Corey. Anyone else? Okay. Oh Christa Svensson. Christa?

**Christa Svensson** [00:03:05] Thank you Vice Chair and I will keep my comments pretty brief. I absolutely agree with Caren. Thank you to everybody that has participated online in all of these forums. It has been challenging, particularly I think in the WCPFC with time zones and late night meetings for attendees and just want to recognize briefly Theresa's participation both within the Council process but also within the pack and attending those meetings that sometimes are beginning at 10 o'clock at night and wanted to recognize that we do have a new West Coast member on the PAC. Mike Cornman, he's not somebody who we see at the Council all the time, but he will be representing us as well, so just a little update there on who to reach out to if you do have questions or concerns for PFMC.

**Brad Pettinger** [00:04:11] Thanks Christa. Anyone else? Okay. Well certainly knowing how hard it is a webinar could be just with our Council members that live in the same country region. Can imagine multiple countries on the international stage would be a tough environment to say the least. So anyway, thanks for all the good work done by our representatives. With that Kit I'll go to you.

**Kit Dahl** [00:04:38] Okay thank you. Well, I think Council's gotten a good overview of the state of play at the international level with various proposals and so on, particularly those that impact fisheries on the West Coast, and we'll be coming back in November and get with another update about what has happened to upcoming meet, or three key upcoming meetings that have already been discussed and we can report out on the results of those. So, with that I think you're done with this agenda item.

**Brad Pettinger** [00:05:24] Wonderful.

### 3. Exempted Fishing Permits - Final

**Brad Pettinger** [00:00:01] Now it takes us to Council action. And the Council action is on the screen and looking for hands and I see... John Ugoretz. John.

**John Ugoretz** [00:00:19] Yeah thanks Mr. Vice Chair. There's actually quite a bit in that discussion and I think perhaps we heard the most about the issue of whether we should require these vessels to remain attached to the gear. I understand the concern about needing to detach in a storm for safety concerns. And I also understand the Enforcement Consultant's perspective that, you know, this is an experimental fishery. It's fishing in an area where we don't currently have gear types like this and that there are concerns about five miles of gear floating around detached from a vessel and potentially causing other issues. I have fished a gear type very similar to this as a biologist with the department. I have fished it in California. We always remained attached to the line. Frankly, that was a safety issue in itself. So, I'm not convinced that we shouldn't allow, we shouldn't require the vessels to be attached to their gear in this case. With regard to enforcement, our officers always have discretion in whether they issue a citation or a warning. They use that discretion wisely and they always take into account the situation and so I don't see this as a significant concern. I think I'll leave it at that and see if there's other things after other Council members talk.

**Brad Pettinger** [00:02:18] Thanks John. Further discussion? Phil Anderson. Phil.

**Phil Anderson** [00:02:27] Well I didn't have a comment until John spoke and he mentioned that he had fished gears very similar to this. I believe in his capacity as an employee of California Department of Fish and Wildlife, I'm just wondering if he could expand on that just a little bit. Tell us a little bit as to whether or not this gear or something similar to it, as some have suggested this is, has been used previously and what we know about it.

**Brad Pettinger** [00:03:08] John.

**John Ugoretz** [00:03:10] Thanks Mr. Vice Chair and thanks, Phil, for the question. Yeah, we longlined off of Southern California with the specific target of sharks in order to tag them. So, we were essentially fishing a shallow-set longline and yes, we remained attached to it. We drifted around attached to it. That was important in order to know where the gear was as well as to deal with currents and wind and how the gear was laying. Obviously, you know, we weren't fishing the depths to their fishing. We were probably fishing more hooks than had been suggested and we were fishing short set times because we were tagging and releasing and trying to keep the sharks alive.

**Phil Anderson** [00:04:02] Can I have a follow up please?

**Brad Pettinger** [00:04:03] Please.

**Phil Anderson** [00:04:05] Thanks John for that. So, you know in some of our testimony, public testimony, both written and the verbal testimony received today that there is a belief that this is fundamentally the same type of gear that pelagic longlines and that have been used in either other experiments or in fisheries. And so, there's the question of why would we expect this gear to have some different kind of result in terms of the some of the bycatch concerns that have been expressed?

**Brad Pettinger** [00:04:51] John.

**John Ugoretz** [00:04:51] Yeah thanks Mr. Vice Chair. And yeah, I think that's exactly why the

department is asking for a couple things that would separate this from a longline fishery, in particular the length of the line itself. It's why we want to limit the number of hooks. It's why we want to limit the set soak time. So, all of those things we think would make this different than a pelagic longline fishery. We do not support the establishment of a longline fishery within the EEZ. We've been on record saying that at the Council very recently, but we don't see what you can call snap gear or something else to be equivalent to that for the very reasons that the applicants are pointing out and in the department's report. It is also why, for example, we do not support issuing an EFP for a 10-mile line as suggested in the Bateman proposal.

**Brad Pettinger** [00:06:04] Lieutenant Commander Ettinger. Brett.

**Brett Ettinger** [00:06:05] Hello. Good morning. Thank you and good morning, Mr. Vice Chair. I just wanted to put in a point of clarification regarding GPS slash AS marking of fishing gear. AS and GPS marking is regulated by the FCC, not the Coast Guard, and it is currently illegal. There is a posted notice in the Federal Register of some proposed rulemaking authorizing some level of AS marking. Don't know if it's class A or class B. I just wanted to put that out there. That's all I have. Thank you.

**Brad Pettinger** [00:06:43] Thank you Brett. Corey Riding. Corey.

**Corey Ridings** [00:06:43] Thanks Mr. Vice Chair. I also have concerns that this is very close to pelagic longlining. I consider myself gear agnostic and it's really about performance, not about what a gear is called. But to date pelagic longlines, which the Brown and Bateman EFPs are pretty similar to, have really worrisome high levels of bycatch, including protected species. At the same time buoy gear has been showing vastly better bycatch numbers and growing profitability. I hope that as a Council we can encourage more EFPs that grow on the success of buoy gear and try to take advantage of what seems to be a superior gear type in the future. Regarding performance, it's hard for EFP applicants to know what to aim for when we don't have clear performance standards or goals for our EFPs. Miss Labriola spoke to this a bit during her public comment. The goals and objectives in the FMP I think provide broad sideboards, but the Council would benefit by clearly defining its goals with metrics for EFP applicants to consider, including details of how they intend to meet those goals. I think by articulating our ecosystem goals, including the parameters on bycatch and the incidental catch, we're doing this ahead of time and making these goals clear for new gear development. We can then ultimately do the important thing, which is evaluating the results. I would like to see the Council address this in the future if we can. Thanks.

**Brad Pettinger** [00:08:21] Thank you Corey. Brett, your hand's still up. Do you have a question?

**Brett Ettinger** [00:08:21] Sorry about that. Fix that.

**Brad Pettinger** [00:08:21] No problem. Bob Dooley. Bob.

**Bob Dooley** [00:08:36] Thank you Mr. Chair. And I have a question for Mr. Kormos, I mean Mr. Ugoretz. I'm trying to understand and balance the need for tending the gear and being active, actively tending the gear and monitoring it and the need to be tethered to one end of the gear on a five-mile length where you could not want to turn the other end or the middle part, that it seems to me mobility of a boat that's 10 knots to a half hour from one end to the other in good weather, you know, maybe 45 minutes in not so good weather, that that benefit is there and I'm trying to understand the importance and rationale of keeping the vessel and understanding what the vessel is in relation to the gear as opposed to tending the gear, which it seems like could be very valuable in understanding activity there, and what, if we have entanglements or if we have strikes or what's going on, on that gear. So obviously it seems like we put more value on to the, on to having the relationship between the gear and the vessel



by a regulation to tether it to there, but it runs in conflict with the ability to actively tend it and maybe mitigate some of the problems that might exist while it's fishing. So, I just want to hear your thoughts on that?

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

**John Ugoretz** [00:10:22] Yeah thanks Mr. Dooley, and thanks Mr. Vice Chair. I think perhaps people are confusing these EFPs with deep-set buoy gear EFP requests. I did not see a statement that they would actively tend gear in the requests, nor did we include that in the department's report. It's why we included a soak time limit, which is the alternative to active tending in order to keep soak times shorter than the times at which research has shown that animals have higher mortality rates. I don't anticipate that this gear would be able to be actively tended the way buoy gear is tended. And while that was a consideration in the John Hall EFP, it's one of the things that makes these different. There were questions from the industry about whether John Hall would be able to actively tend his gear as he said he would, and since he'd never fished it, we don't know if that would be able to occur. So setting quickly, staying attached, retrieving quickly is the alternative, and I think it's a reasonable one.

**Bob Dooley** [00:11:44] Thank you so much John. I appreciate that explanation. I was just looking at the mentions in Mr. Brown's strike indicators and how to and vessel actively monitor the gear during fishing effort to the maximum extent feasible. So, I'm just, that's what I was addressing so that seemed like a very good paragraph in his application and I didn't know if it was addressed, so thank you.

**Brad Pettinger** [00:12:20] Thanks Bob. Phil Anderson. Phil.

**Phil Anderson** [00:12:22] Thank you Mr. Vice Chair. John, I hope it's okay if I ask you these questions and there may be, I know you have expertise here and so that's why I am directing, picking on you, I guess. I'm wondering if, you know, when you're thinking about this, I oftentimes ask myself the to what end question, and, you know, there were concerns I think brought up during testimony here about the potential for gear conflict, both with the recreational fishing industry and activities, as well as the potential gear conflict with deep-set buoy gear and it, as it progresses and if we are, if we're successful and see additional expansion in a number of those, so I'm just trying to, you know, envision, you know, if this were deemed successful by whatever, however we are going to determine that, can you see, you know, many multitudes of this type of gear out there and in the area as well as the existing gear and the potential additional deep-set buoy gear activities that we're hoping will occur. I'm just thinking about, you know, this whole gear conflict piece and recognizing that that was brought up, and I wondered if you could comment on that.

**John Ugoretz** [00:14:02] Yeah thanks, through the Vice Chair. You know, honestly Phil, I'm not trying to forecast the future here. While the Council has supported establishment of a buoy gear fishery that could reach up to 300 permits, our analyses even of the drift gillnet fishery in its heyday showed that very few boats fished consecutively or on the same days at the same time in the same places. It's just not the way fishing works. I don't want to speculate on how many boats we would allow in this fishery or how many boats could even participate based on the, the gear needs and vessel needs. I did hear from both applicants that their desire was to fish further north. To date, almost no effort in the buoy gear fishery has occurred in those areas and so I see it as a potential to access resources offshore California that are currently not being accessed.

**Phil Anderson** [00:15:29] Thanks John. I appreciate that response.

**Brad Pettinger** [00:15:32] Yeah. Okay Lyle Enriquez. Lyle.

**Lyle Enriquez** [00:15:37] Thank you Mr. Vice Chair. I just have one clarification I'd like to make from something I heard during the public comment session. When discussing the EFP fishing effort with applicants, I thought I heard 120 sets over a 2-year period for the Brown EFP, but his application says 120 maximum sets annually. So, I just wanted to make sure I heard right and that what we're considering here is the number provided in his application, which is 120 per year, not for 2 years. Thank you.

**Brad Pettinger** [00:16:08] Yeah, thank you Lyle for that clarification. Caren Braby. Caren.

**Caren Braby** [00:16:14] Thank you Mr. Vice Chair. I wanted to take a step back a little bit and offer a couple of thoughts that are rolling around in my head about goals for this fishery and how these EFPs that we're considering today feed into that, and obviously we have some work to do around setting goals and establishing metrics but I think that from my own perspective I'm not clear on the economic value of the deep-set buoy gear as a fishery. We've heard conflicting reports about that, and I'm interested in exploring gear types that could better meet those objectives with the following context in mind. We have international imports of swordfish that are caught with far less discriminate gear. We have landing of swordfish from that's permitted through the Hawaii fishery coming into California and here we have some operators who are willing to carry a hundred percent observers, possibly experiment with electric, electronic monitoring to establish whether that's viable for replacing human observers and so I'm struggling to, you know, look at deep-set buoy gear as the only option and we have, you know, we have some options here with these EFPs to learn more about whether we can establish a different gear type that is more able to meet a more broad set of interests economically. I'm not saying that some folks aren't successful with deep-set buoy gear, but we've heard conflicting reports on that across the board. So, I just offer that as, you know, some real conflicting thoughts in my head wanting to have a clean fishery, wanting to have clean swordfish, have the best product that we can have on the market, but we have to have fish to market and so I offer those thoughts to the group as everyone's considering how we move forward with these EFPs today. Thanks.

**Brad Pettinger** [00:19:28] Thank you Caren. Further discussion? Christa Svensson. Christa.

**Christa Svensson** [00:19:36] Yeah thank you Vice Chair and thank you, Caren, for your statements prior to mine. I agree with your concerns, particularly regarding conflicting information. I do want to have a little bit of dialogue around the ability to add captains for flexibility within the EFPs and or vessels. I'm hoping that Mr. Enriquez may be able to talk a little bit about is that even possible within the process, but to get other people's thoughts if we were to cap it at 4 vessels, and I'm certainly not thinking about tag teaming people in and out, but just looking at the reality that what if somebody gets sick? What if something happens? And making sure that we do get the data we need should we progress down this path?

**Brad Pettinger** [00:20:46] Thanks Christa. Was that a question for Lyle?

**Christa Svensson** [00:20:46] So it really, I think it is a question for a Lyle but also looking for other people's thoughts around this. But the question about the ability to add captains and or substitute a vessel when we've clearly outlined who the current 4 vessels are in this application or this application that came into the Council at any rate.

**Brad Pettinger** [00:21:11] Okay well since you mentioned Lyle by name, I'll... we'll go to him first and then to John. Lyle.

**Lyle Enriquez** [00:21:11] Thank you Mr. Vice Chair. Thank you, Christa, for the question. I think within the context of our NEPA coverage and our ESA coverage, we would be able to substitute vessels for captains because what we're really analyze, use to analyze the effects is the number of hooks that

are set. It's not tied to really specific vessels or captains so we can do that. We have substituted vessels, added additional captains to deep-set buoy gear EFPs in the past and stayed within our ESA and NEPA coverage for those. So, I think it is possible here. It's just how do we decide what vessels and which captains will be allowed? Is that something the Council wants to leave up to NMFS completely or would the Council want to vet those in some way? Of course, we would always run them through our OLE checks before doing that. So, we do some checks before we substitute our deep-set buoy gear EFPs, it's just how, would the Council want a little more involvement in deciding who or what vessels are substituted for these type of EFPs, or is that something that you would want to leave up to NMFS? But it is something we can do. So thank you.

**Christa Svensson** [00:22:25] Okay and thank you for clarifying about what that process could potentially look like and having us maybe have a little conversation around that, too, if we wanted to go down this path.

**Brad Pettinger** [00:22:36] Thanks Christa and Lyle. John.

**John Ugoretz** [00:22:39] Yeah, thanks Mr. Vice Chair. And on that same topic that was my understanding as well. Thanks for clarifying Lyle that NMFS does with some regularity switch out boats and captains on EFPs and I'm perfectly fine with that happening in this case if we move forward and like Lyle said, they go through their usual law enforcement checks and obviously vessel checks and things like that to make sure that the boat can actually operate. In this case also, one of the reasons that the department is supportive of proceeding with all 5 vessels from the two EFP requests is that we would like to actually see some fishing and some data, so as opposed to relying on a single vessel which may end up not operating or a single EFP participant who may end up not executing the EFP, I would be very happy if even 2 of the 5 vessels actually fish during the time frame to provide some data on whether this is a viable fishery or not. So I don't anticipate honestly that all 5 vessels will fish at the level of a 100 or 120 sets a year that that's been discussed.

**Brad Pettinger** [00:24:04] Thank you John. Okay further discussion? We do have Council action that adopt final recommendations that will entail a motion. John.

**John Ugoretz** [00:00:00] Mr. Vice Chair if the other Council members and you are ready, I do have a motion.

**Brad Pettinger** [00:00:07] I think that'd be good. Thank you.

**John Ugoretz** [00:00:08] If, there we go, the man behind the curtain could bring it up. Thank you. I move that the Council recommend that the National Marine Fisheries Service approve the highly migratory species exempted fishing permit applications submitted by Mr. Bateman and Mr. Brown, including the recommended protective measures and conditions from the California Department of Fish and Wildlife report corrected to allow a maximum of 150 hooks, and from the Enforcement Consultant's report. Thank you.

**Brad Pettinger** [00:00:47] Okay. Does the language of the screen accurately reflect your motion?

**John Ugoretz** [00:00:53] It does. Thank you.

**Brad Pettinger** [00:00:56] Seconded by Marc Gorelnik. Please speak to your motion.

**John Ugoretz** [00:01:02] Thank you Mr. Vice Chair. The Department of Fish and Wildlife is very interested in exploring new gear types that could be used to further expand the sustainable harvest of

West Coast highly migratory stocks. And as previously noted we supported the John Hall shortline EFP request in 2018 as a potential to do just that. And while statements have been made about what the Hall EFP could have done, we don't actually know as it was never fished and possibly an indication of how viable that particular gear configuration would have been. We also recognize the concerns over potential bycatch interactions in these fisheries and share the goal of ensuring that highly migratory species fisheries are sustainable. As such we're proposing some rather stringent protective measures on these EFP requests. One key point in our measures is to ensure that this gear is not a traditional longline, which we oppose within the EEZ offshore California. We're recommending a five nautical mile length, limited numbers of hooks, short set times and other gear and depth and location constraints to ensure that this gear is not operated like a longline. Perhaps most importantly we're recommending that fishing is halted if an Endangered Species Act listed species is taken or if a marine mammal is injured or killed. Fishing would not resume unless and until the National Marine Fisheries Service approves continued fishing. I don't think the authorization of these EFPs would forestall the establishment of a deep-set buoy gear fishery, nor do I think that we're saying that a deep-set buoy gear fishery is not economically viable. To be clear, economic viability in fisheries is very often an individual decision. Each vessel and fisherman have different needs and expenses and the decision to use a specific gear type is based on many factors. The Council has and, on many occasions, now discussed its desire to encourage a range of sustainable gear types and approving permits to test new gears and actually find out if they can fish in a manner that's consistent with our goals is a reasonable one. If the result of this EFP or these EFPs show unacceptable levels of bycatch or other concerns, the department would certainly not support their continuation or the authorization of the gear type as a legal fishery. We can't make that decision however, until we see some information about how the gear fishes and that's why we're supporting the approval with the conditions that we and the Enforcement Consultants have made. Thank you.

**Brad Pettinger** [00:03:58] Okay. Thanks John. Discussion of the motion? Okay Bob Dooley. Bob.

**Bob Dooley** [00:04:10] Yes, thank you Mr. Vice Chair and thanks, John, for a very well thought out motion. I am really in support of this. I think that we've seen analysis on how much it's going to cost these vessels to gear up for this. I think we saw 50 to 70 thousand dollars. I see the strict bycatch limits that are put into place that stop the fishery, stop individual vessels if they achieve certain levels. I think that is a strong incentive to have this be successful and for them to be as cautious as can be to prove whether this can be done or not. But I also see that, you know, a strong degree of confidence to put that much investment in something that is, it has not been successful in the past and, you know, reflecting on a longline fishery and I also look at the fact that we didn't get any information from the Hall report and I hope we can on this. It's, I mean in my experience I've always valued fishermen to be, their ingenuity to get things done that people say that can't be done. So, they're not only putting their effort and hard work into this, they're also putting their money where their mouth is and investing heavily into this to try to make it work and I really appreciate that effort by all of the applicants. That's a big commitment. There was comments about that this still has to, these boats still have to be able to pay their wages, and pay their way, and pay for all this so it gives me confidence we will get good information. They will avoid bycatch and if not, we have learned a whole bunch about this. So, I am totally supportive notwithstanding my concerns about the attachment to the gear. I think, in my opinion offsets, it would be offset by the ability to actually have strike indicators and understand actively tend the gear while it's fishing, but I understand we can't have everything, and I understand the Enforcement Consultant's position on this as well as the states so I will be supporting this. Thank you, John.

**Brad Pettinger** [00:06:40] Okay. Virgil Moore. Virgil.

**Virgil Moore** [00:06:41] Thank you Mr. Chairman. I have a question for John relative to his motion and it goes directly to the letter from Wild Oceans, the International Game Fish Association and the ASA folks. And it really comes down to the fact that they were asking for not approving these things,

but the question I got John is, it appears much of their opposition to not approving has been taken care of with the changes that you have recommended based on the California report and the EC report. Do you believe that's correct?

**Brad Pettinger** [00:07:32] John.

**John Ugoretz** [00:07:33] Yeah, thanks Virgil for the question. And my hope is that the constraints we've applied would alleviate those concerns. We certainly took those concerns into account. I don't feel that we have completely covered one hundred percent of the area to the west of San Diego and south of San Clemente Island that Mr. Osborne stated in his public comment, however I do feel that that is a very small portion of the fishable area recreationally and commercially off California, and that both Mr. Bateman and Mr. Brown stated that their desire was to test this further north. I don't anticipate there will be a conflict there.

**Virgil Moore** [00:08:28] Thank you John.

**Brad Pettinger** [00:08:30] Thank you Virgil. Thank you John. Phil.

**Phil Anderson** [00:08:30] Yeah thanks Mr. Vice Chair, and thanks, John, for the motion. I have some reservations about moving forward with this gear type, and in the absence of the additional protective measures that were recommended that are part of the motion and recommended by California Department of Fish and Wildlife, I would be opposing moving forward with the EFPs. I am, I do have some concerns about the Pacific Leatherback Conservation Area being included as an area, as I understand it, that this gear could be used. At the same time, I'm also considering and appreciate the comments from the sponsors that they intend to look at areas above Point Conception and get into areas where we haven't had activity by deep-set buoy gear, so that's an offsetting factor in my mind. But with those reservations that I have, I'll support the motion and again in large part because of the additional measures and conditions that are included in it that came from California Department of Fish and Wildlife. Thanks.

**Brad Pettinger** [00:10:10] Thank you Phil. Further discussion? Caren Braby. Caren.

**Caren Braby** [00:10:10] Thank you Mr. Vice Chair. Just a quick comment. In agreement with much of what's been said already and just particularly focusing on Phil's comments, concerns about this gear type. Hope for gathering additional information and feel like the California Department of Fish and Wildlife stipulations and sideboards for the EFP approvals really meet a lot of the needs for making sure that the operators achieve a good outcome in terms of both managing bycatch and testing the gear for productivity for swordfish. So, I'll be supporting the motion also.

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

**Corey Niles** [00:11:12] Yeah thanks Mr. Chair and thank you, John, for the motion. In brief, yeah, thanks to you and your staff for putting all the work into this. Caren before the motion spoke to some of the bigger picture here and a lot of folks spoke to that too, so I appreciate the policy that John is putting out there and do see the need for looking at new gear types, but also looking ahead to the bycatch challenges we have in the North Pacific. So again, I'll support the motion and thank you for putting it forward.

**Brad Pettinger** [00:11:59] Okay. Thank you Corey. Further discussion? Not seeing that. Okay I'm going to call for the question. All those in favor signify by saying 'aye'.

**Council** [00:12:16] Aye.

**Brad Pettinger** [00:12:16] Opposed?

**Corey Ridings** [00:12:18] No.

**Brad Pettinger** [00:12:22] Abstentions? Okay motion passes with one nay. Okay, thank you for that. I'm kind of curious if we have any more. That was opposed by Corey Ridings I believe. I see it on the screen. At least that's what I heard. Did we take care of this or is there another motion?

**Chuck Tracy** [00:12:51] Mr. Vice Chair.

**Brad Pettinger** [00:12:56] Yes. Yes Chuck.

**Chuck Tracy** [00:12:58] Sorry Mr. Vice Chair.

**Brad Pettinger** [00:12:58] Yes.

**Chuck Tracy** [00:12:58] Sorry, I just wanted to say for the record that was Miss Ridings that voted no.

**Brad Pettinger** [00:13:09] Yes. I thought I said that.

**Chuck Tracy** [00:13:13] Okay I'm sorry, I'm still having audio. I might have missed it while I was switching gears.

**Brad Pettinger** [00:13:19] .....And I might have muted myself.....(laughter).....

**Chuck Tracy** [00:13:20] Okay, just wanted to confirm that for the record. Thank you.

**Brad Pettinger** [00:13:24] Yep, it's on the screen and we're good.

**Chuck Tracy** [00:13:28] Okay there it is. Yep okay.

**Brad Pettinger** [00:13:31] And I'm kind of curious if we haven't handled the Perez....I'm looking at the California Fish and Game Report and how are we going to handle that? Or is....Caren.

**Caren Braby** [00:13:41] Yeah, thank you Mr. Vice Chair that was on my mind as well and we've had a suggestion from the management team that we approve the federal waters component of that EFP and that's consistent with the CDFW report. Just wanted to flag that, that we need to have discussion on that, and I'd be in support of approving the federal portion of it as specified in those two reports.

**Brad Pettinger** [00:14:21] Thank you Caren. I'd just like to say that we are behind now so if we could....John. John Ugoretz.

**John Ugoretz** [00:14:32] Sorry, just agreeing with Caren that the federal portions of the Perez application we support NMFS approving.

**Brad Pettinger** [00:14:43] Okay but that wasn't explicit in your motion so we would do I believe a new motion for the Perez EFP.

**John Ugoretz** [00:14:58] If a motion is necessary, I'd be happy to give one.

**Brad Pettinger** [00:15:08] I would say we probably need that I believe unless somebody gets to tell me otherwise. Okay John.

**John Ugoretz** [00:15:11] All right I'll give it a go.

**Brad Pettinger** [00:15:26] Perfect.

**John Ugoretz** [00:15:26] I move that the Council recommend the National Marine Fisheries Service approve the Nathan Perez EFP request for activities occurring outside state waters.

**Brad Pettinger** [00:15:59] Thank you John. Does that language on the screen accurately reflect your motion?

**John Ugoretz** [00:16:03] Yes, now that it's large enough that I can read it and then read again.

**Brad Pettinger** [00:16:11] Okay.

**John Ugoretz** [00:16:11] Yes, thank you.

**Brad Pettinger** [00:16:14] Perfect. Seconded by Bob Dooley. Discussion? Okay seeing none I'm going to call for the motion. All those in favor signify by saying 'aye'.

**Council** [00:16:28] Aye.

**Brad Pettinger** [00:16:28] Opposed? Abstentions? That passes unanimously. Okay and with that I'll look to Kit to see how we're doing on D.3. Kit?

**Kit Dahl** [00:16:48] Thank you. Excuse me. Thank you Mr. Vice Chair. Your business has concluded. You have passed two motions. The first addressing the first two attachments, EFP proposals, and the second with regard to the Perez application, that portion of it that applies to outside state waters, which is the extension of his EFP to test night-set buoy gear. So, with that I believe you're done with this agenda item.

**Brad Pettinger** [00:17:37] Okay, thank you Kit and thanks everyone for your hard work on that.

## E. Administrative Matters

### 1. Marine Planning

**Brad Pettinger** [00:00:00] We've finished public comment on E.1, Marine Planning and we'll open the floor for a Council discussion. So, I see Caren Braby. Caren.

**Caren Braby** [00:00:16] Thank you Mr. Vice Chair. I have a number of comments and I thought I would just get them out on the table to get the discussion started. I'm sure lots of people have comments. My comments fall into, for Council discussion fall into three categories. One is around PFMC engagement with BOEM. The other is specific to the site letters or letters on call areas or planning areas. And then the third is comments related to the role of the Marine Planning Committee and how its job is or its role is relative to other ABs and some comments we heard today about that. So I'll just, I'll start with the PFMC engagement. I'm going to try and be brief, recognizing we're very much behind time, but on PFMC engagement I'll just repeat that I really appreciate all the work that has been done, the attention that BOEM has given PFMC on this issue and continuing to engage with us. I think it's clear from the discussion today that there are key opportunities for PFMC engagement and although BOEM has graciously indicated they'll take comment any time, I think it really behooves us to be very mindful of when certain steps are happening and those steps seem to be around putting lines in the water, polygons for either draft call areas or wave energy areas, and that our engagement as the Marine Planning Committee and as a Council should prioritize on getting comments in prior to those events happening and that by paying attention to those time points our comments will be most meaningful. So just a comment of appreciation to BOEM but then also a request for ongoing engagement to make sure that those opportunities are noted to Council staff and to the Marine Planning Committee by BOEM specifically so that we have ample opportunity to comment. Then on the site-specific letters, my thoughts are trying to synthesize a lot of comments we heard from our ABs. Appreciate all of that thought and input that went into the reports. We heard a lot about cumulative effects and cumulative effects are noted in the letter regarding, the draft letter regarding Morro Bay but not for the Humboldt Bay or Vandenberg letters, and I would just note to Council staff, as you finalize the draft letters, my vote would be to make sure that that concept is in all three. And then also really wanting to think about transit routes and accessibility around and through these areas as noted by the HMSAS. Wanting to append Chapter 5 from the FEP per the Ecosystem Working Group report, and then just generally wanting to, at least by reference, append all of the advisory body reports, which are extensive and really have great input as we finalize those letters for submission. I think that on the MPC role we have some work to do just interpreting comments that we've heard today about being clear as a Council what we expect from the Marine Planning Committee versus the Habitat Committee and making sure that everybody's comfortable with that so that we optimize their time and our time. I would suggest and look forward to other thoughts on this. I would suggest that the Marine Planning Committee focus on use conflict aspects of marine planning. So how would planning efforts impact existing uses by Council managed fisheries and focusing on those aspects, whereas our Habitat Committee is staffed and optimized to really look at EFH habitat impacts, ecosystem impacts and that they should focus on those, and I think in saying that I recognize that most of our Council comment letters to BOEM or to other entities that are engaging with us on planning issues, we may need both of those sets of expertise and that we need to develop a strategy for the ABs to be successful in developing those comments, especially in a quick timeline. Before I stop, I just wanted to also acknowledge management team question.....(audio lost).....the Groundfish Management Team, but I think it's more extensive than just the Groundfish Management Team on how we want the MTs to engage. And I'll repeat something I've said on the Council floor a number of times, which is that I very much appreciate PFMC process expanding to marine planning and that the role that I think is most unique and value add is the fisheries voices and fisheries input that is possible by engaging with PFMC. And while the management team expertise is extensive, there are other venues by which the individuals on the management teams can



engage in this process directly and fisheries voices are the ones that cannot and so I would just urge us to be very mindful about pulling in management teams only when necessary, when we see a very specific role for them and minimize the workload impacts on them. So, I'll stop there. Thank you.

**Brad Pettinger** [00:07:19] Thank you Caren for your thoughts. Marci Yaremko. Marci.

**Marci Yaremko** [00:07:19] Thank you Mr. Vice Chair. Thank you Caren. I think I agree with many of those thoughts, maybe not all. I think I, first I want to say I really appreciate the formation of the MPC and the work that they did. A tremendous amount of work for their first effort out of the gate. I think this is a learning process for all of us. We recognize that this committee would be a little different in how it needed to operate, and I think this is a good first effort and I really want to thank the members of that committee that I know worked very, very hard in the background pulling together a lot of content for us in short order. I guess my, what confused me right out of the gate, I did not know that there would be a marine planning agenda item scheduled on all of the advisory body meetings. I thought the point of sending a rep from each of the advisory bodies to the MPC was to create that connectivity. I know in the Habitat Committee that when they're preparing letters, usually they have more time, but they, they do reach out as needed to other members of advisory bodies as needed, if specific content is needed. I think here it just, there wasn't enough opportunity but I think I expect that the AB reps on the MPC are bringing they're work back to the group and discussing and then feeding back to the HC as needed, and I'm speaking primarily of agency reps in this case, but I feel like this situation where we have some great input here from a number of our ABs and there are a lot of good thoughts that I think are important for the MPC to take note of, I'm a little concerned with trying to incorporate a lot of the suggestions from some of the advisory body comments into our comment letters at this stage. I know there are a few suggestions to append FMPs and take, you know, take a look at this and take a look at that, and I'm feeling like it would be useful for the MPC to help the other ABs consider what information they bring, but I think this is all a work in progress. I, you know, I'm optimistic that we'll be, have a little smoother process in the future, but I'm not so sure that scheduling every AB to consider marine planning at every Council meeting is necessary. I guess a few comments, I don't know if we're going to get into how, well I guess I have a few.....let me start with.....I do have a few questions for Kerry but I don't know if they pertain to the letters, and so I'm not sure if we're going to get into the specific content of letters in some more organized fashion and I'll save my remarks for that. So, I guess I'll just wait. Thank you.

**Brad Pettinger** [00:11:49] Thank you Marci. Frank Lockhart. Frank.

**Frank Lockhart** [00:11:55] Thanks, and I'll start off with basically saying I support everything that Caren said on that, but I have a couple of maybe additional things to say. First of all, I think BOEM deserves some praise for working with folks. There were several commenters that noted that they were working with folks and listening to comments. But there were also some comments sprinkled throughout the advisory body panels that some people thought that the communication should be improved, but I do think BOEM has certainly improved in that area and has worked with a lot of the advisory bodies and our committees so. But I'd like to turn to one of the comments that was in the GAP report basically talking about their, you know, it was in their, early in their statement talking about their continuing frustration, and I think they make a good point that the upfront discussion is best rather than waiting for areas to come out and then commenting on areas that are already being proposed. A lot of them, a lot of the commenters I think are looking for talking about the impact on fisheries up front and learning more about that so that their comments can be incorporated before major decisions are being made in areas. That being said, I don't really know what the best way to do that is, and talking following up on kind of maybe the rule for the Marine Planning Committee, which I agree as this meeting, if anything, if nothing else, has taught me that the decision to make the, form the Marine Planning Committee is a great one, because we're going to be dealing with this for a while. But I guess I'm wondering if one of the rules for the Marine Planning Committee is for them to consider what is the

best role for the Pacific Fishery Management Council in the BOEM process and perhaps work with BOEM in looking at their process and learning more about their process and maybe coming back to us with further recommendations on how to specifically have input into the BOEM procedures in a way that's kind of effective for us in getting our comments in, and also perhaps maybe working better with BOEM on the processes that they need to follow in their getting these wind energy projects out the door. So, I think I'll stop there. Thanks.

**Brad Pettinger** [00:14:55] Thank you Frank. Phil Anderson. Phil.

**Phil Anderson** [00:15:02] Thanks Mr. Vice Chair. Well... I don't... I appreciate the comments that have been made by my colleagues around the table as well as to all of the good work that our advisory panels did in bringing their thoughts forward to us here at this meeting and to the members of the public who provided testimony. I have to say that, you know, offshore energy wind farms were, you know, they were kind of out of place, out of mind for me up until I became aware of the project that's being considered off of Grays Harbor. And it, when I learned about the magnitude of that project, the area in which it was being considered and the, the conflict with the fishing industry that is off the Washington coast, believe me it got my attention and got my attention big time because I now realize what a tremendous threat placement of offshore wind farms are to the future of our fisheries. I suspect that there are places, if done correctly, that they can be successful and integrated in a manner with other, with our ocean fisheries that they don't pose a significant threat. But that is not what I see with the Grays Harbor project. I readily admit I do not know specific information about the projects off of California or those that may come along off of Oregon, but I do know the seriousness and the threat that, to our fisheries that the Grays Harbor project and the footprint that they at least initially are talking about posed to us. So I think getting out and, I don't know how, in a way I feel like we're behind and we're playing catch up big time on this particular project, given that apparently the discussions have been ongoing with it, at least some representatives of the Quinault Indian nation and the proponents of the project for two years or more, so it's time to catch up and catch up in a hurry and get out in front of this and see if we can have an effect on wind projects and the placement of those and their design before we have projects such as this come along that pose such a severe threat. I noted that in Caren's comment she indicated that one of the primary focus areas that the Marine Planning Committee ought to focus on is that having to do with use conflict. I think that's the term she used, and I think that's right on. I think the sooner that we are able to figure out where the data is relative to where our fisheries take place and the degree to which these areas and the removals of various species and the degree to which those are contributing to our annual harvest amounts is a critical piece of information and we need to get at that quickly. I did have an opportunity to talk briefly with Dave Colpo, I think it was yesterday, and PSMFC as I understand it has some of that information and may be able to be a big help to us, to us as a Council, to our Marine Planning Committee, to our fishing industry and our coastal communities in helping pulling together that information so that we can begin to, with data, quantify the impacts that projects such as this Grays Harbor one pose and have on our fishing industry. So this is, as I said, has got my attention big time, maybe more so than most any other thing I can think of in my career as it has, in terms of being a threat to the future of our fishing industry here in Washington and I am, I now realize even more so the importance of the engagement of the Council, the importance of the formulation of our Marine Planning Committee in pulling together data not only on where our fishing operations are taking place, but also doing so in a manner that can help put into perspective the importance from an economic perspective that these areas have for the various fishing sectors, and we need to be very cognizant as we were reminded by Larry Thevic that this impacts both federally-managed fisheries in federal waters as well as state-managed fisheries and federal waters. In our case such as the Dungeness crab fishery and our spot prawn fishery and our pink shrimp fishery are all seriously impacted here. So, I apologize for going on perhaps too long, but those are my thoughts. I appreciate again the thoughts already made by my colleagues and I'll listen more here and be anxious to contribute in any way I can to help us get ready to meet this threat.

**Brad Pettinger** [00:22:24] Thank you Phil. Corey Niles. Corey.

**Corey Niles** [00:22:30] Yeah, thanks Mr. Vice Chair. I'm part of the Marine Planning Committee. Really appreciate BOEM's engagement again and thanks to Kerry and our co-chairs and folks for putting those letters together. Hearing Mr. Anderson's concerns very clearly. A lot of our stakeholders presenting today are from Washington, including Larry Thevic who I think I will portray that the last time I think he testified to this Council was back before the creation of the tier fishery. I'm feeling and Frank spoke to it, some of my thoughts better than I can, this does, this is not off my state, these California call areas and I don't know the process down there, but in terms of the time we've had available to look at the data, look at the fisheries and look at what BOEM looked at, this was really rushed, and for the folks for BOEM listening, we take a long time, a thorough time to consider analyses of issues that we're going to revisit in a year or two, if not five, so that are effects that will be partially reversible in a relatively short time frame, although everyone realizes one of the, we're not as fast as we'd like to be. But in contrast these wind farms are going to be long lived in impacts, reversible. You know I am feeling rushed here, but I have spent a lot of time looking at the data off our state and back, going back to when Mr. Anderson was the director of our department, and all that information is collected in our marine spatial plan already. It's in the document. It's on the portal. We did Marxan optimization analyses, we spent a lot of time doing that and even that, and if you look, but there's also those, when you look at the results just face value they say that area with the Grays Harbor wind project is proposed, looks like there's less impact than elsewhere on the coast. So I've been building those, help building those maps. Always been, you've got to look beyond these maps, you got, you can't look at face value because I agree with the folks who are saying we don't understand those, and the folks that say we should understand those and be able to compare one area versus another compared to the impacts to fishing, compared to the other factors BOEM looks at. So, we've done that and it's there. I still think that's why we arrived, you know, in our marine spatial plan and fishery protection standard that we need. We need a robust stakeholder process to help us interpret that information and to bring and to have, you know, the state provide input and BOEM be able to benefit from that input. So, yeah, we spent a lot of time but what I, what made me conclude is early engagement with the fisheries is going to be the way to understand the effects of one area versus another. So, yeah, we're facing these, the September 13th deadline for these two letters. We will be kicking off the consideration of this, the Grays Harbor wind plans at our state process with Mac, and we understand BOEM will be engaging that and we're expecting that. I will leave it there, but I will also just thanks to the comments from everyone before me. This is an important issue, and, you know, the time for this one in particular seems rushed, but I would do really appreciate the engagement we got this past week or so and I'll end there. Thanks.

**Brad Pettinger** [00:00:00] Thank you Corey. Butch Smith. Butch.

**Butch Smith** [00:00:00] Thank you Mr. Vice Chair. And I probably won't say this as eloquently as Mr. Anderson, but I do agree with everything he said, and I do agree with a lot of the speakers before me. And I want to thank the public testimony we got, but I do, like Mr. Anderson, I am not an expert in California whatsoever. I know a little more about the Oregon coast, but I'm going speak for the Washington coast. This is not a case of, oh it's not in my backyard so I don't have to worry about it. We do have to worry about this. Every fisheries is connected to the coastal communities and every fisheries is needed and losing one or, you know, this guy can't fish there but this guy can kind of approach is not acceptable whatsoever. I did hear one of my colleagues say that maybe we shouldn't be interjected in this every Council meeting and I, that's the one comment I disagree with because I think we need to interject ourselves anywhere we can. I do appreciate BOEM coming to the Council. I thank them, but like Mr. Anderson said we are playing catch up, something like 72 to 0 in a football game and this is scary. This is, you know, we've just gone through, you know, crab gear and humpback whales, you know, entanglements and we're going to put out miles of anchors. We've got killer whales that we've

just done that migrate out in those waters looking for food. What does that voltage do? All kinds of questions off the Washington coast that need to be answered. That need to be answered ahead of the game, not, not when things are three quarters decided so to what this Council can interject itself and get to the front of the line instead of behind the line, I am full supportive of that and making sure that we have, which we always do, the right people at the table at the right time depending on what the issue is, is important too. So those are some of my thoughts. I want to thank everybody that spoke and thank you Mr. Vice Chair for letting me speak.

**Brad Pettinger** [00:02:43] Thank you Butch. Bob Dooley. Bob.

**Bob Dooley** [00:02:46] Thank you Mr. Vice Chairman. I will try to be as brief as I can. It was really contemplating not speaking at all because of our time but I got a couple of points to make that I really think are maybe, that maybe important to make. I really respect all the comments that have come before me, and I agree with all of them. One thing I would say, my thoughts on this, on the planning committee and I, I really got to commend them on the work they've done in a short amount of time. I attended a couple of their meetings, the first two, and listened in and a lot of good ideas, a lot of good, a lot of good information. My thought process when we established this was to really try to collate all the information. Get input from all the advisory panels and have a comprehensive well vetted report, which I think we did. I think the thing that is missing here, maybe there's a step that could be added, and I'd be interested in anybody else's opinion obviously, but where the advisory panels take the reports that we just saw, go back to the Marine Planning Committee and have a condensed version taking in all of those points and then the Council gets the report from them. It's more... it takes in all those concerns, and of course it doesn't prevent the advisory panels from coming forward again and making a point or two that it's missed. But I think we need to truncate this process and get the best out of it, and we have the best, this is, I'm not saying this isn't a good system, it's just we have time constraints. The other thing I would want to mention is that I came to the Council a couple of years ago after visiting Beaufort, North Carolina, and I think you'll all remember it. I was ringing the same bell. We need to get together as an industry, as an agency, as a Council and memorialize the footprint of all of our fisheries. I thought that platform that was offered, Mr. James Morris actually came and made a couple of presentations to us on that platform. It was a really good platform to use. It's layered. He invited us to add to it, to you know, just to make it fully vetted and I think it could really help, and I don't see that BOEM is actually using that. It's already created, and I think it's, you know, it's open, transparent. It's being developed. We don't need to make a new wheel. I think it's important that we do all we can to memorialize our historic fishing grounds, our future fishing grounds, where we're, that now that some of the opening areas are going to be opening and where we are now. And I think that all of that is critical to getting the planning right. So, I'll stop there. Sorry to take so much time and thank you all for such good work and hard work.

**Brad Pettinger** [00:06:06] Thank you Bob for your thoughts. Okay, not quite sure what to do next. We've heard a lot of good feedback from the Council members and what they heard. Maybe Kerry I'll go to you and you kind of get up lined up here to finish this off or tell us where we're at?

**Kerry Griffin** [00:06:28] Thanks. Yeah, there's got a lot of moving parts right here. Thanks Mr. Chair. So, you know, I think first and foremost the Council should think about those three letters and if they want to send them. I see another hand up so maybe I'll keep it real quick here, but that's how I would focus is the three letters... whether anything needs to be added. You heard a comment about that already. And there's some track change versions with not a ton of changes, but some suggestions from the Habitat Committee that's in the briefing book also. And then, you know, you've had some really good discussion about the pending Oregon call areas and, you know, it seems like the opportunity could be there if the Council wanted to get some sort of communication to BOEM sooner rather than later. So that's something to consider. And then same with, well, really not the same with Grays Harbor, that

seems to be much more nascent. And then, you know, then you have some, I think some thinking to do about, you know, being strategic about how the MPC works. You know, this division of labor between the Habitat Committee and the Marine Planning Committee. We heard some good comments about where that line might be. And then I think you might also want to think about what's coming up. The other thing that was mentioned a little bit is aquaculture and the agriculture opportunity areas. In the MPC report there is a note that there's a meeting or that the agriculture opportunity areas will be announced. They're scheduled to be announced November 1st. So, you know, that's maybe along the lines of future workload planning, but it's something that, you know, you might want to consider. So, there's a little bit of food for thought. I'll stop there.

**Brad Pettinger** [00:08:34] Very good. And Caren.

**Caren Braby** [00:08:35] Thank you. And this is a question for you Kerry and for Council staff about the maybe the last or second the last piece that you mentioned, which is the strategy of how the MPC functions relative to other ABs in writing letters and making sure that everybody knows what's happening there. And my personal MO or preference is to have those discussions at the committee level but I'm just questioning whether there is anything more formal that is needed, things like considering, the most formal, which would be a change in the COP that governs ad hoc committees, but preferring that that kind of discussion and a plan for how that works comes from the committee itself. So, any thoughts on that?

**Brad Pettinger** [00:09:42] Kerry.

**Kerry Griffin** [00:09:42] I think Chuck might have....he has his hand up.

**Brad Pettinger** [00:09:50] Chuck.

**Chuck Tracy** [00:09:52] Didn't drop it quite quick enough.

**Kerry Griffin** [00:09:55] Sorry.

**Chuck Tracy** [00:09:58] That's all right. So, the, I think there does or should be some guidance from the Council in some form or another. The, you know, so first off, the Marine Planning Committee is an ad hoc committee. It's not permanent so it doesn't have its own COP so, you know, if the Council wants to keep that arrangement that's fine but I think perhaps establishing some terms of reference for that committee is something that might be a good step in that direction, and that is something that could come from the committee and have the Council, have it brought to the Council for their discussion and approval. So, I think that would probably be a good step to take and, you know, to the extent that there's, you know, if there is a line to be drawn that the Habitat Committee does have its COP just, so maybe just to review that and see if there's anything that needs to be added or edited there to make sure that the rules are clear. So, I guess that would be my first thought on that.

**Brad Pettinger** [00:11:35] Okay. Thank you Chuck. Okay with that.....Caren.

**Caren Braby** [00:11:44] I will just restate I think we've had some really great discussion with the Council today in addition, on top of all of the input we received prior. I would just restate I think where I was at, at the beginning of the discussion with all of the other Council member additions built in, which is that I think that we have really good letters started, but we have some additional components to build into those and that we should prioritize getting those finalized and submit that on Monday per the, the deadlines that we're facing. Excuse me, and I think that ideally integrating comments and coming up with a synthesized high-level letter is ideal, but in this situation we're working under a very

constrained timeline and I think that there should be incorporation of the couple of comments that were inadvertently left out from the HC report, HC original drafting and reference made to the AB reports from this meeting and finalize those and get those done. And I think that's really high priority and obviously a tight timeline. So, I think that's kind of first order of business in my mind.

**Brad Pettinger** [00:13:28] Okay. And I guess would you as far as getting those done. I'm kind of curious how we bring that before we get the final okay on that, maybe kind of struggling with.....there's been some changes proposed and I see Marci has her hand up. Maybe she might give us what she's thinking. Marci.

**Marci Yaremko** [00:13:53] Yeah thank you Mr. Vice Chair. Maybe I'll make this simple. At least one piece simple. Very much support the draft letter to the State Lands Commission and the proposed edits provided by the Habitat Committee on that letter. I think it's a good high-level letter that reminds the SLC of the Council's existence and our role. It expresses our intent to continue following along as the process develops and the pilot becomes more or closer to fruition and where that goes forward from there. I think it does a great job in specifically noting some areas that should be considered as the proposal develops, specifically the HAPCs and the potential areas of conflict in that area. So, I think I'm certainly comfortable with how that letter looks as proposed by the HC with a few edits, I think they give some, some nice suggestions about other data to look at from the Santa Barbara and Morro Bay areas and suggestions to include a few more years to paint a more accurate picture of catches. So, again I'm pretty comfortable with the content of that letter. On the other two, particularly the.....flip it around and my screen here sorry, the Morro Bay letter, when we get into the summary of Council comments I began to have a little discomfort in our, in the specificity of our suggestions and kind of the recommendations that we are making and stretched in such a, I guess a firm tone. Specifically on page six the Council recommends that BOEM exclude from further consideration a west extension and areas identified as spawning habitat for sablefish and dover sole, other ecologically sensitive resources and important fishing grounds. I feel like that statement could be worded in a different way I think to convey our intent, which would be we would like consideration of these issues, but I think suggesting that first of all, we're not providing specific information on sablefish and dover sole spawning on habitat here, we're just saying to consider that and use that as a basis to exclude the extension from further consideration. I'm not comfortable I think with what I know making such a strong statement. And then similarly in the Habitat Committee report, this went to my questioning earlier of Arlene. I feel like we need a lot more discussion around the table before we make such a strong statement that wind energy structures are incompatible in EFHCAs and HAPCs. And actually I'd like to ask Kerry about that because maybe I'm overthinking this and maybe that's just fine, but I thought I understood, based on the Council's letter that we sent regarding 30 by 30, that 86 percent of the EEZ is prohibited in some form or prohibited in some way when you're considering the Deep Sea Ecosystem Conservation Area and so my question for Kerry is, is that deep sea conservation area considered a HAPC? And if so, I mean, I just before we make such a strong statement here, I want to know what exactly we're talking about. Thank you.

**Brad Pettinger** [00:20:02] It's a question for Kerry.

**Marci Yaremko** [00:20:04] Yes.

**Kerry Griffin** [00:20:06] Yep, thank you Mr. Chair. Thank you Marci. Yeah, I can answer that last question first. The deep sea conservation areas or the, I forget what they called, the deep sea, you know, sort of ecological protected area that does cover a huge amount deeper than.....now I'm going to forget the fathoms, but it is not a HAPC because the reason that that was protected, it was through a different regulatory mechanism, not through EFH protections because it's outside EFH. Because Council or the designated EFH only goes out to a certain depth, and beyond that is where the Deep Sea Ecosystem

Conservation Area, the DECA is. So, it's not EFH and is not a HAPC. The HAPCs are what were established in under Amendment 19 and then the EFH conservation areas are those just more discrete areas that were established under Amendment 19, but then revised under Amendment 28 and it would probably be helpful to have some visuals, but we don't have those available right now. So, I guess there's the answer to the first question. I'm not sure if you wanted me to address the other sort of more overarching question you have about should we be making such blanket statements at this point? You know I'm going to stay silent on that but, yeah, so maybe I'll just stop there.

**Marci Yaremko** [00:22:05] Thank you Mr. Vice Chair. Thank you Kerry. That's very helpful. I guess I'm interested to hear others' perspectives around the table, but you certainly clarified my largest concern, which was whether that Deep Sea Ecosystem Conservation Area was considered a HAPC. So, appreciate the explanation. That helped.

**Brad Pettinger** [00:22:28] Okay thank you Kerry. Well, we don't want to get wrapped around the axle here, so I think that Marci talked about the State Land's letter. Does anybody have any questions or concerns about her recommendation with that? Okay and the other two letters there was some concern about, Marci brought up about the harshness maybe of the wording. Thoughts on that anybody? Okay. This is where I wish we were in person, and I reach over to Chuck and just ask him in person. Chuck, I see your hand up behind Marci, but I'm going to take you first.

**Chuck Tracy** [00:23:26] Well, what were you going to ask me Brad?

**Brad Pettinger** [00:23:31] What do we do now?

**Chuck Tracy** [00:23:35] Okay. Well, yeah, so I was going to make a suggestion here. So, well I think I would like to get some firmer guidance from the Council or even a motion, if that's appropriate or possible, but just to speak about a couple specific issues. We need to decide what to do with the letters, the three letters. I've had some suggestions from Marci. Some suggestions from Caren. But I think there is some concern with some of the verbiage in at least one of those letters. There's some concern about the lack of verbiage in regards to cumulative impacts. And then I think there's also, I get the sense that there may be some concern with some of the verbiage in some of the edits or some of the suggestions that come from the other advisory body reports so, and so this is maybe just specific to that last point. Dr. Braby recommended that we append all these reports to our letters and I guess I would just urge the Council to be certain that then... that that is... you know... either they need to qualify what's in there in terms of whether that represents their... the Council's position or not because without that clarity then I think the assumption could be made that all of those comments are the Council's position. So, I guess I would just personally be more comfortable if the Council just sent letters that had all the relevant information in them and then leave a lot of that up to interpretation. So, I'll maybe pause there.

**Brad Pettinger** [00:25:45] Thank you Chuck. Marci, is your hand still up or did you put it up again?

**Marci Yaremko** [00:25:50] My hand went back up, yes, right I think before Chuck's did. But I agree and as I mentioned earlier, I think I have concern with appending content to these letters. And again, I think this is all a function of us working out the kinks in how we have input come from advisory bodies to the MPC. But I feel like that the comments that came from our advisors are I think great food for thought for future processes and things that the MPC might include or consider, but I think for these, my personal feeling is for these first two letters we know we're up against a timeline. I feel like it's important for us to tread lightly. I would rather have our letter be high level and I think acknowledge the potential conflicts if we have that information available right now, but I think we can also summarize what we might expect if we had more time to scope more thoroughly, but I'd rather keep our message simple and clear and take care that we're putting our best foot forward in terms of the advice we provide.

I mentioned some concerns with some of the verbiage. I think I would not be against leaving these two letters to the quick response process. I realize that's not how we want to spend our Sunday, but I'm concerned about the message the Council sends and we want to make sure that we're sending the right message and as the MPC has stressed to us, I mean this is our first go at this. We know there's going to be lots more to come. I think we're better off just sticking with more high level, concise responses at this time and look for how we improve the development of our letters in the future. So, I'd feel more comfortable spending a little more time and working on the wordsmithing and have Council staff help with that. I do think there are a few areas that we would want to restate. So, thank you.

**Brad Pettinger** [00:00:01] Okay thanks Marci. Caren.

**Caren Braby** [00:00:01] Yeah thanks. One of my points was going to be in vocation I guess of the quick response mechanism that Marci mentioned and I think that we've heard both that we have some latitude with the deadline and that timely comments are perhaps more meaningful, so I agree that having letters in on time is really important. I think it's worth spending some time tomorrow and Monday to get that done and it needs, the letters do need to reflect the comfort level of the Council, but I would also note that non-specific letters are pretty hard to implement in terms of action and so the more specific we can be in our recommendations to BOEM, the more easy it will be for them to evaluate that recommendation. It doesn't mean that they'll take our recommendation, but it will be easier for them to evaluate it and either implement it or reject it. So having just high-level comments may not add as much value as specific comments and so I just, I want to be careful about that. We have an opportunity right now and I want to make really good use of it.

**Brad Pettinger** [00:02:06] Okay. Thank you Caren. Okay so what I've heard here is that we've got to sign off on the State Land's letter and we'll do the quick response on the other two and get something out for Monday. And so at least that's what I heard here. Chuck.

**Chuck Tracy** [00:02:30] Yeah thanks. Okay, well I guess I was just going to drill down a little bit, I think you're probably getting there, but so it sounds like if we are good with State Land's letter, but I also did hear to add the cumulative impacts issue into that I believe, so I just want to see if that's correct. And then as far as the other two letters go, it seems like... well I guess the question is... you know where do we, where do we start? Do we start with the Attachments 2, 3, and 4 or do we start with the Habitat Committee's edits, and I understand that that one paragraph, that one sentence on page six of the one letter is problematic. So, are then... are you just relying on staff to go through and look for other things like that and soften them or highlight them and then send them out for consideration? So, I guess I'm looking for a little more guidance on how to do that. Then just with regard to the quick response process so, so that, we can do that, I mean it's, I don't know if it's really not intended for while the Council's in session, but I understand that with our where we're at on the agenda right now, that you know, the other option would be to, you know, suspend this agenda item, pick it up and take final action on Monday when we're back in session and then send the letters immediately after that, so and then I guess with a quick response process gets us is that the approval process could occur outside of the floor session by some, I believe some people that wouldn't necessarily be on the floor, although most Council members would. So maybe just a little more guidance on to staff on some things.

**Brad Pettinger** [00:04:58] Okay, thanks Chuck. We'll certainly given our time constraints influence our decision probably. Marci.

**Marci Yaremko** [00:05:08] Thank you Mr. Vice Chair. Thank you Chuck. I think your plan sounds like a good path forward. Regarding the State Land's letter, sure I certainly support inclusion of a statement on cumulative impacts, and I think we can, I mean I'm happy to include that with the other two letters in this effort to clean things up to get them out the door. So rather than just send that as is, I



think it would be improved with addition of a couple of sentences on that point. As to the process, I think your suggestion that Council staff do a fine tooth look for places where the wording needs some cleanup, I pointed out the one example there, and that was in the base letter from the MPC. If we start with the HC versions, I think there are a few more concerns there, but I guess, you know, my, I don't have an opinion on which version it is started with, but I'd say that the plan of having Council staff kind of lighten some of those statements and maybe if they can do that in some form of track changes, that would be useful. I think the quick response process is easiest, as you mentioned, to avoid bringing it back up on the floor, but we are in session and so I defer to your recommendation on that. Thank you.

**Brad Pettinger** [00:07:13] Thank you Marci. Phil.

**Phil Anderson** [00:07:13] Thanks Mr. Vice Chair. I'm good, I think I'm good with where we're headed here in terms of a process. I am interested in being as specific as we can relative to the interests that we're responsible for protecting, which are the living marine resources that are in the EEZ and I don't think we should be bashful about stating our concerns for those resources relative to placement of structures that may have a negative impact on the long term health of those resources. So, I just... I'm not... I'm a little bit worried that we're, and I don't, I'm hesitant to say this but I don't want to water these letters down to be politically correct and at the same time walk away from our responsibilities to protect these resources.

**Brad Pettinger** [00:08:42] Thank you Phil. Wise counsel. Chuck.

**Chuck Tracy** [00:08:47] Let me just ask one specific question then, just in regards to that one sentence on page six. So are we looking at something like the Council recommends BOEM.....so keep the part that says BOEM exclude further consideration of the west extension? And then not include the rest of it or use the rest of it as reasons to exclude west extension, because right now areas identified as spawning habitat for sablefish, dover sole, ecologically sensitive resources for important fishing grounds is pretty comprehensive. So is that why we're... the Council's recommending excluding the west extension or is that just a, is that just a catch all phrase that needs to be eliminated?

**Brad Pettinger** [00:09:40] Marci.

**Marci Yaremko** [00:09:53] Thank you Mr. Vice Chair. Thank you Chuck. I have no answer. I don't know. That's why I was concerned about the sentence. I don't know what it means. I don't know what's being suggested by it. So, I don't know if we're saying exclude the west extension period or if we're saying consider these things in the west extension. So that's where I feel like, you know, improvement in the language will help clarify, but I don't know what our intent is. That's why I flagged it. Thank you.

**Brad Pettinger** [00:10:27] Chuck.

**Chuck Tracy** [00:10:35] So, well, this sentence right here is a summary of the information presented earlier in the letter. So, there was just the, you know, the fact that the west extension includes EFH conservation area, includes rocky habitat and HAPCs so that's, so that part of the sentence I think has basis in the argument made above. So, I guess I would just, you know, if the Council's endorsing that recommendation I guess I would like to know that. If they're not then our scrubbing job is going to be a little bit more than just this, just this sentence. You know it really comes down to the information, the rationale presented by the MPC.

**Brad Pettinger** [00:11:45] Okay, does anybody else have any concerns about that? Caren.

**Caren Braby** [00:11:53] I, my understanding about that west extension area is that it's EFHCAs. I don't

have specifics on exactly where that starts and ends, but I think a Council position should be to protect those areas, EFHCAs and HAPCs. I don't think that should be a hard sell and I'm a bit perplexed why that is causing concern and so, I mean the problem is, is that we can talk about this for another 12 hours probably and we don't have the time to do that, which underscores the need for the Council being involved in this and the importance of our comments, frankly. So, it's a good place where we are that we're grappling with this and we're trying to come to terms with this because we are the right people to be making these comments to BOEM, but if EFHCAs and HAPCs, if... if those are there I think that is something that we should be able to say. We don't want impacts there.

**Brad Pettinger** [00:13:37] Okay Corey. Thank you Caren. Corey.

**Corey Niles** [00:13:42] Thanks Mr. Vice Chair and agreeing especially we can't spend 12 hours here, but I think I'm kind of, we're circling around the same thing, but I'm kind of with Phil and we should say things without worrying about being perfectly politically correct he said, but also with Marci I think we shouldn't say things too strongly because, you know, it was....so I just I think the bigger point is we didn't have time to thoroughly think through these things. Like we have an example Caren up for this, yeah, I think if we can narrow down a project shouldn't affect a HAPC, but someone somewhere in our discussion said, well maybe you should put these turbines in EFH areas because the footprint is on the surface. The micro citing, the sea floor habitat is going to be much smaller and maybe they could site it within HAPC without damaging it. So, at this point I'm, I would be in favor putting more in like Marci saying caveat it with we haven't had the time to come to firm conclusions yet because the time has been short. And I would also put out there, I'm hoping Kerry and staff, and I feel for Kerry, I know how hard he's been working already, but if I'm hoping we can get the point in about that Frank spoke to, Caren spoke to, everyone spoke to about how this isn't feeling the same as our normal process and we're feeling behind and a little bit rushed here and I think Frank said it really well so I'm hoping that will be in there. But I'm kind of with Marci and maybe able to say more things, but sound less certain that we know exactly we reached firm conclusions yet.

**Brad Pettinger** [00:15:32] Thanks Corey. Marci.

**Marci Yaremko** [00:15:37] Thank you. Appreciate remarks from everyone around the table and, you know, make no mistake we've taken steps to protect these areas for good reason and I think it is important to highlight why we took those actions and that we do feel that these areas are sensitive and deserve special protection. I don't know what the level of awareness is, but part of our intent here is to educate about these areas and why they are protected and why we've taken the steps we have to implement measures to avoid impacts, minimize impacts, and I think we can say that in a clear way, a specific way, a thoughtful way, but a way that I think reflects that we're making a recommendation and, you know, I think we want to be cognizant of how we make the recommendation and I think we can do it in a way that gets that point across maybe using slightly different wording. I think the discussion further up in the letter is very good, very detailed, provides lots of information, lots of specifics and the phrasing is just fine, but then I think I'm just looking to make sure that we take care to say it in a way that is maybe not so pointed, I guess is all, that's the way I would describe it. I think some wordsmithing would serve us well.

**Brad Pettinger** [00:17:55] Okay. Well personally this is not a veto letter, and we get wrapped around the words here way too much. Personally, I'm not, I'm good with what's there. You know Marci's expressed, you know, want to change that. We need to get going here so may I just ask does anybody else have any concerns with the wording besides Marci? Corey Niles. Corey.

**Corey Niles** [00:18:29] I think Marci is making a good point. I think staff could address her concerns, but I have not thought about it as hard as she do, but I don't want to dismiss her concern. I think she's

making a good point.

**Brad Pettinger** [00:18:49] Marci.

**Marci Yaremko** [00:18:49] Thank you Mr. Vice Chair. I'm sorry, I don't want to belabor this too much. I realize we're getting late, but I did just get a reminder from our staff that, you know, EFHCAs and HAPCs don't, you know, we have to be careful about saying that activity should be precluded. There are other activities that go on in those areas, but there is plenty of mitigation and avoidance and minimization and, you know, I think coming out definitively saying that, you know, we just need to think about taking that position of no, not in any HAPC or EFHCA. I think we just recognize that other activities exist, and we want to be consistent with other comment letters that we've provided on other projects. So, again I think we can solve that with some careful wordsmithing, but we do want to be consistent with our other messages for other projects.

**Brad Pettinger** [00:20:11] Okay. Kerry.

**Kerry Griffin** [00:20:16] Yeah thank you Mr. Vice Chair. Yeah, we... Council staff can certainly do that if that's where the Council ends up wanting to sort of tone down those letters a little bit, but that's up to the Council. But the other thing that I'm kind of hearing here is that and various Council members and advisory body members have pointed out that this has been fairly rushed. This Marine Planning Committee wasn't even established until about the time the BOEM announcement came out. So, you know, then we had 60 days I guess and so, yeah, it's has been a little bit of a scramble and I sense that the Council's struggling here with what is your policy going to be towards offshore wind or aquaculture or some other marine development activity in the EFH conservation areas, in the habitat areas of particular concern that have been established. And certainly this session today isn't quite adequate for you to come up with your sort of end all be all policy statement but, you know, I kind... maybe aside from your task today, you know, maybe the Marine Planning Committee needs to, they'll probably punch me for saying this, but, you know, maybe we need to think about sort of a broader, more overarching policy statement, a white paper of sorts, you know, and sit down with the National Marine Fisheries Service West Coast Region Team or the national team that I know that they're compiling, and the Science Centers and present to the Council some sort of policy options that could be more long term so that we don't have to have this discussion every single time. And I know that that was part of the intent of having the Marine Planning Committee so we could have a more sort of holistic and rational approach. So anyway, I just wanted to sort of get those thoughts out there, you know, A, yes we'll, whatever you want us to do to the letter we could do it, and then B, you know, it seems like there could be a need for some sort of a white paper or a policy statement that could apply to all of offshore development activities. Okay thank you.

**Brad Pettinger** [00:22:45] Thank you Kerry. Caren and then Marc.

**Caren Braby** [00:22:52] Thanks Kerry for that note. I think I absolutely agree with you on one front and then probably disagree on the other. I think that the policy around EFHCAs and HAPCs should be with the Habitat Committee. We haven't gotten to that discussion yet about what the rules are of the two. But the Marine Planning Committee was developed with the purpose of raising fishery's voices. It's about use conflict. It's not about the expertise that's needed to really develop a policy on EFHCAs and HAPCs. So, I would just caution on that side of it, but I think that more discussion on kind of what the Council's general policy is in this process is a good one and so thanks.

**Brad Pettinger** [00:23:50] Thanks Caren. Chair Gorelnik.

**Marc Gorelnik** [00:23:50] Thank you Vice Chair Pettinger. I sort of feel like we need to come to a

merciful end on this agenda item. Marci has expressed some concern with some language on a couple letters. Her concerns have been endorsed by Corey Niles and I have not heard any objections to those and so I'm going to suggest that we agree. What I would suggest is we defer to staff to make those changes consistent with the comments of Marci and Corey and be done with it because we could be here until eight o'clock tonight talking about these letters and I think that as far as what we need to get done for this agenda item, you know, certainly those letters are part of it, and I think also it has been suggested that we come up with some terms of reference or we ask the ad hoc committee to do that, because I think that part of the problem we have here is we convened this ad hoc committee in very short order and they went to work very quickly but we have not, perhaps we haven't done as good a job as a Council as we have needed to, to provide some boundaries. What lane is this committee in? And so that we don't get this bleeding across advisory body lines and that a lot of the work that we're seeing, the different advisory bodies offer under this agenda item, I think a lot of that work needs to be done in the committee rather than on the Council floor. That's not to say that advisory bodies shouldn't be able to comment on the Council floor, but I think that the hope here was that based on the representation on that ad hoc committee, a lot of this stuff would be done there. Now I'm not criticizing the ad hoc committee. They've done great work in just a short amount of time, but I just think we can help the committee by coming up with some guidelines or terms of reference or however we do it, and so anyway that's, I'll just leave it there. I'd just like to get those letters done and we'll be coming back to this agenda item in future meetings, this topic in future meetings so this isn't our last shot. That's all I have.

**Brad Pettinger** [00:26:40] Thank you Marc, and that's why you're Chairman. Okay, so with that I think we should follow our Chairman's suggestion. Give it to staff to make those adjustments. I think for a time issue we have in this meeting, we're already behind, we do a quick response during the Council meeting because that's kind of, we are behind. And, I guess, construct or have the MPC work on a terms of reference. And I'd also, there was a, like we asked or discussed about having the Habitat Committee look at their COP to better clarify where we're at right now. Kerry, does that take care of us here?

**Kerry Griffin** [00:27:26] Yeah thanks, well no. You know I think that that's adequate. You've taken action on sort of the first and foremost things, which was those three letters. And so, what I'm hearing is to scrub through those and do tone down a little bit some of the sort of firm absolute statements and then have those available for the quick response process in the next couple of days. And then I heard you mention this idea of developing a TOR to better differentiate the, you know, division of labor and some other aspects of how the, how the committee should work. So, I guess those are the two things that I hear. I can do those and, yeah, so, you know, I think that's all you are required to do today so I guess I'll just stop there. And if I accurately summarized what the sense of the Council is, then that's good, and if I didn't then please correct me.

**Brad Pettinger** [00:28:45] Thank you, Kerry, and I don't see any hands. Except I see Chuck. Chuck.

**Chuck Tracy** [00:28:50] Yeah thanks. And so thanks, Kerry, for that, and I think that's a good way to proceed. I just wanted to touch on one other item that came up earlier, and that is the oil rig decommissioning situation. My suggestion at this point is particularly since that's primarily a habitat related issue that the Council, and it originally was a Habitat Committee assignment that Council take that up under the Habitat Committee or the Habitat issue report on Tuesday.

**Brad Pettinger** [00:29:25] Okay fantastic. With that I'm going to hand the gavel back to our Chair. Marc.

## 2. Fiscal Matters

**Marc Gorelnik** [00:00:00] I don't see any public comment. Marci Yaremko.

**Marci Yaremko** [00:00:04] Thank you Mr. Chair. Just I was curious if we were in Council discussion?

**Marc Gorelnik** [00:00:10] Yes, we are. I was just getting there, but I got to check all the boxes first. So, we are now in Council discussion.

**Marci Yaremko** [00:00:18] Okay great. Thank you, Pete and Patricia, for the report. Appreciate the recap of the discussions in the Budget Committee meeting. Just wanted to speak a little bit about the content in the report. At the bottom of page two on ongoing activities and the plans for staffing and contractors and it was very useful to hear in the Executive Director's Report the thinking behind contractor priorities in 2022. I think that was a good discussion. I think I just want to highlight one thing that really didn't quite come clear in the report. Certainly, the need with Council staff activities that we ensure that there's adequate staff capacity in order for us to ensure that our letter writing activities are given a lot of attention. We've put an awful lot of letter writing on the docket out of the Habitat Committee and now out of the Marine Planning Committee as well as more routine letter writing activities that we might have, say, under the Legislative Committee activities. So, I just want to highlight that need to ensure that there's adequate capacity to continue to keep the quality of our comment at the high level that they've been and acknowledge that that's a lot of work on the staff officers or on employees and on the Executive Director. So, I just want to express support for that and acknowledge that I know in some of our activities that we now have on the plate with marine planning that we've added to the load, and I just want to acknowledge that need and appreciate Council Ops attention to that. Thank you.

**Marc Gorelnik** [00:02:52] Thank you Marci. Further discussion on fiscal matters? Okay, I don't think we need a motion here. Let me turn back to Patricia and see if there's anything further or whether she confirms that we have completed this agenda item.

**Patricia Crouse** [00:03:16] I believe you've completed this agenda item and I will look forward to Council action on the last agenda item today to look towards how to plan the 2022 budget.

**Marc Gorelnik** [00:03:28] All right. Thanks very much, Patricia, for your work on this.

### 3. Legislative Matters

**Marc Gorelnik** [00:00:00] And that concludes public comment, which takes us to Council discussion to consider a report and recommendations. We have before us a draft letter and what I would suggest is that we initially take general comments and then we can go through the letter, section by section to try to provide some order to this. So let me just first see if there are any general comments or discussion from the Council. Butch Smith.

**Butch Smith** [00:00:38] Yes Mr. Chairman, thank you. I do have one comment or an addition. I think it was under, Mr. Wayne Heikkila mentioned the live bait and fresh bait for the albacore industry, which is true and others, but on the Washington coast live bait and frozen bait is also used in the groundfish industry and the sport salmon industry. So, I just wanted to point it out. It's got, it's a multiuse, an important factor on the West Coast in sportfishing as well as commercial so... thank you sir.

**Marc Gorelnik** [00:01:17] Certainly. Further general comments on the Legislative Committee report? I'm not seeing any so I think that we should turn to the letter. And there are some grayed out areas in the letter. And, of course, comments are welcome, suggestions on any part of the letter. If we get too deep into wordsmithing, we might have to defer some of the changes to Council staff just to, sort of, keep this to a reasonable level. So, unless anyone has any other suggestions for how to proceed, why don't we proceed that way? The letter has an introduction, general comments, and then goes into Title I, which has to do with climate ready fisheries. So let me see if there are any comments on that portion of the letter. Bob Dooley.

**Bob Dooley** [00:02:34] Thank you Mr. Chairman. Just maybe a general comment here. Is it possible to put this up on the screen so we can all make sure we're following along with whatever people are referring to? I have the letter but it's, sometimes we get lost, and I just offer the comment.

**Marc Gorelnik** [00:02:51] Anything is possible. So, maybe we can get that up and then maybe we can do two pages at a time. So, let me see if there's any input on the first part of the letter up to and including Title I? I think that this was pretty well set but I could be wrong. Corey Ridings.

**Corey Ridings** [00:03:33] Thank you Mr. Chair. I actually have just kind of a small clarifying question here. The... on page two on the second paragraph, this is under the general comment section, there's a sentence that reads, 'Councils were designed to include the voices of those who are being governed. As the burden of being involved in management increases, it will be increasingly difficult to find people who are willing to participate in such an arduous process'. I'm not sure that I agree with it and I'm just wondering if someone from the Legislative Committee or Jennifer, whoever it's appropriate has a little bit more background on sort of where that sentiment comes from.

**Marc Gorelnik** [00:04:20] Well, I'll take a stab at that. We're upcoming on a process to fill our advisory bodies for the next three-year period and what I have seen in my years on the Council is that it oftentimes is difficult, even with the number of positions we have now to get willing participants for every seat. People who are not only qualified, but able to participate fully. With the additional chores associated in this bill, it would increase the workload on the governed, so to speak, and I think it's not going to make filling these positions any easier. Phil Anderson. I'll look to you.

**Phil Anderson** [00:05:28] Yeah, thanks Mr. Chair. I mean I think what may be that the troublesome term is the term 'governed'. You know to me it includes the voices of those who are impacted by the Council's decisions and that, to me, is a broader group of individuals and interests than just those that are being governed by it or... so I'm not sure if that's kind of what Corey was bringing forward in terms

of a concern, but that is how I would to react to that concern and would support that we broaden that so in terms of the voices that we, that we're listening to as we make our decisions.

**Corey Ridings** [00:06:30] Mr. Chair... may I?

**Marc Gorelnik** [00:06:33] I'm sorry. Corey, go ahead.

**Corey Ridings** [00:06:36] Yeah just wanted to thank you for that. Thank you, Phil, for that. Also, I just realized I neglected to thank the Legislative Committee for this report, and this is a very big effort and I really appreciate it and also very much appreciate what I'm sure was a lot of hard work by Jennifer. Thanks.

**Marc Gorelnik** [00:06:58] Bob Dooley followed by Virgil Moore.

**Bob Dooley** [00:07:01] Thank you Mr. Chairman. I echo with the final comments there by Corey about the work of the Legislative Committee and particularly Jennifer. I agree with your take on this Mr. Chair. I think a lot of this is going to add a lot of burden to the Council potentially, and I see we're impacted now that we may be expanding. We may be adding more days or more meetings and I'm really concerned about the ability for people that are, you know, fishermen, industry folks that are, and particularly in our advisory panels and management teams that are really working, you know, taking time off to do this and we're going to, this would this disincentivize them and make it harder to get people to represent their things. And I believe the original intent of the Council process was to have those voices have a meaningful voice in the process and I really worry about as the workload piles up and the commitment to be on these committees piles up and the Council itself, that we will not have adequate representation by all, and I think it's a real good comment you made. So... I think that's, I support that.

**Marc Gorelnik** [00:08:27] Virgil.

**Virgil Moore** [00:08:29] Just wanted to say I support leaving that in. It goes broader than just the individuals from the public. Certainly, I know in Idaho it's nearly impossible to increase the number of full-time employees in any state agency, regardless of funding, and it means that our ability to staff many of these committees with expertise that's needed becomes limited as more and more of that is placed on us. So, it goes broader than just the general public as well. So, I really do support leaving that in. Thank you.

**Marc Gorelnik** [00:09:07] Corey Niles.

**Corey Niles** [00:09:10] Thanks Mr. Chair. I find letters like these challenging to strike the right tone, and this is with all the issues in here to track, I recognize the challenge that folks are expressing here. I, maybe more like Corey, I think optimistic we can find people. But I think the point I mean, again, not diminishing the point, but I think the larger, bigger picture and maybe it's said elsewhere in here, I have not, have not absorbed all the substance of this letter by any means, but is the scientific needs to accomplish a lot of these mandates. It says it I think in that paragraph, but I mean I think that's the bigger picture is if.....and I think if we had.....these bills are raising a lot of issues that are important about goals in the fisheries that we all think are important and being able to accomplish those goals while the environment is becoming more challenging. So, to me, the bigger point of emphasis should be... know our ability to measure, to observe, to have the science that helps us have these discussions. You know that is the underpinning of what makes the Magnuson work and if we could do that and we have the information and the science, I'm hoping we could find the people to engage. Yeah, the world's getting more challenging, and the bill is trying to address a lot of those challenges and it becomes what

is the way to do that. So just I'm making a point, not somewhat a separate point, I'm hoping there's a way to just amplify the point I'm making about the, it's not just the extra mandates and the work, but we need the information, the science, the ability to do adaptively manage. That infrastructure has to be as important as these legal mandates and apologies if that's said in a different place, but yeah, just a wish that that could be amplified.

**Marc Gorelnik** [00:11:25] So Corey to be clear, are you suggesting we move on and leave this language alone? Are you suggesting we make a change to this language?

**Corey Niles** [00:11:34] I think, I don't think we have time to, but I think there is, I would say it differently than is being written here but I'm not going to spend the time to do that. We don't have time. I would say it's challenging to get people who, you know, who, it's not their jobs to do this, to engage in as it becomes more complicated that's going to become even more challenging and... but we recognize that that's the strength of the Council, is finding those people to spend the time and the thought here. But I was going to, sorry to jump on that, to another point but I'm not going to get....

**Marc Gorelnik** [00:12:10] Yeah, let's try to get this point resolved so we can move on. Okay, so Maggie Sommer followed by John Ugoretz.

**Maggie Sommer** [00:12:19] Thank you Chair. I would support leaving this language in with a change to the word 'governed' as Mr. Anderson suggested. I agree with his thinking on that term. I will make an observation that, in general, I think for me this prompts some thinking about overall Council process and in the big sense not just for the Council, but for our advisory bodies and I, you know, we have had previous conversations about Council workload and process and maybe doing some renewed strategic planning on that and this just ties into that for me. But this language here, you know, I think I would support leaving in again with that change the word governed. I will have one additional minor comment on page three before we move on, but I'll defer if John has a comment related to this language.

**Marc Gorelnik** [00:13:17] All right. I think John has a suggestion here. John.

**John Ugoretz** [00:13:23] Thanks Mr. Chair. I would just suggest replacing 'governed' with 'directly interested in' those directly interested in Council management, though I don't really feel a desire to discuss it much more than that.

**Marc Gorelnik** [00:13:39] All right. So, we have a suggestion from John to change 'governed'. It's a little bit different from what Phil said, but I want to see if anyone opposes adopting the language that John has suggested? And I'm not seeing any hands, so we've got, we've resolved that. Thank you, Corey, for raising that issue. Maggie, I'm going to go right back to you since you said you had something on page three.

**Maggie Sommer** [00:14:12] Thank you Chair. This would be for under the Section 103, the italicized Council comments, and it's simply where it reads, the Council believes, et cetera ecosystem management and climate change are difficult concepts to grasp for those new to its application in fisheries management. I would not want to sound like we are underestimating new Council members. Climate change shouldn't be a difficult concept to grasp, but I appreciate the link as to how it's applied in fishery management. Might suggest staff consider minor revisions, something along the lines of the application of ecosystem management and climate change in fisheries management are complex concepts.

**Marc Gorelnik** [00:15:02] All right. I think that's fair enough. So do you want to remove the language that underestimates the capability of new Council members. We don't need to wordsmith that precisely



right now. We can leave that instruction to staff. Is there any disagreement with that? Okay I'm not seeing any, so thank you, Maggie, for that point. Corey Niles, you had your hand up? Corey.

**Corey Niles** [00:15:35] Yeah, sorry Mr. Chair. I'm, if we're going to go individual word choice here, on that last sentence I would suggest it's a change of 'arduous' to something less, like 'challenging' would be preferable to me. But in some way we're saying the Council process we're big supporters of it, and that, yeah, it is a challenging process but again, I'm trying to stop myself from wordsmithing with that. This is, you know, it's just kind of mixed messages there. Let's call it 'challenging' instead of 'arduous', and I agree with Maggie's point.

**Marc Gorelnik** [00:16:12] All right. So, I don't mean to be rushing us along here, but we've got a lot to cover. So, anyone object to the change that Corey suggests? Okay we'll adopt that change. Pete Hassemer, you had your hand up.

**Pete Hassemer** [00:16:32] Thanks Mr. Chair just want to make sure you had asked. Are we on page three? I know Kris is trying to show it here so we can see it. Maybe it would be helpful if he could just show one whole page at a time. But what's your request for page three comments?

**Marc Gorelnik** [00:16:51] Yeah, anything up to and including the climate ready fisheries, which goes through page four.

**Pete Hassemer** [00:17:01] Okay, so it's on section 102(a) on page three. It's the first italicized comment there and my question is part of the comments there we have, it says, 'how does a Council specifically promote resilience?' I guess I don't think we should be asking a question there because we're not expecting a response. I'm a little short on creativity in words right now but I think we could state something more aligned with the Council's responsibility under the MSA that we manage for optimum yield and sustainable fisheries fish stocks and it's not clear how the zillions of stocks is different from managing for sustainable fisheries or something like that, but eliminate the question and just make it more a statement of fact related to the difference between resilience and sustainability. That's all. Thanks.

**Marc Gorelnik** [00:18:15] Okay, so let me first ask folks if there's any objection to removing the question from that response. I think that's a fair point. So, we've got that done and then there is, you further added a reference to sustainability as a mandate under Magnuson, I didn't quite, I couldn't quite in my mind distill your comment down to a statement to be included. Can you help with that?

**Pete Hassemer** [00:18:56] Sure. I apologize for that. And I guess at this point I would defer to, I would be comfortable with the Executive Director and his staff's ability to craft a replacement sentence that addresses sustainability and or something to the effect how we manage for sustainable fisheries and some uncertainty about how that would be different from resilience and if it's not necessary, well, I'd let the staff take it from there. Thanks.

**Marc Gorelnik** [00:19:39] Okay. Let me ask Executive Director Tracy if he's comfortable with that direction?

**Chuck Tracy** [00:19:53] Yes Mr. Chair. So, I've started sharing my screen, so I am kind of keeping track of things as we go so it'll at least hopefully give you an idea of what you're thinking and how we're interpreting it, so maybe that'll speed things up a bit.

**Marc Gorelnik** [00:20:15] That's excellent, excellent. All right so anyone disagree with that approach? All right, let's see if there are any further questions on this portion of the letter, anything up to and

including the bottom of page four, which is the introduction as well as the climate resilience portion. And I'm not seeing any other hands, so let's move on to the next section, which is Title II: Supporting Fishing Communities. Here there is some highlighted language that needs, either needs to be confirmed that the Council is comfortable with it or changes, so let's see, actually, yeah, just in Title II it's just one short section and the Legislative Committee suggests it has no problems with 202. But on 201 we need some clarification for Pac States. So, does anyone have any issues with this language, including the highlighted language? Or wish any additions? I'm not seeing any hands so I take from that that the Council is fine with the language in Title II. So, we will move on to Title III, which is captioned, 'Strengthening Public Process and Transparency'. There is some highlighted language here, it's whether other language that's not highlighted but we may have some commentary on. So, let's take a moment and consider Title III. I don't know if folks want to take this one section at a time or not but I'm not seeing any hands on Title III. Amongst the changes here has to do with voting procedures as I recall. Maggie Sommer.

**Maggie Sommer** [00:22:57] Thank you Chair. My comment, it's a question really, is related to a couple lines that are just below what we see on the screen. In the italicized sentence, the Council has no concern with those changes. It reflects our current practice, referring to the statement that the Council shall seek to hold meetings in person and ensure the availability of remote meeting participation and voting. I'm, I guess I'm still unclear on what our current, what our practice will be going forward once we are beyond Covid related restrictions and the availability of remote meeting participation and voting. So perhaps some clarification from the letter authors or Director Tracy here would help.

**Chuck Tracy** [00:23:51] Thanks. Thanks Miss Sommers. So, we are endeavoring to provide an option for remote voting with a hybrid-type meeting and, as a matter of fact, right now Council staff and I are sitting around a mock Council chamber with all of our microphones and TVs and making sure that technologically we are able to accommodate that, so I think that is our plan to provide that opportunity in the future. Certainly, we've been able to do it the way we have in a completely virtual environment up to this point, but we believe that we will be able to accommodate that in a hybrid-type environment where we are primarily in person but as needs arise, we will be able to accommodate some virtual attendance. So, I think that is our current practice today, I guess. So, we expect that to continue going forward.

**Maggie Sommer** [00:25:05] Thank you.

**Marc Gorelnik** [00:25:14] So I have a question on that for Chuck. I think and you indicated we could allow for remote and I will separate this between Council members versus the public, that as the need arises we could have remote participation by Council members and certainly in the current environment would apply, but are you suggesting that the Council has adopted a policy that once we get beyond this and health concerns have dissipated that we would continue to contemplate remote participation by Council members on a preference basis?

**Chuck Tracy** [00:26:01] Thanks Mr. Chair. Not suggesting a policy, just the capacity at this point. That policy would be up to the Council itself.

**Marc Gorelnik** [00:26:13] Okay and certainly for the public I think that providing remote participation is helpful. John Ugoretz.

**John Ugoretz** [00:26:21] Thanks. I guess my question would be is this change to Magnuson taking that policy responsibility out of our hands and requiring us to allow for remote meeting participation and voting?

**Chuck Tracy** [00:26:43] I guess Mr. Chair. I would interpret it that way yes.

**Marc Gorelnik** [00:26:55] The.....trying to find the full language here. I think the legislation expressed a preference for in person, but don't quote me on that. But I don't think we need to, we need to look into that right now for purposes of wordsmithing. Let me see if there are any other comments on the proposed language in the letter? Corey Niles. Corey, you're muted.

**Corey Niles** [00:27:34] Yes, too many screens here. Are you talking on this particular provision or Title III in itself?

**Marc Gorelnik** [00:27:42] Any part of the Council's letter with regard to the section on Title III. So, there's a number of sections, 301 through 308 technically, but yeah, we don't have comments on all of them.

**Corey Niles** [00:28:03] Okay, well I do have maybe a question or it would not on the wording, but, you know, in addition and I don't know what the rules are on suggesting things that are not proposed in the bill, but going back to that previous discussion we had about the challenge of finding stakeholders to participate given that it is a time commitment and the challenge to come up to speed but has there ever been a proposal to up the, you know, to provide stipends to advisers or some kind of other support, just I mean incidents where identifying a problem may be a solution would be to recognize that time commitment and expertise it takes to engage and has that ever been come up in legislation and if not, would it be within the scope to put that suggestion out there. We have the challenge of finding the people to get the input from, but here's a way to maybe support that.

**Marc Gorelnik** [00:29:08] My sense is that would be outside the scope, but Chuck Tracy will provide an answer.

**Chuck Tracy** [00:00:00] Thanks Mr. Niles. So, we already provide a stipend for advisers, so all of our non-federal, non-tribal agency, advisory subpanel and SSC members get a stipend. So, we have a certain amount that we budget for that which originated from originally from a congressional, or an agency, or a line item, which is about 70,000 dollars and we divide that up by the number of days that people are eligible to receive it and it's divided equally that way, so it's never the exact same amount but we already do that.

**Marc Gorelnik** [00:00:43] And I would say that we have received a letter asking us to respond to this bill. I'm worried that if we propose a new provision for the bill, I guess it's a question whether that would go beyond a response and border on advocacy. I don't know, Chuck, if you have a response to that.

**Chuck Tracy** [00:01:16] Yeah, I think that's a good point. We do want to respond to the bills. We do have limitations on, on our lobbying activities I guess so we are not allowed to lobby. We are able to respond to requests for information about how certain legislative provisions would affect Council operations or other, the resources that we are responsible for, and I think certainly suggesting provisions that are not even addressed in a bill would go beyond that, and we would have to be very careful about suggesting provisions for issues that are addressed in the bill for that matter. So, we need to focus our comments on the effects it would have on our operations and our management responsibilities and the resources that are affected by that.

**Marc Gorelnik** [00:02:29] Corey.

**Corey Niles** [00:02:31] Yeah, thanks Mr. Chair. Thanks Chuck. So, I'll drop that suggestion for now. I

don't, I think it's, but on other topics I would think we should have.....well, it's to say what's the goal and we'll be affected by this wording, but, hey, that you might be able to achieve this, the goal in this way and it might not be in there, but I will, I'm going to drop that suggestion for now but appreciate the information. Thank you.

**Marc Gorelnik** [00:03:02] Okay, are there any other comments on this section of the letter? And not seeing any we will move on to Title IV: Modernizing Fisheries Science and Data. There's quite a bit here that is highlighted. So let's see what.....Bob Dooley.

**Bob Dooley** [00:03:31] Sorry Mr. Chairman. I'm following on the screen here and I know you said it but I kind of missed it. I'm, I want to go back to that lobbying provision if we can. I got a comment there. It was page six and seven.

**Marc Gorelnik** [00:03:53] All right, go ahead.

**Bob Dooley** [00:03:55] Yeah, I'm concerned that the determination of lobbying, you know, it says I think it's limited to, if it's, if you're using funds, Council funds to do that and I think that's been our assumption but I don't see that specifically... that that is the qualifier and I'm worried that, you know, we have a lot of people on the Council that are, you know, individuals and that... do tend to go and speak in D.C. and lobby and those type of things, but not on behalf of the Council, on behalf of their interests and I'm wondering how, did we, are our comments good enough to make that distinction? And I'm worried that we're going to... particularly the language that talks about anybody can, may begin investigating, the secretary may begin investigations and should complaints by any person or government individuals in violation subject to civil penalties, and I worry about that a little bit of not being so clear. So, I think that really needs to be clear because, you know, it was intended to begin with that there would be industry folks on the Council, and, yes, that the prohibition to lobbying for particular issues on behalf of the Council I agree it should be not allowed, but on their individual behalf I have questions and I want to make sure we're clear.

**Marc Gorelnik** [00:05:50] That's a fair point. I guess if... well, Chuck Tracy, you have your hand up?

**Chuck Tracy** [00:06:01] I'll defer to you Mr. Chair.

**Marc Gorelnik** [00:06:03] Well I was simply going to say that it's not clear to me that the language here would prevent Council members and others on an individual basis. I don't think it would prohibit them for lobbying. But perhaps we should add a sentence here to be clear that it's not our understanding that these new provisions would constrain Council members and the others who were mentioned in this language from undertaking lobbying on an individual basis or on behalf of their organizations. Would that address your concern, Bob?

**Bob Dooley** [00:06:53] Absolutely. I think that's an important point to make is because it kind of muddies the water when you talk about secretary investigations submitted by any person or government entity. If there's not a qualifier to begin with, I think that it leaves it up to interpretation by the secretary and I, you know, unless it's specifically in there I think we have problems.

**Marc Gorelnik** [00:07:20] And again I don't think that's the intent here, but I don't have a problem with making that clearer and, unless I see a hand to the contrary, we'll ask Council staff to make that change. If you look, if we could go to Section 305(b), please, when you're done editing that, or adding the comments there. 305(b) as in boy. We didn't have any comments in the Legislative Committee on this, but you can see the changes there and I guess I would ask the Council if there's any concern about the changes proposed to disclosure and financial interest? Because if we don't have any objections then

we should state so, and if we have concerns, we should state those. And I'm not seeing any concern so I think we can change that we indicate that we have no, the Council has no concern about this. All right, let me just see if there are any other comments? Corey Ridings.

**Corey Ridings** [00:09:00] Thanks Chair. Again, sort of a clarifying question going back to 305(c) and what Bob was saying, I agree that, Mr. Chair, I think the intent was not to limit people in their personal capacities. I'm looking at the language here and it says 'Prohibited from using federal funds', so I'm just pointing out there I'm wondering if that was intended to be the language to make that distinction and is intended to draw a clear line in terms of when an individual is speaking on behalf of a Council or participating in something on behalf of a Council and versus when they're an individual, and not being a lawyer I'm not exactly sure what that means, but just wanted to point that out if anybody else around the table does have that knowledge.

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

**Chuck Tracy** [00:10:00] I'm not a lawyer either but I guess I do have maybe a question or two, maybe it's for NOAA GC. But, you know, it's not uncommon for at the CCC meetings in particular that are, that occur in Washington, D.C., and I think other Councils that are closer to pay visits to congressional members or staff, you know, and so I just want to know what's the limits there? I mean if we are invited is that still an acceptable meeting? You know, whether I don't know that we, that, you know, lobbying necessarily occurs there, but the perception of those sorts of visits come into question I guess for me. So that's one question. And then the second question is this also says federal or state legislation. We have been given guidance in the past, I believe in response to for example, the California ban on drift gillnets or that whole process, that if the Council felt like some state legislation was affecting its ability to implement its plans and that we could offer our thoughts on that legislation without being requested by those state legislatures? So maybe two, maybe two questions there for NOAA GC.

**Marc Gorelnik** [00:11:51] Sheila.

**Sheila Lynch** [00:11:54] Thank you Mr. Chair. And to respond to your questions Mr. Tracy. I am hesitant to opine on this bill language as NOAA GC as a whole has not done an analysis of this proposed legislation. I would suggest that to the extent you have concerns about how this new language might change your ability to operate in the way that you have in the past, that you could include those or raise those concerns in your letter. But I guess I'm not familiar with what our advice has been on some of the visits that you're discussing. So, I'd probably have to get back on that issue later if the Council's interested in that. Thank you.

**Marc Gorelnik** [00:13:04] Thank you Sheila. Bob Dooley.

**Bob Dooley** [00:13:06] Thank you Mr. Chair. I don't want to extend this any longer, but I agree with Chuck's look at this. I mean there are times when you travel, you know, you might travel on federal funds because you're, you know, you're back there for some reason, the Council wants you to be there and if that disqualifies that entire time. I worry about the distinctions, and, you know, that what he described happens. You know, I mean if you're back there for a week for, you know, 'Managing Our Nation's Fisheries' and there's meetings in between, does that disqualify you from, from, you know, multitasking, so to speak? You're not speaking on behalf of the Council, but, you know, those things happen and I....and the CCC is another example. So, I think it's really important we clarify this and make sure we at least raise the point. So, thank you.

**Marc Gorelnik** [00:14:03] All right. I agree with you Bob. I can see that scenario happening. So is it the sense of the Council that these concerns about state legislation and about activities that coincide

with federal travel, but or not related to the federal travel, however that gets expressed much better than I just did. Any objection to raising those concerns, those interpretation concerns? Okay we'll leave it to Council Staff to craft that. Chuck Tracy.

**Chuck Tracy** [00:14:58] Thanks Mr. Chair. So, I just highlighted that other issue that, the issue that was actually in gray, which is the concern about posting copies of all communication with legislative and executive branch officials on subjects other than routine fishery management in the region. So, I mean just in the region is a bit troubling because there are, the CCC for example, function is basically to look at national level fishery management issues and so is that, you know, is there a conflict with the duties there? And it's a lot of posting. It's a lot of documenting verbal communications and posting it on our website. And I guess just kind of want to know where the Council has any thoughts about that requirement?

**Marc Gorelnik** [00:16:06] I guess how is that different from what we already do Chuck?

**Chuck Tracy** [00:16:15] Well I guess, probably the devil's in the details on this, you know. So, if I have a phone call from a federal staffer to talk about, you know, when our Legislative Committee's meeting, where's it's meeting and if they're able to attend, is that something I have to post on the website whether the meeting, whether they show up or not? You know it's a pretty extensive requirement I guess, and I don't know that... I mean I would guess I'd be curious to know if other agencies for example are required to disclose those and post them on their website or I don't know, it seems pretty, it seems pretty onerous, I guess. That's a lot of busy work in my opinion, but there I said it.

**Marc Gorelnik** [00:17:12] Maggie.

**Maggie Sommer** [00:17:14] Thank you Chair. I guess to respond to Chuck's last question, I'm not aware of a requirement that goes that far for ODFW. That language did stand out to me here and certainly it does seem like it could be an onerous burden. I also wondered if that might potentially include sweep up some communications that could include confidential information, for example, that related to personnel or litigation or other matters. So, I did have some general concerns about this. I don't have suggested wording but would be supportive of some thinking about how to convey some concern with the burden that could create without necessarily providing a significant benefit to the public on those types of communications.

**Marc Gorelnik** [00:18:07] Well, can... can we leave it to Council staff, pardon me, Council staff to draft something capturing those concerns? I think what I've heard is that I think there could be confidential matters. There could be some inconsequential matters. It could be litigation matters. And I'm not sure what, for example other, there must be some analogous requirements of other agencies that I can't imagine are this broad. Maybe, if it's not too difficult to consider what other requirements may be out there and suggest that something along those lines may be more appropriate, but we'll leave it to Council staff to undertake that. Anything further before we leave this section? Bob Dooley.

**Bob Dooley** [00:19:11] I do Mr. Chair. Thank you so much. I'm looking at 305(d)(3) right there. And there's a comment that says the purpose of this deletion is unclear unless it's relates.....no, no not that one. D three. Yeah, well it removes the requirement that governor's consult with representatives when making appointments to the Council. And I think that transparency is really important and, you know, that we keep that transparency and I'm really questioning why they're doing this in this bill and why you would want to take away transparency in an open public process and make, maybe make it a closed-door appointment by a governor so I just think we should comment on that. That's my opinion. Thanks.

**Marc Gorelnik** [00:20:17] Okay, so the language here refers to an intent....I'm not sure, okay there we

are, I'm looking at the wrong section here. It seems to me that this the including non-consumptive users is an important point, but rather than removing consultation with commercial and recreational fishing interests, it seems more appropriate merely to add consultation with non-consumptive user groups. Does that make sense?

**Bob Dooley** [00:21:06] I'm more looking at the actual language above it, not our comments. It says to remove the requirement that the governor would consult with representatives, commercial, recreational fishing interest of the state when making appointments. I'm not opposed to non-consumptive users being added to that, but I am opposed to remove the requirement that they consult. That the governor makes it a process that's open and there's not just, you know, it takes the requirement away that he's, that it be he or she be open and transparent, and it seems to me that this opens the door to just not having a... a public process that feeds into the appointment process that goes to the secretary.

**Marc Gorelnik** [00:21:56] John Ugoretz.

**John Ugoretz** [00:21:57] Thanks Mr. Chair. I think I have to agree with Mr. Dooley on this, that if the intent of the change is to make the Council process more inclusive then you should add a requirement to consult with other sectors beyond commercial and recreational fishing as opposed to removing a requirement to consult. The, I think the intent of 305(d)(3) is to ensure that governors have considered the groups that are interested in the Council process when making appointments and not doing it in a vacuum. And so, it should broaden that as opposed to narrowing it.

**Marc Gorelnik** [00:22:44] All right. So, I think Chuck is suggesting a way forward here that we suggest broadening the consultation rather than eliminating existing consultation. Does that seem reasonable to folks around the table here?

**Bob Dooley** [00:23:05] Does to me.

**Marc Gorelnik** [00:23:07] All right, I'm not seeing any hands, so we'll ask Council Staff to revise that comment. Anything further on Title III of the bill? Okay so we'll move on to Title IV which, for which there have been some concerns raised. We have some italicized language there. We've got language on electronic monitoring. So, we have some alternatives there. We have no concerns, or we have the language that is provided there, so I think we need to make an election between those alternatives or perhaps suggest another way. So, what is the pleasure of the Council? Maggie Sommer.

**Maggie Sommer** [00:24:28] Thank you Chair. My suggestion would be to include the language from our previous letters, except possibly the last gray highlighted paragraph there which seems relatively specific to an individual situation. So, offer that for consideration.

**Maggie Sommer** [00:24:54] Thank you Maggie. Is there any response to Maggie's suggestion? Bob Dooley.

**Bob Dooley** [00:25:07] Sorry Mr. Chair. I don't have a objection to that. I do... going back to the beginning of it, it talked, you know, the purpose of this is to, it speaks about wanting to expand EM, you know, in the sense of this Congress regarding the use of.....it once.....the way I read it and they want to expand it. However it's very important to point out, I think, that the current policy directives guiding EM make it cost prohibitive for people to expand to that because it's being put into, it's being put into, the burden's being put on industry, and if it is a, if it is a desire to do that, there needs to be funding to help that, and I think that that's, we're seeing that now. I mean if you don't have a... right now the mechanism that is pushing EM is because there's a mandate for industry paid observer coverage a hundred percent. And that's pretty common. I mean that's what's going on in Alaska as well. So,

looking for a more economical, more efficient way, but in the big picture it's going to be really hard to expand this to fisheries that have paid observers and no mandates to ask them to come out of their wallet to pay for it. And I agree it needs to be expanded, but I think there needs to be a comment in there that says, hey, you know, we need to take into account the policies and the affordability of this in the long run to industry when making these choices. I know I probably wasn't very clear, but that's what I.....

**Marc Gorelnik** [00:27:02] Yeah.

**Bob Dooley** [00:27:03] I'm trying to incorporate this.....

**Marc Gorelnik** [00:27:04] Do you have a specific language or notion that where we could have something to put before the Council to discuss whether that change is acceptable or not? Why don't you think about that? I'm going to go to Maggie Sommer. She's got her hand up. She might be I have a way forward. Maggie.

**Maggie Sommer** [00:27:35] Thanks Chair. I don't have language to suggest regarding Bob's comment. I was just going to retract part of my earlier comment about omitting the last paragraph highlighted there of our earlier comments. You know it is a specific case, but this may be a good opportunity to remind readers of this interest on our part. So maybe just be interested in recommendations from other Council members thoughts on that as well. Thanks.

**Marc Gorelnik** [00:28:15] All right, thank you Maggie. So, let's resolve the issue with this last paragraph. Maggie recommends that we leave that paragraph in and I want to see if there is any objections from around the Council to leaving that paragraph in? I'm not seeing any hands. So, I want to return to Bob Dooley's point and see if we can capture something there. Chuck Tracy.

**Chuck Tracy** [00:00:01] Mr. Chair, thanks Bob. So, I guess I have, well maybe two points. So, one is I guess I'm a little concerned about calling out NMFS policies, you know, in the comments to legislation. You know they are theoretically not too closely related, I guess. On the other hand, recognizing the funding issue, which I think this last paragraph might provide some, maybe a segue into identifying that need I think has some potential, so, you know, maybe if this last paragraph started with just the fact that, you know, that there has been some cost issues associated with implementing electronic monitoring programs and, you know, this might be one way to address that or another way would be to provide additional funds to NMFS to help administer those programs if that's the desire of the purpose of the legislation.

**Marc Gorelnik** [00:01:20] Bob.

**Bob Dooley** [00:01:20] Yes, thank you Mr. Chair. I guess I would add to that a bit. I agree with Chuck's approach there and I agree that we shouldn't be calling out NMFS on this. But in that it says in the second sentence of the 402 line, says it amends the MSA to allow Councils to require electronic monitoring for data collection purposes. That also under the current guidelines and policy we would be mandating that they pay for it because there's no other way to do it and it's a big burden, so I don't know, you know, ultimately if you require a hook-and-line fisherman to have a full blown electronic monitoring program that he pays for and pays for all the data review, that you basically put them out of business. So that's my concern and I think that that's something to think about, that we ought to, you know, if they're going to require it, great, come with a check, you know, let's, let's fund it too.

**Marc Gorelnik** [00:02:28] So to be clear, the language doesn't mandate that the Council's require electronic monitoring. It allows Councils to require electronic monitoring. So, is this a problem in the legislation or is this a problem in how Councils respond to the legislation? And I guess that question's



for Bob.

**Bob Dooley** [00:03:01] Yeah, I'm thinking about it. Well, I'm just highlighting that pretty much here. I think I've made my, all my points I can really make on it, and I think you made a good point. It doesn't, I don't, I'm looking at it closer and I don't know if it makes a mandate, but there's sure a lot of parts of this that seem to go that direction, so anyhow I am a big proponent, you know, of EM, but I'm also really concerned about requiring people to put that much, you know, the effect on particularly our smaller industries could be just devastating if we don't, if we pushed into that so... I think if it's not a concern to everyone else I'm okay to leave it alone.

**Marc Gorelnik** [00:03:50] I just think we need to be focused on the language here. Chuck, you have your hand up?

**Chuck Tracy** [00:03:57] Yeah, I was just, you know, I think we need to look also maybe a little broader than the one electronic monitoring program we're involved with here, which is its purpose is catch monitoring for compliance with the catch restrictions. You know there are potentially other programs where perhaps the Council might want to require electronic monitoring, for example when it's necessary on smaller vessels and the purpose may be ESA compliance or MMPA issues where perhaps, you know, I think for those National Marine Fisheries Service is typically responsible for observer or monitoring programs, so you know, so I think there might be, you know, I guess I kind of agree with your point, Marc, is that a lot of it has to do with, you know, we do have the option to do this. We may require it and if we do require it, even if we do it still, I mean I don't know, maybe that's a question for NMFS is, you know, would they be responsible for monitoring for those costs if it was for an ESA purpose for example.

**Marc Gorelnik** [00:05:20] Bob Dooley.

**Bob Dooley** [00:05:24] Thank you Mr. Chair. I'll be brief. I agree. I look at this now and I agree with the points brought up. I think that if we, in the way it was explained now it makes sense because it doesn't just apply to the extreme focus of just electronic monitoring with cameras and such. It could be logbooks. It could be a bunch of things that are electronic and I'm okay as long as we don't lose the reins and as long as we don't lose the focus on who pays for it and taking those into consideration so thank you and I'm good with the language.

**Marc Gorelnik** [00:06:05] Okay, let me see if there's anything left else here on Title IV of the bill? And I notice that Chuck is inserting some language and I want to make sure that everyone has, is okay with that additional sentence? Raise your hand if you're not.

**Chuck Tracy** [00:06:31] Just sort of some introduction to that concept.

**Marc Gorelnik** [00:06:36] Very good. All right, let's move on to Title V, which I, concerns forage fish and other issues. Comments on the letter with regard to Title V: Sustaining Fisheries Through Healthy Ecosystems and Improved Management. We've had some comments from advisory bodies which I think are captured in the Council's comments, but I want to make sure that we're all okay. John Ugoretz.

**John Ugoretz** [00:07:16] Thanks Mr. Chair. And yes, I'd agree that I feel that the letter does adequately address the comments we heard from our advisory bodies and others. I do have one suggested change in this section. The letter states in Section 508(d), and maybe I'll let you get to that section. There it is right there. So, it states that we have no issues with this section, however the section is in regard to all Councils developing a list of unmanaged forage fish and prohibiting the development of new directed forage fish fisheries. We addressed that on page four, but we don't address it here, and I'd suggest taking

the language from the bottom of page four and inserting it here, because we should reiterate that we feel that this Council has already addressed this issue and we don't want to have some new requirement to further address it when we've already done it.

**Marc Gorelnik** [00:08:39] Thanks John. And we're looking now at that language, which is the additional.....well Chuck is highlighting it and there is an additional sentence provided there that's not below. So, does anyone object to adding that? Corey Niles.

**Corey Niles** [00:08:59] Thanks Mr. Chair. I have a separate topic so I'll.....

**Marc Gorelnik** [00:09:01] All right.

**Chuck Tracy** [00:09:03] So I've got the right sentence Mr. Ugoretz?

**John Ugoretz** [00:09:06] Yes, that's exactly what I was thinking of.

**Marc Gorelnik** [00:09:12] All right, so we can add that into 508(e), 'd' as in dog. All right, is everyone okay with that? And if not speak up. Thank you, John, for that. Corey, go back to you now.

**Corey Niles** [00:09:40] Thanks Mr. Chair and I think it's back on.....we didn't have much discussion on the reducing bycatch, the removal of the extent practicable. Yeah, I agree with the uncertainty that would be created by practicable. It's I guess 503(a)(1) there. Yeah, but I'm also wondering and maybe a question if it's, it's been pointed out over the recently even this past year and earlier, that's the Magnuson in terms of bycatch, if you look at the definition of bycatch does not include seabirds, marine mammals. I don't think NMFS has never told us we couldn't consider that, in fact, has supported our consideration of those animals. But I wonder if pointing that out would be helpful here in saying that the Council spends considerable time thinking about bycatch of marine mammals and seabirds, which aren't within the definition of bycatch.

**Marc Gorelnik** [00:11:12] All right, so that's a fair point. Does that language there Corey more or less address the point you raised?

**Corey Niles** [00:11:29] It's a placeholder for making the point, but which would be fine with me, yes.

**Marc Gorelnik** [00:11:35] We'll defer to staff to put some language in there. Does anyone object to this change? Thank you Corey. Anything else in Title V, which is the last title in this bill? Maggie Sommer followed by Corey Ridings.

**Maggie Sommer** [00:12:04] Thank you Chair. Actually, on the same italicized paragraph. I don't have a specific suggestion, but I did want to express maybe some discomfort with the extremely strong sense of this language. I think removing 'practicable' leaves some flexibility in the term minimize. And I think a more logical interpretation of that requirement would be rather than a literal interpretation that you have to minimize fishing would be that the intent is to minimize bycatch while fishing. So, I just want to take a moment to share that. I can live with it. As I said I don't have anything different to suggest, but wanted to see if other Council members had thoughts on this section before we move on.

**Marc Gorelnik** [00:12:59] So let's see if folks around the table have the same concern. Corey Ridings followed by Corey Niles.

**Corey Ridings** [00:13:11] Thank you Mr. Chair. I do have that same concern. Like Maggie I don't have a sort of a better way of saying that. And I don't necessarily disagree with the italicized language here,

but I just want to say I do agree with Maggie there.

**Marc Gorelnik** [00:13:31] Corey Niles.

**Corey Niles** [00:13:31] Yes, same. I almost said it the first time but given time didn't go there, but since others did, I think it could be. I think Maggie said that. I didn't think of that idea but it's kind of the same set up we have in the law between National Standard 1 and National Standard 8, which is the sustained participation of fishing communities. So, I think I'm making that clear that it's supposed to be consistent with National Standard 8 or, and I don't have the words right now but that was a good point that I agree with Maggie.

**Marc Gorelnik** [00:14:13] All right. Well, I think we can start by eliminating the word 'very' in front of 'concerned'. I don't think we need to exaggerate it, but I think otherwise the points made by Maggie and agreed to by the Corey's should be captured by Council Staff. Perhaps some rephrasing of some of this language. I don't know if it's clear to Council staff, so I'll ask Chuck. Let me first go to Corey Niles and we'll go to Chuck.

**Corey Niles** [00:14:58] Yeah, I think maybe.....thank you Mr. Chair. I do you have maybe a suggestion. We could just say we would think that this, you know, it does create legal uncertainty, but we think, you know, to minimize the bycatch consistent with National Standard 8 would be a way of expressing it using the structure of the law. I can elaborate if that doesn't make sense.

**Marc Gorelnik** [00:15:25] Well, let me just ask Chuck Tracy if that makes sense and whether you have enough to go on here to revise the language.

**Chuck Tracy** [00:15:36] Thank you Mr. Chair. Yeah, I think we do. So, we'll keep our concern about the beginning decades of case law and relitigating then we should point out that I think the minimized bycatch while fishing consistent with National Standard 8, not to and to ensure that we don't become subject to some literal interpretation, et cetera. And then add another point that MSA doesn't include bycatch of marine mammals, seabirds, et cetera.

**Marc Gorelnik** [00:16:10] All right. Everyone okay with that? Letting Council staff proceed along those lines? All right. Further comments on Title V? Corey Niles.

**Corey Niles** [00:16:29] Thanks Mr. Chair. I got a couple, I saw Patricia's hand go up, I didn't mean to step in front of her if she had something, but she put it back down. I got a couple comments on the rebuilding sections, or at least one I should say, and I've lost my place in the document, but it's the depleted versus the overfished section....yes, thank you. In that phrase where it says 'different management responses to crossing threshold levels', I guess, well, I'll admit the train has left the station on depleted. I'm not a huge fan of that word, but the, it does have advantages in clarifying things, but I don't and I have not, we have not analyzed the bill here closely but my read is that it's no different in this current bill. It doesn't matter that it's a new word, the management response is still the same. I could be off in my reading, but it's just a substitution of words. There is no effect on even if it was a fish, a stock was low abundance because of habitat only, I think it would still require a rebuilding plan, but I could be wrong on that but just flagging as a question if anything.

**Marc Gorelnik** [00:18:06] Thanks for that Corey. John Ugoretz.

**John Ugoretz** [00:18:10] Yeah thanks. And I think this could be resolved without investigation by simply removing the word 'different'. They may be different, they may not, but it recognizes the management responses whether they're the same or not. Thanks, John, for that suggestion. Does anyone

have a difficulty with that suggestion? Corey Niles.

**Corey Niles** [00:18:39] Thanks Mr. Chair. And thanks... well I think... the point I was making, it doesn't, it does recognize that they're more than fishing can... there are other causes besides fishing that reduce the abundance. There are population sizes but it would still require a rebuilding plan, and I think what a lot of people were expecting is some kind of differentiation between we shouldn't.....if it was solely a habitat reason then a rebuilding plan that focused on fishing might not be worth the effort to.....so I don't know if that fully handles it, but it's there is no different, there's no change in the Council's responsibilities even if fishing is very low or no factor at all in the abundance of the population.

**Marc Gorelnik** [00:19:29] Well, you know, as Brett Kormos noted in a past Council meeting, was there are only so many knobs we can reach, and the knobs we can reach control fishing, so I think you're right that our management response may not be any different, but Chuck Tracy.

**Chuck Tracy** [00:19:49] Thanks Mr. Chair. So just in this particular sense I think there's maybe a little confusion. To me this sentence is clarifying the distinction between overfished and overfishing and the different management responses for those two things, not the difference between overfished and depleted and perhaps lack of different responses to those. So, I just want to make sure that we're clear on which terms we're talking about here.

**Corey Niles** [00:20:30] Yeah, Mr. Chair, if I could...

**Marc Gorelnik** [00:20:32] Yes, go ahead Corey.

**Corey Niles** [00:20:34] Okay Chuck. Well, if that's the case then I don't think there's ever been a confusion in the law about whether to, you know, going over the mortality rate versus the biomass threshold. That's not been an issue. So, yeah, my confusion, if that's what you meant, but that's not been the issue people have been talking about, except it's difficult to say, hey, it'd be easier to say we overfished it last year to mean, oh, we just went over the OFL, we didn't deplete it. But that's the only way.....

**Chuck Tracy** [00:21:04] Well this is the Legislative Committee language so that's just the way I am interpreting what is literally on the screen here now. If you want to change that, clarifying the distinction between overfished and depleted is important to make the MSA more comprehensible and then does or doesn't recognize different management responses, et cetera, that may be a more salient point to make, I guess is kind of what I'm trying to say, so I'm not trying to guide this too much, I'm just trying to make sure that we're clear and accurate in the message we're trying to communicate.

**Marc Gorelnik** [00:21:53] Corey.

**Corey Niles** [00:21:55] Thank you. Understood Chuck. And I'm just, I hope it's clear to enough people and I'm not going to be..... but the bigger point to make is that this changes nothing in the law other than the word. So, but if people are comfortable with this wording, I'm not going to push it, but it's a word substitution, not a substantive change to how the law works. And that's just the point I'm making, and I would put that in there if it were me.

**Chuck Tracy** [00:22:26] Well, I guess I would say that it adds a word. And I think, you know, overfished and overfishing we're conflated or confused sometimes in the act, not necessarily in the implementing regulations or the national standard guidelines, but, you know, I think it does in the act actually make that distinction better so.....yeah anyway I'll defer to whatever the Council, how they want to do this, but I guess I'm, right at this point I'm not sure how you want to handle this?

**Marc Gorelnik** [00:23:10] Well I think that, I don't think there's any disagreement to use the word 'depleted'. I think Corey has raised the point that this doesn't change the management response, but unless we want to engage on how management responses should change depending upon whether a stock is depleted as a consequence of fishing versus non-fishing impacts, I don't know that we need to spend more time on this. Let me see if there, if folks disagree or agree whether we can move on and see if there are any other changes in Title V. Brad Pettinger.

**Brad Pettinger** [00:24:06] Yeah, thank you Chair Gorelnik. I'm looking at this thing and it's kind of bizarre that they would replace the current definition of overfishing and overfished with a single definition of overfishing. It's like they don't understand the difference between a rate and a status, the people who wrote this. So I think it'd be good to maybe wordsmith this so it basically.....I mean I think we're close, but it just, it's kind of, I'm kind of disappointed in the folks that put the legislation together that they're confusing overfished and overfishing it seems like to me and I think it's adding clarity to that for the public to see would be good but agree with the direction we're going.

**Marc Gorelnik** [00:24:50] Okay, so there's... so how about the... Chuck has lined out that language at the end of the comment. Is that acceptable?

**Chuck Tracy** [00:25:06] I just moved it up to the front of the paragraph, so we got that out of the way.

**Marc Gorelnik** [00:25:13] Fair enough. Maggie Sommer followed by Butch Smith.

**Maggie Sommer** [00:25:15] Thank you Chair. I think there may be some confusion among us. Possibly I'm the one that's confused. But I'm looking at the draft bill text in Attachment 2 and I don't see that it changes or replaces the current definition of overfishing. I see the change to the term overfished but I don't see a change to the term overfishing. So, I would suggest maybe that Council staff look into that and clarify, make some determination on that and then that whether the suggested italicized language we've just been talking about is necessary or not.

**Marc Gorelnik** [00:26:07] Okay. I think that's a really good idea. Brad Pettinger.

**Brad Pettinger** [00:26:15] I think Council staff could accommodate us nicely here, but I just think it's weird that they say the current definition of overfishing, which is a rate, and overfished, which is a status with a single definition of overfishing, which is a rate, to me anyway it's just, it's incongruent. I think that the Council staff is well equipped to clean that up so it looks right.

**Marc Gorelnik** [00:26:40] All right. And I think as Maggie has pointed out, that perhaps this summary may not be completely precise and that when staff looks at that, the concern that we've discussed and got partially wrapped around the axle on maybe, may have been unnecessary, so we'll task the Council staff with looking at that. Let me see if there's anything else on Title V? Brad Pettinger. Brad your muted. Now your hand's down. Corey Ridings.

**Corey Ridings** [00:00:00] Thanks Mr. Chair. I'm looking at Section 505(b) regarding what each SSC is required to provide to the Council. And in the italicized section there it says, 'We are concerned about the lack of data to carry out this section, as well as the very considerable workload impacts to the SSC', and I'm pretty sure that's referring to the above bolded part that says, 'anticipated future impacts of climate change on fish stocks'. So I was, I think I'm disagreeing a little bit with this because the way I read this I don't think it will add a considerable workload impact to the SSC. I see this as just using best scientific information available and including the thought process and using science that exists around those future impacts of climate change on fish stocks. So, it's not, I don't read it as adding a huge workload or adding really much different to what the Council does now, just taking into account when

the SSC is providing their advice that it includes the inclusion of whatever science is available that speaks to those impacts.

**Marc Gorelnik** [00:01:30] Thank you Corey. Johnny Ugoretz.

**John Ugoretz** [00:01:35] Thanks. I'd have to disagree with Miss Ridings on this one in that, unfortunately, the proposed language in 505(b) in the bill is not clear as to whether they have to do it every single time or only when data are available and whether or not they would have to create new models for new stocks that don't have information. Unfortunately, as we've already seen many times, there will be individuals and groups that bring legal challenge to NMFS based on the language in MSA and could easily say based on this language that the SSC and Council and therefore NMFS when reviewing a proposed action did not anticipate future impacts of climate change, even though those weren't available. So, I think we need to point this out. I do think we need to say that it's a workload. I think we perhaps should identify that this information is not always available for all stocks and the proposed language implies that it must be developed by the SSCs.

**Marc Gorelnik** [00:02:51] Okay, so we have a disagreement. Which is fine. I'd like to get the sense of the Council on which track to take between that expressed by Corey and that expressed by John. Brad Pettinger.

**Brad Pettinger** [00:03:10] Yeah, I agree with John on this rationale on that.

**Marc Gorelnik** [00:03:18] Anyone else choose to comment? Corey Niles.

**Corey Niles** [00:03:24] Yes, thanks Mr. Chair. Again, a lot in this bill. I'm actually not clear on what the, what exactly the SSC is being asked to do and what's the, could someone explain what the burden they're seeing is more specifically?

**Chuck Tracy** [00:03:55] I think it's the bolded language they're 'Anticipated future impacts of climate change on fish stocks'.

**Corey Niles** [00:04:02] Thank you Chuck.

**Marc Gorelnik** [00:04:07] John Ugoretz.

**John Ugoretz** [00:04:07] Yeah, thanks. Definitely what Chuck said and the fact that you're asking the SSCs to anticipate something which they may or may not have data or models developed to do.

**Marc Gorelnik** [00:04:23] You know, and I'll add here. We often have the precautionary principle invoked and the more we ask for which there are no answers, the more that principle will be invoked to the detriment of the fishery. So, I guess, I'm... you know... I guess I kind of agree with John but I guess I'd like to get, since we have a disagreement on the Council floor, I really want a clear direction from the Council here. Corey Niles.

**Corey Niles** [00:05:05] Okay, thanks Mr. Chair. And to me the way, it's, the concern is the ability to do that. I think we'd all agree that if able we want the SSC to do that. So, I would, could we add some language clarifying the concern? I'm not really worried about that being forced into litigation at all, but just express the worry. We do, I think the SSC... which we should have scientific advice on what climate change is going to do on our stocks. I don't think if anyone agrees with that, disagrees with that okay but I think it can be contextualized here, just given a sentence or two on what the concern is but no, I'm not, I don't have that concern.

**Marc Gorelnik** [00:05:59] Maggie Sommer.

**Maggie Sommer** [00:06:01] Thanks Chair. I would agree with the statements Corey just made. You know, I think this falls into the same category as we're looking for the best scientific information available and it is, you know, we're interested in what's available. Maybe this is a good opportunity for the Chair as much as practicable or if possible or something there, but I would support staff developing a statement along the lines that Mr. Niles just suggested.

**Marc Gorelnik** [00:06:42] Okay, is there any disagreement with that? All right, I'm going to take that as the sense of the Council on this section unless there's any disagreement and I'm not seeing any hands, so I'll ask for any further suggested changes to this letter on Title V? Maggie Sommer.

**Maggie Sommer** [00:07:13] Thank you Chair. I have a minor one and it is back up on Section 503(b) on establishing a Bycatch Reduction Engineering Program and the current Council, current statement is the Council has no concerns about this section. I actually think there's some positive elements in the additions and the proposed changes to this section. It would provide information, outreach, technical assistance and training to Councils, Tribes and fishery participants that will encourage adoption and use of technologies and methods developed under the Bycatch Reduction Engineering Program and provide for routine consultation with the Councils, et cetera. And I think I would be supportive of that in increased outreach and communication about technologies and results achieved through the Bycatch Reduction Engineering Program. So, we might consider asking staff to develop a statement in support of those changes if that is agreed to by other Council members. I will note that the last section of the proposed addition on reporting requirement to Congress does seem very lengthy and overly prescriptive, so I would suggest that staff in their comments refer to the sections related to the provision of information, outreach and technical assistance.

**Marc Gorelnik** [00:08:55] Thank you Maggie for that. Is there any disagreement with the points raised by Maggie?

**Chuck Tracy** [00:09:03] Mr. Chair. Just a clarification. What section were you referring to with your last comment? Sorry, I just fell behind a little bit.

**Maggie Sommer** [00:09:16] Thanks Chuck. I, it would take me too long to go to it, but I copied it. It is the section that describes the reporting requirement that it include a cumulative description of all bycatch reduction technologies. It's a very long sentence. It goes on to describe summaries on how and in which fisheries those technologies have been fully implemented. It's not in this document. I'm simply, it's in the reauthorization bill. I can send you or I can put in the chat in a minute when I find it, the page that it's on. I am just suggesting that our statement of support refers specifically to the additions that would provide information, outreach and technical assistance on some of the technologies and methods that come out of the Bycatch Reduction Engineering Program, and not be so general that it also captures the very prescriptive reporting requirements since I'm not sure that that merits our support at this time, although I am not, I'm not objecting to it, I just, that's not something I was intending to support with a comment here. Does that help? I can take a second and look for the.....

**Chuck Tracy** [00:10:52] I think that's adequate for now. Maybe you can send me an e-mail or chat or something at a later time. I think I've got a placeholder for it now.

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

**Maggie Sommer** [00:11:09] All right. So, I guess we will eventually see this revised letter and we'll have, if anyone has any serious concerns at that point. I, the, well first let me just see if there's anything

else in this letter? Corey Niles.

**Corey Niles** [00:11:27] Yeah, thanks Mr. Chair. I got one more thing and first, thanks to the committee for.... I guess luckily you had a lot of resources to draw on from past bills and but, yeah, thanks to Jennifer. I'm impressed by how she pulled this together. But on page 13 and I think it's Section 504, I was present at the committee and made some comments and then sent Jennifer and others more explanation of what I was saying. So, this is, to be clear this is me picking on some of my own words that I use. So not picking on but.....the issue here is I'm looking at, what paragraph is that? It's the paragraph that, the one right before Section 505, the term 'as short as possible'. The issue here is, is the change to the key provision of the law that sets the, you know, the considerations for how long, how rebuilding times, how to set rebuilding times and the change it makes is which the Council's long supported has been the 10 year, you know, rebuild within 10 years if you can or not and replacing it with the mean generation time standard. But, you know, the 10 years has never really come into play too much with our rebuilding plans and the litigation we've had is basically saying, you know, rebuild the same way within 10 years or longer by taking the needs of fishing communities into account, but it really doesn't really say how to take the needs of fishing communities into account, how much weight to give them. So, I just want to highlight that was a change here. But and just...yeah, I wrote some of these thoughts pretty quickly while doing 10 other things so just maybe some attention to the language that I could have been more careful with in that last paragraph where I said, for example, 'it has been relatively easy to show'. I just mean, it's like it's been, it's not a difficult choice for... to prove that the needs of the fishing community require some fishing, but it becomes really hard, the standard's unclear on what's the.....when we're talking 14 versus 17 metric tons and 10 years difference over decades, you know, what is, where is the, the breakpoint for lack of a better word. So, any, just kind of emphasizing some thanks for putting that in there. It is a really important issue. One of the bigger uncertainties I think we have in the statute in terms of how much weight to give any of the fishing community. Some people have argued you have to prove that things would be disastrous to communities if you didn't have this level of catch, which is a way too of a high bar in my view and many and NMFS has never accepted that but it's still open. So the point was highlighting that to Congress that leave that standard open and just a suggestion that we could, the language could have been, can be improved and that is my..... I didn't mean, I was informally writing there.

**Marc Gorelnik** [00:14:58] All right, thanks Corey. So, we have some additional thought to include there. Let me see if there's any objections to asking staff to fashion some language that captures that notion? And I'm not seeing any other hands so thank you, Corey, for that comment. Let me see if there are any other comments on this draft letter that the Council would like to see incorporated? And I'm not seeing any other hands, so I think we're done for now. The letter, my understanding is that Council staff will take the input it's received from Council and make revisions to the letter, and then the letter will be recirculated for approval. And that would include the point that Maggie made, and I think she's just provided to staff the language that she was referring to in discussion. They, I know that the congressional office has asked for a response from the Council by the end of September. So, Chuck does all of that sound right?

**Chuck Tracy** [00:16:29] Thank you Mr. Chair. Yeah, that sounds right. We will endeavor to make these changes. Put together a draft. Send it around for the quick response approval process and get it out by the end of the month.

**Marc Gorelnik** [00:16:46] All right, thanks very much. Is there anything else for Leg under this agenda item? Frank Lockhart.

**Frank Lockhart** [00:16:58] I just wanted to take the chance because we didn't yesterday to give praise to Jennifer for her role not only on this issue, but just on several things. Several NMFS staff members



have noted that she does a lot more than what we see in front of the Council floor in helping behind the scenes, and some of the things that people pointed out were her significant contributions on the trawl catch share five review, five-year review, and obviously her excellent work on the Legislative Committee. As a former Hill staffer and a former NOAA Legislative Affairs staffer, I have just been amazed with her descriptions of bills. They are just top notch. In fact, I think I talked to Don McIsaac early on asking if the Council actually hired a lobbyist for the Legislative Committee, and when I was told it was Jennifer I just, I was just so impressed so... and then I'll end on just noting one little tidbit that I think people know, but maybe just don't know the extent of her good work on the marine, on MREP. In the very first year which is, was a crucial year, she came to the rescue on helping us design the management portion of the very first year's workshop and she did such an excellent job. I think it really set the tone and I think it helped us create a very good start to the MREP program and which has continued as everyone knows, and so on behalf of a lot of NMFS staff, we'd just like to thank her and Ben. Also just note that Kelly would also, Kelly Ames would also like to say a couple of words if that's okay, Mr. Chair?

**Marc Gorelnik** [00:19:20] Of course.

**Kelly Ames** [00:19:23] Thank you Chair Gorelnik for the opportunity. I did want to echo the comments that have been made this week on Jennifer's contribution to the fishery management process. You all have seen firsthand how valuable she has been to the process, but in the spirit of continuing with the Council staff tradition of little-known facts, I'll ask Sandra to help me out here, I'd like to share a few about Jennifer from my time as Council staff. Jennifer was a member of the Council's Health and Wellness Committee and she motivated me to take good care of myself when I was striving to continually achieve a work life balance that sometimes seemed all but impossible. From the Plank Challenge over Christmas break to yoga sessions at Council meetings to the Shamrock Run, Jennifer did it all and motivated the rest of us to follow. As I look down today at my abs and I notice that the date on my last Shamrock shirt is 2017 and I see that Jennifer recently completed an 8-K. I sure am hoping that Jennifer's future work plan includes a NMFS and Council staff personal trainer, because I could certainly use that. So, thanks for all your service, Jennifer, and best wishes on your next adventure.

**Marc Gorelnik** [00:20:53] Thank you for that Kelly. Thank you Frank. Bob Dooley.

**Bob Dooley** [00:20:58] Thank you Mr. Chairman. I hopefully won't be too long. But I want to echo Frank and Kelly's sentiment there. Jennifer's been just an indispensable part of MREP, you know, that I'm the West Coast, one of the co-principles and Jennifer is our representative in the National Steering Committee from the Council and has really been just a blessing. It's really made our program successful, and I want to thank her from the bottom of my heart for that. And I hope, you know, we heard earlier in the week that she will be contracting, and I think that I would be hopeful that that continues on... on the MREP as well as the Legislative Committee, because the work she's done there in my short term as in the Legislative Committee is unbelievable. She is, she's on par with anybody that I know in that gives these legislative reports. She does just such good work and I hope we continue to use that rather than, and use her as a source of this, as well as let her know that it's that that desire is there. So, I, of course, defer to Chuck in his management role to do all these things but I wanted to make my.....number one my thanks to Jennifer for all of her service and the friendship that's developed over time with all the work at MREP and thank her and wish her well, and hopefully she can get a little relaxation out of this, but I don't want to let her off the hook too much. So, thank you so much, Jennifer, and thank you, Mr. Chair, for the opportunity.

**Marc Gorelnik** [00:22:53] Thank you Bob. Butch Smith followed by Chuck Tracy.

**Butch Smith** [00:22:57] Thank you Mr. Chair. I, too, like to echo all the things that were said about Jennifer on not only your Council job, but I, too, get to work with her on MREP. In fact, Jennifer and I got to do a tandem presentation that was, I might say rated pretty, pretty darn high by the people that attended MREP for a few years in a row and, and not due to me, but due to Jennifer's great PowerPoint and all the hard work she did. So, I am sure Jennifer will take a little bit of time off and get back on her feet running and I'm glad she's still with MREP and still with the Council family in a different role. And I just want to say, in my opinion, Jennifer is awesome sauce. So, thank you, Jennifer, and thank you, Mr. Chair, for giving me this opportunity to speak.

**Marc Gorelnik** [00:23:51] Of course Butch. Chuck Tracy.

**Chuck Tracy** [00:23:57] Thanks Mr. Chair and I, too, want to just thank Jennifer for all she's done for the Council and, you know, echo some of the comments. I guess just looking forward, Jennifer will be working on contract with us hopefully for a long time working on MREP and working on legislative matters, two of her very strong suits. But, you know, she will also be very much missed and I want to thank Kelly for kind of the little known fact part about Jennifer is, you know, she is very much loved and appreciated by the Council staff and, you know, she's very good for morale and keeping us motivated and looking at things outside of necessarily the, you know, strict fishery management world and bringing those sorts of things to our attention and keeping us grounded, I guess. And her work, her outreach work with communities and fishermen, you know, is, it's outstanding as well and there's a lot that she contributes to that are a little bit behind the scenes that you don't all recognize that. I do really want to thank her for, you know, for all her years of service and being willing to continue and understanding the, you know, the needs of the Council here and I hope that her future is bright and enjoyable and still includes the Council for a long time. So, thank you very much Jennifer.

**Marc Gorelnik** [00:25:37] Thank you Chuck. Christa Svensson.

**Christa Svensson** [00:25:40] Thank you Chair Gorelnik. And I just wanted to say yes, I'm right there with everybody in my thanks and appreciation for Jennifer. I'm really especially appreciative having been a new Council member and walking into the Legislative Committee not really knowing what was going to happen, even that your ability to present the material in a way that is, is readily understandable is just unbelievable and I'm so thankful that you are going to stay on with contract. But I am equally appreciative of how just welcoming you are to the process, especially for people that may or may not be as familiar with different activities of the Council, but particularly with the legislative. So, thank you for the work you've done. Looking forward to the work you're going to continue to do and just thank you for being a wonderful, wonderful person.

**Marc Gorelnik** [00:26:44] Thanks Christa for those comments. And I'll just say that I echo the sentiments that have been expressed. It's been wonderful to work with Jennifer on legislative matters and Jennifer's hand has been up for a while, but I wanted to let folks have their say. So, Jennifer, you now have the floor.

**Jennifer Gilden** [00:27:01] All right. Well, I just want to say thank you to everybody for all of those kind words. I mean, yeah, I'm all choked up. It has been wonderful working with the Council for all this time and it's just been such an education and I've made such great connections and I'm really, I'm looking forward to continuing to work with a lot of you on MREP and through the legislative materials that I'll probably be developing and but, you know, I will be fine. Don't worry too much about me. I have lots of plans and one of them is to show up at Kelly's house tomorrow at 7:00 a.m. to get her out running. So anyway, I just want to say thank you. Thank you so much. And I'm sure I'll be seeing you again in some capacity at some point.

**Marc Gorelnik** [00:27:49] All right, thank you very much Jennifer. So, we completed our Leg matters.

#### 4. Approval of Council Meeting Record

**Marc Gorelnik** [00:00:00] The next agenda item is E.4, approval of the counting meeting, Council meeting records. That's attachment E.4, excuse me, Agenda Item E.4, Attachment 1 is the June meeting record. So, I want to see if there are any corrections to be offered to that record and if not, whether there's a motion to approve the record? I assume everyone has reviewed it. It was in the advanced meeting, advanced briefing book. I'm not seeing any hands. Phil Anderson, please.

**Phil Anderson** [00:00:38] Thanks Mr. Chairman. Kris and Sandra, do you already have one? I thought so. I move the Council approved the June 2021 meeting record as shown in Agenda Item E.4.a, Draft Council Meeting Record, 260th session of the Pacific Fishery Management Council, June 21 through 26 and June 28 through 30, 2021.

**Marc Gorelnik** [00:01:10] Okay. Phil, that language on the screen is accurate and complete?

**Phil Anderson** [00:01:13] Yes, it is.

**Marc Gorelnik** [00:01:14] And I'll look for a second? Seconded by Virgil Moore. Please speak to your motion as necessary.

**Phil Anderson** [00:01:20] Staff again did a great job of documenting our Council activities and I support approval of the meeting record.

**Marc Gorelnik** [00:01:30] Thank you Phil. Are there any discussion on the motion? If not I'll call the question. All those in favor say 'aye'.

**Council** [00:01:38] Aye.

**Marc Gorelnik** [00:01:38] Opposed, no? Abstentions? The motion passes unanimously. That concludes our business on Agenda Item E.4.

## 5. Standardized Bycatch Reporting Methodology

**Brad Pettinger** [00:00:00] All right. Well, that concludes public comment on E.5 and that takes us to Council action. All right, so Brett did a great job, I guess, of setting us up for discussion so I'm looking for a hand to start us off. I see Frank Lockhart. Frank.

**Frank Lockhart** [00:00:22] So thank you Mr. Vice Chair. And while we've been hearing testimony, NMFS staff has had a little bit of a conversation, maybe picking up on Phil's question to Brett, and I think I didn't answer during the question because I maybe didn't quite understand it fully, but I think what the Council could do consistent with what I think Phil was asking. Rather than make a PPA recommendation, the Council could provide us with if they have any concerns or edits to any of the three reports, they could express those now and then direct the staff, NMFS and Council Staff and the MTs to continue working on the documents for November and then also potentially adopt the three reports or send out the three reports for public review without formally adopting a PPA. So, the Council could be less formal right now and that would pretty much accomplish the same thing and perhaps save us time going through kind of point by point of approval of a PPA. So, I hope that was understandable. I was just kind of putting my notes together quickly here but, so that is an option before the Council and could potentially get us at the same kind of point that a PPA decision would. Thank you.

**Brad Pettinger** [00:02:21] Thanks, Frank, for that info, advice. John Ugoretz. John.

**John Ugoretz** [00:02:27] Yeah, thanks Mr. Vice Chair. And following on what Frank just said, it's really exactly where my thinking was leading. I think the teams have done a good job of drafting some potential language. I don't think we've had enough time to even digest it to make a decision about if it is final at this point. But I would be perfectly happy for what they've drafted to go to the public and to NMFS for review and that then in November we would be well prepared to craft a range of alternatives and select something that we think is our preferred.

**Brad Pettinger** [00:03:11] Okay. Thank you John. Anyone else? Phil Anderson. Phil.

**Phil Anderson** [00:03:17] Oh just real quick, I would speak and supportive of both Frank and John's comments. Thanks.

**Brad Pettinger** [00:03:28] Thank you Phil. Frank.

**Frank Lockhart** [00:03:34] Well maybe I misheard, so I just want to confirm that. I guess what I was suggesting is that we would make a final decision in November, not a preliminary preferred alternative. I think that the documents that we have in front of us now, while I do think there will be some changes, I think that they may have done a good job of kind of presenting kind of the something that's going to be close to final. I think there will be some tweaking, but I don't think there will be a whole lot of substantive changes. So, we don't have to make a PPA decision and then a FPA. I think we could, you know, put these forward right now and then make a final decision in November. So again, I may have misheard John, but I guess I just wanted to clarify what I was suggesting.

**Brad Pettinger** [00:04:30] Okay, thanks Frank. Chuck has his hand up... so Chuck?

**Chuck Tracy** [00:04:35] Thank you Mr. Vice Chair. Well, just a little process clarification here. So, I know that in the past the Council has essentially done a one meeting process to adopt FMP changes, but those have, in my recollection, have all been sort of in the categorical exclusion category. So just I guess I am just.....since that hasn't, determination hasn't been made yet or we haven't been informed of

it, I guess I'm just wondering about the need for adopting a range of alternatives, sort of in the NEPA sense if.....I mean I think in June this was a scoping issue not a range so it seems like, just in terms of the NEPA process, if this were to require an EA that we would need to have a range of alternatives prior to selection of a final FPA. The PPA is frankly, I don't think there is enough separation in the alternatives, or the suggestions presented here to pick a preferred alternative over any of the other alternatives other than status quo, I guess. So anyway, I guess, I'm just wondering about the NEPA steps here and where we are at and what we need to do to make sure that we are in compliance.

**Brad Pettinger** [00:06:17] Okay Chuck. I see John Ugoretz has his hand up. John.

**John Ugoretz** [00:06:17] Thanks Mr. Vice Chair. Yes, responding to Frank's question, I agree wholeheartedly that I wasn't anticipating a PPA in November. I frankly don't like PPAs in general and in this case I think it's definitely not necessary. To get to Chuck's point, sort of why I was hedging what I was saying is I don't want to presume where we will be at in November but, you know, I could see us getting to final at that point based on guidance from NMFS and Legal Counsel. I could also see us needing to take one more step if that's the guidance we get.

**Brad Pettinger** [00:07:10] Okay, thanks John. Phil Anderson. Phil.

**Phil Anderson** [00:07:10] Thanks Mr. Vice Chair. Yeah, that's what I offered support for both Frank and John's remarks. That's what I understood was that we would be, we were endeavored to have a final decision in November. I don't know what to say about Chuck's remarks here. I mean we're going to have a four-meeting process by the time this is done but, you know, I guess the letter of the process in terms of having a range of alternatives is correct, but it just seems to me that we will have had four meetings here. We'll have had this stuff out front of the public and we certainly could be ready to make a final decision in November.

**Brad Pettinger** [00:08:15] Thanks Phil. John, your hand's up.

**John Ugoretz** [00:08:20] That's a leftover.

**Brad Pettinger** [00:08:21] Okay. Thank you. Corey Niles. Corey.

**Corey Niles** [00:08:22] Yeah, I'm supportive of the process. I just, I'll just express some confusion about the alternatives and maybe it could be my confusion, but I did hear Brett speak to it. We're just documenting what we do. This is answering a requirement of this type we just talked about not really wanting any more from the Magnuson Act. So, I'm happy with what we have. I'm looking forward to the feedback from NOAA General Counsel. Who knows, but this is not a NEPA process where we need to worry about the impacts, the environment of things we're doing already and doing well to document bycatch. But that's just expressing frustration there. But no, I think I also support the process being suggested.

**Brad Pettinger** [00:09:16] Okay. Excellent point Corey. Okay. Maggie Sommers. Maggie.

**Maggie Sommer** [00:09:30] Thanks Vice Chair. I could probably offer a motion if one is needed in a moment, but I would first be seeking confirmation that what we're looking for, what's needed here is a proposal of a range of alternatives that would include a no action alternative and then an alternative with the proposed changes to the HMS, CPS, and Salmon FMPs as a package, and we would be intending to adopt that as a range for public review, noting then the request for Council staff to follow up with coordination with NMFS on their review.

**Brad Pettinger** [00:10:14] Okay. Thank you Maggie. Chuck.

**Chuck Tracy** [00:10:14] Thank you Mr. Vice Chair, thank you Maggie. That would satisfy me.

**Brad Pettinger** [00:10:30] Okay. There you heard it. I see Maggie's hand's up again. Maggie.

**Maggie Sommer** [00:10:31] Well, in that case perhaps Kris or Sandra have a motion I can start with and I'll make an addition. If you haven't received anything by email, I'll type it in, but if you got something it'll save you a few minutes. All right you type it in I'll talk. I take it nothing has arrived over the internet. Okay... got it. Okay, I move the Council adopt for public review the following range of alternatives. For modifications to the Council's FMPs to ensure consistency with requirements for standardized bycatch reporting methodology, colon. New line. Revisions to the HMS FMP. And the first word in that line will be 'revisions' rather than 'reviews'. Great, thanks. Revisions to the HMS FMP presented in E.5.a, Supplemental HMSMT Report 1, comma, new line. Revisions to the CPS FMP presented in E.5.a, Supplemental CPSMT Report 1, comma and new line. Revisions to the Salmon FMP presented in E.5.a, Supplemental STT Report 1. New line. And request that Council staff coordinate with NMFS to review the proposed revisions and report to the Council in November 2021. That concludes the motion.

**Brad Pettinger** [00:13:26] Thank you Maggie. And is the language accurate?

**Maggie Sommer** [00:13:26] I have an addition. Let's go up to methodology, colon please, and hit return to go to a new line. The number 1. Period. No action. New line. Number two. In combination. Colon. Let's just remove that so it doesn't cause confusion. Instead of 'in combination' let's just say 'the following', colon. That should do it. Thanks.

**Brad Pettinger** [00:14:18] Okay. Wonderful. Thank you for that. Looking for a second? Seconded by John Ugoretz. Thank you John. Maggie, speak to your motion please.

**Maggie Sommer** [00:14:23] Yeah, thanks very much Chair. And thanks to Kris or Sandra, whoever is behind the cursor there typing in. We had a great introduction on this, very thorough by Brett, who reminded us of the process we have gone through so far on scoping of this, and quite a bit of work by our management teams and advisory subpanels as well as Council staff to coordinate all of that. As we have observed, this is the first time we have specific language proposing changes to the FMPs to ensure that they are accurately documenting our bycatch data collection and estimation and reporting methodology. We had some good discussion on process that our intent here is to formally establish these as a range. These will be provided for public review, and we look forward to the Council staff and NMFS review understanding that that may include various elements of NMFS to ensure that they are indeed consistent with and fully meet the requirements in the final rule for SRBM and we'll look forward to hearing any outcomes of that review at our November meeting. Thanks.

**Brad Pettinger** [00:16:02] Okay, thank you Maggie. Discussion on the motion? Okay seeing no hands I'm going to call the question. Of those in favor signify by saying 'aye'.

**Council** [00:16:19] Aye.

**Brad Pettinger** [00:16:19] Opposed? Abstentions? Motion passes unanimously. Thank you, Maggie, and thank you everyone for, that put work into that. Okay, with that I'll turn to Brett.

**Brett Wiedoff** [00:16:40] Thank you Vice Chair. Very good motion. Very clear direction for staff and NMFS staff to work together moving forward. Thank you, Maggie, for summarizing that. I don't think

I need to summarize anymore. I think we'll just come back to you in November with some more information for you to take final action and hopefully put this to bed. Thank you very much.

**Brad Pettinger** [00:17:06] Okay, thank you Brett.



## 6. Membership Appointments and Council Operating Procedures

**Brad Pettinger** [00:00:00] Takes us to Council action. And with that I'll look to Maggie Sommer. Maggie. I'm not hearing you, Maggie.

**Maggie Sommer** [00:00:46] Okay, sorry about that. I take it you can hear me now.

**Brad Pettinger** [00:00:51] We can.

**Maggie Sommer** [00:00:51] I fear the, the wrath of Chair Gorelnik for asking. I just have a brief point of discussion to start with, perhaps a point of clarification. I think there may have been some misunderstanding of the intent of the changes to the COPs removing the majority and minority report language. And I want to alleviate any concerns, specifically some worry that maybe the Council was not interested in hearing from minority voices in our advisory subpanel reports, and that is not at all the case. Certainly it is very helpful for the Council to receive reports and recommendations that reflect consensus, and it is helpful to understand a sense of whether it is many or a few members of a group that are presenting a particular viewpoint, but we do want to know when... when there are diverse or divergent viewpoints among the groups, and I think the proposed language changes are quite clear on that point that we are requesting that report include areas of consensus and difference, not just consensus. So, I just wanted to get that out. That came up in our delegation this morning that there was some concern along those lines, and I thought clarification would help. Thanks.

**Brad Pettinger** [00:02:31] Thank you Maggie. Phil Anderson. Phil.

**Phil Anderson** [00:02:34] Well I'm just wond.....are you going to work through these in the order that Mike addressed them in his overview? It would be helpful. I have a couple of motions but they're on the COPs and ad hoc committees, but I thought you were going to work through the different pieces of this agenda item in the order that Mike talked about them.

**Brad Pettinger** [00:02:59] Yeah, that's....that would be the....I wanted....well Maggie, we opened for Council discussion leading up to that point, but I see Marc has his hand up. Marc.

**Marc Gorelnik** [00:03:11] Hold on a second. I think Mike started with a discussion of some appointments and I'm happy to take care of those... that I can handle myself here if that is acceptable to you. We can at least get those off the table.

**Brad Pettinger** [00:03:37] Sure Marc.

**Marc Gorelnik** [00:03:37] Do you want to....yeah, is that okay with you?

**Brad Pettinger** [00:03:41] Absolutely.

**Marc Gorelnik** [00:03:41] Okay, so there are a number of items that Mike Burner mentioned that I was going to take care of, and I will do my best to do so, and I'll do it in the order that Mike addressed them. The first has to do with the Council representative to the Pacific Offshore Cetacean Take Reduction Team, a position that Louis Zimm had and I, it's my intention to appoint Corey Ridings to that position. It's a nice way to welcome Corey to the Council by putting her on a committee. So, thank you Corey. With regard to the Council representative to the U.S. Section of the Joint Management Committee of the U.S. Canada Pacific Hake Whiting Agreement, it's my intention to recommend that the Secretary of Commerce reappoint Phil Anderson to that position. Phil has done an extraordinarily

good job for the Council and for the country in his position there and I'm glad that he's willing to continue in that position. With regard to the California Department of Fish and Wildlife position on the ad hoc Ecosystem Workgroup. Travis Hunter has left that group and CDFW has recommended Liz Hellmers. So, it's my intention to appoint Liz Hellmers to that position. And finally, we had one vacancy on the ad hoc Marine Planning Committee that was the tribal representative, and I will appoint Steve Joner to that position. And that should fill out the Marine Planning Committee. And I believe that's, those are the positions I needed to address.

**Brad Pettinger** [00:05:33] And I think you have done that, Marc, so fantastic. So... in that vein. Marc, your hand's still up. Okay, the fate of a lot of appointments. I look for a motion or discussion on the HMS Management Team position for Council motion. Corey Niles. Corey.

**Corey Niles** [00:06:10] Sorry Mr. Vice Chair, did you say the HMS Management Team position?

**Brad Pettinger** [00:06:16] Yes.

**Corey Niles** [00:06:16] Yes, I'm prepared to make a motion.

**Brad Pettinger** [00:06:18] Okay, please.

**Corey Niles** [00:06:22] And I believe staff should have. Excuse me, I'm confused here. I was, was looking at email. We're talking appointments to the HMS Management Team?

**Brad Pettinger** [00:06:34] Yes.

**Corey Niles** [00:06:34] Okay. I thought Council staff had a motion ready for that. Mr. Burner, am I wrong?

**Mike Burner** [00:06:52] Okay coming on. Hold on.

**Chuck Tracy** [00:06:53] Just a moment we're working on it.

**Corey Niles** [00:07:50] Mr. Vice Chair, I see now. I'm ready if you are.

**Brad Pettinger** [00:07:53] I am.

**Corey Niles** [00:07:54] All right. Thank you. I move the Council appoint Mr. Phillip and believe there's a misspelling. It's D I O N N E. So let me start over here, I move the Council appoint Mr. Phillip Dionne to the Washington Department of Fish and Wildlife position on the Highly Migratory Species Management Team currently held by Mr. Derek Dapp.

**Brad Pettinger** [00:08:20] Okay. That language is accurate on the screen?

**Corey Niles** [00:08:24] It looks so... thank you.

**Brad Pettinger** [00:08:27] Okay fantastic. Seconded by Phil Anderson. Thank you Phil. Okay Corey, you want to speak to the motion?

**Corey Niles** [00:08:31] Just quickly. Yeah, I thank Derek for his service. Our HMS Management Team position seems to be a quick avenue towards promotion and Derek has not been able to engage with his new duties. But Phil is part of our marine fish group that works for Theresa Tsou and focus on, so has

good fishery management and policy background. We look forward to having him able to engage. Thank you.

**Brad Pettinger** [00:08:59] Okay. Thank you Corey. Okay all those in....I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:09:07] Aye.

**Brad Pettinger** [00:09:15] Opposed? Abstentions? Motion passed unanimously. Thank you Corey. Next, we have a....I guess it would be Council action on adopting COP changes. So, I guess there's discussion on that. Phil Anderson. Phil.

**Phil Anderson** [00:09:32] Yeah Mr. Vice Chair. I have a motion to offer when you're ready.

**Brad Pettinger** [00:09:41] Okay. I would just see if anybody has any comments before we get there or maybe just make the motion and we'll go from there, Phil. Okay I don't see any hands.

**Phil Anderson** [00:09:47] Okay thank you Mr. Vice Chair.

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

**Phil Anderson** [00:10:01] Thank you Kris and Sandra for helping me with this. I move the Council adopt the changes to Council Operating Procedures 2, 3, 4, 5, 7 and 8 as specified in Agenda Item E.6, Attachment 3 entitled Public Review Draft Proposed Revisions to Council Operating Procedures 2, 3, 4 including the revision below to the alternate member section of COP 4 and Agenda Item E.6, Supplemental Attachment 4 entitled Supplemental Proposed Revisions to Council Operating Procedures. Relative to the revision to the alternate members section I'll just read this. Members should attend all meetings, but members may, with prior approval by the Executive Director, request an alternate. When an appointed member will not be able to attend a meeting, an alternate may be appointed by the Executive Director if notified in advance in writing with the name, contact information and a description of the individual's qualifications for the proposed alternate at least 30 days prior to the first day of the advisory body meeting, or the first day of the Council meeting held in conjunction with the advisory body meeting. Exceptions to these terms may be made at the discretion of the Executive Director for highly unusual occurrences. Such alternates may participate in committee deliberations as a regular member and non-federal alternates shall be reimbursed for expenses per the Council travel rules. That completes my motion Mr. Vice Chair, and the language on the screen is accurate.

**Brad Pettinger** [00:12:14] Okay. Thank you Phil. Looking for a second? Butch Smith. Thank you Butch. If you just speak to the motion Phil, I'll allow you?

**Phil Anderson** [00:12:24] Thanks Mr. Vice Chair. So let me just briefly speak to the changes that would be made if this motion were to pass. First, relative to COP 2 under the category of reports to the Council by APs. This changes the language which currently reads, if necessary, a majority and minority reports may be drafted. And it also, so and in its place, it says if necessary reports will present the divergent views of the subpanel and that further the subpanel Chair will present the reports to the Council. So as Miss Sommer indicated in her remarks when we began Council discussion on the agenda item, this change clearly indicates that divergent views from the subpanel are welcomed and there is an expectation that they will be presented. Also in alternative, in, excuse me in COP 2, too many alts, it does make some changes to the HMSAS. Takes the total membership from 13 up to 14. The changes includes, it adds one commercial deep-set buoy gear seat. It eliminates two commercial at-large seats.

It adds one commercial north of Point Conception, one commercial south of Point Conception, one private sport north of Conception, and one private sport south of Point Conception, and it eliminates one at-large position. So, the math after you do all that is it increases the number of positions on that panel by one. Relative to COP 3, this is the Groundfish Endangered Species Workgroup, it increases the membership from 11 to 13 by adding one seat. This designated for National Marine Fisheries Service West Coast Region and the second seat that's designated as a fishing industry representative. In, excuse me, again in COP 4 is where the alternate member language shows up and the primary reasons I am proposing these changes to what was presented in the document that we have in our briefing book is to address the SSC's concerns, so and correct that one typo in the second line there where we went from an to an and. But this sets up a process by which that the Executive Director is the one that appoints the person and a member that wishes to have an alternate sit in his or her place has to provide obviously the name, the contact information, and I added a description of the individual's qualifications so that the Executive Director would have information in front of them to make a determination as to whether or not the person that's being recommended has the necessary qualifications. I did not put in the language specifically that the Executive Director would consult with the Chair of this particular committee or AP that would be involved, but that certainly could be something that the Executive Director did, and in the case of the SSC it would probably be a wise thing to do. So those are the reasons for these modifications is to ensure that the decision lies with the Executive Director and the Executive Director bases their decision on the information provided in terms of the person's qualifications to assume an alternate standing on a particular committee. For COPs 5, 7 and 8, those changes are all, are solely directed at the majority minority report business and so that we have consistency throughout in terms of the expectation of our various subpanels in providing reports to the Council that if there are divergent views, that they will be presented as part of the subpanel report. So, with that explanation Mr. Vice Chair, I'll close my remarks. Be happy to try to answer any questions.

**Brad Pettinger** [00:17:56] Okay, thank you, Phil, for the motion and for your rationale. Discussion on the motion? Corey Niles. Corey.

**Corey Niles** [00:18:05] I just briefly.....thank you Mr. Vice Chair, thanks Phil. Well done. Well said. Yeah, I really am a fan of this... two comments. The way that we've reframing the minority versus majority. It's the diversity of views and the dialogue and hearing the ideas that really helps the deliberations up here on the Council. And just one comment. I'm having a flashback to three years ago probably where on the issue of alternates and this highly unusual occurrences and the 30 days, you know, I'm supportive of this motion. I, life happens, and I trust our Executive Director and staff to make decisions, good ones. Too high of a bar there. I mean just, I would just minor protest and but have full faith that staff will exercise their judgment well, so thank you again Mr. Anderson. I will be voting yes.

**Brad Pettinger** [00:19:02] Thank you Corey. Bob Dooley. Bob.

**Bob Dooley** [00:19:06] Yeah thank you Mr. Vice Chair, and Phil thanks so much for a really complete motion here. A couple of people have approached me this meeting and talking about alternate members and COP 4 on your alternates, I think it's on page 4 of that, and I agree with all of the changes here, but there was a question about notification and letting not only Council members, but the public and everyone know in a transparent way. Was that considered at all, or do you have any comments on that? Not asking for a change here but I just.... it was asked of me by a couple of people in general. I just want to be able to bring it up so that it's discussed.

**Phil Anderson** [00:19:55] Mr. Vice Chair, Mr. Dooley, thanks for that concern. I think we should expect that when an alternate is approved by the Executive Director that the Council members and the committee members will be notified that they have made that decision. I did not choose to put it in here in terms of it explicitly in the COP, but I think as a matter of good business practices it would be

something that the Executive Director would do.

**Bob Dooley** [00:20:38] Yes, thank you Phil. I think that's a good, good guidance and I think that, you know, I think not only just the Council and the members. I think the public has a little bit of an understanding of that as well going in because particularly in the, in... you know... there are alternatives in the Council but there's in the advisory panels and such that they have forewarning that there may be a change and maybe they need to be aware of that. So, I appreciate it. Thank you.

**Brad Pettinger** [00:21:14] Thank you Bob. Your hand went back up Bob. Okay further discussion? Okay seeing none I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:21:33] Aye.

**Brad Pettinger** [00:21:33] Opposed? Abstentions? Motion passes unanimously. Thank you. Oh, and then the next issue is the decommission ad hoc committees and Phil Anderson. Phil.

**Phil Anderson** [00:21:52] Thanks Mr. Vice Chairman. I don't want to cut off any discussion before I make a motion, but I do have one prepared when you're ready.

**Brad Pettinger** [00:22:03] Okay. Well, it's 2:30 on the day last, so I don't see any hands behind you, so I would say proceed please.

**Phil Anderson** [00:22:13] Okay, thank you. I move the Council decommission the ad hoc Climate Scenarios Investigation Workgroup, the ad hoc Climate and Communities Core Team, and the ad hoc Southern Resident Killer Whale Workgroup.

**Brad Pettinger** [00:22:34] Okay, so the language is accurate? Do you want to speak to your motion Phil?

**Phil Anderson** [00:22:38] Yeah, thanks Mr. Vice Chair. I think as we went through our discussion and deliberations this week with the Ecosystem Workgroup and the Marine Planning Group that there was a, particularly with respect to the ad hoc Climate and Communities Core Team, that their recommendation was that they be decommissioned, that their work that they had been assigned by the Council was completed. That same is true with the ad hoc Southern Resident Killer Whale Workgroup and then relative to the ad hoc Climate Scenarios Investigation Workgroup that the, my understanding was that the Ecosystem Workgroup was going to assume continuation as appropriate with the tasks that that work group had taken on. So that's my rationale for those three. In your situation summary you'll see that there are seven other ad hoc committees. A couple of those I could easily include in this motion, particularly the SaMTAAC Committee, but I elected to not move forward with any of the rest of those. We can further consider those at another time and decommission them as appropriate. Thanks.

**Brad Pettinger** [00:24:10] Thank you Phil and I should also mention that Bob Dooley had his hand up for the second and my apologies for not mentioning that earlier, but thank you for that Phil. Further discussion on the motion or any discussion of the motion? Okay. Okay. Well, I'm going to call for the question. Always in favor signify by saying 'aye'.

**Council** [00:24:32] Aye.

**Brad Pettinger** [00:24:32] Opposed? Abstentions? Motion passes unanimously. Thank you all. And I think with that I'm going to turn to Mike Burner. Mike, how are we doing?

**Mike Burner** [00:24:50] Thank you Mr. Vice Chair. We're doing really well. Just a quick recap. Chair Gorelnik, regarding representatives to other forums, has appointed Miss Corey Ridings to the Pacific Offshore Cetacean Take Reduction Team and reappointed Mr. Phil Anderson to the U.S. Section of the Joint Management Committee for the U.S. Canada Whiting Agreement. And Council staff will get the appropriate letters and such going to make those appointments take hold. Regarding ad hoc committees, one minor correction. Marc, Chair Gorelnik appointed Miss Liz Hellmers to replace Travis Buck on the ad hoc Ecosystem Workgroup and appointed Steve Joner to represent the Tribes on the ad hoc Marine Planning Committee and those appointments we will get those in place. Additionally, the Council passed a motion to appoint Mr. Phillip Dionne. Pardon me on the spelling there earlier to replace Derek Dapp, and we'll get that in place. And additionally, we've got changes to the COPs we just went through. I guess I would just ask for Council Staff's flexibility to correct any additional typos or grammatical errors in there as I think I spotted one as we were doing the motion, but obviously not to change the intent of those changes regarding AB compositions, minority and majority reports and alternates to the SSC. And then, per that final motion, we will decommission those two ecosystem ad hoc work groups, as well as the ad hoc Southern Resident Killer Whale Workgroup. So... thank you. That was quite a bit to move through in a relatively short amount of time, and I think we are done. Thank you.

**Brad Pettinger** [00:26:39] Thank you Mike and thanks everyone.

## 7. Future Council Meeting Agenda and Workload Planning

**Marc Gorelnik** [00:00:00] That will now take us to Council discussion and guidance on future meeting planning in November and future agendas and so I'm going to turn this process over to Chuck at this point.

**Chuck Tracy** [00:00:20] Thank you Mr. Chair. Just appreciate the comments we heard from our advisory bodies and the public. I've been taking some notes, so I'll address a few of those as we go forward. I guess I would like to just start with task one here, which is to firm up the November agenda, quick reference agenda, so I'll take that first, then work on the Year-at-a-Glance a little bit and then talk about some of the other logistics of our meetings after that. So, to begin with, as I mentioned, you know, there's about, there's about an hour of free time and about 10 hours of potential scheduling time. I'd like to take a little bit of a run and see if we can free up some more time before we start figuring out how to squeeze stuff in. So, one thing I've heard in the advisory body reports was the suggestion that for groundfish, the workload and new management measures, so that's G.2 on your quick reference, that that might be something that should be or could be postponed until March. So let me just start with that and see if there's any thoughts about that, any agreement or disagreement with that. See if that would free up another hour. Corey Niles.

**Corey Niles** [00:01:56] I quickly agree. I think if Maggie and Marci are.....they can speak to it as well, but I believe we'll be talking management measures through the spex so I would think we could leave it off this and come back to it per the GAP suggestion in March I believe it was.

**Chuck Tracy** [00:02:24] Okay anybody.....Maggie. Go ahead Maggie.

**Maggie Sommer** [00:02:37] I could.....

**Chuck Tracy** [00:02:40] We're not really getting you. You're cutting in and out. Let me just ask.....

**Maggie Sommer** [00:02:44] I agree with Corey.

**Chuck Tracy** [00:02:46] Okay, we got that. All right Marci.

**Marci Yaremko** [00:02:50] I agree with Corey too.

**Chuck Tracy** [00:02:51] Sounds like we're in pretty good shape so we're going to eliminate that from November. Okay, I guess I don't have any other fruit that's hanging quite that low, so maybe I'll just open it up a little bit and see if they're, if people have any other ideas or suggestions of agenda items that we might do away with for November to free up a little time to see what else we can squeeze in. Marci.

**Marci Yaremko** [00:03:34] Sorry, my mute button is lagging. Just want to support the EC statement and their recommendation that they provide their update to us via an informational report. I know how much we all enjoy these annual updates. I really feel like we get a lot out of them. They really bring us closer together to our fisheries and our enforcement issues, but I certainly would appreciate the EC's attention on some of the other technical agenda items that are on the docket for November, namely the non-trawl RCA agenda item and the specifications. So, I think they're going to be pretty busy, and their proposed solution here sounds great to me.

**Chuck Tracy** [00:04:29] Okay, thanks. Yes, we indicated that on Supplemental Attachment 4 already,

so I think we're good there. Any other thoughts about anything that's currently scheduled? John.

**John Ugoretz** [00:04:52] Yeah thanks, and I'm sorry I'm not sure if it is now grayed out or on the schedule, but we heard about not scheduling Swordfish Monitoring and Management in the same meeting as DGN hard caps. I would prefer to move forward and get a range of alternatives for DGN hard caps in November, hard caps in November and move the Swordfish Monitoring and Management to March. I think there's a lot of work that needs to be done on the monitoring and management plan that could maybe occur between now and March that won't occur between now and November, and I think it's important that we move forward on hard caps. We may have more information at the November meeting, we may not but we can at least get that moving.

**Chuck Tracy** [00:05:42] Okay thanks. Caren.

**Caren Braby** [00:05:48] I'd just like to support John's comments.

**Chuck Tracy** [00:05:54] Okay. So, I'm not hearing a lot more about what we can take off that is scheduled, so let's go ahead and move to the candidate item box and recognizing we have about two hours we have eliminated. It sounds like the Swordfish Monitoring and Management and Monitoring Plan, so we've got the candidates of Standardized Bycatch Report for an hour and a half, the Regional Operating Agreement for half an hour, Regional BSIA Framework for one hour and the Marine Planning agenda item for four hours. So, I guess right off the bat maybe the next lowest hanging fruit is what about Marine Planning for four hours? Again, we've got two scheduled. I think there's some other items there that are definitely competing priorities so, Caren, is that, is your hand up again then?

**Caren Braby** [00:07:00] It is.

**Chuck Tracy** [00:07:01] Okay.

**Caren Braby** [00:07:03] And I have a suggested approach for Marine Planning. It's kind of hybrid between taking it off the list and fully agendaizing it. And it is a request for a much-abbreviated time on the Council floor in November. And if it so pleases, I'd be happy to describe that for consideration.

**Chuck Tracy** [00:07:37] Please do.

**Caren Braby** [00:07:39] So recognizing that we certainly don't have four hours in November, recognizing the time that we spent collectively on the floor for four and a half hours this past Saturday, but much more feeding into that floor time. I've been in discussion and wanting to streamline that for November. I've been in discussion with a couple Council members, with Kerry and co-chairs of the Marine Planning Committee and think that for November there are a couple of key issues to discuss, but that we could keep them within an hour time frame with the following components. One is what I'm calling a calendar, which would be a brief list of the upcoming opportunities for engagement in marine planning processes and designation for each of those opportunities to a specific advisory body as being lead on that item, and that would be, that designation would happen by Council staff in preparation for the briefing book and it would identify any actions that had happened since the last Council meeting. So, for example, between this meeting and November there is an Oregon call area potential letter that we should talk about as well. If that happens, that would be just noted that it happened. The HMSAS Workload Planning Report today mentioned the Par's Project from the, and comment opportunity from the US Coast Guard. That could be listed. But in the marine planning item it would be designated to be addressed by a specific advisory body or bodies, and Council would have the opportunity to say yes or no, change the designation so it would be kind of a just a streamlining of share the opportunities. This is who we want to work on this item and how we want that entity to work



on it, whether it's a quick response letter after the fact or agendaizing a future Council agenda item. So that calendar would be provided and would be gone through briefly by Council staff and Council would adjust it as desired. The other thing coming up in November is that NOAA is anticipating or is signaling that they will be ready to release the spatial atlas for aquaculture opportunity areas and we'll be looking for public comment, for scoping for the EIS and comment on the areas. And it's possible that that could be turned into a briefing webinar prior to the November Council and Kerry is working on that as I understand it. And so, a brief part of this one-hour agenda item would be to give us the take homes from that briefing and provide a list of engagement opportunities for that, similar to what I just described for the calendar. So that would, that would be it with an eye to a lot of other input that we got from this Council meeting on marine planning, and I'll hit on those. There's the concept about a policy paper. There are a lot of comments about rules and responsibilities for each of the ABs relative to marine planning and workload questions and requests for guidance, particularly from the management teams, and the GMT's report in the agenda item specifically asked for guidance. While we don't have agreement yet from the Council on answering that question, my suggestion would be that we proceed for the time being asking the ABs to stand down unless we specifically ask them to engage, and really, I'm speaking about the management teams who are asking this question. So that's my suggested approach that I think could be done with an hour. It would be very constrained and have strong framework to it and I think would result in good outcomes on this topic for the Council. Thanks.

**Chuck Tracy** [00:12:37] Thanks Caren. Any discussion on Caren's suggestion? Phil your hand went up and then back down. There it is.

**Phil Anderson** [00:12:58] Yeah, I should probably have taken it down and left it down. Based on our experience so far with all of the things that are going on in the marine spatial planning world, I am doubtful we can have it on an agenda and do it in an hour.

**Chuck Tracy** [00:13:31] Frank.

**Frank Lockhart** [00:13:34] So I don't have comments on Caren's comments. I've got kind of a series of more general things, so I don't know if that's appropriate now or if you want to focus on Caren's comments now, or are we kind of, are we taking all comments?

**Chuck Tracy** [00:13:55] I would say if there is some other comments on Caren's suggestion let's hear them now, but I think before we make a decision we should probably run through everything that's in that box. So, if that's where you're going Frank, that's fine. Let's just see if there's any more comments on Caren's suggestion before we get there. Corey Niles.

**Corey Niles** [00:14:19] Yeah, thanks Chuck. So, question for Caren. We did have a bit of email discussion, but so, Caren, is the idea that the Council will just only take up those specific questions of who is the lead advisory body in process for commenting is.....can you say that again, why, how you think along the lines Phil's suggesting, so we really, the Council's questions would be really narrowed. Is that the idea to keep it to a shorter time frame?

**Caren Braby** [00:14:56] Through the Director, yes, Corey, that is my suggestion, is that we anticipate that it is literally flagging opportunities for engagement, directing work towards ABs since we haven't resolved those issues yet, and in this case a quick briefing on aquaculture opportunity areas, which will be brand new and of great interest to the Council.

**Chuck Tracy** [00:15:33] Thanks. Pete.

**Pete Hassemer** [00:15:35] Thanks Chuck. I can't add any new process to this, but I want to state I really

appreciate Caren's deep look into this and finding ways how to manage that discussion so we can constrain it to a specific time period and certainly look forward to thinking about that in the future, but I agree with Phil that one hour is too short, especially listening to what we heard and looking into the marine planning crystal ball, all the things coming at us. I guess all I can say is I would rather see four hours of marine planning spread across two meetings and really working hard to keep the discussion or whatever work we do within that two hours, then scheduling one hour or two hours at a meeting and it goes on for three or four like it did in this past, this current meeting. That's just a disservice to the latter agenda items during that day where we feel rushed and try to tell people to be brief and hurry through our work. So, managing it in a way and if this may be a consistent thing on our agendas at each meeting because of the amount of work involved. Thanks.

**Chuck Tracy** [00:17:12] Thanks Pete. Let me jump in here real quick because I think I heard something different than what I thought I originally heard from Caren. So, would this, would this agenda item be looking at the calendar and making assignments to advisory bodies to follow up at some future date, or would it be the staff looking at a calendar, making the assignments for them to report on those items at the November Council meeting? That's a question for Caren.

**Caren Braby** [00:17:46] Thank you for the question. It's closer to the former. So, the idea that I'm proposing is that staff collect the list of upcoming opportunities, lists them out, identify from their own knowledge which AB they would recommend to the Council to assign that work to and have a quick review of those opportunities and the staff assignment to the ABs for future work outside of the Council floor work. So, it would not be a debate around those issues, but kind of a review and touch base with the Council on what is happening behind the scenes.

**Chuck Tracy** [00:18:41] Okay. So, when I... so that is a little different than what I thought I originally heard. So, to me that portion of it really sounds like a workload planning issue. It's pretty much a matter of taking a look at what's coming up and assigning some advisory bodies or staff or whatever to work on it outside of the November Council meeting. So for that portion I just, I kind of would expect that that could occur under workload planning. So does that, I guess, for that portion, does that sound, does that sound right or is there is there more to it than that?

**Caren Braby** [00:19:21] I think that it could be, but I think that there, as Pete and Phil have pointed out, I think that there are issues that are more programmatic associated with it, and so if it were to be partitioned as a marine planning discussion, that that would be a place where some of that discussion could happen. So again I'm, I am trying to envision a streamlined approach where we don't go over three hours of our floor time, but we make sure that we're keeping these opportunities elevated and before the time that we have clear roles and responsibilities for ABs on tracking and addressing these issues for us, we have a touch point that's very clearly a marine planning discussion time period so that we can address it and keep everybody aligned.

**Chuck Tracy** [00:20:32] Okay thanks. Bob.

**Bob Dooley** [00:20:37] Thanks Chuck. I guess the comment I have is I think my view of the Marine Planning agenda item and how it went this meeting was largely the voluminous reports by advisory panels and management teams and everybody else, and if what you're, what Caren is describing limits that to just maybe a couple reporting or none at all, but that's a good thing. But I think the way I viewed it, a lot of our time was on those reports and if this just prompts response from all of those panels, I don't know that we've gained anything, so I really that's, particularly when you think about the aquaculture thing that might be coming up too, so I'll stop there. But my question is, is this going to limit that response from the advisory panels on what they see in the briefing book?

**Chuck Tracy** [00:21:44] That's a good question Bob and that's something I don't think that we've done in the past, so that would be breaking new ground if we were to restrict or direct that advisory bodies not put that on their agenda. I mean, I guess, maybe that's not quite a good characterization because there are times that we intentionally do not put things on every advisory body agenda because we don't want to get bogged down so. Let me just jump in with the AOA Atlas. I will note that that's on the October CCC meeting agenda, so there might be an opportunity for at least something to come out of that discussion. Marci.

**Marci Yaremko** [00:22:42] Yeah thank you and thank you Caren for thinking about how we tackle November, recognizing that we've all acknowledged that it's a work in progress. I think, I also want to acknowledge Pete's comments, and I think that, you know, we really would not serve ourselves well scheduling a four-hour marine planning item in November. I'm looking at the number of hours already scheduled and looking at how things went in September and feeling like we've gotten away from our plan to try to not cram too much on our agendas and without the candidate box it already looks crammed to me, so I'm growing uncomfortable with adding more candidate items anyway. I could support, you know, something along the lines of a one-hour agenda item, but it sounds like the AOA item will take most of that as it is. My thought would be that we find a way to get a report from the MPC to the Council, but avoid, take the reports from other ABs on any of the content, so I would envision a Habitat Committee-like report where they provide us a summary of updates and make some recommendations to the Council about timelines on projects and notices of availability and such and where we might task the group or others with letter writing, but I feel like really all we can accommodate with the schedule is a report from the MPC and then the AOA presentation if we intend to keep the timeline to an hour. Thank you.

**Chuck Tracy** [00:25:03] Thanks Marci. Okay well let's, I suggest we take a look at some of the other items in that box and kind of see where it fit, where they all fit together. So, we've got a Standardized Bycatch Report for an hour and a half, the Regional Operating Agreement for half an hour and the BSIA Framework Preliminary for an hour. So, I guess I'd like to hear people's thoughts about those. I know that there's some at least a statutory deadline for one of those and see how those stack up against a potential marine planning issue. Frank.

**Frank Lockhart** [00:25:56] Thank you. So, you want to limit to just to the candidate items, discussions of the candidate items right now?

**Chuck Tracy** [00:26:06] Well unless you have some, well unless you're planning on moving something out of the scheduled agenda items to free up some more time.....

**Frank Lockhart** [00:26:17] I guess I have just some other comments that are not right along that, but I can talk about the candidate items right now and then I probably will... but has to be recognized a little bit later as well.

**Chuck Tracy** [00:26:30] Okay.

**Frank Lockhart** [00:26:32] So I think I sympathize with what Marci just said. We have a lot on our agenda, and I think, I don't know if our comments are necessarily going to help that but, you know, obviously we, given the discussion earlier today, we support keeping the Standardized Bycatch Report on the agenda. I will note that maybe for the first time ever I think our estimates of the time that this is going to take have been a little bit long for each, for most of the Council meetings, so maybe this can be done in an hour. I think the task before us is relatively straightforward in November. That presumes, of course, that there's no big issues that come up. So regardless, we'd like to kind of keep it on there. We would also like to see the Regional Operating Agreement stay on the agenda. I do think 30 minutes

is probably reasonable. I'm trying to remember exactly what the flexibility is under kind of administrative Agenda Item C.5. I'm wondering if it can be kind of put under there rather than a separate agenda item? That might not be possible. That's just an idea. And for the Regional BSIA Framework, I think our preliminary thought is keep it on there, but there might be some flexibility to schedule that later. With regards to the Swordfish Management and Monitoring Plan, I guess we had a little bit of confusion. Well, first of all I'll say, I think we support the HMSMT recommendations for including this as an agenda item at the November meeting and I think John spoke to this and then Caren supported it and I guess we were not quite sure if they were supporting the HMSMT recommendation or something else, but the HMSMT asked if this is going to be, if the SMMP is rescheduled for a later meeting to avoid scheduling it at the same meeting as the Drift Gillnet Hard Cap agenda items, and that's from their report, and I think maybe we heard the opposite from John and Caren. So, I'm not sure about that but I'll just conclude by saying we support keeping the Swordfish Management and Monitoring Plan on the agenda for, well putting it on the agenda for November. And I think I'll stop there because those are the comments on the candidate agenda items, but I do have some further comments once we go beyond this.

**Chuck Tracy** [00:29:50] Thanks Frank. So they do recommend.....that would have been a good question for them. They do recommend keeping it on the November agenda, but they also recommend not scheduling it at the same time Drift Gillnet Hard Caps are on and those are on the November agenda as well so I'm not, that's a little bit confusing in their statement, but I'll let Caren and John speak to what I believe they heard, which was to delay Swordfish Management and Monitoring Plan until March. Phil. Let's, I'll just keep the order going here.

**Phil Anderson** [00:00:00] I think it would be important to complete the Regional Operating Agreement while you're still in your seat Chuck. You've been a big part of that agreement and so I would think it would be important for that to be completed before your departure. And I just have more of a general question maybe for all of us, are we serious about a five and a half day meeting and are we serious about having eight-hour days?

**Chuck Tracy** [00:00:40] I heard that. I didn't quite hear that last phrase having a what?

**Phil Anderson** [00:00:44] Are we serious about holding our meeting, trying to have our meetings last five and a half days and are we serious about trying to have agenda items that equal an eight-hour day?

**Chuck Tracy** [00:01:00] Okay, thank you. Caren.

**Caren Braby** [00:01:06] Yeah, John's hand is up also, but I'll just say that my intent was to not have the SMMP on the November agenda, to put it in March. That is consistent with the team's request to not agendize them. That plan with the DGN hard caps issue but as you've already noted, they also asked for the SMMP to be agendized in November. So, I think in offline discussions with some of the team members, I think there's some comfort. There are some ideas about what we might do between now and March to meet some of their concerns about getting some airtime on the SMMP while we start DGN in November.

**Chuck Tracy** [00:01:58] Thanks. John.

**John Ugoretz** [00:02:02] Thanks. That's consistent with my view as well. I do think the team asked to have Swordfish Monitoring and Management in November, but given that we are putting hard caps on November, I think we should move it and I do think there's a lot of work that needs to be done before the Council discusses that plan so that we actually have something to think about as opposed to trying to decide at the Council on the floor what the plans going to look like.

**Chuck Tracy** [00:02:34] Thanks. Corey.

**Corey Niles** [00:02:36] Yeah, I agree with. I've seen some discussion. I think that's a good direction.

**Chuck Tracy** [00:02:48] Okay, well there's a little bit of, I think, divergent opinions here and I'm not advocating for this, but I did just want to point out that I think we came very close this Council meeting to needing the BSIA framework to refer to. Turned out we didn't, or we haven't yet but I don't want to, I guess I want to make sure Council members recognize the importance of that. So maybe from Frank I heard that maybe we could get away with an hour on the bycatch report if it's pretty straightforward. I think we went through it fairly quickly today, although we didn't get too much into the details of what was being adopted. But in any event, we have about two hours or maybe a little less if we're going to stick with a five and a half day meeting and I guess defer application for the Standardized Bycatch Report, the Regional Operating Agreement and a short Marine Planning agenda item, I guess I would say I am a little bit, I would be concerned about trying to do the AOA atlas and anything else in an hour for marine planning so it just seems like one or the other would probably be doable in an hour from my perspective. Corey.

**Corey Niles** [00:04:35] Thanks Chuck. I guess I'm curious to hear what Frank is going to say and my comment would be a question, and I'm sure people are going to say we talked about this five times already, but on looking at the G.8, the Fixed Gear Program Review, one, I'm wondering, I'm sure we've pushed that, we kick that down the road but all I think we've been hearing, and I don't want to presume not hearing more after seeing analysis, but is the one, there's not too many priorities for changes and primary season extension being one, but just putting that out there as kind of a question for Frank and to me it seems more of a possibility for, if possible, to push down the line. It seems like that fishery works well. Excuse me. I'll stop.

**Chuck Tracy** [00:05:23] Thanks. Frank.

**Frank Lockhart** [00:05:30] Sorry, it really is a challenge juggling multiple windows. I'll stop saying that otherwise Marc might yell at me. So anyway the, I think, you know, we are going to have to juggle something, and so maybe can I confirm you're asking if, is it the Sunday G.8 agenda item, if that can be delayed to some future date? Is that the question Corey?

**Corey Niles** [00:06:09] Yes sir.

**Frank Lockhart** [00:06:16] If you will allow me to, I'm asking staff to let me know about that. I guess from what I know right now, that potentially that can be done and, yes, I just got the confirmation that yeah, we think that that could potentially be delayed to free up some time on the agenda. And then I don't know if I can continue on other things, but I am kind of changing the direction a little bit so if you want to close that out, I'm happy to wait.

**Chuck Tracy** [00:06:59] Well if that, if people are in agreement with that, again I think, you know, finding out what space we can open up is important. So that's a three-hour window. So, there are, how do other people feel about that? Are there are any concerns with that? Maggie. Oh, sorry, Corey you were up first.

**Corey Niles** [00:07:20] Well there are two, just two parts of the question, but thank you, Frank, for that. But the other one, I think the only thing that's going to be the main issue will be the scoping for the season extension and that wouldn't take three hours was the other, the other question. So, if not taking it off at all, does it really need to be three hours?

**Chuck Tracy** [00:07:49] So Corey, so you're suggesting that perhaps replacing the fixed gear program review with scoping for a season extension?

**Corey Niles** [00:08:02] Excuse me, I'm rushing here so maybe I'm not articulating. No, that's what my understanding, what I heard would be the main issue we talk about during the review or coming out of the review, and I don't think there's any much of a chance we're going to get to a season extension for, permanently for 2022. So again, the fishery is working well so I think the review could be put off. But to the second it would be, the one issue we know we've heard about that people are interested in coming out of the review would be that season extension like no other major changes to the program. So, I guess I would pose to others if there are other views on pushing it off longer, but then if they want to keep it then does it really need to be three hours was how I would, is how I would frame the question.

**Chuck Tracy** [00:08:57] Well I think if it's a review of the program then I think it would have to be more than that one topic. So, I think of it, if it is like it's a catch share program review, so I think there's, you know, the people need an opportunity to identify other issues and suggest other solutions and other processes to address those, so I guess that's my thought about the review itself. So, I'll stop there, and Marci go ahead.

**Marci Yaremko** [00:09:49] Sorry Chuck and Corey, I had another comment about a different item, but I don't want to cut off discussion on the fixed gear program review. I guess it's really a question. I'm looking at groundfish G.5, the EFP item, preliminary approval. I'm just curious how that's slated for only one hour? I remember very well thinking back to almost two years now to this agenda item and thinking, listening to Pete talk about how important it is for us to be able to not feel rushed and go through the content. I think we reviewed six EFPs on a preliminary basis and it was rushed and those reviews take a lot of work and we want to get it right because we don't see them again for I think another, what until April? So, a lot has to be done in this agenda item to get things on course for final adoption. So, I guess I'm just curious if one hour is adequate. Thanks.

**Chuck Tracy** [00:11:16] Thanks Marci. I would have to defer that to someone more knowledgeable about it than I am... so Frank.

**Frank Lockhart** [00:11:26] Just closing out one other item. First of all, I wanted to thank John and Caren for the comment, clarifying the comments on the SMMP. So, I think we're okay with it being pushed off from November but just wanted to confirm that that would put it at least as tentatively on the March agenda or we would like it to be on the March agenda at least as a first pass, and we can continue that discussion at the November meeting.

**Chuck Tracy** [00:12:14] Yeah, we'll put it in March. Do you have more Frank?

**Frank Lockhart** [00:12:23] I guess I'm kind of moving on to other things beyond the candidate agenda items, so let me know when you're ready for that.

**Chuck Tracy** [00:12:34] I think we might as well get it all out there on the floor so we can weigh the consequences of each one.

**Frank Lockhart** [00:12:40] Okay. Well then to kind of close out this issue that I brought up with the SSC and the GMT, we, here's kind of what we're expecting. So at the October GMT meeting we expect the GMT to conduct a comprehensive evaluation of stock complex performance and this request is in response to the SSC report under Agenda Item C.8 and is a requirement of the MSA and NS1, and this core work must be conducted under the biennial harvest spex and management measures process, and

so we would then anticipate the GMT would prepare a report on their stock complex evaluations and any associated recommendations for the November briefing book, and then we request that the SSC would review the GMT report and provide guidance to the Council with respect to the, to establishing those harvest specifications. Let's see, sorry I have a long list of things and some of them have been taken care of and others have not. So, let's see, with respect to groundfish and electronic monitoring in November, we would, NMFS would update the Council under the NMFS Report and if we have any new information on the EM topic and we further, we recommend that the Council find time on the Year-at-a-Glance to begin discussions on possible EM program changes either in March or April. Let's see, I'm trying to think. You know, I have to confirm a couple of things, so maybe I'll stop there and ask if there's any questions and then I can confirm if I have any further comments here. Apologize.

**Chuck Tracy** [00:15:06] That's fine Frank. Phil.

**Phil Anderson** [00:15:10] Yeah, thanks Chuck. Frank, I'm interested in pursuing just a little bit the testimony that Melissa provided under this agenda item and in particular how we're going to go about trying to constitute a collaborative working group to work our way through the outstanding issues that we have, and I'm wondering if National Marine Fisheries Service is planning on taking the lead on that or whether you're looking to the Council to do that either through the GEMPAC or some new type of working group or newly constituted working group?

**Frank Lockhart** [00:16:17] Unfortunately I don't think I'm going to be able to come to or give you a final recommendation here. I think we're still having some discussions with various levels of NMFS and also need to talk potentially with to make that potentially consistent with other regions as well, so I don't think I'm going to be able to answer that right now but obviously those are some..... We heard the comments from Melissa, and we'll get an answer as soon as we can, but I can't answer that right now.

**Chuck Tracy** [00:17:05] Okay, well let me just kind of pause here for a second and summarize where we're at. So, we had a suggestion that it could be possible to delay the Limited Entry Fixed gear Program Review Scoping and I think not replace that with anything other, anything else related to that fishery. I've had a suggestion.....so that's a three-hour block. We had a suggestion that the groundfish EFP one hour is not enough. So, if we bumped that to two hours, that would give us a two-hour block from a Limited Entry Fixed Gear Review and another two-hour block for what we had originally left over in the Groundfish Workload Management Measures. So that's essentially a four-hour block. So we, Frank mentioned the stock complex issue coming up under the spex, so I guess the question is we've got two hours there. Are we going to need more time than that to accommodate that? And then the other things maybe we could get by with it one hour on SBRM instead of an hour and a half and then the ROA for 30 minutes, BSIA for an hour, and Marine Planning for at least one hour or maybe two if we keep it, keep it short. Hold on just a second. So, John DeVore is suggesting we do the stock complexes under the management measures as opposed to the spex, so that would be G.7 instead of G.4. So, Frank let me ask you what, just in terms of where it belongs and if we are going to need to add time to what we have here in order to get that included in that process.

**Frank Lockhart** [00:19:37] Sorry, the conversing if you will. I think we don't necessarily think that we need additional time, but I guess our first thought was that it seems most consistent with the spex, but trying to think if putting it under the management measure?

**Chuck Tracy** [00:20:09] I'll tell you what. Why don't we leave that for our Council follow up call next week and we can decide where it goes, assuming that we, and it sounds like it's, it is going to be necessary to do so why don't we leave that. We don't have to wrestle that to the ground here right now.

**Frank Lockhart** [00:20:28] That sounds good.

**Chuck Tracy** [00:20:31] Okay, so assuming we don't need more time for that, again I think we've got about four hours to work with and those items I mentioned, SBRM, Regional Operating Agreement, BSIA Framework and Marine Planning to squeeze in to those, to that time. And then, I'll just pause there. Maggie.

**Maggie Sommer** [00:21:06] Thanks Chuck. I'm going to weigh in on what is a very difficult one I think, which is this Limited Entry Fixed Gear Program Review item. So far in our preliminary discussions of it and input from our advisory panel on this, certainly the end date, season end date is the primary item that has been identified so far as a potential action item coming out of that, but I don't feel like we've gotten far enough in the review to be firm in that conclusion. I'd be interested in hearing if others feel otherwise. I fully understand that that is an important issue. I would love to be able to address it. I think that the November meeting is when we would need to start considering the tier season end date review and if there was going to be any hope of getting it in place in permanent rule for the end of 2022, and I think we have such an overwhelming groundfish workload that I don't see being able to, to fit it in there. I don't think it's right to pull it out of the program review and put a more narrowly focused season extension of consideration for permanent rule in its place. I do think that's jumping the queue of our groundfish prioritization items and so I guess my recommendation, and I say this with much disappointment that we can't get it in then, would be to consider postponing taking up the Fixed Gear Program Review until a future meeting. I guess that would be agreeing with, now I've forgotten who made that suggestion, but I think we might be there and unable to take on that much groundfish workload at the November meeting.

**Chuck Tracy** [00:23:15] Thanks. I believe that was Corey's suggestion and I see his hand is up.

**Corey Niles** [00:23:18] I can yield to Frank there. I think it was a close tie anyway.

**Chuck Tracy** [00:23:25] Frank.

**Frank Lockhart** [00:23:28] I wasn't going to talk about that, so if Corey's comments was on that maybe he should go ahead.

**Chuck Tracy** [00:23:34] Corey.

**Corey Niles** [00:23:34] Well, thanks Frank and sorry to assume. Well... yes.... Maggie, I think, and Frank, this would be a question for you all that you might not be heads up for, but I was just not seeing much of a possibility at all to get the season date extended by the end of 2022. I just didn't think that was possible given groundfish workload, but if I'm wrong in that assumption I might change my mind, but though yet it was also a tough decision to move it down the road, but I'm not that far. I see the trawl, the scoping of the trawl program review is in March, which a whole 'nother matter, but moving this one to March would seem sensible if there's just no chance of getting the season date extended in 2022 by a permanent rule.

**Frank Lockhart** [00:24:28] If I can I can.....we think there's, it's highly unlikely for that to be ready for by the end of next year so I think it's, Corey's feeling about it or thoughts about it are correct.

**Chuck Tracy** [00:24:54] Okay. Well, let me just ask before I call on anybody else if there's any, does anybody want to address that specific topic? Anybody opposed to moving that to March? Bob Dooley.

**Bob Dooley** [00:25:16] Thank you Chuck. I wanted to go back to the EM issue...



**Chuck Tracy** [00:25:21] Okay, before you do that I'm going to go ahead and move that, suggest we move the Limited Entry Fixed Gear Program Review to March. Okay, seeing no objections, go ahead Bob.

**Bob Dooley** [00:25:35] Yeah, I just wanted to kind of point a couple of things out on this. I think we, we really need to think about, you know, it was brought up I think, somebody said on the floor that two years is pretty quick and it's going to be two years before we know it and I'm trying to think of all the moving parts that may potentially come to us, notwithstanding moving through the collaborating with the North Pacific Council and understanding their methods and how that all intertwines, but ultimately I think we're going to have to have a rule change to accommodate potentially if this is, if we are able to shift gears and do something with Pacific States like the North Pacific is contemplating, so it backs that two year time period up pretty good for Council action to get a rule change and to weave through those. It seems like a pretty darn short timeline. And so, I think we need to have some type of, you know, a planning meeting or something that's off the Council thing to lay out a plan for Council approval of how to approach this and how all the different moving parts, part of it is funding, part of it is what headquarters is doing. Part of it is with the collaborative effort. Pacific States is in this and there's a lot of moving parts. There's industry responsibilities. There's, you know, Council responsibilities for rule changes, and I just think we have to have a roadmap to this and think about it in a holistic way, because if this rule change part of it is the crux, we're going to get to 2024 and not be prepared, and I think that just understanding that whole process of putting it on paper and doing it in a way that, you know, I guess I've always been in favor of coming to the Council with not a problem but a plan and help and I think that that can be done collaboratively in advance before the Council has to try to noodle through all this and all the pieces and parts. So that's just a thought and I think that needs to be done sooner than later because it's not, never going to be easy to find agenda room to agendize all this stuff. So that's just my thoughts.

**Chuck Tracy** [00:28:09] So I just, so my question to you Bob, is we're trying to do something here for November. So, are you suggesting that should be considered as a potential priority for the November Council meeting?

**Bob Dooley** [00:28:23] I know people had mentioned it earlier about the EM and Melissa's comments and stuff, and that was the context it was used in. It might, I don't know what to say about that because I don't know what can be done between now and November to do, to achieve that goal and get some Council direction on how to go forward on this because it would seem like we're not far away from having to come up with a decision on how to, you know, how to change the rules and such and that's all I'm thinking about and if it applies to November, great, if it doesn't, maybe it's workload planning for November, I'm not sure. But I just wanted to bring it up. Thank you.

**Chuck Tracy** [00:29:07] Frank.

**Frank Lockhart** [00:29:09] So I guess going back to an earlier comment, NMFS will be giving an update on what, you know, whatever on what is happening with regards to EM. There are some internal discussions going on and so we would update the Council during the NMFS Report and then based on that, there could potentially be some discussion under future agenda planning on where to go. I don't think a full agenda item on EM is appropriate in November, but we think with just kind of the NMFS Report update as well as talking about it under a future agenda item, that probably would be sufficient at this time. So that, there's that suggestion and then one other suggestion, if staff is noting that under CPS there's the Stock Assessment Prioritization, potentially that could be moved. It's only an hour now so it wouldn't save a whole lot of time, but potentially that could be moved to April and because we already have stock assessments planned through 2023 is what I'm told. So that's a possibility to save some time there as well. And then my final comment is I think we, if the Fixed Gear agenda item stays

on March, I think that's a good compromise from where we are right now, and that's it. Thank you.

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

**Corey Niles** [00:00:02] Just my comment was on Frank's CPS suggestion.

**Chuck Tracy** [00:00:08] Go ahead.

**Corey Niles** [00:00:09] Thanks. Which would sound, I think it's okay by hearing from our management team folk, I'd say folks, we only have one folk, Lorna. But I just want to make a comment that the stock assessment prioritization and the management categories go hand in hand to me. The management categories being the way that it's been, you know, indirectly prioritized, so I'm wondering, yeah, I think that would be okay with the management categories bringing that up. I understand what Frank said, there's limited, the stock assessment schedule is set so I'm concurring with that, but also drawing that connection. So, I think that's, might have some, not, we won't be talking about specific stock and assessment and when, but I think we can get some discussion into that I.3, but probably driving the management team, not pleasing them at least with those comments. But I would support Frank's suggestion.

**Chuck Tracy** [00:01:16] Thanks Corey. Any other thoughts about the CPS Stock Assessment Prioritization suggestion? John.

**John Ugoretz** [00:01:36] Thanks. I would support that as well. We've got assessments planned out, so waiting on re- prioritizing after that is fine.

**Chuck Tracy** [00:01:46] Okay. Corey, your hand's still up. Did you have another comment? No, so all right well I'm going to make it so then. Stock Assessment Prioritization has been moved to April. That, in my opinion, would in my math anyway, would allow us for Standardized Bycatch Report for an hour. Regional Operating Agreement for half an hour. BSIA Framework for an hour. That's one, two and a half and I think would give us another two hours or maybe a little bit more for Marine Planning. Yeah, so does that sound like a plan for folks? Anybody object to that?

**Marc Gorelnik** [00:03:08] I don't.

**Phil Anderson** [00:03:11] Sounds good.

**Chuck Tracy** [00:03:13] Okay I'm going to call November good then. I'm going to touch.....Maggie go ahead.

**Maggie Sommer** [00:03:20] Thanks Chuck. I don't have any major changes for November but just wanted to say I support the GMT's comments in their report. They had some suggestions on scheduling of their items to allow adequate time. They're asking for 24 hours between the conclusion of one item and the report deadline for a related following item, and I just leave that all to staff and team chairs to work out. And they... and also the... they and the GAP, I think, suggested there might be a need for a GMT meeting or potentially a joint GMT GAP meeting before November, whether that's immediately before a GMT work session on that Monday or earlier. You know again, leave that to you guys to work out, but I just want to make sure that that doesn't get lost in the mix and I know it will probably circle back around to format for November, and I'm not going to get into that now, just while I'm looking at the GMT report I am reminded that they called out a request to only be in person if they all can. Thanks.

**Chuck Tracy** [00:04:38] Thanks. So, I'm just going to touch real quick on the Year-at-a-Glance and

just let you know what I'm hoping to do. One thing I was appreciative of the GMT with their groundfish Year-at-a-Glance, and I would like to pencil in some of those topics that they and sort of the schedule they had. It's likely a lot of those would or could be, might be shaded, I guess depending on if there are any particular constraints, but in addition to that the EFH phase two for both CPS and HMS do not appear at all on the Year-at-a-Glance. I would propose to put those in shaded so that there's at least a placeholder and we can push them off or move them up as soon as we see fit at the November meeting. I would include a Non-Trawl RCA agenda item in March or April, an EM agenda item in March or April. I will probably put a Methodology Review Approval for a groundfish methodology review in September and also a placeholder for reports from the workshops that the SSC is going to conduct. We've got a request for some ecosystem business in September, we typically do have that. So often we might have something on initiative updates or other business to do. The SSC Subcommittee usually meets with the IEA team to talk about indicators and improvements to the IEA Report. So, we'll put something in September for that so. And then something in April for anchovies, I think. We are, I think we are expecting an anchovy assessment coming up, so I think we need to put a placeholder in for a report on that. So, I hope I've got all that right. I didn't mess it up too badly, but that's what I'm planning to do for the Year-at-a-Glance. If there's any comment on that or anything else that I should do I'd be happy to take your input but... Maggie.

**Maggie Sommer** [00:07:29] Thanks Chuck. I agree with that. It sounds good. I appreciate the GMT's input that they provided, and I heard from my GMT folks that there is a mistake on it. In June 2022 they've got adopt stock assessments and really that should be FPA for 2023-24 management measures.

**Chuck Tracy** [00:07:52] Yes, I actually did notice that too. Okay. Christa.

**Christa Svensson** [00:07:58] Thanks Chuck, and thanks for letting all of that out. I also agree with that. I did want to talk for just a minute about or ask about a path for at least exploring the topic that Theresa Labriola brought up today and we heard support from others. As I mentioned, I think favorably about this. I think it would give Council members the ability to evaluate with maybe a bit more specific criteria, but also it would give some stakeholders an idea of why we're choosing what we're doing, but importantly for EFP participants, really some clear metrics for what they should be including so that they're more likely to be able to get their EFP approved. So, I'm not necessarily suggesting it go on. I certainly was not wanting to put it on November after hearing everybody talk about all of our needs but am interested in furthering that conversation if other Council members are also interested.

**Chuck Tracy** [00:09:06] Thanks Christa. Are you referring specifically to HMS EFPs or are you talking more broadly about EFPs?

**Christa Svensson** [00:09:13] Well originally it came up under HMS EFPs and I don't know if we're kind of the laboratory for how this works. I have to say I'd like to hear other people's feedback. I do think that it would be very applicable for other FMPs as well, and sometimes it's nice to just know what the criteria is for everybody, but I don't necessarily want to be the one that uniformly makes that decision or recommendation. I would like to hear from others if they have thoughts on that.

**Chuck Tracy** [00:09:44] Okay thanks. Corey Ridings.

**Corey Ridings** [00:09:44] Thanks Chuck. I just wanted to say that I support what Christa just said, and I think that it could go either way, either... as sort of, I like her idea it's sort of a laboratory with HMS but agree that this is something that all of our fisheries can benefit from. So, thanks.

**Chuck Tracy** [00:10:08] Well I think I would, I guess if I was going to put it somewhere, we've got EFP Preliminary Recommendations in June for HMS, so that might be a place to talk about it. Okay

I'm not seeing anything else on the Year-at-a-Glance. I think it's time to talk a little bit about, about our November, our November Council meeting. So let me just say that, you know, we, our current plans have been that we would want to have at least the Council meet in person. I will note that we, as I think I mentioned earlier today I think or at some point, that we do have some capability to allow some remote participation from Council members. So, unlike my suggestion for September when we didn't know that we would have this solution in place, which was, you know, Council members would all need to be, be there. That they would not be the case for this meeting. So that's I guess kind of, that's our default situation. Obviously, circumstances continue to change, you know, in hindsight. I think obviously September being fully virtual was the correct decision, but we are still looking for our opportunities to get back together, so I think at this point I'm interested in hearing what other Council members have to say, what their thoughts are, what their willingness would be at this point, I guess to consider traveling to Costa Mesa for a Council meeting recognizing that we would have an opportunity for some Council members to participate remotely. If, on the other hand I would not want to do something like that if there were not very many Council members that were willing to go to Costa Mesa. You know to pack up the whole road show and go down there and have, it would be Council staff and two or three Council members is probably not, probably not worthwhile so I want to just kind of see how you feel about that. And then secondly, if we were to do something like that we would have to think about the advisory bodies. Again, I think we would be looking at having the advisory bodies meet virtually and not be in person. We've talked about whether to do that, as we have for the last year and a half, kind of simultaneously with the Council, or we also talked about perhaps having them all meet a week prior to the Council meeting, and that would allow, for one thing it'll allow Council staff to be here at the office and conducting those meetings in a much tech friendlier environment, I guess. So that was a thought. There's some advantages to that. Getting reports would be done much sooner and ability for Council members to digest those or other advisory bodies, that would be an advantage. The problem we see with that, or the main problem we see with that, is getting the briefing materials in on time, which is, we have not been as successful at as we would like in terms of particularly getting agency reports in by the advance briefing book. There's often a number of those that come in later and if those advisory bodies need those reports to conduct their discussions and develop their statements, having them come in, you know, a week and a half late means that they don't get a chance to look at them or they don't get much time to look at them, so that's the downside to that second advisory body model. So, I've kind of laid out some possibilities there. Interested in hearing what the Council has to say about that. Frank.

**Frank Lockhart** [00:15:08] So noting that guidance seems to be changing almost weekly now, but as of now it's the most likely scenario is that only Ryan would be approved to attend, and it would be unlikely that we would be able to send any staff to advisory body meetings. So those would likely have to be. Or NMFS would not be able to send staff to advisory body meetings and so that's where we are right now. But again, guidance does change fairly often but I'll stop there. Thanks.

**Chuck Tracy** [00:15:57] Thanks. Again, you know, we are not suggesting that the advisory bodies would meet in person at the November Council meeting in any event. So, any other thoughts? Phil.

**Phil Anderson** [00:16:13] Thanks Chuck. I have this thought for not only the November meeting, but the October meeting as well. I mean this wave that we're in right now is as big or bigger than any of the waves that preceded it. The age groups that it, that the most recent variants are attacking, are much more widespread than previous variants. Our health systems are stretched to the brink and in some cases beyond in terms of being able to provide care for people that do get sick. And I mean I want to get back together as soon as we can. I mean this type of doing these virtually is far from ideal, but I just don't think risking people's health and their, and if they do get sick, their ability to get care is worth it. Being together is not worth that risk. So that's where I am at this point. I don't know, I'm saddened that we're in this place now. I thought six or eight months ago, I thought we would be in a place where we could be in Spokane right now, but there's just so much uncertainty about what's going to happen that it makes

it really difficult in my mind to plan on being together, knowing what the risks to everybody that we're asking to travel is and I just don't.....in terms of having a part of us there and part of us not, I think at the minute we start losing a portion of our group, the value of being together just melts away in my view so.

**Chuck Tracy** [00:18:42] Thanks Phil. John.

**John Ugoretz** [00:18:46] Thanks. I think I would just echo exactly what Phil just said. I, too, would prefer to meet in person. From a personal perspective though, Phil is spot on. It's not worth risking anybody's health to hold these meetings in any manner and so I wouldn't support doing something that might risk that. And from an agency perspective I can't tell you what my travel rules are going to be tomorrow, let alone in two months and it's just impossible to even give you an answer of what I'd be allowed to do. So, I think for that reason we should stay virtual. I've learned, and I think other people have learned how to work in the virtual world. With our staff splitting us up from our staff, half virtual half in person might confound that dramatically, make things harder not easier and I just, I think unfortunately we should plan for virtual until everybody can be there in person.

**Chuck Tracy** [00:20:04] Thanks. Butch.

**Butch Smith** [00:20:04] Yeah, of the two previous speakers I have to agree. Chuck, as much as I'd like to give you a big old bear hug on your last meeting and all that and see everyone, you know, this stuff is getting personal. Just four days ago my grandkids and Dad and Mom were ripped out into the emergency room to get tested because a co-worker of my daughter-in-law's was sick. You know putting our families, not just us, but putting our families through that when we get back and who knows what we got in those germ factories of airports and airplanes and I too miss everybody that makes this process, you know, the best to meet in person and all that we do and but I, just for me, I won't be making the October one in person. I just don't want to put my family through that. And so, I vote for virtual for both meetings and sorry to have to say that because I was looking so forward to at least being able to be there in November for sure. So anyway thank you, Chuck, and sorry for this, this whole mess. It's not getting any better.

**Chuck Tracy** [00:21:44] Thank you Butch. Well, I'm not seeing any other hands. I'm not seeing a lot of, I haven't heard any dissent in what we've heard here so I'm, I think I'm probably resigned to that. I guess I would also note that our closed session in October to hold the, to select the final Executive Director probably falls well into that same category, if not more so, given the proximity in time so... but Christa and then Virgil.

**Christa Svensson** [00:22:28] Yeah, no thank you Chuck. I appreciate it. I am in the same mindset as everybody else that's spoken. I do want to just get out a little bit of a personal point of view on the process of hiring somebody online. I was hired last year by Tri-Marine online. I didn't actually meet any of my employees or coworkers for 10 months, and I finally went in two weeks basically to the day before the June Council meeting, and when I was in there one of my colleagues tested positive and we all got sent home. I mean I didn't even get to finish out my trip, so I came home, self-isolated for two days, did the PCR test, was fine, came to the Council meeting. Obviously, we're online and it was fine, but it did cause me to ask at the last meeting about hey, how do you do a hybrid or any of the rest of it? What happens if someone gets sick? And so, I just want to give some credence to people that are concerned about traveling that you're not alone in that. Like Butch, it happened to me and but also that the hiring process online, there are some benefits of being able to see all of our reactions, as well as the persons where you might not when somebody is seated next to you. So, thank you for the chance to speak on this.

**Chuck Tracy** [00:24:06] Okay, thanks Christa. Virgil.

**Virgil Moore** [00:24:09] Chuck, I'm certainly resigned to the full Council meeting. I get it. I can share with you that I just learned that our peace officer standard training is going to shut down this session because of breakthrough Covid for folks that have been vaccinated, and there's been too many instances of both Covid and breakthrough, and so I tend to agree with we don't know what's going on right now and we need to do that. But the issue of the interview concerns me a lot. We have had a subcommittee and certainly I trust and believe that those folks will do a fine job for us. But as if we do go virtual with the interview process, I believe we need to have video capability, not just auditory. And I think we're going to have to have some kind of less formal session with that, that gives us a chance to interact with each other in a thoughtful manner in maybe large and small groups just to talk about this thing. I don't know. I'm not a fan of online interviews. I've never found them to be satisfactory either to be on or to be the recipient of or the interviewer. But at the same time, I recognize we've got to move forward and if we have to do this, some creativity with both visual and social interaction for us to talk about this thing would be much appreciated. Thank you.

**Chuck Tracy** [00:26:01] Thanks Virgil. Yeah, I'm sure the, I'll be talking about that with the selection committee that had similar thoughts too. Caren.

**Caren Braby** [00:26:12] Yeah thanks. I agree with everything that's been said. I wanted to support Virgil's emphasis on video interaction for the closed session on October 12th. I think that's a necessary component and support additional interaction, and I just reflect on ODFW's hiring policy, which does allow remote interviewing for positions, but before we actually seal the deal in hiring somebody, we have to have met them, and I think at least for Council staff I think that's essential. And so, I'll leave it there but support Virgil's suggestions on trying to create other opportunities for Council members as well.

**Chuck Tracy** [00:27:06] Thank you. Well, I don't want to cut... well, I kind of do want to cut off discussions to a certain extent. I think the path forward is clear on both the October closed session and the November Council meeting. So, I don't think it bears hearing everybody's thoughts about that unless they're divergent. So, if there's other opinions, I'd certainly like to hear that. However, I would note that that there is an important holiday coming up that starts at sunset today. I do want to give people a chance to get home and those that celebrate to be prepared and so I do want to wrap this up. I think we've got the November agenda set. We've got some guidance for the Year-at-a-Glance, and we've got a decision I think, on the format of the two upcoming Council meetings so I'm going to pause right there and see if there's anything else that we need to talk about here today or not. I'm not seeing any... so Mr. Chairman I'm going to turn it back to you.

**Marc Gorelnik** [00:28:27] All right, thank you Chuck. And thanks for being sensitive for those who observe this holiday. Let me see having concluded this agenda item, I just want to see if there's anything else folks want to raise before I ask for a motion to adjourn? And I'm not seeing any hands so I will look for a motion.

**Chuck Tracy** [00:28:59] Corey Ridings.

**Marc Gorelnik** [00:29:01] Corey Ridings, would you care to make a motion? This is a good motion to break yourself in.

**Corey Ridings** [00:29:10] I'm honored and happy to. I move that we adjourn.

**Marc Gorelnik** [00:29:16] Is there a second? Seconded by most everyone but I'll call John Ugoretz. All those in favor say 'aye'.

**Council** [00:29:24] Aye.

**Virgil Moore** [00:29:24] Thanks so much.

**Marc Gorelnik** [00:29:24] Opposed? Abstentions? The motion passes unanimously. Thanks everyone for this marathon, for participating in this marathon meeting. I was hoping it would get easier as time goes on, but it doesn't seem to be going that way. So, enjoy yourselves until our next meeting.

## **F. Salmon Management**

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

No transcription for this agenda item.



## 2. Methodology Review – Final Topic Selection

**Marc Gorelnik** [00:00:00] So that takes us to Council discussion and action here and let's see, final topic selection, so we've gotten some guidance from the SSC and the STT. We've been advised which topics are ready for review, so let's see if we can have some Council discussion and I don't know maybe a motion, and if not a motion maybe agreement with the content of the reports. Kyle Adicks. Welcome Kyle.

**Kyle Adicks** [00:00:45] Thank you Mr. Chair. Can you hear me okay?

**Marc Gorelnik** [00:00:48] I can.

**Kyle Adicks** [00:00:49] Great. And I have the same question about whether we needed a motion? It's been a couple of years since we've done salmon methodology review and I don't believe we did use a motion last time. But I'd just like to thank the STT and the MEW and the SSC for what they brought us today as well as all the agency personnel that were involved in making some progress on these since April. I was skeptical about how much progress WDFW would be able to make back then, but I think we are in a position to bring what has been finished for FRAM documentation, including algorithms for review this year. Recognize that the new base period documentation will have to get pushed a little further down the road. The MEW's been working hard to develop this postseason FRAM validation by comparing the work the Chinook Technical Committee of the Pacific Salmon Commission has done, and it sounds like that's at a point where it's ready to come forward for review and WDFW staff have worked hard on a Willapa Bay natural coho forecast method since April. Originally, I thought we would be bringing sort of more documentation and answering questions about the previous method, but we've actually developed a new method that we think addresses some of the issues that were brought up with the previous method. So, I support all three of those four methodology review and think we will be, have everything ready to move forward.

**Marc Gorelnik** [00:02:20] All right. Thank you Kyle. I think I saw in the STT report that item one is not ready for review in October. Did I.....?

**Kyle Adicks** [00:02:32] Thank you Mr. Chair. The FRAM documentation's been an ongoing thing for years, but I think we have a chunk of it ready that should go forward now rather than waiting for all the pieces to be ready at some time in the future. And that's the draft documentation of the program and the algorithms.

**Marc Gorelnik** [00:02:51] Okay fair enough. And then the STT has also, but I think the SSC agreed, actually it says here the SSC brought forward additional topics for discussion and the STT said they wanted to be involved. Is there any disagreement with those requests? Phil Anderson followed by Marci Yaremko.

**Phil Anderson** [00:03:15] Thanks Mr. Chair. I mean I don't have any problem at all with the STT being involved in what, when, whether and when those additional topics are brought forward, but I'm certainly not ready to make a decision to add those things to our methodology review list today. I would urge that the STT talk about that and come back and give us their thoughts on timing. I do see that they thought that the Sacramento River fall chinook conservation objective was an item that was worthy of consideration, but I think it's the timing. So just to be clear, the four items.....yes, the new items I think we need to put in the hopper and have everybody look at them and consider whether or not and when they should be worked on. Thanks.

**Marc Gorelnik** [00:04:25] Thank you Phil. Marci.

**Marci Yaremko** [00:04:27] Yeah, thank you Mr. Chair. Yeah, I certainly echo Phil's comments on this. Appreciate that these items are on the list. Didn't appear that there's been any determination that any of them are ready to be scheduled but I appreciate the discussions going on across teams with the SSC and the STT and definitely think that any of those topics are worthy of participation by both groups. They're all meaty. They're all significant and I don't think any of them will be quick, particularly on the Sac fall conservation objective item, that certainly would involve significant engagement from CDFW staff that are not typically part of our Council processes and they're the keepers of the information that would likely be necessary to proceed on that item. So, we'd need to do some coordination back at home first before we be prepared to kick that one off, recognizing it's going to be a process and I think not something that we'd be able to complete in a single methodology review cycle. But appreciate the acknowledgment of those topics being important considerations and support the assessment of the STT on what's manageable this cycle. Thank you.

**Marc Gorelnik** [00:05:56] Thank you Marci. Chris Kern.

**Chris Kern** [00:05:59] Thanks Mr. Chair. Well, can you hear me? Audio check here?

**Marc Gorelnik** [00:06:04] Yeah, I got you.

**Chris Kern** [00:06:05] Okay thanks. Yeah, I'm in agreement. The four items that we already had on the list appear to be ready to go, or at least fundamentally most of it. So move forward those. And I totally support the importance of the Sac fall issues. We've discussed it a lot through the rebuilding plan process and my recollection from the spring time was per the regular methodology review processes, we had a list of potential items brought to the floor by the MEW, the STT and the SSC, and that was on a couple of those lists and rather than dropping it from an existing list, we actively, I believe, chose to not put it on the list for this cycle for a number of reasons, many of which are associated with what Marci just mentioned so I won't go into them. But a recognition of what a workload it is I think played a role in that and I don't believe that's changed. So, I'm not discounting at all the value and pursuit of that goal. It's absolutely important and we've said that all along but the timing for that is going to be a, it's a lot of work. So anyway, that's enough. Thanks.

**Marc Gorelnik** [00:07:16] All right, thanks Chris. So, we have the same general agreement to move the four specific topics forward and what I'm hearing from around the table is that we do not want to add any other topics at this time. Is that an accurate summary of the feeling of the Council? Chris, your hand is up but I'm not sure if that's errant or not?

**Chris Kern** [00:07:54] Must of double clicked instead of single. My apologies.

**Marc Gorelnik** [00:07:57] Keyboard bounce there. So, I'm not seeing any hands, so I think that is the sense of the Council. I guess we don't need a motion. Robin, do we have further action here?

**Robin Ehlke** [00:08:13] Thank you Mr. Chair. I don't think so. I think we have heard that all four of the items are ready to move forward, which is very good news. We can set up a meeting with the SSC Salmon Subcommittee and the STT in October. I would just add one more thing, and I wonder if it would be okay with the Council if those four items that aren't part of the first four items that the SSC identified, if we could just have a discussion on what that work might mean so that we can be preemptive and prepare for future work just so that we could have an idea of what the workload might be? I know that Sac fall is going to be a big workload, but right now the SSC is asking that we just look at four or five documents, so maybe we could just talk about what those documents are and a couple of other things. So maybe discuss the topics, but not necessarily take that deep dive, just kind of do an informative review of, you know, the expectation of the SSC and how the STT might interact. I think

that would be a compromise if the Council is willing.

**Marc Gorelnik** [00:09:36] I think what I'm hearing, Robin, is that there's concern about the bandwidth here and we want to make sure those four topics are done and we want to make sure that we're not, A, not compromising getting those four topics done and B, not, you know, accruing additional work for others, but if it doesn't compromise either of those things and it's really a discussion in order to tee those up for our next round, I don't think anyone, you might hear any objections to that. A concern is that we don't want these treated as assigned topics.

**Robin Ehlke** [00:10:22] Understood and I appreciate that clarification and I appreciate the Council giving us a little bit of leeway to help us get through our workloads and have a better understanding of what they might look like. So, thank you for that.

**Marc Gorelnik** [00:10:36] Well, Marci has her hand up. I may not have been accurate.

**Marci Yaremko** [00:10:42] Thank you Mr. Chair. Close. I guess I would just like to clarify. You know I mean we're struggling on our side exactly, figuring out how we're even going to staff the STT much less participate in some deep dive discussions and do any inland coordination at this stage. I, that said I support dialogue between the STT and the SSC for sure, but I think I would be a little bit concerned with agendizing this and having it appear on the methods review agenda. So I think I'd be completely comfortable with future, like an agenda item for future topics where some of that dialogue might happen in that discussion about coordination, but I think when we start talking about digging, I mean even coming up with a list of documents and identifying documents, you know, that suggests that we're kicking off a process and, you know, I think I'd prefer to be able to commit to that before we actually embark on it. So, my suggestion would be if you want to talk about it generally, I think that's a great idea, but let's make sure the agenda just says consideration of future topics or something along those lines, because I wouldn't want to give the public any expectation that this was a topic that was under active discussion. Thanks.

**Marc Gorelnik** [00:12:16] Fair enough. Robin?

**Robin Ehlke** [00:12:18] Absolutely. I appreciate that, thank you. And with that Mr. Chair I think we've concluded this agenda item.

**Marc Gorelnik** [00:12:28] Great. Thank you very much, Robin, and thanks to everyone around the virtual table here for getting through F.1 and F.2 so quickly.

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

**Marc Gorelnik** [00:00:00] That concludes both the reports and public comment and takes us to Council action. It's quite late but maybe we can wrap this quickly. If we can't wrap it quickly, we'll finish it on Monday. Phil Anderson.

**Phil Anderson** [00:00:19] Thanks Mr. Chairman. I'm left with a couple of questions that I would like to ask of National Marine Fisheries Service. The first is a process, the process that they are going through in terms of doing biological opinion from both inside and ocean fisheries and the discussion revealed the potential that there are two biological opinions being done simultaneous, one for the ocean, which is looking at total exploitation rates in our alternatives. And then there's a suggestion at least that there's a second biological opinion being done. I don't know whether it's for the inside fisheries or the tribal fishery, but just process-wise so I understand what's going on? I wondered if Susan could answer that question.

**Marc Gorelnik** [00:01:35] Susan.

**Susan Bishop** [00:01:35] Thank you Mr. Chair. Thank you Mr. Anderson. Yes, we are, we will actually be consulting on a, on tribal resource management plans provided to us for both the Hoopa Valley and the Yurok tribes for their respective tribal fisheries in the river. We do not have a proposal from the state on their recreational fisheries yet. However, we are using the same information that the workgroup is using with regard to harvest rates and harvest impacts in both of the tribal fisheries. I believe that the tribal representatives have said within the workgroup when the subject has come up, that they do not envision that in most cases they will be conducting their fisheries to stay within those or expect their fisheries to stay within those rates that the workgroup has been working from.

**Phil Anderson** [00:02:42] Then Mr. Chair, just to follow up for a second question, if I could?

**Marc Gorelnik** [00:02:48] Sure.

**Phil Anderson** [00:02:50] Thanks. Thanks for that Miss Bishop. Could you also.....my understanding is that there's some time sensitivities here, you know, at least from a legal perspective as I understand it if not others, in terms of getting the biological opinion completed. And I'm wondering are, and my understanding is that there's a high degree of let me say, importance to completing, for the Council to complete its deliberations and make recommendations to National Marine Fisheries Service on this in November. And just curious if both of those biological opinion processes that you just referenced are almost on the same timeline, same schedule?

**Susan Bishop** [00:03:47] Thank you Mr. Anderson. Through the Chair, they are on relatively the same schedule and why I say relatively on the same schedule is that the process for the consultations on, this is going to get in the weeds for a minute, but the regulatory process for the consultations on the tribal fisheries are a little bit different than those that then the, could be a little bit different than the process for the Council fisheries, and so the Council, the process for the Council fisheries may also involve some other steps. We are still discussing sort of internally what the form of the Council's action in November will be. If it will require an FMP amendment or things similar. Conversations that we went through with regard to the killer whale work that we just completed. The tribal consultations will also involve some public comment periods that we will have to publish our analysis in the Federal Register for public comment, and so will depend on what kinds of comments that we receive through that process as well. But in general, we... and we would anticipate if everything goes according to schedule that all

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three processes might be wrapped up around that same March April time frame.

**Phil Anderson** [00:05:21] And just one... one last one Mr. Chair.

**Marc Gorelnik** [00:05:24] Of course.

**Phil Anderson** [00:05:25] So, you know, one of the, I guess I'll call it a frustration, is kind of that in looking at these various ocean alternatives is not knowing with some degree of certainty what to expect for the inriver portion of the overall exploitation rate. And what I, and I presume that's because your discussions for the biological opinion for the tribal fisheries are ongoing and aren't complete yet so that answer is unknown, but what I think I heard you say and what I thought I heard from Joe Oatman and read in the Hoopa Valley Tribe's comment letter was that you're looking at something that is similar to a three-year mean as I understand it for harvest rates for inside. Is that correct?

**Susan Bishop** [00:06:41] Thank you Mr. Anderson. I can't speak to what we are currently because these consultations are going, I can't speak to the specifics, but I can reference the conversations we've had in the workgroup. There was a suggestion made, I think both in the statement from the Hoopa Valley Tribe that Joe Oatman read and also within the workgroup report at the end under the recommendation section or implementation sections, both indicated a suggestion that we might use a three-year rolling average to represent freshwater fisheries and again, the statements by both tribes that they would anticipate their fisheries would be implemented very similar to what is reflected in the data that the count, that the workgroup has been using in its analysis. So they don't, they do not expect the impacts to be outside those impacts, that range of impacts that's already available to folks. I'm sorry I can't be more, more specific.

**Phil Anderson** [00:08:01] All right, thanks Susan and thanks Mr. Chairman.

**Marc Gorelnik** [00:08:04] All right. Thanks Phil for the questions. Looking for another hand. Marci Yaremko.

**Marci Yaremko** [00:08:11] Thank you Mr. Chair. If I may I am prepared to offer a motion.

**Marc Gorelnik** [00:08:18] Why not?

**Marci Yaremko** [00:08:21] Okay. Kris or Sandra, thank you. I move the Council request the following of the SONCC Coho Workgroup. As described in Agenda Item F.3.a, CDFW Supplemental Report 1, ask the workgroup to include additional content in the report about the coho FRAM model and how it is used in both pre and post season settings to project or estimate impacts on SONCC coho salmon. This should include brief descriptions of A: The base period CWT data used to inform the model for Rogue Klamath salmon and B: How non-retention impacts are determined. Ask the workgroup to include additional information in the report about the potential constraints the HCR is under consideration may impose on specific ocean fisheries. This additional content should illustrate the specific months and sectors by region that the FRAM coho model projects are constantly or consistently costly in terms of impacts on SONCC coho salmon. Ask the workgroup to further describe how the adopted HCR might be used in a planning setting, including preseason implementation alternatives that rely on A: Preseason projections of ocean and freshwater impacts for the forthcoming season only and B: A multi-year running average approach that considers the combination of preseason projections and postseason estimates.

**Marc Gorelnik** [00:10:05] All right Marci is that language on the screen accurate and complete?

**Marci Yaremko** [00:10:09] Yes, it is. Thank you.

**Marc Gorelnik** [00:10:11] I'll look for a second. Seconded by Bob Dooley. Please speak to your motion.

**Marci Yaremko** [00:10:24] Thank you Mr. Chair. Really appreciate the discussion here today and the discussions leading up to where we are today that have occurred over the past few weeks. It is, there's been a lot of focus on this topic in California with our stakeholders, consultations with other agencies or discussions, I should say, with other agencies and getting up to date on where we're at now that the workgroup report has come to us. I think we've heard pretty clearly that we are just not ready to do anything more with regard to the range of alternatives that we adopted in June. We took a good look at that back in June and given that we are still missing a very critical piece of information that really impacts the further decisions that this Council needs to make on the total recommended exploitation rate, we just need to let the process work and let these discussions happen. As Susan elaborated, the work is in progress, and we are awaiting the outcomes of those discussions for us to move forward in our deliberations here around the Council table. That said, there is still I think work to be done that would help inform us once the time comes. We've heard from our SAS. We've heard from our California stakeholders. They don't have an understanding and nor do we of how the various ocean exploitation rate caps might affect fisheries. The CDFW report gets into some of this discussion about the FRAM and I think taking a deeper dive look at what those impacts look like across regions both in California and Oregon and to the north of Falcon and how that information can help inform us in our preseason process or how it might work for us in the preseason process. I think there's some exploration there that can be done and brought back to the Council so that we have a deeper understanding about what the ocean component of the HCR actually will need. Similarly, I think we heard in the NMFS report there is a look on the inland side at using a multi-year approach regarding the inland exploitation rate. And while I understand that we do have annual estimates that will come from coho FRAM, it would just be I think a useful exercise to see how variable those projections are year to year, and if perhaps as appropriate, we look at consider treating them similarly on the ocean side, looking at possibly a multi-year pre and post season average set of values. So, I think our workgroup is well equipped to handle these tasks should we task them to do them, and I would expect that it will give us a lot more insight to work with as we further contemplate our PPA into the future. So thank you.

**Marc Gorelnik** [00:14:32] Thank you Marci. Are there questions for the maker of the motion? Chris Kern.

**Chris Kern** [00:14:36] Thank you. I appreciate it. Just a couple of questions, mostly in the order of clarification and with the intent that should the motion pass, it may help provide some clarity to the workgroup. So, I had two. In the second bullet, which speaks to the FRAM projections and the phrase 'consistently costly', I'm going to presume, well I'm not going to presume, that's why I'm asking the question. Sorry it's late in the day. Is the intent simply to give the workgroup latitude to define consistently costly in their own sort of manner? So that would be one and then the second is on the third bullet relative to the sort of two different approaches to projecting preseason impacts. The first is pretty clearly reached to me as the sort of current mode relative to ocean. I can contemplate the workgroup would have some difficulty to figure out how they might use a relatively similar approach for the freshwater side, which I believe is why they included the multi-year average in the report and then so on that second part, the multi-year average would be simply assuming that the current years coming impacts would be equal to the sum amount of a running year prior average. So, do I have those three components clear as you intended them?

**Marci Yaremko** [00:16:26] Mr. Chair? Thank you Mr. Chair. Thank you, Chris, for the clarifying questions. Yes, I intended to imply that there should be some latitude on the part of the workgroup in

this analysis. One thing we do expect regarding the phrase 'consistently costly', we expect that, for example the California KMZ is going to be one of those consistently costly areas. But we're certainly interested in what these projections reveal because I think we haven't taken a close look at the impacts by region and by fishery sector across years so, I think getting those postseason projections available for additional analysis and review by the STT will, I think, shape all of our thinking a little better about what an ocean exploitation rate means for the various ocean fisheries in different regions of the coast. Also, of course, you know, as with all of our modeling work, I mean impacts differ greatly by month. So having a close look so that the SAS can start to think about how we build yet another constraint or build a tighter constraint into our preseason planning process, how this one might integrate with the others. So that's the intent, is to offer some latitude to how the workgroup lays that out but, yes, that's what we're aiming for. On your second point. Yes, understood. I appreciate the response from Dr. O'Farrell on the inland application of a multi-year average and I again here was just wondering, given some of the variability that appears to exist in the FRAM year to year, you know, setting a... is it... would it be appropriate in any way to consider potentially an average that would include both preseason projection in the current year with realized impacts from recent prior years? The past two years, past year plus projected, again that's kind of an open question. We just wanted to get the request on the paper and see what might be looked at in that regard. Thanks.

**Marc Gorelnik** [00:19:29] Did that answer your questions, Chris?

**Chris Kern** [00:19:33] Yes it did. Thank you.

**Marc Gorelnik** [00:19:34] All right. Susan Bishop.

**Susan Bishop** [00:19:40] Thank you Mr. Chair. Thank you Miss Yaremko. I really appreciate the obviously a lot of thought that's gone into this motion. I had a question along the....I had a couple of questions. One was a question along the same lines that Chris did with regard to the second bullet, kind of that last sentence and wondering why we might want to narrow looking at those, only those areas or periods that had what's termed your consistently costly. That in some cases we might be able or savings might be able to be found across time periods that still had impacts that might add up to the same level of savings people are looking for. I'm just thinking about the tables that are in, I can't remember which document it is, one of the pre-documents that I think we've put in there for Klamath and Sacramento that I think is similar to what you were describing of impacts by area and by time, that if that is something that you had in mind maybe we would, maybe the STT could, or the workgroup could generate something similar but would sort of cast a wider, wider net and provide the SAS more information in that case. Am I misunderstanding what you might be looking for?

**Marci Yaremko** [00:21:07] Thank you Mr. Chair. Thank you Miss Bishop. No, you nailed it. We absolutely I think want to take a look across all regions, all times, all fisheries, because there are some anomalies and they're interesting and how we might roll it up I think is important to have, you know, some consideration of how that would work. So yes, presenting, I think it's Table 7, and I can't remember exactly where that comes from, where we itemize by area the, and those are rolled up impacts, but breaking those out, you know, it describes the projected impacts by area but it's not very, it's a total summed up rolled up one and drilling down into that is what we're hoping to have a look at.

**Susan Bishop** [00:22:17] Mr. Chair, just a follow up?

**Marc Gorelnik** [00:22:19] Of course.

**Susan Bishop** [00:22:19] So I was wondering, so I'm glad we're sort of on that same page. I understood what you were saying. I'm wondering if we might want to broaden that language in that last sentence

in the second bullet to request that the workgroup or the workgroup define the impacts by time and area similar to the table that we're both thinking of as opposed to just directing them to look at those areas that are consistently costly.

**Marci Yaremko** [00:22:53] Thank you. Yes, thank you Miss Bishop. I certainly support that and I apologize for somewhat careless wordsmithing in putting this together, but that is exactly what we'd like to do. I'm happy to, I'm happy to accept an amendment that just strikes that last phrase. Maybe starting if somebody would like to suggest that, just strike that last phrase, I think might get us there.

**Marc Gorelnik** [00:23:36] Well, Chuck has his hand up. He can't offer the amendment, but he might have something helpful to say.

**Chuck Tracy** [00:23:43] Thanks Mr. Chair. Can you hear me all right?

**Marc Gorelnik** [00:23:46] Oh, absolutely.

**Chuck Tracy** [00:23:47] Okay, I'm trying out a new sound system here so I'm glad it works. So looking at that last that particular sentence, I guess I don't see that precluding a comprehensive look at all month sectors and regions, but I think, so I think if it was understood that it's not restricted to that, that they just want to know which ones are particularly costly. I think you would need the comparison with the other ones to be presented as well, so I guess I don't see that as precluding, you know, a broad, comprehensive look at those, yeah, those other regions, you know, the month sectors and regions that aren't particularly costly, so I don't think the motion needs to be amended.

**Marc Gorelnik** [00:24:42] Right, I mean costly is a relative term and you need a point of reference for that. Chris Kern had his hand up and went back down. I assume that that got resolved.

**Chris Kern** [00:24:52] That was inadvertent Mr. Chair.

**Marc Gorelnik** [00:24:54] Oh okay, because we always like hearing from you Chris. Let me see, are there any other questions for the maker of the motion or any discussion on the motion? Chuck Tracy.

**Chuck Tracy** [00:25:11] Thanks. Thanks Mr. Chair. So just, just one other just clarifying point. So Marci this, I take it that this motion would not preclude the Council taking final action in November on the currently adopted range of alternatives. Just want to clarify that.

**Marci Yaremko** [00:25:31] Thank you Mr. Chair. Thank you Chuck. No, I think we are still on track on the current timeline, acknowledging the exchange between Mr. Anderson and Miss Bishop that a lot has to happen between now and that November meeting so, you know, we're, but no nothing here is going to slow that process in any way. Thank you.

**Marc Gorelnik** [00:26:05] All right. Robin Ehlke.

**Robin Ehlke** [00:26:07] Thank you Mr. Chair. I just wanted to let the Council know that I will probably adjust the federal notice for the SONCC Workgroup meeting that's scheduled for October 13th. I'll probably make it a two-day meeting. I don't think that's a super big deal to the Council, but I did want to let you know that I will likely make that change to give them the flexibility. If they need two days, they can have it.

**Marc Gorelnik** [00:26:36] All right, thank you Robin. Marci, your hand is up do you have? All right, I want to see, any more discussion on this motion? I'm not seeing any I will call the question. All those



in favor say 'aye'.

**Council** [00:26:54] Aye.

**Marc Gorelnik** [00:26:55] I didn't hear a lot of voices. Nay?

**Virgil Moore** [00:27:04] Aye.

**Marc Gorelnik** [00:27:04] Was that a.....

**Virgil Moore** [00:27:04] That's a nay from Virgil.

**Marc Gorelnik** [00:27:12] Thank you Virgil. Any abstentions? I believe the motion passes. I only heard one vote in opposition. All right, thank you very much Marci for the motion. Let me ask the Council quickly if there's any other business they have under this agenda item? And let me go to Robin and see how we're doing?

**Robin Ehlke** [00:27:51] Thank you Mr. Chair. I think you had made quick work of this agenda item. We have both the Chair and Vice Chair of the workgroup on the call and they were able to clarify any questions relative to the motion the Council adopted and we will get that work done between now and November. And we also understand that the range of alternatives under consideration are not off the table, if you will, but we'll do extra work with the workgroup and see you in November.

**Marc Gorelnik** [00:28:28] All right. Thank you Robin. Well, that concludes our work for the day. How about that? It's only 7:18. Don't be too hard on our Vice Chair. That marine planning topic was, it's tough to handle, and actually he did a great job. Oh, and as our friends in the Mountain Time Zone note that it's 8:18 in Idaho. So, my apologies, but we got it done.

## **G. Pacific Halibut Management**

### **1. 2022 Catch Sharing Plan and Annual Regulations**

**Marc Gorelnik** [00:00:00] So that brings us to Council discussion and action, and here we need to adopt for public review any changes. So, let's see who wants to get us started. Maggie Sommer.

**Maggie Sommer** [00:00:22] Thank you Chair Gorelnik. I'd like to offer a motion regarding the ODFW proposals.

**Marc Gorelnik** [00:00:29] Please go ahead.

**Maggie Sommer** [00:00:32] I move the Council adopt for public review the changes to the Pacific Halibut Catch Sharing Plan for 2022 proposed G.1.a, Supplemental ODFW Report 1.

**Marc Gorelnik** [00:00:45] Thank you Maggie. And the language there appears to be consistent with your motion. It looks like it's been seconded quite quickly by Butch Smith. Please speak to your motion.

**Maggie Sommer** [00:00:57] Thank you very much. I provided a rationale regarding these changes in the ODFW report. I will just again note that most of them are intended to provide some increased opportunity and or flexibility for recreational halibut anglers in Oregon and we look forward to further review and feedback on these proposals in preparation for a Council decision in November. Thank you.

**Maggie Sommer** [00:01:30] Thank you very much Maggie. Are there any questions for Maggie or any discussion on this motion? And I'm not seeing any hands so I will call the question. All those in favor of the ODFW motion signify by saying 'aye'.

**Council** [00:01:51] Aye.

**Marc Gorelnik** [00:01:52] Any opposed say nay? Abstentions? The motion passes unanimously. Thanks. Thank you, Maggie, for the motion. Let's see if there's further discussion here or a further motion? We had I think, didn't we have some changes suggested by, or some alternatives from Washington?

**Heather Hall** [00:02:36] Thank you Chair Gorelnik. I'm just sending my motion to Sandra.

**Marc Gorelnik** [00:02:41] Great, thanks very much. Appreciate that. And then when Sandra has that we'll have that on the screen, and we'll take it up from there. So, Heather did you send it, send the motion to Kris as well as Sandra?

**Heather Hall** [00:03:35] I did.

**Marc Gorelnik** [00:03:36] Okay perfect.

**Heather Hall** [00:03:36] I could actually read it too if that's easier.

**Marc Gorelnik** [00:03:54] Well I leave that to Kris, who's in the seat here, to either put up the motion he received or simply to type in what you, what you'll dictate. So, if we could simply just type in the motion. I imagine it's rather short?

**Heather Hall** [00:04:24] Yes.

**Marc Gorelnik** [00:04:24] Why don't you go ahead Heather.

**Heather Hall** [00:04:33] Okay. Thank you. Under G.1 I move that the Council adopt proposed changes to the Pacific Halibut Catch Sharing Plan for public review as described in Supplemental WDFW Report 1 under G.1.

**Marc Gorelnik** [00:05:12] Okay Heather, is the language there accurate and complete?

**Heather Hall** [00:05:23] Yes, it is.

**Marc Gorelnik** [00:05:25] Looks like we have a second from Phil Anderson. Please speak to your motion.

**Heather Hall** [00:05:31] Thank you. I think what we came to in the WDFW report after meeting with our stakeholders reflects a balance that's appropriate for the public review process in terms of providing the opportunity for further discussion on status quo and alternatives so that the Council and the stakeholders can provide input at the November Council meeting that's based on a little more information and some good robust discussion. And that's it. Thank you.

**Marc Gorelnik** [00:06:12] All right, thank you Heather. Are there any questions for Heather or discussion on this motion? I am not seeing any hands so I will call the question. All those in favor of this motion signify by saying 'aye'.

**Council** [00:06:27] Aye.

**Marc Gorelnik** [00:06:27] Any opposed say nay? Abstentions? Motion passes unanimously. Heather, thank you very much for the motion.

**Heather Hall** [00:06:43] Thank you Chair Gorelnik. I have another motion under this agenda item and that I'd like to offer?

**Marc Gorelnik** [00:06:49] Please.

**Heather Hall** [00:06:51] All right. Thank you. This is actually speaking to the area 2A directed commercial halibut fishery.....

**Marc Gorelnik** [00:07:01] Heather that's the next agenda item.

**Heather Hall** [00:07:04] Right. I understand. I've had some discussion. This is a proposed change to the catch sharing plan.

**Marc Gorelnik** [00:07:11] Okay.

**Heather Hall** [00:07:11] So I realize it's a bit awkward, but I also didn't want to miss the opportunity for a change to the catch sharing plan that's specific to the directed fishery.

**Marc Gorelnik** [00:07:25] Okay.

**Heather Hall** [00:07:26] So, and let's see. I'll read it again. I move that the Council adopt proposed

changes to the area 2A directed halibut fishery for public review that requires all vessels participating in the directed fishery use streamer lines....streamer lines. Yep, you've got it. Coastwide whether groundfish is retained or not. So, the only change I see there, Kris, is after review I wouldn't put a period there. There you go. That's, that reflects what I intended in my motion.

**Marc Gorelnik** [00:08:54] All right Heather. Want to confirm the language on the screen is accurate and complete?

**Heather Hall** [00:08:58] Yes, it is.

**Marc Gorelnik** [00:09:00] And it looks like we have a second from Phil Anderson. Please speak to your motion.

**Heather Hall** [00:09:04] Thank you Chair Gorelnik. I realize this is ahead of the discussion on the directed halibut fishery under G.2. Had a bit of conversation with folks this morning, but maybe a little too last minute. When we talked about it in June under the Groundfish Endangered Species Workgroup I heard that it, this idea could be considered as a change to the catch sharing plan. So, and not sure that IPHC would make the change to their regulations, but... excuse me... it did seem like there's a bit of a gap in folks that are using long line for halibut gear and when they do or don't are or are not required to use streamer lines as we'll talk more under G.2. I think that could be an enforcement concern and really just wanted to close the loop on that in terms of protecting ESA-listed seabirds. And again, I believe there's more questions here, but really wanted to facilitate the public review process, get it out. I'd like to hear from the GAP in November on this. Stakeholders in Washington, Oregon and California as well, but just really wanted to make sure that the discussion could get started by offering this motion. Thank you.

**Chuck Tracy** [00:10:44] Mr. Chair... this is Chuck.

**Marc Gorelnik** [00:10:46] Yes Chuck.

**Chuck Tracy** [00:10:46] Just a process issue. I guess I would, I don't think it's quite right to vote on this without having any presentation or discussion about it in advance. So, I guess what I would recommend is that perhaps we reconsider this motion after we've had the discussion in G.2, you know, and if that means, you know, leaving G.1 open until the end of G.2 so that we can submit, you know, recommend some other changes for public review under the catch sharing plan. I think that would be maybe a little better process for this just to make sure that the information's out there. That the Council has the information that's available to make a decision on this.... so I guess yeah, so I guess my recommendation was that we table this motion and leave G.1 open, continue through G.2 to get the presentation on this material, on this subject and then take up the motion at that point. And then close out G.1 after that.

**Marc Gorelnik** [00:12:08] All right. I would agree with you. I noticed that the streamer issue is discussed in the WDFW report under G.2 so I also would feel more comfortable if we took up this motion after we've had that report. So, I'll ask our Parliamentarian whether we can, whether the Chair can table the motion or whether we need a vote to table the motion? Phil Anderson.

**Dave Hanson** [00:12:53] You should have a vote. Sorry I was muted.

**Marc Gorelnik** [00:12:58] Thanks Dave. Phil.

**Phil Anderson** [00:13:01] Well the other way to do it is just to withdraw the motion and bring it back

up under G.2. It's simpler....

**Dave Hanson** [00:13:11] It works.

**Phil Anderson** [00:13:11] As the second would concur with that, if the maker of the motion so wishes to do that.

**Marc Gorelnik** [00:13:21] All right, well Heather.

**Heather Hall** [00:13:25] Thank you Chair Gorelnik. I would be happy to withdraw my motion.

**Marc Gorelnik** [00:13:30] And Phil, do you concur?

**Phil Anderson** [00:13:31] Yes.

**Marc Gorelnik** [00:13:32] All right, great. So, we will...that motion will be deemed withdrawn but we're going to hold onto it because we'll come back to it in a moment I'm sure. So before let's see if there's any more discussion under G.1? And I will follow our Executive Director's suggestion to leave G.1 open just to be cautious. But with it open we'll move, unless I see any further hands, we will go proceed now to G.2.

## 2. Commercial-Directed Fishery Regulations for 2022

**Marc Gorelnik** [00:00:00] And so that takes us to Council discussion and action and our action here is to adopt proposed regulation changes. So, let's see who wishes to get our discussion started. And we do, of course, have that motion or we expect to see that motion from Heather again, but let's have some discussion first. Marci Yaremko.

**Marci Yaremko** [00:00:31] Thank you Mr. Chair. Yeah, I will I guess make a few points here before we consider a motion. First, I very much appreciate the discussion that has gone on in the Washington delegation and definitely appreciate the input from the Enforcement Consultants on the need for this requirement in the DC fishery. I think we have a similar view of a need for VMS requirement in the DC fishery in California. However, I'm concerned with the timing. I was kind of under the impression all along that we were proceeding with the transfer of management authority from the IPHC to NMFS in kind of a stepwise progression that we've been discussing around the Council table for quite some time. I think NMFS laid out to us what it was going to take on their end to get that transfer of authority completed. It's not so simple. And, you know, they are just beginning to build their capacity internally to have the tools needed to establish domestic measures for this fishery in rule. So, while again I am very supportive of these concepts, I don't know if the time is right to propose them for public review now with an idea that we would adopt them come November. I'm concerned about the analytical work that that might place on NMFS. Just kind of thinking this morning off the top of my head about potential analytical needs that might come with such a proposal. I believe that there are participants in the DC fishery that don't use longline gear. I believe there's some rod and reel participants, small volume folks that I wouldn't think it would be our intent to require them to use streamer lines, but I don't know. So I think, you know, given the work that would be needed between here and November, the analytical work to make sure that we explore what all would be part of such a rule, I just feel like we'd rather have NMFS proceed with the work that we've already given them to do in terms of transitioning this fishery to its own domestic authority. So, my thought would be that we see how this year goes. We continue to take note of how the DC fishery participants comply or don't comply with other measures that apply to the directed groundfish fishery and take that up at the appropriate time once we have the full suite of authorities. I'd also mention, you know, on the issue of seabirds, you know, I believe that the streamer line measures that are implemented for the groundfish fishery probably came from a rule that was commenced under ESA authority. I'm not looking at that right now so I can't say for sure, but certainly the driving force behind the seabird mitigation measures was the buy-op and the requirement that we implement that measure to be consistent with the incidental take statement. So, I don't know that the halibut buy-op speaks to seabird interaction but, you know, again I really don't know that NMFS has the resources internally to evaluate how they would implement such a rule for 2022. So that would be my suggestion is that we acknowledge the desire to look at seabird measures as well as VMS as a bigger suite of measures that we might want for the domestic DC fishery once we have the mechanisms in place to do so. Thank you.

**Marci Yaremko** [00:05:45] Thank you Marci. Heather, you raised your hand before Frank but would you like Frank to go first to respond to the NMFS issues that Marci raised?

**Heather Hall** [00:05:55] Sure. Thank you Chair Gorelnik that'd be fine.

**Marc Gorelnik** [00:05:58] All right. Frank followed by Heather.

**Frank Lockhart** [00:06:01] Thank you Mr. Chairman. Thank you Heather. So, Marci said a lot of things that I think that we agree with. We're not sure of our ability to get.....if this work, if the motion that was posted in under G.1 was re-made under G.2, we're not sure that we would be able to do the

analyses to kind of support a final decision in November and thus I think we are supportive of Marci's idea of, you know, having the subject be raised now is a good idea and potentially, you know, not take action at this point in time and but keep it under consideration for future action. In addition to not being able to have the analyses done to support a November Council decision, it's unclear to me whether we would have the analyses done to support a rulemaking for this. We, this has come up rather quickly so we've been doing a lot of discussions behind the scenes here and I won't say that we have had all the discussions that are needed, but we do believe this would require the whole suite of analyses that we normally do for something like this. We would have to look at the current buy-op. We would have to do potentially more NEPA analyses and in order to get that in place for the 22, 2022 season seems rather a big lift for us. And so I think, you know, again going back to the idea of perhaps just noting that this has been raised and perhaps adding the VMS issue as well and have some discussions on that as we go further and then perhaps we could make, take action at some future Council meeting on moving forward with streamers and potentially VMS as well. Thank you.

**Marc Gorelnik** [00:08:36] Thank you Frank. Heather.

**Heather Hall** [00:08:40] Thank you. And I really appreciate the input Frank, and the input from Marci as well. I certainly don't want to request something that's going to put a workload burden on National Marine Fisheries Service. It seems we are challenged with that enough and if, I know that there's not a lot of interaction with seabirds in the directed halibut fishery, so in terms of, you know, an ESA risk of it being a concern and something we need to address immediately, I don't think that is an issue. I do, I would really like to see this idea and the discussion continue and if it's broadened to include VMS or other issues that would improve the fishery, I think that's fine. I also wanted to note the, you know, the regulatory issues that enforcement highlighted and if, you know, any time we can reduce risk to ESA species and improve enforceability of a rule, I hope we consider that. But if this is, particularly in terms of getting any information back by November, if that's just too big of a lift I appreciate it and I will not move my motion forward again, but appreciate the conversation and do hope that as we look ahead that folks will have those conversations with their delegations so we can keep the conversation going. Thanks.

**Marc Gorelnik** [00:10:46] Thank you Heather. Phil Anderson.

**Phil Anderson** [00:10:49] Thanks Mr. Chairman. Well, I'm a bit frustrated with this but I understand the procedural, well I understand the workload issues I think that Frank brings forward on this. Obviously, we had a lot of discussion around this issue relative to the groundfish fishery and the buy-op. We know that the use of streamers can reduce the interaction between this longline gear and seabirds, particularly albatross, and there was a fair amount of focus on short tailed albatross, which are listed as endangered as we all know under the Endangered Species Act. So, I hope, I'm hoping that we can move this discussion forward in a not necessarily an expedited manner, but let's move it forward. It to me, it's nonsensical to have the same gear required to use streamers as a means of reducing interactions with seabirds and endangered species and at the same time not have that same requirement when that gear is used to catch halibut. It just doesn't frankly make any sense to me and so I'm not compelled by the argument that we ought to wait for the, what was characterized as a transfer of authority. We have the authority now to do this. We don't need to wait for that. I think we ought to put this on a timeline that we can make, that we can consider it. Get some discussion going. It'll be the same discussion we've already heard I think in large part when we consider this for our groundfish fishery. The rod and reel business, well, you know, my understanding we would be looking at this for longline gear. We're not looking at this for rod and reel gear, so if there are small operations using rod and reel for commercialization of and participation in the directed halibut fishery, that seems like an easy one to deal with. So, I'll stop there but to me we have a responsibility to look at this, and for the protection of seabird species that are taken and interacted with in this fishery. Thanks.

**Marc Gorelnik** [00:13:56] Thank you Phil. Maggie Sommer.

**Maggie Sommer** [00:13:59] Thank you Chair. I would just like to concur with everything Mr. Anderson just said. He covered everything I had to say on it and I'm in complete agreement. Hope we can move forward with considering this through the appropriate analytical and decision-making pathways and processes expeditiously.

**Marc Gorelnik** [00:14:22] Okay. Thank you. Marci Yaremko followed by Brad Pettinger.

**Marci Yaremko** [00:14:29] Yes, thank you Mr. Chair. Thank you for the discussion around the table. And I will say that at least as far as California is concerned, we will certainly commit to getting discussions going in our delegation with our limited group of DC participants. They certainly didn't alert me to any of this discussion and again it's pretty clear the GAP didn't have it either, but I am certainly supportive of keeping this on the discussion plate and the potential for some sort of out of cycle agenda item to be scheduled, you know, under agenda planning that would also involve VMS. As you heard from Ryan there in the EC report, it is likewise nonsensical to me why we would require the Pacific halibut fishery to adhere to RCA depth constraints and then similarly not require them to carry VMS. So, you know, again I think the needs for us looking at how we want to manage this fishery and our needs to implement actions that already apply for directed groundfish fisheries, I fully support that and would look forward to taking that up in some out of cycle process. Thanks.

**Marc Gorelnik** [00:16:10] Thank you Marci. Brad Pettinger.

**Brad Pettinger** [00:16:13] Yeah, thank you Chair Gorelnik. Agree with everything Phil said there. It seems to me the analysis here is, has been done and I think the only way to get through it is just refer to what's previously been done and maybe what could be looked at is basically why would it be treated any different as far as new analysis on this? I see same gear, I mean everything's the same except the fish that are being caught and so this seems to be like a pretty low.....there's not much workload dealing with this aspect of it... so... but anyway it's an important issue that we made a decision on already as far as observed, as far as gear type and I think we should keep it. Well anyway keep it in the forefront here so.

**Marc Gorelnik** [00:17:06] All right, thank you Brad. Well, we've had some discussion on items that we won't be taking up now, but hope to take up in a future meeting, but we still have action before us to adopt proposed regulation changes. So, I'll look for discussion on that topic as well as any motions folks may have. Brad, your hand is up but I think that's an artifact. Okay. Discussion or motion on the item before us? Robin.

**Robin Ehlke** [00:18:08] Thank you Chair Gorelnik. I just wanted to point out that under this agenda item in particular there are no proposed changes that any of the agencies brought forward. So, I'm not sure if we'll get one other than to just say that the current regulations that are in place for 2021 as described in the GAP report would be there for public review. So, I guess, I'm just saying it's a bit of a process question on my part whether or not the action or a motion is needed.

**Marc Gorelnik** [00:18:56] Yeah, you're right, because it's unclear to me whether if we adopt no changes whether the last seasons regs continue by default or not. Maggie Sommer.

**Maggie Sommer** [00:19:13] Thank you Mr. Chair. Certainly, I recognize the recommendations in the GAP report for continuing with status quo season regulations. As to whether or not we need to adopt that recommendation for public review now, and then in November our task will be to finalize what the Council's recommendation to IPHC will be, I guess I, too, am unclear on whether a motion is needed



for that. I think that the end result, assuming there is no different recommendation proposed by our stakeholders or Council members before November, I would think that we do want the Council to send a recommendation to IPHC expressing our support for maintaining status quo regulations next year. Not sure if those comments got us anywhere. If anyone feels a motion is needed, I could offer a brief one.

**Marc Gorelnik** [00:20:29] Well we also, we can rely on the sense of the Council, but I see Heather has her hand up.

**Heather Hall** [00:20:36] Thank you Chair Gorelnik. Well, I was just going to do what Maggie offered to do, and if it simplifies things and makes it more clear of what we'll be doing in November I'd be happy to offer a motion.

**Marc Gorelnik** [00:20:48] It's always clearer and less open to future ambiguity if there's a motion, even if the motion is simple and to say we're going to stay on the same path. So, yes, I welcome a motion.

**Heather Hall** [00:21:00] All right. Kris, are you ready? I'll just read it or I'll just say it out loud. I move that there are no changes to the directed halibut fishery season structure for 2022. That is the 2022 season would be a series of three-day openings beginning at 8:00 a.m. on the fourth Tuesday in June ending at 6:00 p.m. on the Thursday of that week. Additional three-day openings would occur every other week Tuesday through Thursday until the directed fishery allocation is obtained.

**Marc Gorelnik** [00:22:24] Thank you Heather. Is the language they're accurate and complete?

**Heather Hall** [00:22:31] Yes, it is.

**Marc Gorelnik** [00:22:32] All right. I'll look for a second. Seconded by Phil Anderson. Please speak to your motion as you feel necessary.

**Heather Hall** [00:22:47] No. I think just having a motion here to, to vote on signifies clearly what our intention is for 2022 in the directed halibut fishery.

**Marc Gorelnik** [00:23:03] All right. Any discussion on the motion? Marci followed by Phil?

**Marci Yaremko** [00:23:10] Thank you Mr. Chair. Thank you, Heather, for the motion. I certainly support it. I guess I would note that while not expressly stated here in the language of the motion, I think our action today is to put out content for public review and I believe that you're suggesting in the content that we put out for public review that we aren't suggesting any changes from the 2021 season. Just want to clarify that point. Thank you.

**Marc Gorelnik** [00:23:43] Heather.

**Heather Hall** [00:23:45] Thank you Chair Gorelnik. Yeah, thank you Marci. That is the intention.

**Marc Gorelnik** [00:23:52] Phil.

**Phil Anderson** [00:23:57] So if this motion passes does that mean this issue comes back to us in November or does that mean we've concluded this, and a letter could be generated from the Council to IPHC notifying them of our recommendation for the 2022 season?

**Marc Gorelnik** [00:24:26] Well, our action here really is to adopt for public review and so let me ask Heather if the intent of the motion here is merely to adopt this position for public review as opposed to adopt for recommendations to the IPHC.

**Heather Hall** [00:24:45] Thank you Chair. It is intended for public review. I'm not sure of the process, but if I need to amend the motion to make that clear I could do that.

**Marc Gorelnik** [00:25:03] Let me ask Executive Director Chuck Tracy if we need to, if someone needs to amend the motion to make clear that this is for public review?

**Chuck Tracy** [00:25:12] Thank you Mr. Chair. Yes, I believe we do.

**Marc Gorelnik** [00:25:14] All right. So, we'll look for an amendment, which I don't.....well, can the maker of the motion offer the amendment?

**Dave Hanson** [00:25:24] Mr. Chairman. No.

**Marc Gorelnik** [00:25:25] Yeah, I didn't think so. So... Marci Yaremko.

**Marci Yaremko** [00:25:29] Thank you Mr. Chair. I'll give it a go. In the language above, so I'm going to start at the beginning. I move that, and then I'd like to insert text after the word 'that'. There you go. Materials put out for public review by the Council propose, and that should do it.

**Marc Gorelnik** [00:26:21] Thank you Marci. Is that, well it seems to be exactly what you dictated. So, if that's okay with you as it appears, then I'll look for second?

**Marci Yaremko** [00:26:34] Yes, it's, it appears correctly.

**Marc Gorelnik** [00:26:36] All right. Heather Hall, are you raising your hand to second this or let's go to Virgil Moore for the second? Please discuss your amendment as appropriate.

**Marci Yaremko** [00:26:50] I think we covered it in the discussion just to clarify public review.

**Marc Gorelnik** [00:26:55] Any questions for the maker of the motion, or maker of the motion to amend? Not seeing any I will call the question on the motion to amend. All those in favor say 'aye'.

**Council** [00:27:09] Aye.

**Marc Gorelnik** [00:27:09] Opposed, no? Abstentions? The motion to amend passes unanimously. We're back to the main motion as amended. Is there further discussion on the main motion as amended? Not seeing any hands, I will call the question on the amended motion. All those in favor say 'aye'.

**Council** [00:27:36] Aye.

**Marc Gorelnik** [00:27:37] Opposed, no? Abstentions? The amended motion passes unanimously. Thank you Heather and Marci. So, let me ask the Council if there's any more action on Agenda Item G.2? And I'm not seeing any hands. We also left Agenda Item G.1 open, so I'll give a last call for any Council discussion or action on G.1? And I'm not seeing any hands, so I'll go to Robin Ehlke and make sure that we have taken care of our action under these two agenda items.

**Robin Ehlke** [00:28:31] Thank you Chair Gorelnik. For Agenda Item G.1, the catch sharing plan, we've

adopted for public review the proposed changes put forward by both Washington and Oregon as seen in their supplemental reports under that agenda item. So, the work there is done. For Agenda Item G.2, which is the commercial directed fishery, the Council has made a motion to, for public review that the 2022 season remain consistent with the structure that we saw in 2021, which is outlined in the GAP report. And we've had a good discussion about the use of streamers, and I hear that there is strong interest in making sure that that stays on our radar and that we are able to take future action on that. And with that I would say I would be more happy to facilitate or accommodate any discussions on that in the future. But with all that said I think we have also completed our work under G.2. Thank you Chair Gorelnik.

**Marc Gorelnik** [00:29:49] All right thank you very much, Robin, and thank you to the Council for getting those two agenda items done quickly and under budget.

## H. Ecosystem Management

### 1. Fishery Ecosystem Plan Five-Year Review

**Brad Pettinger** [00:00:00] That concludes public comment which takes us to Council action, which is to review the revised draft fishery ecosystem plan and provide guidance. With that I'll turn to Pete Hassemer. Pete.

**Pete Hassemer** [00:00:18] Thanks Mr. Vice Chair. I won't be shy in kicking this off here. I think I'll start by just making some more general comments on the SSC review and as always, I'm going to start with some high praise again for the thought and the work the workgroup has put into this report. I think it's always an amazing work product that they bring to us and it's an excellent document. I Especially want to....I noted the comments of the GAP, in the GAP report when they said they were also impressed by the breadth of information in the report. It's well written, easy to understand and an important distillation of a number of factor so.... and across the board from the other advisory body management teams, I think they all recognize the quality of the work. With respect to the recommendations, we received from the advisory bodies and the management team, I am, I support those recommendations. I think they're all good ones and a number of those can easily be incorporated into the report. I do have concerns, though, with the comments maybe across the advisory body and management teams with respect to suggested changes or additions to the Chapter 5 in this report, which is new to us. It's not that I disagree with the importance of them. I think was an excellent thought. Those are excellent ideas to bring forward in and incorporate it. My concern stems from two things. One of them is the workload. It creates the workgroup.....(audio break up).....prepare a draft for public review if that is our calendar that we're going to.....(audio break up).....

**Brad Pettinger** [00:02:50] Pete. You're kind of.....we're listening to you there through that, I mean, it's getting worse it sounds like. I'm not sure why.

**Marc Gorelnik** [00:03:04] Sounds like a bandwidth problem.

**Brad Pettinger** [00:03:05] Yeah, Pete, you're having issues there coming across.....not very good. I'm not sure what's...

**Pete Hassemer** [00:03:05] Am I still with you?

**Brad Pettinger** [00:03:48] I got you there.

**Pete Hassemer** [00:03:52] Okay, is that better?

**Brad Pettinger** [00:03:54] Yes.

**Pete Hassemer** [00:03:56] All right, well I switched routers here on the computer and it didn't seem to drop me, so I'm going to try this. So anyway, I will, hopefully I'm not going to repeat what I said before. Hopefully you understood some of that. It's just the concerns about the workload associated with recommendations to changes in Chapter 5 and across the board I was saying the management teams and advisory bodies, I didn't see them note any deficiencies or errors or problems with Chapter 5. Their recommendations were more on the lines of building it or we would be better to include this. Those were all good suggestions. So again, it seems like a big workload and I'm not going to call Yvonne back up at this time to see if the workgroup had a chance to look across all those recommendations and make a determination of how much work that would be. So, one thing is the workload. The second thing is if these things are incorporated and if we were to adopt or we adopted the recommendations and pulled

in and instructed the workgroup to go ahead and include those recommendations, the advisory bodies for Chapter 5, if, as per their recommendation, we were going to then approve this for public review the substantive changes to Chapter 5 that the Council would not see that potentially would be going out for public and review, and because of the extent of those, I feel like I'd have a look at them. As I thought about this, to me a solution is to save all those recommendations relative to Chapter 5 and think about the next process. This is a five-year review that started in 2018. Not to scare anyone. I think the next five-year review would start in 2023 and we have a good Chapter 5 that is not deficient. Is it important to build that even better at this time in a hurried process or take more time in the next review to really dig into those recommendations and improve the next version of this with respect to that so take more time for that. So again, I support the other recommendations, but I'm just expressing my caution about how far we go with all the recommendations on Chapter 5 at this time. So I'll stand down and hear what others have to say. Thank you.

**Brad Pettinger** [00:07:08] Thank you Pete. Frank Lockhart. Frank.

**Frank Lockhart** [00:07:13] Thank you Mr. Vice Chair. And maybe I'll start off by making a statement and then I'll, I think I can answer a couple of comments on Pete's comments so. General statement just echoing his praise for both the Ecosystem Workgroup and the work they have done, as well as the quality of the comments we receive from the advisory bodies. I think it was all very well done. This entire process I think it has shown the kind of importance of this issue to all of the FMPs and all the advisory bodies and they've taken their job very seriously in playing a role in the revision of the FEP. So, I think it's a very, very good product, both from the, as I said from the Ecosystem Workgroup as well as the advisory bodies. So, a couple of comments that Pete made and maybe I can just answer. So, as you can imagine chatting back and forth during the comments and I think the Ecosystem Workgroup Chair, Yvonne feels comfortable with the workload with regards to Chapter 5. So that's perhaps not an issue. Secondly, some of the other comments on the changes. I guess a couple of things. The Council will have another chance to kind of look at the changes in March, so our decision here is getting close to final, but it is not final, so you could potentially change based on the edits to the FEP that are done. Secondly, the workgroup can highlight those changes so it's obvious and so that Council members can know exactly what changes they are. And I think that in making their edits, they would be trying to make the edits in a non-substantive way, the meaning they don't want to make substantive changes. And so, I think I would be comfortable moving forward right now and knowing that we can make a final decision in March and kind of trust the Ecosystem Workgroup to do, to continue their excellent job they've been doing on the FEP. Thank you.

**Brad Pettinger** [00:09:53] Thanks Frank. John Ugoretz. John.

**John Ugoretz** [00:09:59] Thanks Mr. Vice Chair. I think I'm agreeing with Mr. Lockhart in his assessment that the Ecosystem Workgroup could make the changes and edits that the various groups have recommended for Chapter 5 prior to releasing a draft for public review and I would be comfortable with them making those changes knowing what was recommended in the reports we've seen. And then, as Frank indicated, reviewing a final document in March that is reflective of those edits, responsive to public comment and something that we can bless as final. One other comment about something Mr. Hassemer said. I would hope that our next five-year review of this FEP commences five years after we finalize it in March or after March, if it has to extend past that. I certainly hope that we're not considering initiating a five-year review from the point that we initiated this five-year review based on how long it's taken. So maybe that's something that needs further discussion, but I think we should get this to the finish line, let it sit and consider another major update five years after that point.

**Brad Pettinger** [00:11:38] Thank you John. Corey Ridings. Corey.

**Corey Ridings** [00:11:41] Good afternoon. Thank you Mr. Vice Chair. I want to echo Pete and Frank here. There was a lot of hard work done by the EWG and it's really visible. When I first started coming to the Council it was as a fangirl of the EWG and so I've seen from a long time how much hard work they've done and this is really a pretty major accomplishment. So kudos to everyone who's been part of that. I think the Chapter 5 revisions look overall really solid. This is really a key part of the overall FEP and if anything, I wish it was longer. It's just a really thoughtful look at how ecosystem science is brought into the Council process. The Executive Summary that Yvonne mentioned, I think that's a really great idea. It's going to be helpful for translating what is a thoughtful but still somewhat thick document for folks to read. Nice pictures on the internet I think always help and that will hopefully make it more digestible for a larger range of the public to be able to use and understand what the Council is doing here. I also support sending the document out in its entirety for public review. I heard widespread support for this among the advisory bodies and echoing Pete's comments that I thought the advisory body and management team suggestions were on whole all very good and good to hear Frank say that it's okay to move forward with that and the EWG is comfortable with that workload. In line with some of the other things that the EWG brought up, definitely support moving ahead with the standalone document. The PFMC guidance on activities in the California Current Ecosystem. Read support for that and heard support for that from the advisory bodies and I think that's an important piece that we should keep moving. And lastly, thinking about the potential initiatives in the appendix, I certainly support adding both of them. I think maybe as mentioned by public testimony, I'm curious what other Council members have to say about this, but if we want to sort of put that on hold and discuss the climate item sort of under our next agenda item, but I also support the concept around tracking ecosystem goals and objectives and going ahead and adding that to the appendix here. So, thanks and I'll leave it at that.

**Brad Pettinger** [00:14:33] Thank you Corey. Caren Braby. Caren.

**Caren Braby** [00:14:38] Good afternoon everybody. I don't want to be redundant, but I think there's been a really good discussion. I agree with all of the comments, especially the thanks to the EWG for great work. I like where we're going with Chapter 5 revisions, which I would characterize as a simple integration of the feedback we've gotten up through today but to prioritize getting the document out for review. And somewhere, but I can't put my finger on it, I think there was a suggestion from the EWG to review the FEP somewhere in the order of 2029, not 5 years. So, I think a longer period of time to that review sounded like a reasonable approach to me and support John's suggestion that we talk about that a little bit more. Not necessarily today but keep in mind what, what we want in terms of bringing that back to us after it's finalized in this round. That's all I have. Thanks.

**Brad Pettinger** [00:15:52] Thanks Caren. John. John Ugoretz.

**John Ugoretz** [00:15:52] Thanks Mr. Vice Chair. Something Miss Ridings said reminded me of my question to the EWG during their presentation just now, and that is in regards to the Executive Summary. I also appreciate the concept of an online picture heavy summary of this plan. I think there needs to be a standalone written Executive Summary as well that could be attached to that website. I think while the plan does a great job of distilling information in a way that is relatively accessible to the public, I think that a hundred- and twenty-page document may be too much for many people to digest and that some kind of written Executive Summary would be useful. So, something to think about. It could be an assignment for March. It could be something to prepare once we've adopted the final plan. And definitely agree with Caren about the timing and the fact that we can discuss timing of the next review once we adopt a final plan.

**Brad Pettinger** [00:17:14] Thanks John. Corey and Caren, you still have your hands up so that's an artifact of the previous discussion. Corey.

**Corey Ridings** [00:17:26] I'm sorry Mr. Vice Chair. I'll take that down.

**Brad Pettinger** [00:17:27] Okay. No problem. Frank Lockhart. Frank.

**Frank Lockhart** [00:17:32] On John's last comment, I guess, you know, I'm intrigued to see the kind of Web based Executive Summary and I think I like towards the end John was talking about maybe we can look at that and in March if we decide something more, I don't know what the word is, traditional or written Executive Summary, maybe we make that decision then when we approve the document itself and so I think I'd be comfortable going down that road. Just kind of wait to see and then make a decision in March.

**Brad Pettinger** [00:18:17] Okay. Thank you Frank. Further discussion? Frank, your hand's up. Okay anyone else? All right, we've had some good discussion and some good guidance here, I think. Peter had some concerns about the Chapter 5 but Frank it sounds like Yvonne is comfortable with moving forward. Pete, a question or a comment?

**Pete Hassemer** [00:18:54] Yes, thank you Mr. Vice Chair. I just wanted to maybe clarify them. I did express those concerns, but, you know, as Yvonne gave her report, I had looked at all the advisory body and management team reports to that and it looked like a big chunk of work and I didn't think it was appropriate to ask her at that time before the report what she thought about the recommendations. But I appreciate Frank providing that feedback that the work is ready to take that on and as I stated, I think it's excellent work, excellent information that should be included. My concern was about the workload but if they're willing, you know, and they're ready to take it on, then we should move ahead with that. So thank you.

**Brad Pettinger** [00:19:42] Very good. Thank you Pete. Okay well it sounds like the good work there, the thoroughness of that makes this for a pretty easy, fairly easy Council action. I guess right now I'll go to Kit. Kit, I think we have all we need. You want to just recap for us?

**Kit Dahl** [00:20:06] Certainly Mr. Vice Chair. So, the Council has given some general guidance essentially directing the EWG to take into consideration the range of useful comments that have been received from various advisory bodies and revise the FEP, draft FEP accordingly. I presume that you grant the EWG some discretion in addressing those comments and we'll move forward to try and get a public review draft out this fall. Hopefully we can get that out in October and have a period for, for some public review and feedback that could potentially then be addressed in March. So, I think the EWG has the guidance they need. I get the one perhaps outstanding question I had is in terms of the process for the initiative's appendix and incorporation of any new initiatives that EWG had proposed, a couple you'll be talking about that I think quite a bit more under the next agenda item. I'm not sure. Maybe this is a bit in the weeds, but whether you would expect some sort of revised appendix document or just sort of some concepts more just maybe fleshed out in described a little more detail that you could then consider in March and take action at that time to incorporate into the appendix? I'm not sure that there's a big distinction between those two. It's perhaps just a question of how you would like to see them packaged. But other than that, I think the EWG has the guidance they need to move forward on this.

**Brad Pettinger** [00:22:30] Okay. I see Caren has her hand up and I'm sure she'll give a little more guidance here now. Caren.

**Caren Braby** [00:22:30] Yeah, thank you Mr. Vice Chair and thanks for the question and pointing that out Kit. My personal preference is that in March of 2022 we have a revised list of initiatives that includes both the concepts introduced during this agenda item and any that are identified and agreed to

by the Council in the subsequent Agenda Item H.2 under the Climate and Communities Initiative. So that's my preference.

**Brad Pettinger** [00:23:08] Okay. Thanks Caren. Anyone else? Okay Kit, you got that, right?

**Kit Dahl** [00:23:18] Thank you Mr. Vice Chair. Yep, heard that and we'll proceed accordingly.

**Brad Pettinger** [00:23:25] Okay. Well, that sounds to me like we're done on H.1. And seeing no hands and I'll have you take us to H.2.

**Kit Dahl** [00:23:35] Okay thanks again. I'll read the situation summary, it's short. At it's September 2017 meeting the Council embarked on the.....

**Chuck Tracy** [00:23:48] Hey Kit, can you hold on a second. Mr. Vice Chair?

**Brad Pettinger** [00:23:50] My bad Chuck. I'm supposed to go to you, aren't I?

**Chuck Tracy** [00:23:54] Yeah thanks. I just wanted to mention, I know that every Council member that was involved in those marine planning letters is on the floor right now but I did just want to mention that they have been emailed out for quick response approval and so I don't know if there will be time for you to take a look at that, those updated drafts, but to the extent we could we would like to be able to get those out this afternoon. So, I don't know if we might need to take a short break at some point to let people do that or not. But maybe I'll just see how it goes in terms of the responses we get across the board and if necessary, maybe we can take break sometime before say 4:30 or something like that. Thank you.

**Brad Pettinger** [00:24:52] Thanks Chuck. Duly noted on the break.



## 2. Climate and Communities Initiative

**Brad Pettinger** [00:00:01] Thanks Melissa. That takes care of the public comment and takes us into Council action, which is before us. So, the outcomes the Fishery Ecosystem Plan Climate and Communities Initiative and provide guidance on the development of related future activities and identify related candidate initiatives. With that, I will open up the floor for discussion. Corey Niles. Corey.

**Corey Niles** [00:00:30] Yeah thanks Mr. Vice. Chair. If you, at your discretion here, I totally missed the chance to ask the SSC a question if Dr. Holland's still around and willing, I had a quick question for him.

**Brad Pettinger** [00:00:47] Dan, are you there?

**Dan Holland** [00:00:49] I'm still here. Yep.

**Brad Pettinger** [00:00:51] Thank you. Corey.

**Corey Niles** [00:00:54] Yeah thanks. Thanks Mr. Vice Chair. Thanks Dan. And so, on your last paragraph there I'm just, where you're offering, the SSC offers help. Just wondering did you have ideas on how that specifically might happen, like putting someone on the EWG or just informal communication or more of a... if you ask, we shall serve type of statement?

**Dan Holland** [00:01:19] I think it was more the latter. If you ask, we shall serve. I don't think we had anything specific in mind, just that if there was more work, we're happy to engage.

**Corey Niles** [00:01:30] Okay. Thank you for that.

**Brad Pettinger** [00:01:33] Thank you Corey. Caren.

**Caren Braby** [00:01:33] Thank you Mr. Vice Chair. I just wanted to start with just a reflection on what we have heard today. I am just, to be honest I'm just blown away by the amount of great ideas and embracing of the Climate and Communities Initiative that we've heard today, the detail of comments that we've heard and I'm just grateful for this initiative really sparking this momentum and interest in how climate change could be impacting, in the future could impact our fisheries, our communities, our ecosystem. And I think that was the spirit with which this initiative was started in the first place. Was looking to really challenge the Council family to come up with ideas of how this was going to challenge us and, and start the process, the long process of figuring out a path forward. And so, I'm just, I'm starting on this discussion just being grateful for that amount of commitment and discussion we've had today.

**Brad Pettinger** [00:03:10] Thanks Caren. John Ugoretz. John.

**John Ugoretz** [00:03:15] Thanks Mr. Vice Chair. And echoing somewhat what Caren said, I think that the number and quantity of or the content of the reports that we got today shows how important this is. I think I appreciate the fact that all of the advisory bodies and members of the public that spoke took this as an opportunity to see what's next, which is really what the Core Team was asking for in our report. And I think as our report indicated and as some of the other people have indicated, there's still a lot of work to be done moving from this point. I think that we've got a great asset in our Ecosystem Workgroup and in Ecosystem Advisory Subpanel and their ability to actually take on that work. And

so, I will reiterate the recommendation made in our Core Team report that the Core Team need not be leading this charge at this point and moving forward. And I also think that the next step is not necessarily a continuation of the Climate and Communities Initiative, but rather selecting the most important topics that the initiative has unearthed and moving forward with them either as initiatives or as work by the Council and its advisory bodies. And so, you know, kind of voicing my hope that we can move forward in that vein and see this through so that we're moving on to the next initiative perhaps starting early next year.

**Brad Pettinger** [00:05:09] All right John, thank you. Further discussion? Corey Ridings. Corey.

**Corey Ridings** [00:05:17] Thank you Mr. Vice Chair. I just wanted to also note how much work and thinking, and time and resources have gone into this initiative so far. The scenario planning process was really a novel tool and the Council jumped in and folks from the Council family and stakeholders jumped in and the product we have from that as well as the conversations, as John just mentioned today, the reports today are amazing in terms of really a large and extensive and thoughtful body about what climate change may mean for our fisheries and our fishing communities. So, I'm really hoping that we can take action and move on that. And I, hearing what John just said, I absolutely support transferring leadership to the EWG in some capacity. They have obviously proven that they are very capable of taking on subjects as complex as this and doing a nice job, bringing good materials back to the Council so would support that. Also because of sort of this amazing body of work that exists and knowledge that the Council has now put together, I think something that we're missing is a proper, I guess what I'll call sort of a summary report. And I think in some way it would be nice, and I know various different people have talked about doing this but putting something a little bit more in depth that we can have as a resource to look at however we move forward. I'm not sure if Mr. Star is the right person for that, but something to really put a nice, have something that we can put on the shelf and look at and have a good resource for this Council as well as other groups moving forward as this Council has shown tremendous leadership on this topic. So, I'll leave it at that. Thank you.

**Brad Pettinger** [00:07:36] Thanks Corey. Further discussion? And Corey, your hand's still up. Okay Corey Niles. Corey.

**Corey Niles** [00:07:36] Yeah thanks Mr. Chairman. While folks are thinking if I could ask a question that came to mind after hearing that the CPS folks bring it up, but if Frank wouldn't mind, I'm putting him on notice here. You know part of this initiative when we started it was going to include a look at the climate vulnerability analysis that NOAA fisheries was putting together and here we are, and I'm pretty sure that has not been published. Did you have any updates on if that's still coming out and when?

**Frank Lockhart** [00:08:34] The plan is for it to come out, but I can't say anything about when, so I think given the interest of the Council I will make sure that I go back to the Science Centers and will be able to report back at some time to the Council.

**Corey Niles** [00:08:54] Thanks Mr. Vice....just a quick....okay thank you, Frank, and I should say nicely said by John, Caren and my fellow Corey up here. I agree the next steps are happening or the key question and that, Frank, is a key next step that we've been waiting for so I would appreciate that.

**Brad Pettinger** [00:09:16] Thanks Corey. Further discussion? Caren Braby. Caren.

**Caren Braby** [00:09:19] I don't want to cut off Council discussion, but I do have a motion for consideration if we're at that point.

**Brad Pettinger** [00:09:31] Oh, we love motions. So, hold off here for a second maybe and see if

anybody else wants to put their hand up? Well, I guess you can put your hand back up Caren.

**Caren Braby** [00:09:52] All right, thank you. I believe that Sandra has this prepared, and I will read it into the record. I move that the Council task the EWG to resume the lead role for FEP work, including any additional actions necessary to complete the Climate and Communities Initiative. Task the EWG to produce a list of potential tasks resulting from the Climate and Communities Initiative for the Council to consider during the March 2022 meeting. In building the list include the following: Content from the tasks listed in the CCCT report. Input from AB reports today, and consideration of public comment. Organization of tasks should include structures such that it is clear whether a task would be directed towards either integration into core FMP work to be done in the course of FMP business by the Council and advisory bodies, or addition to Appendix A of the FEP as a potential future initiative or other Council relevant tasks that are outside of the first two categories here, for example collaborations or requests for information. Lastly, prioritization suggestion for each potential task and rationale for prioritization.

**Brad Pettinger** [00:11:33] Okay thank you Caren. That language on the screen accurately reflect your motion?

**Caren Braby** [00:11:38] It does. Thank you Mr. Vice Chair.

**Brad Pettinger** [00:11:42] Looking for a second? Seconded by John Ugoretz. Okay Caren, speak to your motion please.

**Caren Braby** [00:11:55] Without repeating some of the Council discussion, I just do want to say again how impressed I am with the level of conversation we've had today about this initiative and the willingness and readiness of the Council family to take the next steps forward on this path. This Core Team Report provided the outline of tasks as a draft and was organized around science, management actions and collaborations. And we have received numerous very specific ideas about how to augment that list in the AB reports today. And unfortunately, much of them were just posted today and so in consideration of the complexity and detailed nature of all of this information, I think asking the EWG to further make sense of all these great ideas and categorize them for Council discussion is the best way to move forward today. The Core Team has recommended that our work is done. We were brought together specifically to guide the scenario planning process and so after this agenda item today, if this motion is adopted by the Council, I would suggest that we move forward to disband the Core Team during E.6 at this meeting. It's not for decision today, but just as a suggested path forward. And the Core Team has recommended that the EWG and the EAS resume leadership and they have graciously agreed to do so and so this motion reflects that transition. As stated during the last Agenda Item, H.1, I think that we have potential for additional initiatives within the Climate and Communities Initiative itself that could be appended to the FEP Appendix A and under that agenda item I suggested that we integrate information both from H.1 and H.2 at this Council meeting into a revision of that document for Council consideration in March. And I just want to note that in reflecting on the comments today and whether particular tasks, a particular task moves towards an initiative or integration into Council action, I just want to go back to our FEP Initiative number 2, which started as an initiative but has turned into an iterative collaboration between NMFS and the Council and that work is certainly not done, even though the initiative ended a number of years ago. And so, it's with this in mind that I, I think we're ready to put a bow, so to speak, on the ideas that have come forward so far in the Climate and Communities Initiative, recognizing that what we've gotten is a collection of ideas on how to move forward and we have a lot of work to do to fully consider those and fully implement those moving forward. That's my rationale Mr. Vice Chair.

**Brad Pettinger** [00:15:48] Okay very good. Thank you Caren. Discussion on the motion? John

Ugoretz. John.

**John Ugoretz** [00:15:59] Thanks Mr. Vice Chair and thanks Caren for the motion. I'll certainly be supporting it and just wanted to sort of reiterate and point out that there is considerable overlap between the finalization of the fisheries ecosystem plan and some of the work surrounding that, as well as the finalization and moving forward with climate and communities and the next steps there, and I think having all of this come back to the Council for the last decision making in March makes total sense to me, and it gives us the opportunity to then pick the next steps.

**Brad Pettinger** [00:16:42] Thanks John. Phil Anderson. Phil.

**Phil Anderson** [00:16:47] Yeah thanks Mr. Vice Chair, and thanks Caren for the motion. I have two questions. One is, was there any consultation done with Yvonne and the EWG relative to their ability to do this work over the time frame in which it is provided here at the March Council meeting? That's my first question.

**Brad Pettinger** [00:17:22] Caren.

**Caren Braby** [00:17:22] Thank you. Through the Vice Chair. Great question and I have not had direct consultation with Yvonne, although I do know directly from her that there will be prioritization of further consideration of the scenario planning process by her specifically. It's a great question and I think expectations on what would be brought back to Council should be set relative to her feedback and the EWG's feedback on that. So thank you.

**Phil Anderson** [00:18:06] Before I move to my second question Mr. Vice Chair, I wonder if it would be permissible to ask Yvonne to respond to my question?

**Brad Pettinger** [00:18:18] Sounds reasonable. Yvonne.

**Yvonne deReynier** [00:18:18] All right thank you Mr. Anderson and Mr. Vice Chair. So, we can try and it's a lot of stuff and there are a lot of different excellent comments from the different advisory bodies so we can, and so we'll do what we can. And I think, let's see if I remember, the Ecosystem Workgroup in our report under the fishery ecosystem plan had already proposed a couple of potential initiatives, not fully laid out, but we were already thinking that you might be interested in seeing some future initiatives in the FEP appendix so at least some of this work was on our task list.

**Phil Anderson** [00:19:06] And if I may, Mr. Vice Chair, my second question. Yvonne may be the best one to answer it. And that is as you look at these various tasks and as you prioritize those, will you also be able to assign a categorization of the workload associated with the task, even if it's as rough as high, medium and low?

**Yvonne deReynier** [00:19:38] We can try.

**Phil Anderson** [00:19:44] Okay.

**Yvonne deReynier** [00:19:45] Thank you, we'll make it out of it.

**Phil Anderson** [00:19:50] Thanks Mr. Vice Chair for allowing me to ask those questions and for allowing Yvonne to provide a response.

**Brad Pettinger** [00:19:59] Well thank you Phil for those questions. Adds a lot of clarity here. Caren.

**Caren Braby** [00:19:59] Yeah thank you Mr. Vice. Chair. The other question mark about EWG capacity and expertise, of course, was raised by EWG and has been for a number of years in terms of membership. And I think under E.6, we would want to bring up the issue of whether the EWG has specific requests for augmentation of membership. So, I just flag that as something that's on my mind.

**Brad Pettinger** [00:20:40] Thanks Caren. That's a good point. Phil Anderson. Phil.

**Phil Anderson** [00:20:40] I think this is just my last question that I, I know I'm pretty sure I know the answer to but, you know, these, this initiative is a big one and it is at least from my seat on a fairly fast track, and I just want to make sure that it will be part of the workload planning discussion, not only at this meeting but at future meetings because we obviously, the Council has a lot of obligations and responsibilities to manage fisheries including things around stock assessments and other things that are, that go play into that and we have a finite capacity to do all that work and I'm not trying to throw any cold water on anything, but that capacity is finite and as we take on significant new projects and initiatives we need to keep that in mind. Thanks.

**Brad Pettinger** [00:22:04] Thanks Phil. It's a great point. Okay, further discussion? Corey Ridings. Corey.

**Corey Ridings** [00:22:14] Thank you Mr. Vice Chair. Just something in relationship to what my fellow Corey said, and I think Phil is getting out there a little bit, was thinking ahead to prioritization, and there's always going to be I think with climate change, there's just so much work to be done that there's always going to be prioritization with part of the thinking and the work that the Council has to do around that. We heard a little bit earlier today under groundfish items and thinking about that in terms of the productivity and stability assessments that happen and sort of marrying that with the climate vulnerability assessments that are soon to be coming from NMFS and wondering if maybe there's something that NMFS could provide for the Council as a product to help the Council think through that in terms of prioritizing its stocks at a macro level to pay it's time and attention to. I'm just putting that out there.

**Brad Pettinger** [00:23:33] Thanks Corey. Further discussion? Comments? Corey, your hand's still up. All right, well if I don't see any hands we're going to call for the question. So, with that, all those in favor signify by saying 'aye'.

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

**Brad Pettinger** [00:24:00] Opposed? Abstentions? Motion passes unanimously. And with that I'm going to turn to Kit and say... Kit, how are we doing here?

**Kit Dahl** [00:24:16] Thank you Mr. Vice Chair. I think you're doing pretty good. So, you have had a useful discussion and a motion that provides direction to the EWG to, I guess you could say, take all of this advice. A lot of it keyed off of the Core Team's report but a lot of ideas generated by other advisory bodies or commentary on the ideas and the Core Team report, so there's probably a task there as you have outlined for the EWG to wade through this and kind of refine things down and come back with sort of a more refined list of proposals prioritized, perhaps some estimate of the relative level of workload associated with those and that could set the stage for some decisions you would take in March. As to where to go next? I think a good point was made that there is sort of a convergence here potentially between the follow-on activities and implicit conclusion of this initiative and also the finalization of the revised FEP. There's a lot of, sort of, cross connections there. I guess the one thing I would mention in that regard is, you know, the FEP does have, sort of, does maintain a list, a descriptive list of completed initiatives distinct from candidate initiatives. So, you know, from the discussion I had the sense that the

Council was comfortable with saying that the Climate and Communities Initiative is completed in the sense of that a task as monumental as this could be completed or could never be completed, in any case that I would expect I guess I would say that the Ecosystem Workgroup and their work might sort of incorporate that into the description of initiatives or completed initiatives in the FEP as part of their drafting work. So, with having said all that, I think you've completed your business here and provided some valuable guidance and we'll try to tackle this and come back in March.

**Brad Pettinger** [00:27:11] Okay, thank you, Kit, and thank you everyone for getting through this in a somewhat timely manner. It's a little late but I'm going to pass the gavel back to our Chairman and let him send us off.

# I. Habitat Issues

## 1. Current Habitat Issues

**Brad Pettinger** [00:00:00] So... Council discussion and action if any. So, looking for a hand and Caren Braby. Caren.

**Caren Braby** [00:00:12] I feel like I want to jump into Council discussion on kind of the, this issue around the oil rig letter and what issues we send, so to speak, or request of Habitat Committee primary engagement versus the Marine Planning Committee as primary engagement. And I very much appreciate Lance's explanation of some of the fisheries impacts and there is clearly a spatial use conflict component to this and so I'm, you know, I understand the Habitat Committee's concern about there being kind of split on that particular issue. That said, I'm still seeing that the Habitat Committee has the expertise for the benthos and in the absence of a Marine Planning Committee, this would be squarely in the Habitat Committee's court so to speak and would, their opinions and their drafting of a comment letter would then engage the other advisory bodies from Council to provide fisheries perspectives on that. I'm also considering the fact that the Marine Planning Committee is new, is still getting their feet under them and that offshore wind is a huge issue for them, and I am concerned about having them focus on more than one topic at the outset. So those are just some thoughts for me about that particular issue, but I'm just, I'm really interested in Council discussion on that and how we can clarify those roles and if we can come to some agreement about initiating an oil rig decommissioning letter.

**Brad Pettinger** [00:02:37] Thank you Caren. Marci Yaremko. Marci.

**Marci Yaremko** [00:02:37] Thank you Mr. Vice Chair. Thank you for the discussion on this topic of the oil rig decommissioning letter. I think we had tasked the Habitat Committee with preparing this letter back in June and I think it didn't come together because there weren't enough resources on the HC to get it done and over the finish line in time to meet the comment deadline, at least that's kind of what I understood kind of happened. Now we have a reprieve and we'll be able to submit comments. It sounds like there's not certainty yet on the deadline, so that's one question that I have still, but at least internally within our CDFW Staff that participate on the Habitat Committee and also on the Marine Planning Committee, our thought was presuming this is still a quick response process letter, our Habitat Committee member would take the lead on getting that letter kind of produced borrowing from content that we might be looking at for a state agency letter submission. But I think I would note that on the question of specific fisheries impacts and discussions and specific recommendations, I don't think that we've.....I think we're prepared to work on a kind of a high-level letter that may not have the specificity that folks are interested in seeing and I think it's much like the discussion with the Marine Planning Committee letters earlier. You know the Council hasn't had a lot of discussion about what specific advice it would like to give in such a letter. So at least our Habitat Committee member and our Marine Planning Committee member were planning to participate in the crafting of this draft Council letter for the quick response process, but I think I'd note that, you know we expect it to be more of a high-level letter and maybe not have as much specificity as some might like to see.

**Brad Pettinger** [00:05:23] Okay, thank you Marci. Jennifer Gilden. Jennifer.

**Jennifer Gilden** [00:05:27] Yes, Mr. Vice Chair. Based on the information I have the letter deadline is actually September 30th, so it's fairly imminent.

**Brad Pettinger** [00:05:45] Okay. That's good to know. Thank you. Corey Niles. Corey.

**Corey Niles** [00:05:52] Thanks Mr. Vice Chair. Yeah, and that does sound imminent Jennifer. But just  
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going back to.... thanks Caren and Marci, and Marci, I think I understand the proposal, but I would agree, well especially with the timeline but even more so this is as far as I know, the oil rigs are all Southern California and I can't think of a Council fishery that has a lot of like a trawling fishery in any of the Council's fishery management plans that happens in that area. I could be wrong, and I don't know of the fisheries of Southern California, but it seems to me Marci, and excuse me if I'm wrong, but it seems most of the fisheries that would be subject to spatial conflicts would be managed by the state. I'm sure the CPS fisheries are the ones I can think of in the Council's purview. But, yeah, I would echo Caren's.....as a member of the Marine Planning Committee I echo that we are getting our feet under us, so I appreciate... I think I'm just supporting Marci and Caren's thoughts.

**Brad Pettinger** [00:07:01] Okay, thank you Corey. Marci Yaremko. Marci.

**Marci Yaremko** [00:07:01] Yeah, thank you Mr. Vice Chair. Thank you, Jennifer, on the deadline clarification. Eric had mentioned that to me. It just had escaped my memory. But it does sound like he and his staff in conjunction with our MPC member are working to get something available and through channels for review in short order. In terms of the fisheries involved, Corey I haven't looked exactly at these sites but certainly we have a nearshore groundfish fishery that is federally managed. I mean whether in name or not, its groundfish stocks are federally, you know, we establish specifications for these groundfish stocks. We do have open access exempted trawl activity in these areas. The primary target is California halibut, sea cucumber and ridgeback prawn, but they do also incidentally take open access groundfish under the open access trip limits that are authorized for those fleets. You're right the CPS fisheries are certainly a factor and worth considering and not sure about HMS and the locations, but in any case I think it is a, it's fair to say it's a mix of state and federal fisheries that would likely be impacted. But again, for purposes of a Council letter, I am not expecting that we will be preparing a letter that has a lot in the way of specificity when this comes through the quick response process. I think, you know, we directed a letter be developed but I think we also haven't given a ton of guidance on what it shall say and just looking at the timeline and what we're able to produce, kind of borrowing from other letter writing efforts going in the background, you know, I do expect it will be a high level letter remarking on the Council's authorities and interests similar to two other letters that we write. So that's about all I can offer on what I hope will be coming to us for a quick response review in the near future in order to meet that deadline. I do have some other comments on the rest of the report, but maybe I'll hold them until we finish this topic. Thank you.

**Brad Pettinger** [00:09:59] Thank you Marci. Caren Braby. Caren.

**Caren Braby** [00:09:59] Just quick, I think we're in the right place. I think this is a good plan. Just wanted to say so and ready to move on to other topics if Marci wants to start us off there.

**Brad Pettinger** [00:10:16] Marci.

**Marci Yaremko** [00:10:17] Thank you Mr. Vice Chair. Thank you Caren. Sure. First, I want to thank the Habitat Committee for, I hate to say it, but this report is an awful lot of the state... of the State of California. I really appreciate the interest in documenting some of the current activities and concerns and the situation that we are facing in California, the dire circumstances created by the drought. It's first and foremost as a priority with our agency. Fish rescues and fish relocation efforts, wildlife water issues, ensuring that there's a supply of water for our wildlife has been a huge priority for our department. There's been a number of redirections of staff to work specifically on drought and on saving our wildlife in the face of drought. So, I do appreciate the Habitat Committee documenting the current situation and the state of affairs and particularly the projected impacts to our salmon resources in the Klamath and Sacramento watersheds. You know, the numbers will start to roll in here as we get to the fall, but it is just an absolutely dire situation, and we should expect that it will affect our stock projections two years



from now. You know the temperature and the flows and the evidence of die off and disease are really, you know, the predictions unfortunately have materialized so appreciate the Habitat Committee keeping that at the forefront of their discussions. Specifically in the report, the Habitat Committee is recommending that the Council comment on the dam removal EIS once it's published. It sounds like that is expected maybe in February, but that timeline is uncertain. I certainly am comfortable asking the HC to get going on that comment letter once the EIS is released. There'll only be a 60-day comment period so when it is released, we're going to want folks to put eyes on that EIS and have a letter for us. So, I think we are going the right direction tasking them now to have that on their work list because who knows when that EIS may come. So, I think sending that message to them now to have it on their work plan is a good idea. Similarly with the Nordic situation, I appreciate the discussion we just had about tracking the issue and preparing a comment letter when we have new reports released to comment on. This is something that we are tracking pretty closely within the department. You can see that the department staff came to present to the HC so we're certainly, I think, prepared to keep the communications going within the Habitat Committee and that when the time is right to prepare a letter I certainly think that a letter from the Council on this topic is important and we have no problem supporting the, you know, that work in the background, like you say when the time is right. So anyway, I really just want to acknowledge the work of the Habitat Committee also as they aide in the transition of some of the responsibility over to the Marine Planning Committee. You know I think we're on our way and there will be discussions to come about the roles of the two committees and what workload falls most logically where, but I think from this initial startup period things are, the right discussions and considerations are happening and, you know, I think we're well on our way to having two committees that work in tandem and in coordination with one another. So, appreciate all that's going on in the background to make that happen. Thank you.

**Brad Pettinger** [00:15:36] Okay, thank you Marci. Further discussion? Caren Braby. Caren.

**Caren Braby** [00:15:44] Thank you Mr. Vice Chair and thank you Marci. I appreciate your comments on the Nordic Aqua letter and I, too, just wanted to add my support to your comments that I think that Habitat Committee should be anticipating and prepared for the EIR and I would support a Council letter on that, recognizing that the timeline appears to be such that it will need to be submitted prior to the November Council meeting and appreciate CDFW's leadership on tracking that and keeping us together on that and making sure we have that opportunity to comment. And to Marci's latter points, I agree. I think we've had really good discussions about the Habitat Committee roles and responsibilities and the Marine Planning Committee roles and responsibilities. There's obviously additional work and evolution to be done on that but I think we're headed in the right direction, and I think with that I'm, I think done with my comments on this but just wanted to recognize Jennifer's service to this committee, among her other roles and responsibilities for Council staff. Just have appreciated working with you, Jennifer, and your contributions to this committee and the others and thank you so much.

**Brad Pettinger** [00:17:33] Okay, thank you Caren. Further discussion? Chuck Tracy. Chuck.

**Chuck Tracy** [00:17:42] Thank you Mr. Vice Chair. Well, I also want to just commend the Habitat Committee on this report of theirs. Very thorough and, you know, unfortunately I think it's put me into the fourth stage of grief on California salmon fisheries, and that's depression. And it is a very sad situation that we find ourselves in. I'm hoping though that there is enough resiliency in the system that this isn't, doesn't spell the end but things will get better, but it is a sad situation there. But I, but mostly I just I also wanted to acknowledge Jennifer's work with the Habitat Committee and other aspects of the Council life. I think she took over for me as the Habitat Committee Staff Officer about 16 years ago. She's done a fantastic job and I just want to acknowledge that. And, you know, she'll be on the floor for legislative matters tomorrow as well, so, you know, this isn't her last rodeo here, but, you know, I think sometimes transitions are difficult. You know we'll miss her interaction with the Habitat

Committee, but she will continue on in the Council family doing some contract work for us. So, you know, working on MREP, some of our outreach and continuing with some legislative work as well. So I appreciate her willingness to continue to contribute to the Council process here and I just wanted to say thanks very much, Jennifer.

**Brad Pettinger** [00:19:33] Thank you Chuck for that. Okay further discussion of the Habitat Committee report? Okay I think we've had some good discussion, direction, and I will look to Jennifer to see how we're doing here on this.

**Jennifer Gilden** [00:19:54] All right, thank you Mr. Vice Chair. And thank you for your kind words, Caren and Chuck. It has been a fantastic experience working with the Habitat Committee. It's one of my favorite parts of my job. So going forward the Habitat Committee is going to be taking the lead on the oil rig decommissioning letter and we'll be keeping an eye on Nordic Aqua Farms and preparing, properly preparing a draft letter for that before the November Council meeting. So, yeah with that, if that is correct then that would complete this agenda item.

**Brad Pettinger** [00:20:35] Okay. Well, thank you very much and thank you for all your service on the committee, Jennifer. Okay, with that we are finished with I.1.