

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**263<sup>rd</sup> Session of the**  
**Pacific Fishery Management Council**  
**November 15-19 & 21-22, 2021**  
Online Meeting due to the COVID-19 Pandemic

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

**Contents**

Meeting Transcript Summary .....	3
A. Call to Order.....	4
4. Agenda.....	4
B. Open Comment Period.....	5
1. Comments on Non-Agenda Items.....	5
C. Administrative Matters .....	6
1. Council Coordination Committee Meeting Report .....	6
2. Marine Planning.....	7
3. Final Regional Operating Agreement.....	11
4. Preliminary West Coast Regional Framework for Determining the Best Scientific Information Available .....	13
5. Fiscal Matters.....	17
6. Legislative Matters.....	26
7. Approval of Council Meeting Records.....	28
8. Standardized Bycatch Reporting Methodology – Final Action .....	29
9. Membership Appointments and Council Operating Procedures.....	31
D. Habitat Issues .....	62
1. Current Habitat Issues .....	62
E. Groundfish Management .....	63
1. National Marine Fisheries Service Report.....	63
2. Adopt Stock Assessments.....	64
3. Harvest Specifications for 2023-2024 Including Final Overfishing Limits and Acceptable Biological Catches .....	70
4. Preliminary Exempted Fishing Permit Approval for 2023-2024 .....	84
5. Biennial Management Measures for 2023-2024.....	89
6. Non-trawl Sector Area Management Measures .....	116
7. Inseason Adjustments Including Pacific Whiting Set-Asides for 2021 – Final Action.....	135
F. Salmon Management.....	141
1. Final Methodology Review.....	141

2.	2022 Preseason Management Schedule .....	145
3.	Southern Oregon/Northern California Coast Coho Endangered Species Act Harvest Control Rule – Final Action.....	147
G.	Pacific Halibut Management.....	161
1.	Commercial-Directed Fishery Regulations for 2022 – Final Action .....	161
2.	2022 Catch Sharing Plan and Annual Regulations – Final Action .....	163
H.	Highly Migratory Species Management .....	167
1.	National Marine Fisheries Service Report.....	167
2.	International Management Activities .....	168
3.	Drift Gillnet Fishery Hard Caps.....	172
I.	Coastal Pelagic Species Management.....	178
1.	Preliminary Review of New Exempted Fishing Permits for 2022.....	178
2.	Fishery Management Plan Management Categories .....	180

## Meeting Transcript Summary

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

## **A. Call to Order**

### **4. Agenda**

**Brad Pettinger** [00:00:00] Okay with that Pete Hassemer. Pete.

**Pete Hassemer** [00:00:03] Thanks Mr. Chair, Vice Chair. I move that we approve the agenda as printed in Agenda Item A.4 for November 2021.

**Brad Pettinger** [00:00:22] Thank you Pete. Looking for a second? Seconded by Heather Hall. Thank you Heather. Okay I guess any comment, discussion? With that all those in favor of the agenda as proposed signify by saying 'aye'.

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

**Brad Pettinger** [00:00:44] Opposed? Abstentions? Okay agenda passes unanimously. All right.

## **B. Open Comment Period**

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

No transcription for this agenda item.

## **C. Administrative Matters**

### **1. Council Coordination Committee Meeting Report**

No transcription for this agenda item.

## 2. Marine Planning

**Marc Gorelnik** [00:00:00] So it's come time for us, the Council to do our business here to consider the comments and recommendations. They've been voluminous and to provide guidance. So, I will look for a hand to get us started. Brad Pettinger followed by Dr. Braby.

**Brad Pettinger** [00:00:24] Yeah, thank you Chair Gorelnik. I think we heard a lot of good reports today. I think that capped off by Mr. Thevik's testimony, which I thought was pretty outstanding. It touched on numerous topics that speak to all the fishermen that didn't speak today and I think he's correct that, you know, that most of the fishing industry is probably in his camp, I think, as far with the points he articulated. You know it's troubling to me that this thing is on, this process is, got the pedal to the metal in the sense that we're taking a technology that is, there is no offshore wind farm like this installed in the world their proposing and yet there in a timeline, what I see there with some....(inaudible).....we're talking about four of these installations before 2024 off this coast. I think that's pretty troubling because you think, you think that something of this magnitude with the impacts potentially we could have happen to the environment, to the coastal communities and the people that depend, and the people, taxpayers in this country that depend on and look to having fresh, healthy, sustainable seafood. A go-slow approach would be what you want to see. Get in the water if you're going to do it and see how it works and go from there. No one's lights are dimming because we don't have enough power, at least in the Northwest and so I just thought that the input we heard today from our advisory bodies and the Marine Planning Committee were outstanding and I'd, I'll just stop there. Thank you.

**Marc Gorelnik** [00:02:23] Thank you Brad. Caren.

**Caren Braby** [00:02:28] Well he just said everything I wanted to say Mr. Chair. I'll repeat a thanks to the MPC Committee and all of our ABs for putting a lot of really good information on the table for us, to the presenters who brought information from NOAA, the Coast Guard, and BOEM. Appreciate how big a lift this was for everybody involved and am grateful that we are engaged in this process. I think the volume of comments and the volume of information shared with us exemplifies why exactly we need to be part of this. So, I will pause there but I would be happy to, recognizing the time, offer a motion when it pleases the Chair.

**Marc Gorelnik** [00:03:34] Thank you very much. I think we may be ready for that, but first I want to make sure everyone who wants to offer their comments has an opportunity to do that, so I'll look for additional hands. And I am not seeing any so, Caren, if you proceed. Oh, Phil Anderson maybe?

**Phil Anderson** [00:03:58] Yeah, thanks Mr. Chair. I don't, I hesitated to chime in because I just, I would be repetitive, but I just....I have long felt that this represents one of the maybe the single most and greatest risks to the future of our fisheries and our ability, frankly, to manage the fisheries resources. I'm super impressed by the work of the MPC. It's a huge undertaking but one that we must do. And just and similar kudos from Butch go out to people like Larry Thevik, but Larry has just been a champion in Washington in bringing this forward, making people aware of the substantial risk on our, the future of our fisheries. And so just kudos to the Council and everybody that's brought forward information during this agenda item here today. We got a lot of work to do, but I think we've got a good foundation to work from. Thanks.

**Marc Gorelnik** [00:05:15] Thank you Phil. So, any further comments or we can certainly have more after we have a motion, but not seeing any hands. Caren, you want to proceed?

**Caren Braby** [00:05:36] Thank you Mr. Chair. And Sandra and Kris have the motion in hand. I'm not seeing anything so I'm just confirming I haven't frozen my system. There it is. Great. Thank you. And I will read it into the record. For Agenda Item C.2 on Marine Planning, November 2021. I move that the Council approve and send the draft letter to BOEM on Oregon offshore wind process, Supplemental Attachment 1, after staff finalization to address streamline editing to remove redundancy in paragraphs 3 and 6 and minor copy edits. Task the MPC with, and per Supplemental MPC Report 1, drafting a brief cover letter on BOEM research priorities, as asked for in Supplemental Attachment 3, and send that cover letter with suggested attachments from the MPC report, three letters and research needs. Also drafting a brief cover letter on Executive Order 14008, Supplemental Information Report 7, and submit with suggested attachments, including the CCC and PFMC letters from earlier this year. Drafting a brief cover letter on the U.S. Coast Guard PARS, Supplemental Attachment 4, and submit with suggested attachments, including letters on offshore wind that have been sent by the Council, and include in that communication the suggested language from our advisory body reports as described in Supplemental HMSAS Report 1 and Supplemental Gap Report 2, or Report 1. Initiating a quick response letter to BOEM on the environmental assessment comment opportunity for Morro Bay and Humboldt, WEAs wind energy areas, as described in the Supplemental Attachment 2. Also, to ask the MPC, the Ecosystem Working Group, and the Habitat Committee to develop a draft policy document on offshore development activities for Council consideration in March of 2022. The document should include considerations including both fisheries impacts and ecosystem impacts, including EFH. The motion on the screen does reflect my intent.

**Marc Gorelnik** [00:09:03] All right. Thank you very much for the motion, Caren. Let me see if there is....well, Kerry, you have your hand up. Do you have a question on the motion?

**Kerry Griffin** [00:09:15] Yeah, and I do. It's a clarification. This is my fault probably for not picking up on this earlier, but in the fourth sub-bullet where it says 'initiate a QR letter on Morro Bay and Humboldt Bay WEAs. Just to clarify, we already sent a letter on the Humboldt Bay Wind Energy Areas. So this, so I just wanted to confirm that Dr. Braby didn't mean to rescind that, that she was focusing on the Morro Bay notice for a comment and not the Humboldt Bay, because we already said that.

**Caren Braby** [00:09:57] Yes, thank you for the correction.

**Marc Gorelnik** [00:10:07] So Caren, would you like to delete 'and Humboldt' and the plural on the WEA?

**Caren Braby** [00:10:15] Yes, please. Thank you Mr. Chair.

**Marc Gorelnik** [00:10:19] All right. Easier to do this before there's a second. Thank you, Kerry, for pointing this out. And there's a....get rid of the 's' on the end of WEA. It says only one. Great. And thank you very much. Virgil, is your hand up to second this motion?

**Virgil Moore** [00:10:41] Yes, it is.

**Marc Gorelnik** [00:10:42] Thank you very much Virgil. Okay. Caren, do you want to speak to your motion?

**Caren Braby** [00:10:48] Yes. I won't repeat my previous comments in Council discussion, but I will just point out that the reports from our advisory bodies provided very specific reasons for the Council being engaged in this process and the Marine Planning Committee in particular gave us really clear suggestions and recommendations on how we can take next steps in drafting letters and sending already drafted letter on the Oregon process. And so, this motion confirms what the MPC recommended in



finalizing those letters, in some cases drafting them, initiating them. They're all at different stages and getting those put on the public records for these various processes, including for Aquaculture Opportunity Areas, the Port Access Route Study and offshore wind. So, I think this meets that stated interest across the board of the PFMC family. The motion also asks to move forward with the development of a policy document. And just in this meeting and the September meeting alone, we have initiated a slew of letters and we have had discussions that have really gotten us into really valuable but difficult conversations to have on the Council floor about our policy directions to our advisory bodies as we're pushing these letters and documents out on offshore development, and so a policy document that could clarify some of those foundational principles and policies for the Council would help focus those discussions and focus the letters and our comments to our Federal and other partners who were providing comment letters to you. So, I wanted to make sure and have that analysis done and have those groups come together and suggest to the Council what that might look like and what might be included, including both the fisheries impacts components as well as the ecosystem impacts that have been part of our recent letters. One additional comment in somewhat rationale or support of this motion is I do want to acknowledge that there was a request for NOAA to have public comment opportunities that span Council meetings, particularly for AOA, EIS, which we anticipate early next year. I just want to encourage staff through this motion that this kind of proactive approach, excuse me, applies to that upcoming opportunity and hope that we can engage in that as well. And then lastly, I think there are comments that have been brought to the table by our advisory bodies that are not specifically necessarily going to be addressed in any of the actions in this motion and I just encourage the MPC to really, you know, look through those documents and make sure to integrate those into discussions if not the policy document or other documents directly. And with that thank you.

**Marc Gorelnik** [00:14:51] Thank you very much, Caren, for the motion and for the explanation. Let's see if there are any questions for Caren or discussion on this motion. Chuck Tracy.

**Chuck Tracy** [00:15:02] Thank you Mr. Chair. Thank you, Dr. Brady, for the motion. Just a clarification, I guess. The first three open bullets there under task, the Marine Planning Committee with drafting letters and sending them. So, am I to take it that that means that these letters, unlike the fourth open bullet, would not require a quick response process in order to gain approval for the full Council that, that would be delegated to the committee and staff to send those out without further process?

**Caren Braby** [00:15:40] Thank you. Through the Chair. Mr. Tracy that was my intent, and I think that the brief cover letter concept for each of those first three bullets is quite clear, particularly with the supplemental, or with the attachments that were recommended, and I think the policy statements are captured in those attachments that were recommended by the Marine Planning Committee and I'm comfortable with that standing.

**Marc Gorelnik** [00:16:20] Further questions? Corey Ridings.

**Corey Ridings** [00:16:26] Thank you Mr. Chair. This isn't so much a question but just thanking Caren for an excellent motion. Also, the Marine Planning Committee and the other ABs who obviously very thoughtfully weighed in on this incredibly important issue. I'd like to specifically call out Caren's third bullet here. I think this is a great next move to develop this policy document and work with the EWG and the HC to do so and look forward to seeing that draft in March of 2022. I also wanted to echo Caren's thoughts on the AOAs and making sure that the Council has an opportunity to weigh in on that and we can track and make sure those timelines line up. So, yeah, thanks again to the MPC and everyone else and thanks Caren.

**Marc Gorelnik** [00:17:25] Thank you Corey. Any further discussion on this motion? Bob Dooley.

**Bob Dooley** [00:17:34] Yes, thank you Mr. Chairman. And, Caren, thank you so much for such a thoughtful and complete motion. Well thought out. I want to thank all of the... our advisory panels that have weighed in with such thoughtful direction and particularly the Marine Planning Committee. I've felt for a long time that we're behind the eight ball. We see that we are behind the eight ball and behind the curve and that's the volume of things that we're trying to catch up on. There was concern about how much this committee was taking up in time, but I think it's all well worth it and I think I'm really pleased that we're making progress. All you'll remember, it's been almost three years ago that I visited James Morris back in North Carolina to see what he had to offer, and I've been pretty, was pretty excited at the time and talked to the Council about it and I think I'm glad we are moving in that direction and we're catching up on all of these issues that are, that have the potential to be so detrimental to our fishing livelihoods. Also, I would like to acknowledge Rhoda for the letter that they put it in the briefing book. All of this and it's in the context of that I feel like we're inundated right now with a lot of information that helped clarify a lot of that. It helped focus and so I think this will hopefully simmer down a bit, you know, once we get caught up, but it's also important, so I will be supporting this motion and thanks, Caren, so much for bringing it forward.

**Marc Gorelnik** [00:19:23] Thank you for that Bob. Any further discussion on the motion? Not seeing any other hands, other than Bob's, I will call the question. All those in favor say 'aye'.

**Council** [00:19:41] Aye.

**Marc Gorelnik** [00:19:41] Opposed, no? Abstentions? The motion passes unanimously. Caren, thanks so much for your motion. Let me ask the Council members if there is further business, further discussion on this agenda item, Marine Planning? I'm not seeing any hands. I will turn back to Kerry Griffin and see how we're doing.

**Kerry Griffin** [00:20:22] Thank you Mr. Chair and thank you Dr. Braby and Council members. I think that motion was really clear, and it addressed the elements that were in the Marine Planning Committee Report. And so, I mean, that finishes your business for this agenda item and you've given a good solid direction for Council staff for responding to these various public notice opportunities crafting the quick response letter. So, we'll move forward as directed and we'll also work on the policy statement and plan to bring that back for the March Council meeting. So anyway, thank you. I think that was a good motions, good discussion. I appreciated all the reports from the advisory bodies and it's only 25 minutes over which is a vast improvement. So, I appreciate everyone's efforts at efficiency. And I think that concludes your business for this agenda item.

**Marc Gorelnik** [00:21:27] All right. Well, thank you very much Kerry. And thanks to everyone, in particular, Caren, for bringing forward the motion.

### 3. Final Regional Operating Agreement

**Marc Gorelnik** [00:00:00] So that takes us to our Council discussion and action, and I will open the floor. We had a lot of great discussion and questions already. Maggie Sommer.

**Maggie Sommer** [00:00:13] Thank you Chair Gorelnik. I'd also like to appreciate the introductory description of the partnership between NMFS and the Council. I think that was much appreciated and I see that focus throughout the document. In particular, I think that the description of collaboration on a lot of the behind-the-scenes planning and the development of project planning tools and that inclusion in the Regional Operating Agreement will be a very effective means of improving overall some of the Council's similar efficiency through the process and appreciate it. I know that I have heard and share quite a bit of interest in overall Council process improvements and in looking for ways to become more efficient, more effective, more strategic about how, both how we accomplish our work, and in fact, what work we prioritize. And I think maybe straying just for this part from the Regional Operating Agreement, I think there is a connection and the elements I just spoke to will be helpful in that area. But also, as we're moving to a transition of administration of the Council itself to a new Executive Director, I think gives us a good opportunity to consider overall some strategic thinking and planning for the Council and its work itself. So just encourage that to be on people's minds as we move forward even beyond adoption of this Regional Operating Agreement. Thanks.

**Marc Gorelnik** [00:02:13] Thank you Maggie. Phil Anderson.

**Phil Anderson** [00:02:16] Thanks Mr. Chair. And I just I guess want to emphasize from my perspective that this is a really important document and it's not, the importance to me is certainly in part what's written down on paper, but the fact that the, that when we're in a partnership like this, that the leadership has sat down and worked through and talked through the roles and responsibilities and to the degree possible, have that clarity, and detail and clarity to me is really important to having a really sound partnership and positive relationship, because we all know as we go through time we're going to come into situations where the workload is overwhelming, the demands are such that it really puts stress on the system, not and on the partnership as well. And to the degree that you can have worked through and talked through these issues and have them documented on a piece of paper, I think just goes a long ways to ensuring that you've got a solid foundation for a good partnership that can withstand the stresses that are going to be put on it. So I just really wanted to thank Council leadership, staff leadership from the West Coast Region for putting this together, spending the time to walk through it, to talk through how we're dividing up the work, because in the end I think it will pay big dividends to us when the chips are down, so to speak, and we have a high level of workload that we're trying to keep the Council operation and the management of our fisheries working as effectively and efficiently as possible. I don't, so I don't have any specific comments for changes. I was able to ask my questions and get clarity. Where I had some questions, my looking at the situation summary the Council action is to review and provide final comments. Down below under C.3.c it talks about adopt a final Regional Operating Agreement, and my understanding was that the adoption of the agreement or the, the signing of the agreement, if you will, is left up to the leadership of the West Coast Region and Council and the Executive Director. I may not have that correct, but so those are my comments. Thanks very much.

**Marc Gorelnik** [00:05:21] Thank you Phil. Further comments? Discussion? I don't know if we need a motion here if everyone around the table is fine with the proposed changes to the ROA. And I suppose if there are concerns, we should raise them here. Chuck Tracy.

**Chuck Tracy** [00:05:50] Thank you Mr. Chair. Yeah, so Phil's correct. The, you know, the parties to the agreement will pass this around for signature that will complete the process. If there's any, I think

if the Council is satisfied with the revisions as presented in the materials, I don't know that any further action is necessary. I think certainly if there's some changes that people are contemplating, I think that would probably should be the subject of a more formal action.

**Marc Gorelnik** [00:06:33] All right. And I've not heard any suggested changes. And I'll pause for a minute to make sure folks have an adequate opportunity to raise their hand here. And not seeing any hands, Chuck, I'll go back to you and see if we're done here?

**Chuck Tracy** [00:06:54] Thank you Mr. Chair. Yes, I believe we are.

**Marc Gorelnik** [00:06:58] All right, great. Thanks very much.

#### 4. Preliminary West Coast Regional Framework for Determining the Best Scientific Information Available

**Brad Pettinger** [00:00:01] I'll open the floor up for Council discussion. Marci Yaremko. Marci.

**Marci Yaremko** [00:00:15] Yes. Thank you Mr. Vice Chair. Just clarifying we are on to Council comments?

**Brad Pettinger** [00:00:28] I'm sorry Marci. We were having a discussion here, so what was that again?

**Marci Yaremko** [00:00:32] Just clarifying before I proceed that we are in fact on to Council comments?

**Brad Pettinger** [00:00:38] Council action, discussion. Yes.

**Marci Yaremko** [00:00:41] Okay great. Thank you. So, I'm struggling with this agenda item. I am often wondering what the Council's role here is with BSIA just generally when determinations of BSIA are made. Sometimes I find myself wondering why things are on the Council agenda when we may really not have any role. A good example that I ran into beginning in June is why is it that the Council is being asked to adopt stock assessments when the determinations have been made that it's BSIA and we really don't have much flexibility to say anything about it? I mean we can say things about it, but it may not make a meaningful difference. I was, it was suggested to me months ago that the topic to, or the place to raise questions about the Council's role with adoption of stock assessments is here in this agenda item, so I'm raising it. I guess when I look at the materials in front of us, I'm not sure that I feel a lot better about knowing our role based on the West Coast Region's preliminary framework. I'm I think looking at the sitsum wanting more transparency and at least the policy directive was directed to provide that transparency, I thought, for the public and the Council and advisers so that we have a little better understanding of what constitutes BSIA and how it might be used and what the roles are of various folks that use it. So, I'm not sure that we're getting closer with the materials in front of us today. I guess I'd just like to highlight, you know, two major issues that have been on the Council's agendas this year that involved BSIA determinations and applications of them and just speak a little about those examples and where I think a little more understanding of BSIA and the roles and responsibilities of those that are applying them how that fits into our work here and our public process. I'll use the example of the Copper Rockfish South of Conception Assessment and the Quillback Assessment and also the example of SONCC coho that we took up this week. At least in the case of copper and quillback determinations were made, determinations were made that these assessments represent BSIA and so why we, again, need to go through the process of adopting them. I'm really not really sure. I think our role comes in when it's about how to use them and how we apply them to management and less about the if and more about the how. But it would sure be nice if there was some sort of criteria along the lines of what to do when BSIA maybe conflicts with other BSIA. In the case of data streams for copper and quillback and we have catch information on these stocks that show that the stocks are regularly encountered and in fact encounters and catches of these stocks are increasing, which might infer that fish are abundant since they're a regular and growing component of the minor nearshore catch. So, I would take that catch data stream to be BSIA but yet the outcomes from the stock assessments say otherwise and say, you know, essentially tell us that these stocks don't exist, at least in the case of quillback, they're gone. So, I just have a hard time understanding how we deal with cases like that where, you know, BSIA determinations, you know, we have no recourse but to use them. In the case of SONCC coho, in that situation we're, we're looking at a coho FRAM model where we're being asked to approve the use of the FRAM model as a predictive tool of the impacts that will incur to SONCC coho, and use that tool preseason to project what the impacts will be postseason and then tie our hands

to that preseason predictive tool when at best there is a poor relationship between the preseason prediction and the postseason realized impacts and really not seeing any flexibility in how the Council considers the application of that BSIA or recommendations on it. So, I guess that just kind of brings me to thinking that it would be useful if there was a way to evaluate the magnitude of the implications that come with using certain BSIA and ensuring that they reasonably relate to the degree of review or the veracity of the BSIA that is being proposed for application. So, I'm just looking at the sitsum and, you know, the goal here is to develop a transparent regional framework for determining BSIA and to document it. So, I guess I'm not feeling like there's more transparency here. I'm just feeling like the words on the page just seem to kind of be words and we wait for these cases to kind of come out and greet us and say yes, you know, here's BSIA and then, you know, again I'm finding that our ability to comment on it or change its application or consider the veracity of it, you know, those opportunities, you know, aren't there. So anyway, I don't have any real suggested edits but I'm just noting, you know, I think that this isn't, at least for my purposes, the advisory bodies and such that where we're headed doesn't add a lot of transparency, which I thought was the goal. Thank you.

**Brad Pettinger** [00:10:04] Thank you Marci. Corey Niles. Corey.

**Corey Niles** [00:10:10] Thanks Mr. Chair. And thanks for those thoughts, Marci. I think you're asking a lot of good questions. I'll pick up on your transparency and also the fact I'm having trouble thinking of a dispute, a real example of a dispute that would be run through this process that we've, that we've had in recent years. I can't think of one and I think as Marci's saying, I can't think of the famous quote about the Supreme Court, but it's similar of, you know, I don't think any of us think the SSC's infallible. They're just kind of final in this process and we respect that even though we don't agree with it all the time. They're the most competent body in this group and in this Council process for making those decisions. There's never a good, perfect decis..... on tough ones there's not a correct answer. There is, you know, a consensus answer often. Yeah, I'm having trouble seeing a real-world example and it seems only that only NMFS could raise the dispute here. But on transparency, a question for Ryan or Kevin or Kristen but, and I haven't absorbed all the words in the framework, but on transparency I presume if there were a dispute and this process were run and a decision was made and he was correct, that would all be written up, the rationale for why, why the best available science was decided as it was and brought back to the Council, you know, via... on the issues where the Council's involved. I presume there would be some capturing of the rationale and decision and public announcement of that. I didn't articulate that very well but, yeah, I don't know if Ryan's the best or as this comes through the region on the flow chart in Figure 1 there but, am I correct in assuming we would get the rationale back on why the decision was made on the dispute?

**Brad Pettinger** [00:12:19] Ryan.

**Ryan Wulff** [00:12:23] Yeah, I'm going to turn it over here to Kevin Werner in a minute. But we do, have been doing BSIA determinations for quite some time. We document them. I would imagine that it would be very similar in this case, but as your question is specific to kind of this dispute process, maybe I'll open the floor up to Dr. Werner.

**Kevin Werner** [00:12:45] Through the Vice Chair. Thank you Ryan. Yeah, both of the last two questions I just wanted to chime in and offer that for groundfish and hake from the Northwest Fisheries Science Center perspective, and I think Kristen could chime in on the Southwest. I'm sure, I'm pretty sure it's similar. We've been doing best scientific information available certifications to the regional office on our stock assessments for years now. And I don't, you know, the framework as has been laid out pretty much reinforces that existing process and structure. So, I would not expect to see that change. You know our BSIA determinations, as we said in the presentation, they go to the regional office rather than to the Council and we're, you know, they're not secret or anything like that. We're happy to share

them so you could see an example of what they look like. I just wanted to sort of chime in and offer that perspective.

**Kristen Koch** [00:13:36] Yeah, from my perspective we've been doing these BSIA memos for years for HMS because of the international processes. We've recently started doing them for CPS. And as Kevin says they're available. And in the case of some dispute having to be resolved through this process, to answer your question, Corey, I think I would agree, yes, there would be documentation of any decision that was made through that process and made available.

**Brad Pettinger** [00:14:12] Okay. Ryan your hands still up.

**Ryan Wulff** [00:14:16] Sorry about that.

**Brad Pettinger** [00:14:16] Okay. Further discussion? Joe Oatman. Joe.

**Joe Oatman** [00:14:30] Thank you Mr. Vice Chair. And kind of take opportunity to provide a comment as it relates to tribes under this item. As tribal agencies were noted in a couple of instances today. To the Pacific Council the tribes are recognized as management entities and contribute to the Council process. ....(inaudible)....and relevant to tribes for the data and information that they provide probably should it be used in this BSIA framework and process it will be important to understand how it will be treated and used. I think it would be our expectation that tribal data and science as developed from a tribal agency, fishery data surveys or assessments are to be considered valid and legitimate for the purpose of BSIA, including those that may not be published too. I appreciate the opportunity to provide that comment upon hearing the presentation of.....(inaudible)....I meant to try and pose a question to the NOAA fisheries as they were giving their PowerPoint but those are my comments. Appreciate. Thank you.

**Brad Pettinger** [00:16:03] Okay. Thank you Joe. Further discussion? I did see a hand come up underneath Joe there. I didn't see who it was. John DeVore. John.

**John DeVore** [00:16:16] Thank you. I just wanted to offer my perspective on one of the questions that Marci raised, and that was why the Council adopt stock assessments. I just want to point out that it's really an important part of our peer review process that we have that step because not only does it bring out the SSC's recommendations on an assessment, but it affords the Council an opportunity to, you know, within the structured process we have, to ask for some further evaluation. And as you are all well aware that trigger was pulled in June when some further evaluation of the copper, quillback, and spiny dogfish assessments was requested. So, I don't think that you want to dismiss that part of our peer review process where the Council adopts stock assessments. And further, I think just as importantly this affords an opportunity for us to, for the NMFS to understand and receive recommendations from both the Council and the SSC that affect their BSIA determinations, and I don't think you want to, I don't think you want to derail any part of that process. So, I think it is important that we go through that step of the Council adopting stock assessments.

**Brad Pettinger** [00:17:52] Okay. Thanks John. Corey Niles. Corey your muted.

**Corey Niles** [00:18:05] Thanks Mr. Vice Chair. And I guess that's proof it does work. You don't have to ask if you can be heard. You will tell us. Appreciate that. Yeah, I don't think it's worth getting into spending a lot of time today, but I'm agreeing with John but also hearing Marci's frustrations about what is the Council's role here, and I'm also wondering and this is, I don't expect this to ever happen, but we wouldn't want this to become a process where people come and bring reasons why this dispute resolution process would be triggered for an assessment that the Council has issues with. I guess I would

have concerns if that's how this would be going, and I don't think that's what you're saying John DeVore but just speaking to rays, I have questions in mind that don't have to be resolved now but I think there are questions floating out there that we can look at as I'm sure as everything this framework could be changed if new information and circumstances say it's not working as intended. But, yeah, I do wonder how, you know, some of these questions we have assessments might play into this process at one point, but not needing to be resolved now.

**Brad Pettinger** [00:19:32] Okay. Thanks Corey. Further hands? Okay. John, how are we doing here?

**John DeVore** [00:19:53] Yeah thank you Mr. Vice Chair. No, I think you've satisfied the Council action on this. You provided some comments. Certainly, we'll transmit these comments and the recommendations from the SSC and the STT to the National Marine Fisheries Service for their consideration as they revise the framework and provide a more complete framework for your consideration next spring. So, with that I'd say that you've had a good discussion and you've completed the action under this agenda item.

**Brad Pettinger** [00:20:32] Okay, thanks John. Just see if there's anybody, any other hands that want to say anything else at this point in time. Okay. With that, Chair Gorelnik, I'm going to pass the gavel back to you.



## 5. Fiscal Matters

**Marc Gorelnik** [00:00:00] And that completes all the reports. I don't see any public comment. So, we'll now have Council action, which is to consider the reports and recommendations of the Budget Committee. There were some specific ones laid out in the Budget Committee report and we also have some further things to discuss that were in the Supplemental Staff report. So, Phil Anderson.

**Phil Anderson** [00:00:33] Thanks Mr. Chairman. I just had a few I guess comments about the funds to build infrastructure to support hybrid-style Council and advisory body meetings. And during the discussion here, there were perspectives put forward about what the future holds for us. And I don't know about all of you, my crystal ball on what the future holds relative to our ability to have in person meeting is pretty fuzzy. I, you know, there have, we have learned some things as we've gone through the last coming up on two years of having meetings utilizing virtual platforms and I suspect that we all could probably identify some places where utilizing virtual platforms in the future can be a good idea. I think we have, one of the things that stands out to me is the public's ability to participate and offer comments has been improved... I guess I would argue with having the ability to engage and provide comments to the Council without needing to be in person or present at the meeting. But I, you know, my perspective is that it, while there are some aspects of and potential benefits in the future that we could make to the Council system, my general perspective is that getting back to in person meetings both for the Council and our ABs, committees, so forth is highly desirable and highly beneficial to our process, and I am hopeful that we will get back to that point at some point in time and I, you know, I think the longer the pandemic goes on, the more that we're seeing changes in behavior. So, the purpose of this comment is to say that I would first like to have the discussion about what do we think as a Council is ideal in the future for meetings as it relates to being held virtually or in person? And if there are aspects that of holding meetings in a virtual way that we see benefits to improving the Council process that we think about incorporating those into the future. But at this point to make a judgment that the future of this Council does not include meeting face-to-face in the broader context of meaning Council, our advisory panels and committees, if there's a conclusion or a feeling that we're not going back there, then making some investments in this category of infrastructure to support hybrid-style Council meetings and advisory body meetings becomes really important. If, however, we're thinking about that the future includes perhaps including some of the elements that we have seen as being beneficial to improving our process, but not to the point where, at least I'm not in the place where I think it would be a good thing, for example to have our advisory bodies meeting virtually and the Council meeting in person. That is not an ideal.....that's not the future I'm hopeful for the Council. So all of this is to say that before lending support to a substantial investment in looking at infrastructure support for hybrid-style Council meetings, I would want to have a discussion about where is it that we want to go and to the extent that we can judge whether or not our desire is likely to occur is a conversation that needs to be had before deciding how much to invest in infrastructure to support virtual platforms.

**Marc Gorelnik** [00:06:33] Thank you Phil. And I'm going to just take the liberty of adding that I agree with Phil that I think what the future holds is rather speculative, and we'll know much more in the coming year. But we're not, as I understand the staff report, we're not expected to make a decision on any spending until March or April. So, we might just wait to see what March and April bring in terms of advisory body participation and we'll be in a much better place there then rather to make such a decision, but I agree that it's a bit speculative right now. Further discussion? We have to provide some guidance here. Marci Yaremko.

**Marci Yaremko** [00:07:28] Yeah, thank you Mr. Chair. I just wanted to get back to some of the content in the Budget Committee report that discusses a recommendation that I brought to the committee about

the restoration of funding to the state liaison contracts. You might recall that in calendar year 2020 and 2021 the Council graciously augmented the state liaison contracts to add roughly 250 a... per year to fund our ongoing support by the states to the Council process with the understanding that these were one-time allocations or augmentations partially in acknowledgment of the fact that there was some surplus and acknowledging that the states have significant funding needs for Council activities. The reason that I brought this proposal forward to the Budget Committee here in the November discussion, first, it became apparent that in fact we would still have additional surplus in the current year, or in the current 5-year grant based on savings that were estimated in 2020 and 2021, which the Budget Committee references there on the report, references about the middle of page 2, the delayed spending account of 2020-2021 funding is expected to be 3.7 million for use in the remainder of our 5-year grant. So that is what prompted me to consider again another 1-year augmentation in 2022 to the states, about 250,000 of those funds. Further, the need is still there and in fact I'd argue in 2022 is likely to increase. There's a new state staffing obligation that the Council has supported with the establishment of the Marine Planning Committee that began operating this year. We've all appointed state staff to participate in those activities. 2022 we expect that workload to continue. Think we've discussed thoroughly the pressing groundfish issues on the plate for 2022 and the need for ongoing staff support from the states to uphold the workload in the GMT room and to assist us in analyzing all of our management measures and specifications to aid Council staff with getting as complete of work done as possible. The analytical lifts continue to increase and we're now, at least in California, drawing on staff beyond just our GMT staff to assist. There's just no other way to get it all done. Then I know the discussion we had in the Budget Committee, which isn't reflected here, but we did talk a little bit about the work in 2021 kind of wrapping up and that that work would be funded largely by the last no cost extension. So, you know, as we burn down those funds, what we'd be talking about for augmentation in 2022 would in fact come out of the current 5-year grant and that five, that 3.7 million, I'm going to call it surplus that might be available. It's true that the, the work on the SONCC Coho Workgroup has concluded, but I wouldn't say that the state obligations as a result of that Council action will be diminished. The workgroup work may likely be replaced with new activities that will be needed in support of the expected new constraint coming in the ITS that will require annual coordination between the co-managing agencies on the sharing of SONCC impacts with a new total exploitation rate that will affect a number of our state and tribal agencies. So, I don't see the costs diminishing. I see them continuing to increase. And while I fully appreciate that the states should not expect continued augmentation to the liaison contracts from Council funds, what I do see looking at the budget landscape for the Council in the sense of this current 5-year grant is this would be a proposal to spend about 250,000 of that surplus now. It's an ongoing arrangement. Yes, the, you know, and included already in the provisional budget, it would just be an augmentation. I really appreciate the discussion that we've had here today on priorities and needs and thoughts about how to spend some of the extra surplus, and it looks like we'll continue to give thought to those ideas as we proceed in our discussions. But at least for purposes of the state liaison contracts, it's kind of an established line item already and in my view, this one-year additional augmentation would be tremendously helpful. I do also want to speak to the list of needs I brought up in my exchange earlier with Merrick and Chuck about the need for additional assistance on the specifications and just want to echo support for Chuck's thinking that the contract money that's available, that we certainly move expeditiously to do our best to find a contractor with the sufficient skill set to aid Council staff in completing the necessary analysis of documents. I know how big a lift that is and even with the contributions across a number of permanent Council staff, from Brett to Todd to John DeVore to Jessi, the needs keep growing and the needs on the NMFS side keep growing too and, you know, our specifications are the absolute core of what we do in the Council process in support of the Magnuson Act. So, you know, I just want to lend support for the need to fill that contractor role that Jessi's been filling with additional capacity. And that concludes my remarks. Thank you.

**Marc Gorelnik** [00:16:59] Thank you Marci. Caren Braby, followed by... well, Chuck, did you want to respond to Marci or can I let Caren go first?

**Chuck Tracy** [00:17:10] You can go ahead and let Caren and go first I'll.....

**Marc Gorelnik** [00:17:14] Great. All right Caren. Thank you.

**Caren Braby** [00:17:20] Yeah, I'm in the interest of time I'm going to keep my remarks short, but I very much appreciate Marci's comments and support a continued consideration both for use of that contractor fund line item in the provisional budget for the spex cycle support, but also thinking about additional use of the surplus for additional ways that can support kind of the additional workload that is continuing to put pressure on the states, on Council staff, and on NMFS. I agree that the restoration of funding to the states for a single year would be gratefully received, understanding that that is not an ongoing promise or expectation, but I think that we, as states, have expertise and responsibility to offer to these workload issues and I would love to, to see the states compensated at a time when we are digging deep into our staff ranks to really bring capacity to the table across the board. And then I also just want to, I already tipped my hat so to speak, tip my hand on strategic planning, but I really would like additional thinking on how we can spend some of the surplus on strategic planning, both for operations as well as workload prioritization. And I'll stop there. Thanks.

**Marc Gorelnik** [00:19:23] Thank you Caren. Chuck.

**Chuck Tracy** [00:19:26] Thank you Mr. Chair. Well, in regards to the state liaison contract funding, I must say that I'm adamantly opposed to increasing that contract funding beyond what was presented in the staff proposed budget. It represents about a 208,000 dollar increase. It's not 250 because there's some of that money is already included in the state travel funds for a couple of the states, but it's 208,000 above what staff proposed level is. And just as background, the liaison contract funding level proposed by staff is consistent with the 5-year grant proposal endorsed by this Council and approved by NMFS. The current grant recognizes the relatively flat funding of state liaison contracts between 2012 and 2019, and it's sought to address it by providing for a 5 percent increase annually in each year's budget within the grant period. So, for 2022, that represents a 31 percent increase in state liaison contracting over the 2019 level. The amounts provided in 2020 and 2021 above the 5-year grant level came from the no cost extension funding from the previous 5-year grant. These were also approved in grant requests. Those funds have now been exhausted and most of the projects they were intended to fund, excuse me, intended to fund have been completed. This was brought to the Budget Committee's attention and explained in September and again at this meeting last week. While the Council budget does have a substantial surplus at this time, mostly due to virtual meetings associated with the pandemic, the staff budget is designed to reduce that surplus to a manageable amount by the end of the grant period. The staff proposed budget is approximately one million more than the expected grant funding in 2022. And 2022 grant funding is expected to be similarly similar or perhaps slightly less than the 2021 level. However, my greatest concern is not the amount of the funding being considered but the rationale given to increase the state liaison contracts. The rationale was essentially that the Council budget surplus was large enough to cover the increase and that it was getting more expensive to participate in the Council process for the states. This rationale does not provide any benefit to the Council in terms of addressing its priorities or achieving its objectives. I believe the Budget Committee members and the Council have a fiduciary responsibility to use Council funds for the benefit of the Council and the diverting funds above those authorized to offset state agency expenses is inappropriate. Surplus funding offers the Council an opportunity to address key Council initiatives, which some of which we have identified here potentially, and the staff proposed budget includes sufficient flexibility to accommodate at least some of those already. It's worth noting that this is only the provisional budget and that the final operational budget will be adopted later in 2022. Over the provisional budget is important in that staff will begin executing the provisional budget on January 1 and therefore will be making commitments based on those provisions and expectations. That concludes my remarks Mr. Chair.

**Marc Gorelnik** [00:23:13] Thank you Chuck. Caren Braby.

**Caren Braby** [00:23:17] Thanks and, Chuck, thanks for your comments on that. I want to take exception to your characterization of the rationale. The rationale for thinking about supplementation of state staffing is not just that there's extra funding so let's spend it on the states. If that was a misinterpretation of your comment, please correct me. But the rationale is that the states bring to the table and bring to the Council process far in excess of the funds that we receive, and those demands have increased so that we are bringing even more capacity than we have and the funds that are available now that would help us bring that additional capacity to the Council is not for a state function. It is for the Council function and to achieve outcomes in Council priorities. So, it is in order to further the Council objectives, MSA implementation in support of Council staff, and NMFS staff in pursuit of our shared objectives.

**Marc Gorelnik** [00:24:50] Thank you Caren. Further discussion? Christa Svensson.

**Christa Svensson** [00:25:02] Yeah, thank you Mr. Chair. And I just want to lend a little bit of support too, and I am going to pivot away from the topic we've just had to strategic planning. I think that that would really help us moving forward in identifying areas to work on, but also to help us, you know, if something comes along that isn't within have an easier time of saying we can't take that up at this time. I also agree with Phil, and I believe yourself about needing to have the bigger conversation around infrastructure supporting hybrid-style Council meetings. But I do really appreciate the ability for the public to call in and provide testimony and I'm definitely in favor of moving that forward. So, if that needs to be broken out separately as we move down this path, if we decide not to have a hybrid-style meeting then I would be in favor of that. And I was hopeful to have a little bit of conversation, at least I'm supportive of an alternative to the FTP site. I think data and other analytical materials, access to that, particularly in ways that people are currently using the information in terms of getting access is very helpful for anybody that's using that, whether that's Council members, members of the public, et cetera, so I would be supportive of that upgrade if there is the resources available for it.

**Marc Gorelnik** [00:26:50] All right. Thank you Christa. Well, let's try to refocus on Budget Committee recommendations here. There were three of them. To consider the provisional budget. To consider the list of potential projects, which of course we have a supplemental report on, and to recommend an April or June Budget Committee meeting. So, we have, we've been provided with the provisional budget. There has been some suggestions from at least California and Oregon about how some additional funding could be provided. Pete Hassemer.

**Pete Hassemer** [00:27:32] Thanks Mr. Chair. I don't know if a motion is required here, but because of the very weighty topic, I suspect it would be an order so not to shorten any discussion here, but I'd be willing to take a shot at a motion when you are ready.

**Marc Gorelnik** [00:27:53] Well, Pete, I think that would be appropriate. Nothing focuses discussion than addressing words that have been fixed on the screen, so please go ahead when you're ready.

**Pete Hassemer** [00:28:05] All right, thanks. I'll try to speak slowly here because I wasn't able to provide anything so... I move the Council, and I'll wait till the typing gets caught up here. I move that the Council adopt the Budget Committee recommendations as outlined in Agenda Item C.5.a, Supplemental Budget Committee Report, November 2021 and after that add an 'and', excuse me as I look back in my other documents here, and further develop and refine a list of initiatives that could be advanced via one time use of Council funds and bring back information on cost and impacts on the Council's budget for consideration by the Budget Committee and the Council at its March 2022 meeting.

**Marc Gorelnik** [00:30:00] All right Pete. Take a look at that language and see if you want any tweaks or whether it's accurate and complete. Just pause for a moment to take a look.

**Pete Hassemer** [00:30:10] I am reading it over. Yes, that looks accurate.

**Marc Gorelnik** [00:30:18] All right. Thank you very much, Pete, for the motion. We'll look for a second. Seconded by Christa Svensson. Please speak to your motion Pete.

**Pete Hassemer** [00:30:30] Thank you. Certainly, there's been a lot of discussion on this topic and we recognize there's a lot of work to do and there's some money available to do various parts of that. What I hope to capture in this motion where we're number one, the two parts identified by Executive Director Burden, we cover the provisional budget and if further some discussion about these, excuse me, high priority projects that we have with regards to the provisional budget. I fully respect the comments provided by Executive Director Tracy. This was the recommendation of the Budget Committee and there was testimony to the importance of it to the state staffs in advancing some of the work of the Council. So, I'm supporting that amount in there as again I think it was identified a one-time increase. Also, in the provisional budget, it does retain money for a contractor to address and some of the things that were discussed were the spex process, the gear switching initiative we're undergoing and the mothership utilization item also, so that money remains in there recognizing that additional staff was hired but there's still money in the budget to provide support to those items. I'm looking at my list here. The second part of that then the... we had a lot of discussion and we haven't settled on any priorities at this point. My expectation would be that the staff would work with the list of projects and recognizing the discussion that was had here on some of the various topics, the infrastructure, there are some timing considerations and the importance of investing in that. The, maybe the breadth of the strategic planning discussions, including both operations, Council operations and workload prioritization. And so, to think more about that list and incorporate some of what I would call guidance now that was heard during our discussions on this topic and also note that we're not finished with this meeting and there might be other priorities that are identified by the end of the meeting. Some of those could be identified during workload and planning I suspect, but that this list is not all inclusive that we saw this time and in, and this motion would require then the Budget Committee meeting in March to get it a look at that list and have a discussion about that before it comes back to the Council for its consideration and discussion and potential prioritization at the March meeting, recognizing then that those items could be further developed for inclusion in an operational budget that would be discussed either in April and June. So, thank you Mr. Chair, that concludes my comments on that.

**Marc Gorelnik** [00:34:32] All right, thank you very much Pete. Are there questions for Pete or discussions on the motion? Caren Braby.

**Caren Braby** [00:34:41] A clarifying question for Pete. I assume that....thank you very much for the motion. I assume that the line item or contractor could be in your motion could be spent initially on supporting the spex process, which requires analysis immediately and decision-making March or April. Is that true? Is that consistent with the intent of your motion?

**Pete Hassemer** [00:35:14] Yes, thank you Mr. Chair, and thanks Caren for that question. By approving it in the provisional budget, I think as Executive Director Tracy mentioned, the staff would start implementing the provisional budget in January, so maybe the best-case scenario was January 1 someone could be on board to start that work.

**Marc Gorelnik** [00:35:49] Chuck Tracy.

**Chuck Tracy** [00:35:51] Thank you Mr. Chair. So just another question of clarification. So, well maybe

two, so the line item you're referring to is the data analyst contractor that Jessi is currently filling, but we would need to find somebody to replace? So that's my first question.

**Pete Hassemer** [00:36:16] Yes, that was the contractor position I was referring to was the data analyst that was vacated when Jessi was hired on full time.

**Chuck Tracy** [00:36:31] Thank you. And then the second question then. So, the proposal is for a budget of 6.056 million dollars to include the increased state liaison contracting.

**Pete Hassemer** [00:36:46] Yes, that's correct. Increased state liaison funding as identified in the report, which was 208,000 dollars.

**Chuck Tracy** [00:37:02] Well, I will again voice my opposition to that increase. You know, when this came up last year, we had planned for this in 2020. When this came up last year it was just a one-time extra thing. Well, now it's another one-time extra thing. And frankly I don't think it's appropriate for the states to be proposing augmenting their own budget with Council funds. So, I'll leave it at that. And, oh well, and I will say that again, we had planned an increase in the state liaison contract to the tune of a 31 percent increase over 2019 this year. So, I'll leave it at that.

**Marc Gorelnik** [00:37:53] All right, thank you Chuck. Brad Pettinger.

**Brad Pettinger** [00:37:57] Thank you Chair Gorelnik. Thinking more long term here. The Council had a proposed budget they send to the National Marine Fisheries Service. They review it, they approve it and with the knowledge that we had a \$500,000 to use it or lose it. So, it was appropriate to for the states to get them more money the last couple of years. I'm really curious to see or hear from Ryan what maybe the agency's take on this is. I'm just thinking more for down the road when the Council would ask for funds and then not follow the budget they've been presented to them, what their take on that is because I would hate to endanger the prospects down the road, especially when the Council may ask for additional funds for special projects beyond what we don't have some, have asked for, endangering that avenue. So, I'd like to hear from Ryan if it's possible at some point in time in this process. Thank you.

**Marc Gorelnik** [00:39:09] All right, well, Ryan's hand is up. So, Ryan do you want to respond to Brad?

**Ryan Wulff** [00:39:21] Brad, I'm not sure a hundred percent to understand your question. I'll say, you know, from NMFS perspective it's not our, necessarily the role to be, could be focused on telling the Council how it should manage its funds. We can help guide the discussion as needed here. And if you're looking for our perspective, at least on the issue that was just being discussed regarding the potential increase for state funding. I mean I think it's really up to the Council to decide whether it feels that's the best use of the funds to meet the overall Council mission. We heard a number of perspectives of other potential uses for funds, and that's I think related to other Council priorities, which is part of some of the information you're asking them to bring back here. So, I would put that more at the discretion of this discussion. As far as if you were talking about some technical aspects of being able to move funds between tasks at some point once a grant is done, that's technically possible, but we'd have to see what ends up changing between the provisional budget here and the final operating budget.

**Brad Pettinger** [00:40:42] I'm good.

**Marc Gorelnik** [00:40:46] Phil Anderson.

**Phil Anderson** [00:40:51] Thanks Mr. Chair. I have a question for Mr. Tracy relative to the, I can't

remember what we're calling it, the analytical position, contractor position, data analyst that Miss Doerpinghaus has been fulfilling. Did you have with bringing, with the creation of the new staff officer positions that Miss Doerpinghaus successfully competed for? I'm wondering whether you had a plan or a thought that there was a need to refill this contractor position?

**Chuck Tracy** [00:41:41] Thanks Mr. Chair, Mr. Anderson. Well, this is all developed rather quickly in terms of, you know, our filling the position with Jessi. We're thrilled to have her, but we haven't, I guess, finalized any plans on how to utilize the funds that we had programmed for her data analyst position. We've had some internal discussions. I think there's obviously some interest in being able to, you know, increase our staff capacity through a contract, whether that's, you know, specifically the tasks that Jessi had been working on or, you know, whether it's groundfish or some other capacity, I think that's still a subject of internal discussion and obviously discussion with the Council here. And it depends a little bit on what our workload looks like and what the prospects are to find people to augment those needs that the Council identifies. If there was another Jessi there's probably a pretty strong likelihood that we would, we would want to use those funds to work towards that. But again, depending on what the Council priorities are and what the availability of people to contribute to those are will dictate exactly how those funds are spent. But so, I guess, the bottom line is there's some flexibility there.

**Phil Anderson** [00:43:36] Could I follow-up Mr. Chairman?

**Marc Gorelnik** [00:43:38] Of course.

**Phil Anderson** [00:43:40] So, I'm just trying to understand Chuck. My understanding is that what's put on the table here in this motion that it contains a budget allowance or provision for the Executive Director to make a decision to hire a contractor to do things perhaps similar to what Jessi has done in the past or but I guess my.....so number one I think I have that correct in looking at the language here in the report, but from a.....and both for you and Mr. Burden of being if this motion were to pass, do you feel that it's your obligation to fill that position, that contractor position? Or do you believe that you have, that you retain the flexibility to make such a decision based on your assessment of what the needs are from a Council staffing perspective?

**Chuck Tracy** [00:45:11] Thank you Mr. Chair, Mr. Anderson. I think it's more the latter. I think we don't feel obligated to add, you know, that contract position as a data analyst to focus on groundfish. We've hired Jessi. She's going to be on staff. She's going to be doing a lot of that stuff as a staff member as opposed to a contractor. Therefore, I would want to reserve the flexibility to fill that position based on the needs that we view to achieve the Council's objectives, whatever those may be.

**Phil Anderson** [00:46:03] Thanks Chuck. And Mr. Chairman I have one more for Mr. Tracy.

**Marc Gorelnik** [00:46:08] Of course.

**Phil Anderson** [00:46:10] So Chuck you, I mean, obviously had the opportunity to spend a lot of time with you, particularly during the time period when I was either Vice Chair or Chair and I can say without hesitation that you have held in high regard the contribution that the states make to the Council process and have witnessed you really time and time again when developing budgets to look for ways to augment the Council, the state's liaison contracts and without, you know, without, you know, being pressured to do so or asked to do so because I think you've demonstrated, as I said over and over that your recognition and the value that the state's play and the state staffs play in our Council process. So I'm, I am, and I think you frankly demonstrated that again in the budget that the staff brought forward to the Budget Committee and Council's consideration. I am somewhat taken by surprise. I didn't, this'll

lesson learned, I should be attending Budget Committee meetings so that I'm not surprised when I see things. But is there a need to make this decision relative to the provisional budget and the state contracts as we.....is there a need to do that today? Does it preclude us from considering that as we consider the other items that have been put forward during this week during the Council, during the Budget Committee's deliberations? Is there, do we lose the ability to consider this proposal that was made to us by the Budget Committee to increase those state liaison contracts in a manner that is represented in this motion?

**Chuck Tracy** [00:49:08] Thank you Mr. Chair, Mr. Anderson. So, this is a provisional budget. It's not the operational budget, so it's not final yet. So, I think there's, there still is an opportunity to change what the Council would direct its funds toward. We're not sure when we'll get to that operational budget decision, probably April or June which is typical. If the Council wanted to retain some flexibility to change those contract amounts, we would, well we could either delay letting the contracts or amend the contracts based on the Council's decision at another time. I would say that it's, you know, we kind of need to know where the money's going, I guess, in order to bring a proposed operational budget to the Council at some point. So, you know, putting in a budget amount is one thing, but I think having some guidance at some point along the road and perhaps that's March when if there's an opportunity to come back and consider some of these projects that have been identified and some other Council priorities that no doubt will be identified here over the course of this meeting, you know, maybe that's the time to provide that guidance in terms of where, where that, you know, if you're considering adopting the Budget Committee dollar amount of 6.056 million, how that, you know, where that increase would appear in the operational budget? So yeah, there's some flexibility but again, you know, you know, that's a couple hundred thousand dollars more than what's in the staff proposed budget, which has got all the line items filled out. So, while we could, you know, operate on that or provisionally operate on that 6 million dollar figure, there would still be some unknowns in terms of where we should apply that come time to adopt an operational budget.

**Phil Anderson** [00:52:07] Thank you Chuck.

**Marc Gorelnik** [00:52:08] All right. Any further discussion on the motion put forward by Pete Hassemer? And I'm not seeing any hands so I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:52:27] Aye.

**Marc Gorelnik** [00:52:27] Opposed, no?

**Phil Anderson** [00:52:34] No.

**Brad Pettinger** [00:52:35] No.

**Marc Gorelnik** [00:52:37] Who are the no's, please?

**Phil Anderson** [00:52:39] Phil Anderson.

**Marc Gorelnik** [00:52:41] And Brad, I think.

**Brad Pettinger** [00:52:43] Yep.

**Marc Gorelnik** [00:52:44] Okay, any abstentions?



**Ryan Wulff** [00:52:48] Ryan Wulff abstains.

**Marc Gorelnik** [00:52:50] Ryan abstains. All right. The motion does pass with those 'no' votes and the abstention recorded. Further motions on this agenda item or further discussion on this agenda item? Okay, I will turn back to Patricia Crouse and see if we are done with this item.

**Patricia Crouse** [00:53:24] Chair and Council members it looks like you have completed your action for this agenda item, and we will be starting the year with a provisional budget and coming back for the March meeting. Thank you.

**Marc Gorelnik** [00:53:37] All right. Thank you very much Patricia for all your work on this.

## 6. Legislative Matters

**Marc Gorelnik** [00:00:00] All right so we have no public comment so we will go to Council discussion and action. And we have a recommendation with regard to the consensus statement and a recommendation with regard to how we should handle any future Legislative Committee meeting. So I'll look for some hands. Dave, your hand is up, I don't know if you have a comment now or it's just from before? A vestigial hand. All right, well you've muted yourself. Okay. Bob Dooley please.

**Bob Dooley** [00:00:36] Thank you Mr. Chairman. I'd just make a comment on the Legislative Committee and legislative actions that we've followed. It's been a long trail and the CCC has done considerable work and the Council has done considerable work to make comments on 4690 and previous versions of that as well to develop a consensus statement. And there were more actions at the latest, the CCC meeting and before that through the committee that have been developed, and I think they're overall done a really good job. Has been a lot of effort put into that. I would definitely support the actions of the committee and the recommendations and also of the CCC. So, if, whenever is appropriate, if it's needed I would, I have a motion.

**Marc Gorelnik** [00:01:34] All right. Thank you Bob. Let me just see if there are any other hands pop up and if no other hands pop up, I'll go right back to you for the motion. And I'm not seeing any other hands Bob, so why don't you proceed with your motion?

**Bob Dooley** [00:01:49] Yes, thank you Mr. Chairman. Sandra, I believe you have the motion if you could put it up? Here we go. Thank you. I move the Council approve the CCC consensus statements on Magnuson Act reauthorization as in Agenda Item C.1, Supplemental Attachment 5.

**Marc Gorelnik** [00:02:24] All right, thank you, and that language on the screen is accurate and complete?

**Bob Dooley** [00:02:28] Yes, it is.

**Marc Gorelnik** [00:02:29] And I look for a second? Seconded by Butch Smith. So please speak to your motion as necessary.

**Bob Dooley** [00:02:40] Oh, I think I've probably said enough prior to this. I'm very supportive of this and I believe there's a lot of good work been done by the committee and by the staff. So, I appreciate it.

**Marc Gorelnik** [00:02:52] All right. Are there any questions of the maker of the motion or any discussion on the motion? I'm not seeing any. I will call the question. All those in favor say 'aye'.

**Council** [00:03:05] Aye.

**Marc Gorelnik** [00:03:05] Opposed, no? Any opposition? Abstentions?

**Ryan Wulff** [00:03:15] Ryan Wulff abstains.

**Marc Gorelnik** [00:03:21] Ryan Wulff abstains. And so, the motion passes unanimously, however with one abstention by Ryan Wulff. Thank you for the motion, Bob. I think the remaining matter here has to do with the potential scheduling of a future Legislative Committee meeting and the recommendation of the Legislative Committee was to essentially play it by ear to see if we get any

requests for comment or if there's any legislative activity. And if, I want to see if that's okay with folks around the table? If that's not okay, please raise your hand. So, I think we have a plan there. Let me see if there's any other action here, comments on the report or any further motions? Okay Chuck, do we have more business here or are we done?

**Chuck Tracy** [00:04:24] Thank you Mr. Chair. I believe that concludes this agenda item.

**Marc Gorelnik** [00:04:29] All right. Thank you very much Chuck.

## 7. Approval of Council Meeting Records

**Marc Gorelnik** [00:00:00] So we'll now go on to the longest agenda item of the day, the approval of the Council meeting record. Those are Attachments 1 and 2 under this agenda item, the September and October meeting records. And I'll look to see first if there are any corrections or additions? Indicate so by raising your hand. And if not, I'll look for a motion. Not all at once. Phil Anderson.

**Phil Anderson** [00:00:38] Thank you Mr. Chairman, I would, I'm waiting for my motion to come up on the screen from my niece. Thank you, Sandra. I move the Council approve the September 2021 and October 2021 Council meeting records as shown in Agenda Item C.7, Attachment 1, Draft Council Meeting Record two hundred and sixty-first session of the Pacific Fishery Management Council September 8 through 11 and 13 through 15, 2021. And Agenda Item C.7, Attachment 2, Draft Council Meeting Record two hundred and sixty-second session of the Pacific Fishery Management Council October 12, 2021.

**Marc Gorelnik** [00:01:31] All right. Phil, is the language on the screen accurate and complete?

**Phil Anderson** [00:01:36] Absolutely.

**Marc Gorelnik** [00:01:37] All right. And look for a second? Seconded by Pete Hassemer. Please speak to your motion as necessary.

**Phil Anderson** [00:01:44] Thanks Mr. Chairman. I would read into the record the entirety of both, but I'm going to not do that. Very well done by staff of keeping our records in good stead. And that's all I have. Thanks.

**Marc Gorelnik** [00:01:57] All right. Thank you very much Phil for the motion. Let's see if there are any questions or comments or discussion? And barring that I will call the question. All those in favor say 'aye'.

**Council** [00:02:15] Aye.

**Marc Gorelnik** [00:02:16] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Phil, for the motion. And I believe that concludes this Agenda Item C.7.

## 8. Standardized Bycatch Reporting Methodology – Final Action

**Brad Pettinger** [00:00:00] And with that that takes us to a Council discussion and action. Ah, John Ugoretz. John.

**John Ugoretz** [00:00:19] Thanks Mr. Chair. You know I'll just start by saying I really appreciate the effort that both the advisory bodies and Council staff have put into this matter. They've really taken to heart what the requirements were, provided us with very good information, and made excellent recommendations on how to meet the requirement. Really supportive of what's gone on here. With regard to the comment on bycatch in purse seine fisheries, while I agree that observer programs are necessary to categorize bycatch, I believe there is historic observer data from various purse seine fisheries in California and that we really haven't seen bycatch of sharks and sea turtles in those fisheries. I don't really feel that change is necessary there.

**Brad Pettinger** [00:01:19] Thank you John. Further discussion? Motion? John.

**John Ugoretz** [00:01:32] Thanks. I do have a motion if we're ready for that.

**Brad Pettinger** [00:01:38] Well, you're the only hand up so I'd say yes.

**John Ugoretz** [00:01:42] All right, thank you. I believe staff has it. I move that the Council adopt the FMP amendment language in C.8, Attachment 1 for the salmon, highly migratory species and coastal pelagic species of FMPs to bring the FMPs into compliance with the National Marine Fisheries Service SPRN final rule, including the one minor edit recommended by the CPSMT in their report. The Council also affirms that the groundfish FMP is compliant with the final rule and no amendment is necessary. Rationale for these decisions can be found in the respective management teams statements from June 2021, C.2.a., Supplemental GMT Report 1, September 21, E.5.a, Supplemental HMSMT Report 1 and E.5.a, Supplemental CPSMT Report 1, and November 21, C.8.a, Supplemental STT Report 1.

**Brad Pettinger** [00:02:38] Okay thanks John. Is the language on the screen accurate?

**John Ugoretz** [00:02:42] It is.

**Brad Pettinger** [00:02:45] Okay. Looking for a second? Seconded by Corey Ridings. Thank you Corey. Okay John, you want to speak to your motion.

**John Ugoretz** [00:03:04] Thanks. I think my prior statements suffice. I support moving forward with the language that's been proposed.

**Brad Pettinger** [00:03:12] Okay. Discussion on the motion? Okay seeing no hands I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:03:28] Aye.

**Brad Pettinger** [00:03:28] Opposed? Abstentions? Motion passes unanimously. Thank you John. Frank Lockhart. Frank.

**Frank Lockhart** [00:03:45] Just very quickly a couple of things. First of all, I just want to echo the praise for all the folks that worked on this. I think that the teams took this task very seriously, worked through the issues and provided good comments and we have some good language to consider and so just wanted to thank everybody for that. Also, just want to express my thanks to Brett, who did a great

job kind of working with obviously multiple teams to get this done. So, thank you Brett. And then finally I just wanted to say there's a couple of things that happen now. One is that now that the Council has taken final action, NMFS will have to review the submissions that were mentioned in the motion and make a determination of whether the support is adequate enough for us to determine that the FMPs as amended will be in compliance. And then obviously, actually we have to go through the FMP amendment process, which Brett mentioned. So those will happen concurrently, and we are optimistic that we will be able to meet the deadline of February 22nd. And we'll give you an update at the March Council meeting of what the outcome was. And that was it. And thank you Mr. Vice Chair.

**Brad Pettinger** [00:05:16] Okay. Thank you Frank. Okay, with that I will turn to Brett to see how we're doing here on this agenda item.

**Brett Wiedoff** [00:05:29] Thank you Vice Chair. Yes, I think we've completed our Council action here. We've identified the compliant fishery management plan that was the groundfish one, and then we've adopted some FMP amendments for the others. So, I think this completes this action in its entirety. Appreciate the accolades and the smooth transition here and Mr. Ugoretz for presenting the motion. So, I think that closes this agenda item out.

**Brad Pettinger** [00:05:54] Very good. Thank you Brett.

## 9. Membership Appointments and Council Operating Procedures

**Marc Gorelnik** [00:00:00] All right, thank you very much Chuck. So that completes public comment and takes us to Council discussion and action. We have a number of issues here. COP and advisory body appointments. And what I would suggest we do is take them one at a time. I mean let's deal first with the COP and see if there is any discussion or action. And I'll look for a hand. Briana Brady.

**Briana Brady** [00:00:42] Good morning, Mr. Chair. Thank you. I appreciate the management team providing the revised text to COP 9 to incorporate the excuse me, the flowchart as discussed from the June 2021 meeting. And I just wanted to say that I'm supportive of the revisions the MT has made.

**Marc Gorelnik** [00:01:07] All right, thank you Briana. Other discussion on the COP? We would need to make this change by motion. Does anyone have a motion? Briana Brady.

**Briana Brady** [00:01:23] Thank you. I have a motion if it could be presented please, Sandra or Kris. Thank you. I move the Council adopt C.9.a, CPS Management Team Report 1, proposed changes to the Council Operating Procedure 9.

**Marc Gorelnik** [00:01:48] All right, thank you Briana. There was a reference to a schedule in the reports, does your language there capture that?

**Briana Brady** [00:01:58] I believe it does.

**Marc Gorelnik** [00:01:59] Okay great. All right. And the language on the screen is accurate and complete?

**Briana Brady** [00:02:04] Yes.

**Marc Gorelnik** [00:02:05] All right. I'm looking for a second. Seconded by Heather Hall. Thank you Heather. Please speak to your motion.

**Briana Brady** [00:02:15] Thank you Mr. Chair. And thank you to the management team for providing the revised text for COP 9. In June, as I mentioned, the Council had requested the management team to provide this text in COP 9 that includes the framework for the central subpopulation of Northern anchovy, and we see that for us here today. So again, thank you to the MT for working on this item and updating the COP.

**Marc Gorelnik** [00:02:41] Okay, thank you Briana. Are there any questions for the maker of the motion or any discussion on the motion? With no hands I guess we're ready to vote. So I'll call the question. All those in favor say 'aye'.

**Council** [00:03:05] Aye.

**Marc Gorelnik** [00:03:05] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Briana for the motion. That takes care of the COP business under this agenda item and takes us to membership appointments. As Mr. Burner said, there's quite a long list here and I have a list here in front of me. I suppose we can, and we can take these one at a time. I will mention the body and I will ask for any discussion or a motion if that's acceptable to everyone we'll go that way. So first there is a vacancy on the Groundfish Management Team currently held by Kayleigh Somers. So, is there a nomination or discussion? Ryan Wulff.

**Ryan Wulff** [00:04:27] Yeah, thank you Chair. I have a motion I'd like to make here.

**Marc Gorelnik** [00:04:31] Please.

**Ryan Wulff** [00:04:33] I believe. Yep, there we go. I move the Council appoint Dr. Kate Richerson to the National Marine Fisheries Service Northwest Fisheries Science Center position on the Groundfish Management Team currently held by Dr. Kayleigh Somers.

**Marc Gorelnik** [00:04:53] All right, thank you Ryan. That language appears accurate because I've seen it. And I'll look for a second. Seconded by Phil Anderson. Thank you Phil. Please speak to your motion Ryan.

**Ryan Wulff** [00:05:09] Thank you. Dr. Richerson joined our Northwest Fisheries Science Center a few years ago in our Fishery Resource Analysis and Management Division, she was an analyst there supporting our fishery observation science program. She's been the lead author of the annual Salmon Bycatch Report. The biennial Green Sturgeon Report. Co-authored a number of other reports on protected species, bycatch, fishing effort and groundfish mortality. Dr. Richerson has extensive experience in processing and analyzing observer and pacFIN and other fisheries data, and in general has a long history since she started, a positive and productive interactions with the GMT and Council staff since joining the National Marine Fisheries Service. So, we believe her expertise and range of experience with topics and topics of interest to the Council and the GMT make her an ideal addition to this body. And that is, of course me speaking to Dr. Richerson. I also want to thank Dr. Kayleigh Somers for all of her work and efforts on the GMT over the years.

**Marc Gorelnik** [00:06:23] All right, thank you very much Ryan. Are there any questions of Ryan or discussion on the motion? All right I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:06:38] Aye.

**Marc Gorelnik** [00:06:38] Opposed, no? Abstentions? The motion passes unanimously. Welcome Dr. Kate Richerson, and thank you to Dr. Kayleigh Somers. And thank you Ryan for the motion. We'll move next to the Coastal Pelagic Species Advisory Subpanel. I'll look to see if there's any discussion or action on that body. Maggie Sommer.

**Maggie Sommer** [00:07:18] Thank you Chair Gorelnik. I move the Council make the following appointments to the Coastal Pelagic Species Advisory Subpanel. California Commercial Fisheries: Three positions. Mr. David Crabbe, Mr. David Haworth, Mr. Nick Jurlin. Oregon Commercial Fisheries: Mr. Ryan Kapp. Washington Commercial Fisheries: Mr. Michael Cornman. Processor: Three positions. Mr. Brian Blake, Mr. Mike Okoniewski, Mr. Anthony Vuoso. California Sport Charter Fisheries: Mr. Steve Crooke. And Conservation Group: Miss Anna Weinstein.

**Marc Gorelnik** [00:07:56] And the language on the screen is accurate?

**Maggie Sommer** [00:07:59] Yes.

**Marc Gorelnik** [00:08:00] All right, I'll look for a second. Seconded by Briana Brady. Maggie, please speak to your motion.

**Maggie Sommer** [00:08:08] Thank you Chair Gorelnik. We're pleased to have this slate of well-qualified and knowledgeable representatives to bring their expertise and perspectives to our Council family to advise us on coastal pelagic species management. Appreciate their willingness to serve and



look forward to their participation.

**Marc Gorelnik** [00:08:35] All right, thank you very much. Are there any questions for the maker of the motion or any discussion? Not seeing any hands, I will call the question. All those in favor of the motion say 'aye'.

**Council** [00:08:50] Aye.

**Marc Gorelnik** [00:08:50] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Maggie, for the motion. We'll move next to the Ecosystem Advisory Subpanel. Is there any discussion or a motion there? Briana Brady.

**Briana Brady** [00:09:16] Thank you Mr. Chair. I have a motion and I move the Council make the following appointments to the Ecosystem Advisory Subpanel. California: Three At-Large positions. Ms. Melissa Mahoney, Mr. Richard Ogg, Ms. Debra Wilson-Vandenberg. Oregon: Three At-Large positions. Mr. Scott McMullin, Ms. Gway Rogers-Kirchner, Dr. Andrew Thurber. Washington: Three At-Large positions. Dr. Terrie Klinger, Dr. Phillip Levin and Ms. Michele Robinson.

**Marc Gorelnik** [00:09:58] Okay, thank you Briana. Is the language and the names on the screen accurate and complete?

**Briana Brady** [00:10:03] Yes.

**Marc Gorelnik** [00:10:08] Briana is everything there accurate and complete.

**Briana Brady** [00:10:10] Yes, thank you. Thank you Mr. Chair. Yes.

**Marc Gorelnik** [00:10:12] Very good. All right. I will look for a second. Seconded by Bob Dooley. Thank you Bob. Please speak to your motion.

**Briana Brady** [00:10:22] I think we have a great group of qualified individuals to help us advise on ecosystem matters. Thank you.

**Marc Gorelnik** [00:10:32] All right. Is there any discussion on the motion? Not seeing any hands I will call the question. All those in favor of the motion signify by saying 'aye'.

**Council** [00:10:47] Aye.

**Marc Gorelnik** [00:10:47] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Briana for the motion. We will move next to the Groundfish Advisory Subpanel, and I'll look for discussion or a motion there. Heather Hall.

**Heather Hall** [00:11:17] Good morning. Thank you Chair Gorelnik. I do have a motion. Thank you for putting it on the screen. I move the Council make the following appointments to the Groundfish Advisory Subpanel. For Fixed Gear Fisheries: Three At-Large positions- Mr. Bob Alverson, Mr. Scott Hartzell, Mr. Gerry Richter. Bottom Trawl Fisheries: Mr. Travis Hunter. Mid-water Trawl Fisheries: Mr. Jeff Lackey. At-Large Trawl Fisheries: Two positions. Miss Ruth Christiansen, Mr. Kevin Dunn. Open Access Fisheries North of Cape Mendocino: Mr. Harrison Ibach. Open Access Fisheries South of Cape Mendocino: Mr. Daniel Platt. Processors: Two At-Large positions. Miss Susan Chambers. At-Sea Processor: Mr. Daniel Waldeck. Washington Charter Boat Operator: Mr. Steve Westrick. Oregon Charter Boat Operator: Mr. Jeffrey Wilmarth. California Charter Boat Operator North of Point

Conception: Mr. Tim Klassen. California Charter Boat Operator South of Point Conception: Mr. Merit McCrea. Sport Fisheries: Three At-Large positions. Mr. Steven Godin and Mr. Louis Zimm. Tribal fisheries: Mr. Steve Joner. And Conservation Group: Mr. Shems Jud.

**Marc Gorelnik** [00:13:02] Thank you very much Heather for the motion. Is the language there accurate and complete?

**Heather Hall** [00:13:07] Yes, it is.

**Marc Gorelnik** [00:13:08] And I'll look for a second at this point. I see Maggie Sommers hands up, I assume for the second. Thank you Maggie. Please speak to your motion.

**Heather Hall** [00:13:18] I think we have a fairly complete list of very capable candidates for the Groundfish Advisory Subpanel. Appreciate everyone who put their names in for these positions. I think we heard in public comment earlier that how much the Council values the input from the GAP, and I know we're at a point of transition. I did want to speak to the Sport Fishery At-Large position. We're appointing two here, one from Oregon and one from California and hope that we can fill a third with someone potentially from the north. So, appreciate keeping that open as we look for some more potential applicants. Thank you.

**Marc Gorelnik** [00:14:08] All right. Thank you very much Heather. I see Maggie, you have your hand up. Go ahead Maggie.

**Maggie Sommer** [00:14:15] Thank you Chair. I just briefly wanted to acknowledge that given the duration of the GAP meetings and that they meet at every Council meeting, it can be, it is one of our larger time commitment advisory bodies and really appreciate the willingness of folks who have submitted nominations to serve. I'll note that specific to the Oregon Charter seat and the Sport At-Large seat that has traditionally gone to an Oregon representative. Those were part of the reopening and we ended up with really a number of very strong candidates for it. Really appreciate the interest folks have shown in getting involved in the process and want to encourage everyone to continue to be involved through participating in Council meetings and providing us with public comments so that we benefit from your knowledge. Thanks.

**Marc Gorelnik** [00:15:12] All right. Thank you Maggie. Are there further discussion on this agenda item? Heather? Okay. I'm not seeing any, any hands here so I will call the question. All those in favor say 'aye'.

**Council** [00:15:39] Aye.

**Marc Gorelnik** [00:15:39] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Heather for the motion. We'll move next to the Highly Migratory Species Advisory Subpanel. Let's see if there is any discussion or a motion to be had there. Christa Svensson.

**Christa Svensson** [00:16:01] Yeah, thank you Mr. Chair. I do have a motion when you're ready and it looks like it's up there, so I will read my motion. I move the Council make the following appointments to the Highly Migratory Species Advisory Subpanel. Commercial Troll Fisheries: Mr. Wayne Heikkila. Commercial Purse Seine Fisheries: Mr. Michael Conroy. Commercial Gillnet Fisheries: Mr. Gary Burke. Commercial Deep-Set Buoy Gear: Mr. William Sutton. Commercial Fisheries North of Point Conception: Mr. Douglas Fricke. Commercial Fisheries South of Point Conception: Mr. Austen Brown. Processor North of Cape Mendocino: No appointment at this time. Processor South of Cape Mendocino: Mr. Dave Rudie. Northern Charter Boat Operator: Mr. John Yokomizo. Southern Charter Boat

Operator: Mr. Mike Thompson. Private Sport Fisheries North of Point Conception: Mr. Tom Mattusch. Private Sport Fisheries South of Point Conception: Mr. Robert Osborn. Conservation Group: Mr. Josh Madeira. And the Public At-large Member: Ms. Pamela Tom.

**Marc Gorelnik** [00:17:17] All right Christa, thank you for that motion. Is the language on the screen accurate and complete?

**Christa Svensson** [00:17:22] It is.

**Marc Gorelnik** [00:17:23] All right. I will look for a second. Seconded by Maggie Sommer. Thank you Maggie. Please speak to your motion.

**Christa Svensson** [00:17:33] Yeah, thank you Mr. Chair. I will say that this was for me one of the more difficult conversations that we had because it's a strong room with strong opinions and we had a lot of strong candidates, meaning we had more than one person apply for many of our seats. I think that we have a great mix for participants this time. We have a lot of returning people, but we do have some new ones. And I think that we have seen an increase in the ability for stakeholders to work together over the last three to four years and I believe that this group will continue that process and we will see just stronger messaging coming out of this subpanel.

**Marc Gorelnik** [00:18:31] Thank you very much Christa. Are there any questions for the maker of the motion or discussion on the motion? I will call the question. All those in favor say 'aye'.

**Council** [00:18:47] Aye.

**Marc Gorelnik** [00:18:47] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Christa for the motion. We'll move next to the Salmon Advisory Subpanel. I'll look for discussion or a motion there. Mr. Phil Anderson.

**Phil Anderson** [00:19:18] Thanks Mr. Chairman, I do have a motion that's on the screen. I move the Council make the following appointments to the Salmon Advisory Subpanel. Washington Troll Fisheries: Mr. Ryan Johnson. Oregon Troll Fisheries: Mr. Darus Peake. California Troll Fisheries: Mr. George Bradshaw. Gillnet Fisheries: Mr. Bryce Divine. Processor: Mr. Gerald Reinholdt. Washington Charter Boat Operator: Mr. Michael Sawin. Oregon Charter Boat Operator: Mr. Mike Sorensen. California Charter Boat Operator: Mr. John Atkinson. Washington Sport Fishery: Mr. Dave Johnson. Oregon Sport Fisheries: Mr. Richard Heap. Idaho Sport Fisheries: We will be advertising again for that position, so we don't have a person to propose at this time. California Sport: Two positions. Mr. James Stone and Mr. Jim Yarnall. Tribal Fisheries Washington Coast: Mr. Jon Pink. Tribal Representative from California: Mr. Justin Alvarez. And Conservation Group: Ms. Megan Waters.

**Marc Gorelnik** [00:20:34] Thank you, Phil, for the motion. Is the language on the screen accurate and complete?

**Phil Anderson** [00:20:38] Yes, it is.

**Marc Gorelnik** [00:20:39] And it looks like Pete Hassemer has seconded your motion. Please speak to your motion.

**Phil Anderson** [00:20:46] Thank you Mr. Chairman. First, I want to thank all of those who participated over the last three years on this very important advisory subpanel. Appreciate your service, and I believe we have before us a very, a group of very well qualified individuals who are going to, who have a lot

of expertise to bring to the Council process and will assist the Council in making these decisions on salmon management matters. Thank you Mr. Chairman.

**Marc Gorelnik** [00:21:16] All right. Thank you for that. Is there any discussion on the motion? All right. I will call the question. All those in favor say 'aye'.

**Council** [00:21:30] Aye.

**Marc Gorelnik** [00:21:30] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much for the motion. Next, we will have the Scientific and Statistical Committee and I'll look for discussion or a motion there. Miss Corey Ridings.

**Corey Ridings** [00:21:59] Thank you Mr. Chair. I move the Council make the following appointments to the Scientific and Statistical Committee: Dr. Melissa Haltuch. Dr. Dan Holland. Dr. Kristin Marshall. Dr. Stephan Munch. Dr. Andre Punt. Dr. William Satterthwaite and Dr. Jason Schaffler.

**Marc Gorelnik** [00:22:25] Thank you very much Corey. Is the language on the screen accurate and complete?

**Corey Ridings** [00:22:31] It is.

**Marc Gorelnik** [00:22:31] And I'll look for a second. Seconded by Briana Brady. Thank you very much. Please speak to your motion.

**Corey Ridings** [00:22:40] Thank you Mr. Chair. We are fortunate to have a talented and hardworking SSC. These individuals, almost all of existing members, will continue that tradition and help ensure that our decisions are based on the best available science. I appreciate their willingness to serve and look forward to having them as part of the Council process. And I'll note that there are two vacancies remaining and that these are intended to be reopened with a focus on individuals with expertise in oceanography and social science. Thank you Mr. Chairman.

**Marc Gorelnik** [00:23:13] All right, thank you very much. Are there any questions for the maker of the motion or discussion on this motion? Not seeing any hands I'll call the question. All those in favor say 'aye'.

**Council** [00:23:26] Aye.

**Marc Gorelnik** [00:23:26] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Corey for the motion. And last but not least we have the Habitat Committee. I'll look for discussion or a motion there? Miss Briana Brady.

**Briana Brady** [00:23:55] Thank you Mr. Chair. I have a motion. I move that the Council make the following appointments to the Habitat Committee: Northwest or Columbia River Tribal Representative: No appointment at this time. California Tribal Representative: Mr. Barry McCovey. Commercial Fishing Industry: Mr. Glen Spain. Sport Fishing Industry: Mr. Timothy Roy. Conservation Group: Dr. W. Waldo Wakefield. At-Large: Two positions. Dr. Scott Heppell and Mr. Stephen Scheiblaue.

**Marc Gorelnik** [00:24:30] All right is the language on the screen accurate and complete?

**Briana Brady** [00:24:37] I believe so.

**Marc Gorelnik** [00:24:38] All right, I'll look for a second. Seconded by Joe Oatman. Thank you Joe. Please speak to your motion.

**Briana Brady** [00:24:44] We have another group of knowledgeable and well qualified individuals to advise us on habitat issues and I'm grateful for their willingness to participate. Thank you.

**Marc Gorelnik** [00:24:55] All right. Thank you Briana. Any discussion on this motion? All right I will call the question. All those in favor say 'aye'.

**Council** [00:25:06] Aye.

**Marc Gorelnik** [00:25:06] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Briana, for the motion. So that completes our task of advisory body appointments, but you will have noticed that there are some positions remain vacant. I'm going to ask Mike Burner to talk about our plans to fill those vacant positions if that's okay Mike.

**Mike Burner** [00:25:45] Yes, thank you Mr. Chair. As you noted, we have a few seats left to be filled. Our intent here hearing, unless I hear other guidance from the Council, would be to open those positions for nominations shortly after this meeting, probably with a due date sometime in February of 2022 with the hopes of getting nominations in time for your consideration at your March meeting. You can look to the Council's webpage, and we'll send out notices through our various channels so that people are aware when these open and what the deadlines are and how they can apply, et cetera. The list of vacancies that I intend to open shortly after this meeting, including one GAP Sports Fisheries At-Large position, and as Heather mentioned, this is, we're looking for, particularly expertise in Washington sport fisheries, but not exclusively that, so it would be open to all, but we do have, as we just went through, representatives from Oregon and California lined up for the GAP there, so would be looking for some northern expertise there. We have another seat on the GAP, an At-Large Processor position that we'd look to open over the winter. There is one seat on the Salmon Advisory Subpanel, an Idaho Sport Fisheries position that we did not get a name for here but I understand there's interest in and of course finding someone there, so we would be reopening that position. We have two At-Large positions on the SSC that remain vacant. After your action here, and as Corey mentioned, the Council's interested in some, particularly in some expertise in oceanography and or social sciences, but again not exclusively that, but there's some expertise that we heard from the SSC that they could use some help with. We have one seat on the Habitat Committee representing Northwest or Columbia River tribal interests. And we will reopen for one seat on the HMS Advisory Subpanel. That being for a Processor North of Cape Mendocino. So again, look for that announcement sometime after this meeting with deadlines or due dates sometime in February would be, would be my guess at this time. So just stay tuned and hope to get some, some names there. Thank you.

**Marc Gorelnik** [00:28:05] All right. Thanks for that Mike. And I just want to make sure everyone around the table is comfortable with that plan to fill the remaining vacant seats. See if there's any discussion there? All right. We seem to be in good shape there, so we'll come back to that at our March meeting presumably. So, there are a number of ad hoc appointments to be made. While those are my appointments.....Mike, you got your hand up?

**Mike Burner** [00:28:36] Yeah, sorry Mr. Chair. One thing I forgot to note. For some of these positions that we are reopening, there were some names that were nominated for this meeting. I just, just for clarification, when we reopen these seats, we would ask that folks that are interested in being considered in the spring to renominate themselves again. So, we won't be carrying forward any nominations from this meeting. But I welcome those folks who are interested in continuing to pursue those seats to resubmit their names in the next round. Thank you.

**Marc Gorelnik** [00:29:09] All right, thanks for that Mike. So, there are a number of ad hoc appointments to be made, ad hoc committee appointments, and while those are my appointments, that's not something I do without consulting with the Council and getting guidance from the various interests on the Council. So let me run through those. There is a vacancy on the Ad-Hoc Ecosystem Work Group. We'd like to thank Dr. Andi Stephens for the contributions made to that body. But the new appointee there is Dr. Kiva Oken. And it's based on a recommendation from the National Marine Fisheries Service. So welcome Dr. Oken. With regard to the GEMPAC and the GEMTAC, bodies charged with a lot of work in the field of electronic monitoring. A lot of good work has been done and a lot of time has been spent by the existing members of those bodies and they deserve a lot of thanks, but we still have some distance to go there and we're going to be adding a few people here and making some other changes to hopefully get us across the finish line, so to speak, in the next six months. So, the membership for the GEMPAC after consulting with Council members. These are the names. Mr. Phil Anderson, Council member from Washington will be the new Chair. I'd like to thank Dr. Dave Hanson for all his hard work there. Mr. Paul Kujala. Miss Melissa Mahoney. Miss Heather Mann and Mr. Brent Paine all remain on the committee and the new members are John Corbin from the fixed gear community. Lisa Damrosch, Bottom Trawl. Bob Dooley, Council member. Welcome Bob for pitching in on this. Kate Kauer and Mr. Ryan Wulff. Obviously, participation on the GEMPAC will include others who are not formal committee members such as the Enforcement Consultants and Council staff. Now there is a separate body dealing specifically with enforcement and there is one change there. And I'll just for the sake of completeness I'll read off the new membership of the GEMTAC. Captain Chadwick. Dan Colpo. Lieutenant Ryan Howell. Mr. Justin Kavanaugh and Mr. Andrew Torres. Like to thank Mr. John McVeigh for his contributions on that committee. I think that was the only change there. So those are the ad hoc appointments I'm making at this meeting and I want to thank all the Council members who provided input here to make sure that we had good composition on these bodies and as we seek to finish this project. So with that I will turn....oh wait. I'm getting a text here. I think there are two more names that I've left off because they weren't on my notes here for the GEMTAC. Also, Lieutenant Jason Kraus and Traci Larinto. So my apologies, they were not on my notes here. So that completes the.....Brad Pettinger and Phil Anderson. I'll go to Brad first.

**Brad Pettinger** [00:33:45] Yeah, thank you Chair Gorelnik. I believe it was Dave Colpo. I hate to think Dave has a brother running around out there so I'm pretty sure it's Dave Colpo.

**Marc Gorelnik** [00:33:56] Okay. Thank you very much. And I think Phil had his hand up.

**Phil Anderson** [00:34:03] Same reason. Thanks.

**Marc Gorelnik** [00:34:04] All right. Great. All right. Is there anything else or any other comments from the Council on these ad hoc appointments? All right I'm going to go back to Mike Burner and see how we're doing on this agenda item.

**Mike Burner** [00:34:33] Thank you Chair Gorelnik. And thank you Council members for moving through that large list of things expeditiously. I think you've completed your business here. You've adopted some new language for COP 9, and we will get that updated and posted shortly after this session. You've also made quite a few appointments. I won't summarize all of those here, but we will do our best to get those posted on our website. I'd like to welcome the new members and thank them for their participation. Also, of course express, echo a lot of the appreciation we've heard here for, for folks that will be leaving our advisory bodies. As I typed up these lists preparing for the briefing book, it was kind of tough to not see some of some old friends and some people that have been in this Council process for a long time. So I... heartfelt appreciation for those folks and I wish them the best, particularly the GAP had a lot of people to move on and Susan and Brett did just a wonderful job going through that and I share those sentiments. So, thanks to everyone. Welcome to the new members and

everyone keep an eye out for emails and posts on our website regarding the vacancies we went through. We still have a little business to do regarding some vacancies for this next term and so I encourage people to throw their name in the hat. Thanks for the time.

**Marc Gorelnik** [00:35:53] All right, thanks very much Mike and thanks to the Council for getting through that work expeditiously.

## 10. Future Council Meeting Agenda and Workload Planning

**Marc Gorelnik** [00:00:00] So that concludes public comment and I believe all of our management entity and advisory body reports which takes us to Council discussion and action. And at this point I'll ask Executive Director Chuck Tracy to pick up the microphone and walk us through these agendas.

**Chuck Tracy** [00:00:27] Thank you Mr. Chair. So, I guess what I'd like to do is just maybe go over a few of the issues with the March and April agenda item. I want to touch on Council staff workload capacity as well since those are related. So let me just start with one thing that I think is not on either of the, any of these agendas, Year-at-a-Glance or the Quick Reference, that I think the Council needs to take into consideration based on the discussions that occurred at this meeting. I believe there's some interest in scheduling an electronic monitoring agenda item sometime in the spring. I believe we're kind of waiting on an answer from National Marine Fisheries Service on some of the questions regarding third party contracts, sole source contracts, and cost recovery fund usage and I believe it would, I believe the Council should hear back from National Marine Fisheries Service on that. Obviously, the Council spent some time considering the composition of its GEMPAC and GEMTAC to consider some of those issues. So, I would put it out there that I think March or April would be appropriate time for that to occur. I would, I guess I would note that March is already pretty jam packed. Putting it in April might provide a better, a better probability that National Marine Fisheries Service will have an answer, but I will leave that up to the Council to weigh and to consider when they would like to schedule that. A couple other things, I guess. We did hear some recommendations from some of the advisory bodies and so I'd like to maybe address some of those so we can perhaps take some of the... deal with some of the low hanging fruit, I guess. So, for March, while we didn't have anything directly related to the scheduled agenda items, there were some recommendations for the candidate items in the box there. For example, the HMS business, the team recommended delaying Essential Fish Habitat Review. They did recommend including the Swordfish Management and Monitoring Plan for March. For groundfish, the GMT recommended the check-in on the 23-24 Spex and Management Measures. I think that's, I think we certainly need to have that. In the box we've got two hours scheduled for that. I'm not sure that that is going to be adequate for that. I'd also like to discuss the, you know, the action that might be considered, or the, you know, the scope of that agenda item. This is listed as an update. I would urge the Council to discuss whether it might be more than an update and require some action so that we could correctly frame that and set the necessary Council action. I did have one question about the Fixed Gear Logbooks Update. So that's in the candidate box in March for an hour. I know that there's been some discussion under the spex process that may relate to the use and then utility of having fixed gear logbooks considered under the spex, so I guess maybe just a question of clarification on how those two items are related or not and whether they need to be kept separate and considered as a standalone agenda item there. And then finally for March, the Sablefish Gear Switching Review Update, I did notice some support in the advisory bodies for that agenda item. That's currently scheduled for 6 hours, and we've had some internal discussion amongst staff as to whether that is even realistic to get it done that quickly. We've only got four hours of floor time, so I think it's unrealistic to consider having sablefish gear switching in March on the Council floor. That's not to say that there wouldn't continue to be some, some level of work done on that in the interim, again, depending on what the other priorities the Council identifies and how much work we have to do in spex and other agenda items, but I would expect there to continue to be some, some progress there. I believe Dr. Seger is and Jessi Doerpinghaus have been working on some way to get some initial information out to staff and interested folks in terms of a description of the alternatives. Perhaps some videos or something to make sure that people continue to think about this and find ways to better understand it going forward. So, I will pause there and see if there's any thoughts about how we might handle March. John Ugoretz.

**John Ugoretz** [00:06:45] Thanks for that overview and I think you've highlighted the fact that March is jam packed and we've got more things in the possible items than we could possibly deal with. I agree



with the HMSMT's recommendation to postpone Essential Fish Habitat Review. I don't think they're ready for that and I don't think there's the information yet available for them to do that. I think I, given where we are with Swordfish Monitoring and Management Plan that I really think that some outside work is necessary before this comes to the floor of the Council again. I would be happy to see and participate in a workshop regarding that plan that includes the management team and advisory subpanel and members of the public. I think we've heard some good input, including what Miss Labriola said about possible ways to look into gear performance for potential future EFPs. I think all of that needs a pretty significant amount of time and discussion and that if it happened outside the Council and then came back to the Council at a later date it would be much more effective. And I think if anything a very brief update from the team on progress towards analysis of drift gillnet hard caps would be useful. I'm thinking on the order of 30 minutes, but that the other items should be held for a later time. Thanks.

**Chuck Tracy** [00:08:38] Thanks John. Yes, you did raise another item that the Council needs to schedule some time for, and that is the drift gillnet hard caps. And so, I gather from your comment that you are suggesting there be at least some something in March on that. So, I guess I would maybe just ask if there's other thoughts about the scope of that and how that agenda item might be scheduled in advance to take more substantive steps than what you described, I guess, as a brief update. John.

**John Ugoretz** [00:09:22] Yeah, thanks. And I'm not opposed to not having discussion in March on that item. I think the team has identified that there's a pretty significant work to be done. They also mentioned a meeting with the Enforcement Consultants, which I think would be useful. So I, you know, if there's not time in March I would suggest waiting for June when they can give us their full analysis and we can make some more concrete decisions in June. If something did come in March for hard caps, again I think it would be more of an update and letting the Council know about progress and perhaps any very preliminary results, so I don't anticipate the team will have much by March.

**Chuck Tracy** [00:10:12] Thank you. I think with that I do think it would probably be a better use of Council time to wait until there's a little more complete analysis. The Council can take some more concrete steps and wait until June for that. So, I guess that's what I would recommend and then we'll see if there's any other thoughts about that. Ryan Wulff.

**Ryan Wulff** [00:10:36] Yeah, thanks Chuck. A couple of things across the board on March. I know we're talking March here, but since you mentioned EM, I just did want to support all of the statements that you made on it. I agree definitely 100 percent need an agenda item for EM in the spring but it's probably, since you just raised the issue whether it's March or April, I wanted to at least weigh in here that I think it's probably okay if that is April. NMFS could still utilize our reports to provide any update, at least on some of the questions and give a little more time for the newly constituted GEMPAC and GEMTAC to meet. But I do think it is imperative to have on at the very least April. Regarding HMS, since John just went, we're supportive of the MT's recommendations. Also supportive of moving EFH, and I actually think it's possible a 30 minute or very brief update on our Council is possible, but I also see your point, Chuck, too so however the Council goes, at least I think there may be at least some update, but John is I think completely right. There's not going to be a lot of analysis or anything full already and they have stressed that June was probably more appropriate for that. Would also support the.....there was a point in the HMSMT report on international too and having a presentation on the new albacore app and would support that under that agenda item. I also note it's now down to an hour. I think that's about right for international at this meeting. And then finally turning to groundfish. You mentioned fixed gear logbook, Chuck, and from our perspective we really would like that to be a separate agenda item and very strongly would advocate for that to be on the March agenda. You know we want to keep on a timeline to get that in place by January 2023. We'd love to have a proposed rule out in May. In order to do that I think we need a separate agenda item on this in March. So that is a strong recommendation from NMFS. And we can also support two items from the GMT report, which

is the fisheries in 23-24 check-in that you also noted Chuck and support that and moving the Trawl Catch Share Scoping off the March agenda. And then finally, I said finally before but I got one last one here. Trying to pull up the administrative item, no sorry that's not March so..... Oh no, yes sorry. C.2, the Regional BSIA Framework. I know March is slammed here. I believe I've confirmed from the Science Centers that that is an agenda item that could be in April. We do need it before May... I think it is our deadline so we do need it in the spring, but I think that could effectively be moved to April if the Council is looking for an extra hour. I'll stop there.

**Chuck Tracy** [00:14:15] Okay. Thank you. Maggie.

**Maggie Sommer** [00:14:22] Thank you very much Chuck. My first recommendation is regarding the scheduling of the Ecosystem Work Group and the Highly Migratory Species Management Team meetings in conjunction with the March meeting. It is not in the HMSMT's report but was brought to my attention that they overlap for part of that time and that presents a conflict for, I believe, for multiple members and so request to consider staggering those so they don't overlap. While I am thinking about meeting scheduling I will just reiterate a comment I've made before, this is just something to keep in mind in general, and I think has been illustrated during this Council meeting, the sooner the Council has an opportunity to see advisory body reports the better. It will help us move through decision making. So, I know there are an awful lot of logistics and challenges that Council staff work through in scheduling all this, but if there is some opportunity to hold some of the advisory body meetings earlier to provide their output to the Council a little bit sooner, I would be in favor of that. I have some specific additional comments on the Council's agenda for March. First is the gear switching item. I understand that, you know as you said, and I've had a little bit of email exchange with Jim and Jessi and understand that there are plans to develop some information for the Council and the public prior to the March meeting, whether that's videos and or some other means that would help everyone understand the alternatives as adopted and the areas in need of clarification. And I would suggest that we do not schedule a gear switching check-in for the March meeting, but instead we plan, you know, that the Council staff go ahead and produce that information. Council members should review it prior to the March meeting. Anyone else can review it and we can consider then under our future meeting planning when to schedule it and whether it might be necessary and appropriate, for example to convene a meeting of the SaMTAAC Committee before a meeting when we actually provide guidance so that the SaMTAAC could potentially help inform a much more focused response to questions on areas that still need clarification. I think I'll offer my other comment regarding March. I'm sure there might be some discussion on the gear switching approach but is that I think we could leave the Limited Entry Fixed Gear Review item on March. I understand that we're not expecting a lot of changes in the review document since the last time the Council saw it. Some updates and some completion of some requests that the Council made at the last step, and we would then be able to put it out for public review after that. And that seems like an efficient approach rather than prolonging it and potentially then needing to go back and redo and refresh some of the information in a.....you know, the farther we get out from what's already been done. I'll stop there. Thanks.

**Chuck Tracy** [00:18:13] Thanks Maggie. Any other thoughts about March? Maggie did your hand go back up?

**Maggie Sommer** [00:18:22] It did, thanks Chuck. I just forgot that I had one other brief thought about March, which is that I do think the Fixed Gear Logbook item should be put on the March agenda item. I think we will want that to proceed through the process. I do think that the check-in on the 2023-24 spex and management measures would be good to put on, but that should be an update with an opportunity for Council guidance, but not Council action on any of those alternatives. And just an observation that I wonder if the amounts of time scheduled for G.2, Workload and New Management Measures Groundfish, 2 hours and C.8, Future Council Meeting Agenda and Workload Planning one

hour might be a little short of reality, even understanding that the April meeting will already be pretty set. So that all factored into my recommendation on not scheduling a 6-hour sablefish gear switching item in March as well.

**Chuck Tracy** [00:19:35] Okay, thank you. And to your last point the, well one of your last points there about the groundfish workload management prioritization process. 2 hours I agree is light. I think there's a lot of work to do there. And as for in the Future Council Meeting Agenda and Workload Planning for an hour, again if April is pretty well set, I think we've been able to keep that close to that. So, I guess I would like to try and do that and then do the heavy lifting in April when we start to look at June and the rest of the year. So, I guess I'm inclined to keep that one about there, but I think adding to the workload and new management measure priorities for groundfish is, would be prudent. Well, I guess just to kind of pause here. I guess what I see here is that the fixed gear logbook and the fisheries check-in, which again I think 2 hours is probably light for. So, if that was, if that one was 3 hours, the Fixed Gear Logbook was one and then we increased the Workload and New Management Measure Priorities for Groundfish to three, that would put us over about an hour. We did hear from Ryan that it might be possible to move the BSIA framework to April, which would give us that hour back and would probably fill up March just about right. So that would leave research and data needs out but and then we've, there's already been some discussion about the swordfish, the HMS items being delayed. So, I guess what's left out besides Sablefish Gear Switching would be the Trawl Catch Share Program and Interceptor Allocation Review. So I guess, you know, I do think, you know, that this groundfish workload is something that we need to look at pretty hard at this meeting with the spex and the new management measures that are being considered for it. You know I think we need to try and keep our priorities in front of us. We will have some more staff capacity. We have, we will have Jessi on staff. Of course, she's kind of been on staff, at least on contract and working on a number of these things anyway. You know, even last year she did a fair amount of work, or last cycle she did a fair amount of work on the spex for on contract. So, you know, we're not necessarily gaining a lot over what we had last time around. Obviously, she's been working on a lot of other things like non-trawl RCA and whiting ship utilization and gear switching so we have some capacity but I do want to make sure that the spex is the priority and that we don't expect staff to do it all as has been the case in the past. So, I guess to that end I am all right, more than all right delaying the Trawl Catch Share Program and intersection Allocation Review till after April at the very least, if not longer, depending on how much workload the spex entail. So, Corey Ridings.

**Corey Ridings** [00:23:59] Thanks Mr. Chair. Thanks Chuck. I just, I guess I'm looping back here a bit, but I wanted to support John's proposal to do a workshop on the Swordfish Management and Monitoring Plan, including the EFH, excuse me, EFP gear performance metrics that Theresa Labriola talked about. That seems like a real thoughtful and smart way to get some of this work done and be efficient with the Council's time, so I would like to see that move forward and I'm happy to help personally with that as well. Also, I heard Maggie talk about the ABs meeting sooner and I support that as much as possible. I think it's a better, more open, more transparent process when Council members and the public and the entire Council family can read reports ahead of time and allow more cross-fertilization of ideas and, you know, regardless of whether it's done virtually or in person, I think that that's really an important step that could be taken to improve the process and hopefully reduce some of the stress and the workload for folks like the GMT too. So just throwing it out that I think that's something that we should work towards. Thanks, and I'll stop there.

**Chuck Tracy** [00:25:27] Thanks Corey. Marci.

**Marci Yaremko** [00:25:32] Thank you Chuck. Just a few comments on March. I think I'll start with echoing Ryan's support for the Fixed Gear Logbook agenda item and that perhaps an hour is optimistic. I'm hoping that we have a lot to talk about in that item, especially acknowledging the desire for a

somewhat rapid timeline for rulemaking action, we may only get a couple of looks at this. So, I think the sooner we take that up and in as much detail as possible the better, acknowledging the need to have this measure, to have our recommendations on this measure to NMFS early enough for them to incorporate them into the rulemaking. So certainly, support that. Certainly, support the check-in G.7 for spex. I think that's going to be important as another opportunity for us to hear the latest and provide some feedback. I'm wondering about G.2... the New Workload Management Measure Priority discussion that we have. I'm a little concerned that there's going to be a lot of bleed over between the content of G.2, G.7 and C.8 and just wonder if and recognizing that we are not looking at a new manage....or a non-trawl RCA item anywhere here on this list. I just don't want to spend too much time rehashing things that really are on a list right now or have a home, so I'm just wondering if we really in fact need G.2. I know there are other things that have kind of been dormant on that list that we haven't looked at in some time, but acknowledging, as you indicated, our priority being the spex, just not sure that we'll accomplish a lot here in G.2 in March, but that's just my perspective. I also want to think back a little bit, actually not all that long ago, we viewed the March meeting for groundfish as being a light or a non-existent meeting and just seeing up to potentially 10 groundfish items in March. You know it's a little, little concerning. It certainly changed from how we were looking at things not all that long ago and just want to I think re-emphasize that March is a very heavy salmon meeting and always has been and really does take a lot of our time for good reason to work through all of the salmon matters, and that's always been a focal point in March. So, I think also with that I want to speak to the SSC's statement a little bit about the draft version of Pre-1 and certainly acknowledge their interest in getting a copy as early as possible so that they have some time to think about it and prep for their statement development. I guess without really knowing more about the proposal that they have in their report to us, I don't know that the Council needs to weigh in on it other than to say I wouldn't want the SSC to bring us a review of the content of a draft that then changed. So that's my only flag on that. I think that's it. Thank you.

**Chuck Tracy** [00:30:10] Thanks Marci. Yeah, I think we can, we'll work with the STT and SSC Salmon Subcommittee to see what we can get to them sooner rather than later. You know obviously we want to make sure that it's, you know, remains under wraps, I guess. We don't, obviously don't like preliminary information or draft information getting out there and you probably don't want to answer the questions of, well what about this when you haven't seen it so that's kind part of the reason, but... but we also understand, you know, the need to get a look at that stuff early, you know, which is why we've had some suggestions of trying to look at it, you know, even over the course of the summer or fall of the previous years, just to make sure that the methodology that, you know, if there's no change in the methodology that they've had an adequate time to review that. Getting back to the Groundfish Workload and New Management Measure Priorities. I do have some concerns about delaying that. And I know that we've we basically tabled any review of that over the last few meetings and I think that's okay because we obviously have plenty on our plate already, but the idea behind that, and particularly the March meeting, the one meeting where the priorities are set, I think is worth taking a look at and considering because, you know, the intent there is that the Council at this stage identifies what their priorities are once the spex is over and we didn't do that last time around. We waited and what inevitably happens is that by the time the Council settles on what they want staff to work on in the off-spex cycle, they've missed the window of opportunity to get going, you know, as soon after this spex is sufficiently complete to dedicate some time to that. So it's a really, it's a strategic planning concern that I think the Council really needs to look at in a big way I think in the near future, but this is, you know, it's still a pretty big part of it but it's one strategic planning process that we've got in place and I would encourage the Council to use it as it was intended and so that we can take advantage of things and get things done in that interim. If you start late, you end late. If you end late, you're still doing it while you're doing the next spex cycle, and that's what we're trying to avoid. So, I would strongly encourage the Council to keep that, keep that agenda item on there and make an effort to set the priorities. And again, you know, it may be, very well may be that we've already got enough on our plate for the next, you know, that next period after the spex are done. So maybe, maybe it's not a heavy lift, you know, to take that step,

but I think it is important to identify that stuff and make sure staff is ready to jump into items that are the Council priorities in that window of opportunity and not delay that. Christa.

**Christa Svensson** [00:34:17] Yeah, thank you Chuck. I will lend some support to the swordfish workshop, although I would be really interested in hearing a little bit more about the mechanics on that. I am hesitant about including the gear performance indicators fully into that workshop and taking it off. I had thought we had agreed we were going to put it at least tentatively so shaded in the June meeting. And my concern about it being part of the swordfish conversation isn't that it isn't integral to that swordfish conversation, but that it's bigger than just swordfish. And so just I don't want to lose sight of the fact that your performance indicators really is about any EFP in HMS, but potentially for anybody else, and so it may be appropriate to start that conversation there but I just don't want that to totally fall off the Council list. And then the pivot a little bit, just commenting that based upon the amount of conversation and discussion we had on fiscal matters at this meeting and having a prioritized work list, we may be a little light on 30 minutes in March, but just an observation. So, thank you.

**Chuck Tracy** [00:35:51] Thank you Christa. Butch.

**Butch Smith** [00:35:52] Yeah, thanks Chuck. And I'm sorry if this is in the wrong place, I'm still learning this, but, you know, maybe remind everyone, you know, the salmon, you know, have a placeholder for salmon, but not only that, but you know, not the normal, you know, thing, issues we have north of Falcon. But, you know, SONCC coho is probably going to take up, you know, some pretty huge time between, you know, California and Oregon figuring out the whatever they're going to figure out. The tribal piece and then how to model all that to create fisheries, so there will probably be a little more Council time taken up by that issue this March that might not be accounted for right now. So just thought I'd throw that out there as maybe a reminder it's changing. It's going to change people's lives. So anyway, thank you Chuck.

**Chuck Tracy** [00:36:56] Thank you Butch. We will take a look at our salmon schedule and see what we think about needing to make some adjustments there. All right. Corey Niles.

**Corey Niles** [00:37:14] Thanks Chuck. I know Ryan's hand went up. I don't know if he had something on that same topic, so I can wait to not bounce around too much. It looks like he put his hand down. Yeah, not to go back, we are, WDFW are liking the direction, but just on speaking to this groundfish workload priorities, Marci brought up some of the same questions about sequencing and I think, Chuck, I'm having you echo in my head right now from past meetings about repeating the same things over again under some of these agenda items. But, yeah, just maybe encouraging to think about how these items would be connected, proposed G.7 with G.2 and then this item, this equivalent item at the March meeting, not to have that discussion here now but some thought on a sequence of those would seems to be in order. And then a separate question on the ecosystem items. I'm curious as to why they're at the end of the meeting? I think it's usually, you know, maybe something nice to kick off the meeting with. In the past, you know, not a pressing, urgent question, but if you had thoughts there I'd be curious to hear them.

**Chuck Tracy** [00:38:38] Thanks Corey. I guess in regard, just maybe I'll see if I can maybe get some clarity from you, and I know Marci mentioned this too, the sequencing of the groundfish items. I guess I'm not sure how the G.7, the fisheries check-in, that's related to the spex and so I view the Workload and New Management Measure Priorities not related to the spex. It's related to the time when we're not doing the spex. And then, I mean you always have to, you know, at some point get together and fit them in with the rest of the world, the salmon and the HMS and the CPS and the FEP world. So in regards to the ecosystem business, we've, well we've struggled with that from time to time, particularly when we were meeting in person we had them, tried to have them early or have their advisory body meetings

early so that they could overlap with the other advisory bodies since those are cross FMP issues. And then, you know, typically we had the agenda items pretty early in the Council meeting too. With, particularly I think with the virtual meetings and some other opportunities and some more, you know, to be able to attend virtually and not have to coordinate people quite so much, we've scheduled things so that we can make sure that the advisory bodies get the information on the ecosystem issues and or have enough time to develop statements on these and get them into the, get them onto the Council floor without being overly rushed, I guess. And so that's why we've kind of started putting things, ecosystem things a little later in the agenda just to give more time for all the FMPs, which don't necessarily all meet at the beginning of the meeting, you know, time to receive the information and process it and develop their statements. So that's kind of why, I guess. If there's a desire to reconsider that we could. Follow-up Corey?

**Corey Niles** [00:41:27] Yeah, no, and I think that makes sense so just to try to quickly articulate what, I don't know if Marci was thinking the exact same thing, but what in the sequencing of the groundfish, you know, we just this morning the Council, you know, put a bunch of, a number of items in the management measures of spex, but not knowing if they were going to stay part of it or not. For example, the tier fishery season extension item as an example that pops to mind. But so, if those come out of the spex then they become something to talk about priority-wise. That was just one example of what was in mind.

**Chuck Tracy** [00:42:09] That's a fair comment. So it might be that the fisheries check-in should come before the workload management agenda item during that March meeting, is that the gist of that?

**Corey Niles** [00:42:29] I think that would be my take, but yeah... just....

**Chuck Tracy** [00:42:34] Okay.

**Corey Niles** [00:42:34] Give some thought to it was my comment.

**Chuck Tracy** [00:42:37] Okay, thank you. Yeah, that's a good comment. Okay, Ryan.

**Ryan Wulff** [00:42:43] Thank you Chuck. Another issue or two I wanted to raise. One, we've heard some additional comments on an SMMP related workshop, and I just wanted to number one support what Christa said. I don't think gear performance metrics is much broader than that. It's also kind of adding a new item there and I'm not sure I would support having that as part of an assessment workshop when we really haven't had an SMMP agenda item yet. I'm also a little concerned of the overall workload of workshop with the MT already commenting on existing workload for the current SMMP tasks they have and for hard caps. So that said, if there is one however, I think it should be much more tailored and focus on some of the analyses and work the MT has done or is close, closer to completing from those 2019 tasks. So that would be my approach there. And then lastly, since we look to be kind of wrapping up on March, I'm not sure if I heard you mention, Chuck, whether or not whether this was going to be in person or virtual, but that said I'll defer to you. If I missed it, I apologize. My comments though, regardless of that, are just that NMFS has been doing a lot of thinking. I think you've heard it in some other comments from other Council members about, and in public comment just about the lessons we've learned from the past couple of years here in a virtual setting. I would hate to see us just immediately presume once we are back in person that it's back to exactly the way that it was, or at least without some sort of discussion of whether or not there's any improvements or changes to the Council process that could be supportive, could help us do our business more efficiently or increase participation, et cetera. So, I just wanted to note that here since we are talking about March. I would like to have discussions between this meeting and the March meeting with Council leadership and as well as anyone else who's interested to see if there are any kind of proposals that could be put forward

at a future meeting, but I wanted to at least raise that issue here to let folks know that that's on NMFS mind. Thanks.

**Chuck Tracy** [00:45:23] Thanks Ryan. You know as I mentioned at the beginning of the agenda item, Merrick's planning to speak to the Council about the sort of logistics of doing business for the March and April meeting, so he'll do that when we're done planning the agenda here. We're planning for five and a half days for March and April, whether it's virtual or hybrid or in person, so I'm kind of operating on that assumption that we're just targeting five and a half days now and we'll let Merrick and everybody deal with the rest of that and he can talk about it a little bit later. To your point about, you know, just flopping back to, you know, back to the future of 2019 or whatever, we certainly recognize that there have been some benefits of our experience here in the virtual world. I think I've talked quite a bit about it under the budget, the Fiscal Matters agenda item and the fact that we've been looking at ways to hybridize the advisory bodies and certainly we're looking at all of our options in terms of sort of the three possibilities for both Council and advisory bodies, in person, hybrid or, you know, half of the folks meet in person in the other half were able to join remotely and then fully virtual or in person, you know, being the other two extremes, so we're definitely aware of that. We recognize the, you know, the benefits. We don't want to throw the baby out with the bathwater so to speak and so, you know, we're looking very hard at ways to accommodate whatever the future needs to bring, and I'm sure there will be opportunities for discussion about that with Council leadership and Council staff in the future. Okay well I'm not seeing any other hands to talk about March, so maybe we can talk a little bit about April then. There's Briana Brady. Go ahead Briana.

**Briana Brady** [00:47:50] Thanks Chuck. And since we're on April, I just wanted to speak in support of all the aspects of the management team report and moving the various CP items around in the YAG for the MT report, so I think that might free up some space for April and CPS items. And also, just to note support for the CPS Advisory Subpanel request for their meetings as they outlined it. Thanks.

**Chuck Tracy** [00:00:00] Okay. Well then let me just kind of go over, since you wanted to start with CPS let's talk about it. So, one item that the management team recommended was moving E.4, the Central Subpopulation of Northern Anchovy Assessment to June and including management measures as part of that agenda item. So that would free up two hours. They also talked about, I think, moving the EFH Phase Two Report to June. So that's something else we would not have to move up in order to do that. Let's see other things I think that came up in terms of June, I think those are the two things I noted on CPS. I'm getting some indication that there's some consideration of moving the Stock Assessment Prioritization to November. Was that in the management team report? Okay. So, if that's the case, I apparently missed that, that would, that's another hour. So, I think what we have to, still have to deal with though was we did move BSIA from March to April. That's got a May deadline so do we have an hour for that, I think? The other thing we talked about was adding an electronic monitoring agenda item here. I'm not sure what to think about the time necessary for that, but that tends to be something of great interest. There could be some pretty substantial discussion about that, public comment, so I don't know, staff... we haven't really talked about how much to put in there, but I would think at least two hours for that. So, I think....oh and then I guess the other, my....I had a maybe a question for some of the groundfish folks. I see we've got Inseason Management here for an hour. I know we've got an inseason management item in March as well for groundfish which is scheduled for an hour and a half. I guess I'm just wondering how realistic that is. You know in March you don't really know that much, but in April, I think, you know, a little bit more and I guess I'm concerned that that might require a little bit more time in April. The other item I think I'd like to have a discussion about is the non-trawl rockfish RCA. That's in the candidate item box for 3 hours. I think there's obviously still some unknowns about that, particularly in regards to how much of that's going to end up in the spex and what sort of workload is associated with whatever winds up in the spex, and this is kind of, I think where we get to the staff workload issue. You know, again, Council staff has done quite a bit of work

on that, Council staff and Jessi under contract have done a lot of work on that. But, you know, I think we expect them to shift gears and spend the majority of their time on groundfish spex. So, I'm not sure how much we can expect staff to be able to work on that over the course of the winter so I guess I'm not, at this point I'm not confident that whether we have floor time or not, that we will have adequate staff time to advance that agenda item. So, I'd like to have maybe a little discussion about that as well. But I guess the bottom line is I think there probably is a little bit of, uh, there might be a little bit of time for some, some of these other issues. I guess in terms of salmon, I would like to hear from California on their thoughts about the Sacramento and Klamath Conservation Objective and the Sacramento Age Structured Assessment agenda items. I know those have been just kind of placeholders we've pushed down the road a couple of times. They were an outgrowth of the rebuilding plans for those two stocks, and I know there's some desire to get to those as soon as we're able, but I guess I'd like to hear their thoughts about that. I think that's all I've got so Ryan I'll call on you first.

**Ryan Wulff** [00:05:40] Thanks, Chuck, and I appreciate your overview. Yes, we didn't put it on March so I would strongly advocate for an electronic monitoring agenda item here in April. I would also fully concur that 2 hours at minimum, potentially three for at least potential planning. We could obviously adjust, and we'll know more on specifics by the March Council meeting so I can make any changes in that workload planning session if need be. Also wanted to speak to the non-trawl RCA issue. I fully concur with all of your comments on workload. Do not support holding this in April. And we also have a GIS component that needs to be done to support that analysis and won't have that, we're still working on that contract I believe so April is going to be too early. I mean June is most likely the earliest and that may be challenging as well. I would also.... there are some, some of the other reasons raised in groundfish issues. I would support leaving off the strategic plan scoping, but I would be okay and would support having the Whiting Treaty implementation discussion. I don't think that will take a long time and I think it's worth having on this April agenda. I think he already spoke to and Briana already spoke to CPS. I just wanted to support that, moving that anchovy agenda item to June to be consistent in line with the new COP 9 change that we just did. And then for....oh, and you already mentioned BSIA, so that would need to go here, not in March. Then on salmon I actually would probably recommend, at least at this point, adding a 30-minute NMFS Report. I'm not sure if we'll need it yet, but I will know by March but if we don't use the full 30 minutes, you know, but it's possible that we may have some updates there as well if there's time on the agenda and that could be squeezed in. And then you mentioned I think the conservation objectives in the aged structured assessment. You know we have, we support inclusion if there's time and if folks can accommodate the workload but understand it may be a challenging salmon year so I'll defer to others on that. And that's NMFS views on April.

**Chuck Tracy** [00:08:32] Okay, thanks Ryan. Maggie.

**Maggie Sommer** [00:08:36] Thank you Chuck. It certainly doesn't seem likely we would be prepared for a non-trawl RCA preliminary preferred alternative step in April, but I understand it could be helpful for staff and for the future analysis steps if there is a check-in and potentially further refinement in particular of Alternatives 5 and 6, which I think were left with some areas that will need to be filled in so I guess I just put that out there. I suggest that if we have time and the relevant parties are prepared, it might be helpful to include it on there. Thanks.

**Chuck Tracy** [00:09:25] Thanks Maggie. So just to clarify that, I guess just in terms of the scope of the action or the scope of the agenda item, so would not be prepared for PPA, but this would modify the range of alternatives potentially if there's more feedback on 5 and 6, I think you mentioned?

**Maggie Sommer** [00:09:47] Thanks Chuck. I think that would be the case.

**Chuck Tracy** [00:09:49] Okay. Thanks. Ryan.



**Ryan Wulff** [00:09:59] Yeah, sorry I forgot something. I did because I don't.....I'm not sure if Briana mentioned it or if you mentioned it and maybe did and I just didn't hear, but there was a recommendation for adding management categories final action in April from the MT report for CPS and we would support that. And that's the one thing I forgot. Thanks.

**Chuck Tracy** [00:10:32] Okay, thank you. Yes, that was adopted for public review at this meeting so that would seem appropriate. Okay Marci.

**Marci Yaremko** [00:10:48] Thank you Chuck. To respond to your inquiry on salmon and the two items in the candidate box, you're right, these items have been on the Year-at-a-Glance as placeholders for some time just I think so we didn't lose sight of them. I would agree that we're not ready to kick off any discussion on either of these two items in April. I'd note that the STT is going to be going through a lot of learning and we've got many new members in that group and I'm sure that just completing the tasks associated with the season setting process is going to be all consuming, especially acknowledging that we'll have some new needs with regard to expected NMFS guidance I think that Butch referenced. So STT is, I think, one place where, you know, we should be cognizant of the capacity. Similarly, CDFW staffing is a concern here too. I think both of these items are going to require significant coordination and engagement from our inland fishery, counterparts in our regional offices and in our fisheries branch, and we haven't made a lot of progress yet on identifying folks that are going to be able to engage in an overview of this magnitude for either stocks, either of these stocks. And I'd also add that with regard to at least Klamath, there was some discussion earlier this week about postponing certain things until after, you know, Klamath Dam removal. I think that's certainly something to be mindful of. That timeline is quickly approaching and so it would seem that, you know, at least in the case of Klamath, we keep that in mind before kind of scheduling a major new review of the Klamath Fall Conservation Objective. So, I think that covers salmon. On groundfish, I would note under the candidate item G.7, the Strategic Plan, I'd reference our discussion in the fiscal agenda item this meeting and some interest in maybe broadening the scope of the strategic plan discussion to be more holistic about other strategic plan, about a comprehensive look at our strategic plan for the Council and all of its activities. I think, I'm not sure where I'd prioritize that, but I would just acknowledge that maybe we don't, that the time is not of the essence with regard to groundfish strategic planning here in April and, I guess, I'd wait to hear more about thoughts as we talk about our fiscal priorities and where that proposal lands. So, I think I'm certainly comfortable putting this off any time, you know, soon. Also want to support the recommendation to pick up any agenda item. I think we've had a lot of discussion this meeting on our newly formed committees and look forward to getting that work underway and would expect that we'll have things to talk about pretty quickly and identify that as the need. On G.8, the non-trawl RCA item, I support the discussion that you and Maggie just had with regard to some form of a check-in and let's see where we are with spex and how that affects the content in this item and agree with Maggie's assessment that I don't think we'll be ready for a PPA in April, but I again support the narrowed focus and the thinking of Council staff that a check-in might be useful in April. I think that's it. Thanks.

**Chuck Tracy** [00:16:10] Thanks Marci. A couple of things to note. I guess as I look at what we've added and taken away from April, I think we're probably reasonably close to having our five and a half days here. It might be over an hour, an hour or so over but we will see. I think there will be some time to refine this a little bit in March. I will note, Merrick just pointed out we had talked about the possibility of having a fiscal matters agenda item in April to adopt an operational budget. We talked about April or June. So that's another decision that I think can probably be figured out in March. We have done an operational budget in April in the past once or twice, but more often than not it's been June, so I don't think that that's necessarily a time critical, time critical issue but, you know, I do hope that in March there's a good discussion about some of those contracting issues in particular. You know how those, how we might address some of the Council priorities for things like the trawl catch share review or electronic monitoring relative to the cost recovery aspect of that. So, I guess I would just expect those

to occur in March with, you know, further guidance on word of a follow-up, whether in April or June. So given that I think we're close enough on April to I guess be done with that, but I see Corey's got... Corey Niles has a comment.

**Corey Niles** [00:18:25] Thanks Chuck. You know it's that time of the meeting for me where I'm really slow on the uptake, but did you mention the Whiting Treaty implementation? Is that out of the box?

**Chuck Tracy** [00:18:34] Thanks Corey. Ryan did... mentioned it. He advocated for it and so I was including that. We've got 30 minutes for it. I don't think it'll take any more than that. So that was my thoughts on that.

**Corey Niles** [00:18:52] Thanks.

**Chuck Tracy** [00:18:55] Maggie.

**Maggie Sommer** [00:18:57] Thanks Chuck. Just wanted to offer a thought. Doesn't need any decision now. But in response to Marci comments about the groundfish strategic planning and our previous discussion about overall Council's strategic planning, I will say I have been thinking of those as in different, different things. I think we have been wanting to do some strategic planning in terms of how the Council operates and does business, et cetera. And then I think within the groundfish FMP realm there's probably a need for a lot of thinking about just within that content area, strategic planning and prioritization and how we approach what is really a very heavy workload, but overall, just a topic for the Council so just thought I'd....hear my thinking that those are different things. Thanks.

**Chuck Tracy** [00:19:55] Thanks Maggie. Well, I'm sure the Council will have lots of good discussions about that. Well then, I don't have a whole lot to talk about in terms of the Year-at-a-Glance out beyond April other than just a note that we have at this point decided to move the Anchovy Assessment Review and Management Measures to June. The EFH Phase 2 Report, CPS Phase 2 Report to June and the CPS Stock Assessment Prioritization process until November. I have here and this is one I need to check on you with, and that is the hard caps discussion. I put something here in June. I don't know if I did that during the course of our meeting or if that was a note to myself as a suggestion, but that's where I've got it. We don't have anything on the Year-at-a-Glance for hard caps so maybe just check-in and see if that's an appropriate place to, for that to land right now. And then one other thing I think we need to talk about at some point, I believe the salmon EFH review is due, and so at some point I think we need to look at that. I will note that Kerry is pretty fully subscribed now between the marine planning business and the other two EFH reviews that are ongoing and staffing the Habitat Committee, so I want to maybe just be cautionary about actually scheduling something or raising expectations that if we put something on here that it's going to happen, but I do just kind of want to draw to the Council's attention that that five year review period is up. And that's about all I've got for the Year-at-a-Glance, so I'll turn to Ryan and see what he's got.

**Ryan Wulff** [00:22:17] Yeah, thanks Chuck. Just on your questions there. Yes, we do need to have hard caps put on and we would support a preliminary preferred in June for the YAG. I'd also note since we're not putting the Swordfish Monitoring and Management Plan on March, I don't want that to be lost either and so I want to make sure that is also shaded on the YAG. I think June is appropriate and then we can obviously revisit it in the spring, if need be, but I don't want that to be lost. I think those are my two main comments.

**Chuck Tracy** [00:23:00] Okay, thank you. And Corey Niles.

**Corey Niles** [00:23:05] Thanks Chuck. Yeah, and that was what we heard as for the drift....the hard

caps as well. I don't think I quite absorbed what Ryan spoke to last time, not just now but before on the Swordfish Management and Monitoring Plan and there was a number of folks who spoke to the need, benefit of having some off the floor type workshop or team advisory subpanel meeting, and we heard from some analyzes that were being produced, have been produced and heard about this in September and the timely nature of those, the information in those. So I just, I guess I wasn't hearing.....maybe I misread what Ryan said earlier but wasn't sure what's going to happen there on the planning front of there being some work done before it comes back to the floor and apologies, Ryan, if my misunderstood what you said. But just wondering, you know, not today, but clarity at some point on next steps there.

**Chuck Tracy** [00:24:15] Okay, well maybe we can get some clarity at the March meeting. We'll have the team and the advisory subpanel in session and do a little planning on that. So that's about all I've got really for the agenda business. I did want to mention a couple other things, workload planning or assignment sort of things. One, well... so the SSC is planning their methodology review schedule. I think that's important to work in. They also advocated for some participation or working with Dr. Chapman and his project that we heard about under open comment in regards to some climate change modeling efforts. I think his request, or his plans are to conduct some workshops over the course of the winter and was interested in having some participation from the Council or the Council advisory bodies on that. Their focus is the California Current ecosystem so I guess I would, I guess I would indicate my preference that if the Council is okay with it to authorize some participation from our advisory bodies. Typically, you know, we authorize, you know, maybe two people, Chair and Vice Chair and or the designees to attend if those are in person. I doubt they'll be in person. But anyway, I guess just to acknowledge that if the Council is all right with it to sort of participate in that effort and it may, there may be some fruit that is born from that and maybe we can get an update at our March meeting under some one of the ecosystem agenda items. So, I'll just, I think those are the two main things I wanted to talk about. Marci.

**Marci Yaremko** [00:26:36] Thank you Chuck. I guess on that point, I have a few initial concerns with that idea but maybe you can clarify and I won't be concerned. I think our advisory body rosters are posted in public and I think that means that folks can contact representatives kind of on their own accord. One, I'm concerned about workload and about folks participating in a venue I think like that and actually representing the Council or the advisory body. On the flip side I think it's completely appropriate for them to be representing the industry that they represent when they come and serve on an AB. I think, you know this, I'm worried about slippery slope. There are an awful lot of requests like this that we get and I think we have to be mindful of our limited resources and, you know, we ask a lot of our advisers and I don't know that I want to put this on their plate from our end, again, acknowledging that there's a way that they can be contacted and queried already with the fact that we have the roster available, so maybe you can clarify a little more.

**Chuck Tracy** [00:28:38] Yeah thanks Marci. You're certainly right about the requests that we get for things like this, but, you know, and I guess that's why when I talked to Dr. Chapman, I suggested that these be, you know, his workshops so that, you know, it's not something the Council is sponsoring in any way or has any responsibility for really. My thoughts about sending or permitting advisory body representatives to attend is that I think it's good for the Council to have an opportunity to take advantage of any outcomes of the workshop and the research that's going on and to be aware of it and for our advisory bodies to be aware of it. So, you know, this wouldn't be an assignment, it would be, you know, an opportunity, maybe with a little bit more awareness of the topic rather than just relying on somebody to solicit their input, you know, outside of the Council process. Again, the SSC, you know, recommended this particular one so that carries some weight. It's not just, you know, somebody asking, but I think it's had some consideration from the scientific community, and again I think, you know, the fact that it's focused on the West Coast and sort of tiers off of our community, Climate and Communities Initiative I think is, you know, some reason to, you know, to consider it I guess maybe a little more

seriously than some of the other requests we get. And again this, you know, I don't know that there will be.....I don't know if there'll be expenses associated with it if they're virtual, and at this point that was the last conversation I had with Dr. Chapman indicated that that was likely so I don't think there's, you know, the tremendous financial burden or risk to that. And my guess is there would be some interest. And, you know, I don't know so maybe I'll just stop there. Okay, well if there's no further discussion on that and no objections to it then I guess I would take that as affirmation that we might consider those requests as they come up. Marci.

**Marci Yaremko** [00:31:46] Yeah, thanks Chuck. I appreciate your explanation. I guess my feeling is I'm still not comfortable, but I don't think this is something to vote on. I just would express reservations and concerns about how deeply we engage in and often times you, I mean there are certainly other activities like this out there that are vying for our time and I think we do need to draw some lines in the sand and even if we did hear some support from the SSC, I don't know in what context that support came relative to other activities that folks might have on the plate. So that said, you know, if no one else has concerns, you know, I just would like to flag that I do and, you know, would encourage a different route with them reaching out directly to individuals but, I guess, more to come. Maybe my concerns aren't founded and there won't be future requests like this, but I just see somewhat of a slippery slope. Thanks.

**Chuck Tracy** [00:33:28] Okay, well any more discussion on that or any other aspects of the agenda or other sorts of assignments? And if there's not, I will turn this over to Merrick to talk a little bit about the logistics of the March and April meetings. Go ahead Merrick.

**Merrick Burden** [00:33:53] Okay, thank you. This might be the only time I get to say this, but thank you Co-Director Tracy.....(laughter).... Actually, Corey Niles asked me last night, have we ever had two Executive Directors at the same time? And I don't know the answer to that but here we are. So, yes good afternoon, everyone. So, I'd like to switch the conversation a little bit and start thinking about, as Chuck indicated, logistics for March and also April, and in particular this question that we are increasingly asking ourselves, which is will we return to an in person type of meeting? And if so, what does that look like? And so probably unsurprisingly to everyone I do not have all the answers, but we have given this a fair bit of thought and I've managed to talk with staff here and some of you about how we might start structuring, structuring ourselves to start moving away from a purely remote setting into something that allows for some face to face interaction, which I think we would all agree is important for our process, but do so in a way that is responsible given the current pandemic that's in compliance with various policies of health guidance for the different counties and cities where we plan to meet, and also does so in a way that capitalizes on some of the things that we've learned here over the last year and a half or two years as we've been in this lockdown situation. So let me try to start us off with some framing and some thoughts that I have about how we might be able to move forward. And then I very much welcome a discussion with you all about where your heads are at, what you're comfortable with and where we should go from here and in particular into March and into April. So, when I start to break down this, this issue, I start to make a few assumptions. So. one is as we look out and start reading the news that the holiday season, you know, the pandemic is still here. Case numbers are on the upswing again. That's expected as far as I'm aware, and then there is a time period after that where perhaps and hopefully things start to get back down a bit case-wise and so if you're like me that creates, that bubble creates a bit of concern. But at the same time, or sorry, before I go there, what that starts to tell me is that when we get to March. we will have a situation where it seems to me that it's unlikely that everyone would be able to travel, that everyone would be willing to travel, and that we would be in a place that would not have restrictions. And I put all of that together and my assumption is that in March and likely April, the options that are in front of us are either a pure remote setting or a hybrid setting. I think it's, in my opinion it's probably unrealistic to think about a full in person meeting in March. I welcome your reactions to that. So, if we are looking at a situation where we have an option of a hybrid setting or a

pure remote setting, we know how to do the pure remote setting. We've been doing that effectively here. I think this Council has done it better than just about anyone, but something is still lost, in my opinion. Our process really thrives on some facial interaction that builds trust in the process. It helps us navigate some of these complex issues more effectively than trying to do so over text message and what have you. So, in spite of all of the success we've had, there are still a lot of value to face time, especially as we start to think about the turnover in many of our advisory panels, the turnover in our staff and turnover from Chuck to me. So, there's value in a hybrid setting, in my opinion. So, the question is, can we do that safely and can we do that in a logistical and technically effective way? So, on the latter point, I've had a chance to talk with our IT staff and, you know, they're highly capable and we've been more or less experimenting with a hybrid setting a bit at this meeting. So, if you haven't picked up on it, there are several of us gathered around a table that looks like a Council meeting. We have screens in front of us and there's enough room for probably every Council member if they wanted to be here. And it's gone pretty smoothly as I'm sure you would agree. And we did this on purpose to see how it would go. As I've chatted with, you know, Kris and Sandra about what this would look like in a different city, we undoubtedly start to face some challenges and questions about how we would pull all these different threads together. And as I think about doing a hybrid model I, perhaps this is my preference, but I start to think about doing this in a way that's incremental because we have to do these meetings successfully. There is no other way. So, I think of an incremental approach of a hybrid meeting if we were to do one that's here at the Portland office. That's where my mind lands. And so, then the next question is can we do that safely? And certainly, there are health measures and health guidance in place. In this case the Multnomah County guidance is what we would be following. And we also have lessons learned about how to do this and so I think that hybrid meeting, if we were to do so, would be hybrid option made available to Council members and alternates. We don't have the room here for advisory bodies and technical teams, so that would still be remote, and I envision a remote public comment opportunity as well. And so maybe that as I sort of introduce this, this thought, that starts to sound like a bit of a proposal, and I think it's because it is. I think we should be considering a hybrid model in March if we can do it safely. I do think that given our need to make sure we pull off a meeting successfully, that what that looks like is a meeting that's here in Portland in the Council offices. So, I'd like to just gather your thoughts and reactions to some of that and hear your thoughts about my assumptions and my view of the world and see where we can go from here. Marc.

**Marc Gorelnik** [00:41:26] Thank you Merrick. I'll hazard to go first because I know people may be reluctant to get started here but I think it's important. I appreciate you laying out that plan and I think that certainly a hybrid meeting is something that needs to be an option. The March meeting is four months away. We don't know if things are going to be better. We don't know if things are going to be worse. I will say that for the March meeting in California things are getting better here. We're not seeing the trend we're seeing in other places. And so, I think while we want to keep a hybrid meeting as an option, if we plan for hybrid meeting and things are going great with COVID, we will not be able to have an in person meeting because that decision will already be made. On the other hand, if we plan for an in person meeting we always have that option of the hybrid meeting. That technology exists in the Council office. And so, my preference would be while I appreciate all the work that's gone into creating that technology and I know it works well, it's not a substitute for an in person meeting that can be held safely, and I think it's premature to assume that it cannot be held safely. And so there may be an issue with a Council member or two. I'm not going to, I don't know what everyone's feelings are, but I don't think that if we.... unless there's a groundswell from the Council to have a hybrid meeting, I don't think that's something we should in the first instance be planning for. I think we should be planning for an in person meeting. And I think we should be planning for an in person meeting at a location that can accommodate advisory bodies. The March meeting, and I'll only speak from my experience with salmon because I served on the Salmon Advisory Subpanel for some years, that process loses a lot from a remote, from remote participation, and I've not heard any advisory body suggest yet that they want to meet remotely. So, I think that my feeling is that we should plan for an in person meeting with the

remote as a backup in case things go sideways, and of course no one has a crystal ball and that we should plan for at least some advisory body participation, you know, and again because of my salmon background I would support the Salmon Advisory Subpanel being in person. And I think that that, and that means meeting at the planned location in San Jose. I may come back to this after some more comments, but I think that that's my preference. I think that the goal to get back to regular order means planning to go back to regular order, and with the meeting four months away I just think it's premature to be that conservative.

**Merrick Burden** [00:44:58] Thanks Marc. Butch Smith.

**Butch Smith** [00:45:01] Yeah, Merrick congratulations, and I got stuck with my three-year-old grandson so if something crashes... you know what happened? I apologize ahead of time here. I am going to concur with the Chairman, and, you know, we have learned a lot from this hy....or this process that we're in over the last, you know, almost two years, and I think there's some room for more public participation online than we realized, and I think that's a good thing. I think that can be improved on, but this process is a very important process to do in person, and the Chairman was right. We've lost a lot in interactions to be able to go out and meet with the states and do what we need to do in the business that we need to do it in, especially with our, you know, in the salmon proc.....all the processes. I hear this from all the different advisory panels that, you know, they're missing that too. So, I know we, I think we plan for both the best and the worst and hopefully in March, you know, we're still going in the right direction. I think there probably be a little bump up for the holidays and hopefully it won't be too bad, but I am voting it safe and practical it's time that we bring this process together again and, you know, we definitely will not be able to start probably where we left off, but get back to what we consider a more normal PPMC process. And thank you.

**Merrick Burden** [00:47:02] Thanks Butch. Bob Dooley.

**Bob Dooley** [00:47:06] Yeah, thank you Merrick. I'm on board with what Marc and Butch are talking about. I think that we, this process suffers from not being in person and I think that we, the point you made about turnover, I think we've done a really good job of, you know, doing this virtual thing, but it's because of the relationships we all have, in my opinion, that we've fostered over the previous years, and as we see massive turnover in some of our advisory panels and on the Council change that's happened, those personal relationships are developed as well as they should be and that's how we do our work. You know we, we get together and we talk about things. So, I think that we need to....that needs to be our first priority is to get back together. Now the reality. Every state is different. Every community is different. I know there's some restrictions in San Jose that are there now but might not be there in March, and or it might be worse. So, I think we have to be flexible and understand that we may revert to some hybrid model, but our first choice ought to be proactive and get back together. I think this is, we're getting to a point now at least it seems. There's a little bit of fluctuation in this COVID up and down. I don't see massive outbreaks in our area at least. I think it's pretty stable and don't hear a lot, you know, but it's different everywhere so we need to be able to walk and chew gum. We need to be able to do that, but I'm for getting back to normal as much as we possibly can.

**Merrick Burden** [00:00:01] Thanks Bob. Marc, you still have your hand up. Next up would be Marci.

**Marci Yaremko** [00:00:11] Thanks everyone. Guess I look at this a little bit differently. I break it down before I roll it up and certainly agree with the sentiments on first priority is getting back together. But when I break it down, I break it into groups of how do we deal with Council members as one category of discussion? How do we deal with advisory bodies? That's the next category of discussion. And how do we deal with the public and public comment into our process? And then fourth, how do we deal with delegation? Which is another essential element of our process that we may not often discuss about a

lot. But when I think about starting with the Council member piece it would seem to me that one important rule of Council members as individual representatives is their right to vote or ability to vote on matters facing the Council, and allowing for remote participation by a Council member to me seems like a high priority. We wouldn't want a Council member to feel penalized for not being able to weigh in on items if, for example, they were quarantined and weren't able to travel, that would be very unfortunate, so I think finding an ability to participate for Council members only remotely in a situation like that is warranted. Moving to advisory bodies, I would I guess note that we have a policy that allows for alternates, which isn't the case for seated Council members. I think that's important to acknowledge. We might want to look at our alternate policy with regard to substitutions and our kind of requested timeline for those substitutions acknowledging that if an advisory body member becomes ill or is quarantined, I think they need to stay home and they're not able to travel and allowing them a substitute voice is a good solution. But with regard to staff using electronic technologies on all of the advisory body meetings, when they're happening concurrently it's, I can't even envision how that would be accomplished by the IT staff. It has been a wonderful feature in a remote setting that folks that are distant can listen and participate in some of the AB discussions. I've benefited from that myself. I appreciate it but I don't know that we can meet or that we can offer a continued opportunity for that looking forward acknowledging our limitations. Then I think about the public and the opportunities for public participation that we have in the Council process. And also, I think acknowledge the audio stream feature that we've had for many years that has been a wonderful thing, a huge development and allows for folks in all places to be listening live to the discussion. Wouldn't want to lose that. I think it's fantastic, but that possibly we could allow for our public comment agenda items to the Council to have a remote element, where folks would be listening to the audio stream and then submit a public comment card and then be able to comment via phone or via some remote technology. And then we get to delegation, and I would kind of treat that situation the same as the advisory bodies that there's really not I think a viable way to have a hybrid alternative there. I know myself it's, I can't imagine trying to get from, physically get from a hotel room to a delegation meeting, have an in person delegation meeting and then concurrently have a virtual delegation meeting, then disconnect from that meeting, physically take myself and my equipment into the Council meeting chambers, re-log into the Wi-Fi in the ballroom and try to, you know, facilitate a combined in person and remote dialogue myself, so I guess with that said, just kind of some thoughts on how we organize our thinking, or at least that I organize my thinking and some weighing in on the priorities with an ultimate goal I think of prioritizing getting back together first and then looking at how we can incorporate some elements of remote as we go. Thanks.

**Merrick Burden** [00:06:53] Thank you Marci. You raised a couple of points I'll come back to, but for now let's see, Ryan Wulff.

**Ryan Wulff** [00:07:04] Thanks Merrick. I just wanted to say, you know, I think the points here, just from a NMFS perspective, so folks know where we are. Our travel approvals are based on a four-phase system based on transmission rates, that's phase zero, one, two and three. Phase zero being the highest level of concern and transmission rate to phase three being, you know, at some point back to a better place pandemic-wise. So, for phase zero and for phase one counties we are only approving travel for mission critical and mission essential activities. Now of course the Council meeting is that so the NMFS seat and the designees that fill it, I believe, or at least some subset of those would be available. So, for the actual Council actions in the NMFS seat, we will have the ability to participate in an in person meeting. It is not clear whether or not we would get approval for a group travel at the level that would include all of our advisory body reps. So, if that was the case I just, I mean it's, I don't know where things will be in March, but we are tied to this phased system on transmission rate and I'm positive that will not change by March. So, I just wanted to say that and then echo I think where Marci was going too with her comments that we need to be cognizant of that and whether it's some sort of additional hybrid model that allows some remote participation, especially in advisory bodies or alternates, I'm not sure. I'm not sure alternates actually help us in our situation. So, we may be in a situation in order to

have full advisory body presence, there would have to be some sort of hybrid function, at least at this point in time if things were to stay. Now of course, four months from now things could be different, but that's the current NMFS guidance. Thanks.

**Merrick Burden** [00:09:29] Thank you Ryan. Phil Anderson.

**Phil Anderson** [00:09:35] Thanks Merrick. Gosh, I don't know where to start. My, for what it's worth the Pacific Salmon Commission, we're going to try meeting in a hybrid way where the commissioners are, we're all going to be in Vancouver, British Columbia and our ancillary groups are going to be meeting remotely. I think that's where we ended up. The thing I'm struggling with is, well there's several things, but what is the threshold where you make the decision that, yes, we can meet in person versus, no, we can't? If we, so if we go out from this discussion and let's just say we're going to try to have a full on in person meeting in March. What is, what's the threshold? What has to happen for us to step back and maybe go to a hybrid or step back and go to a fully virtual meeting? What is that criteria? I'm as anxious as anybody and see and share the feeling about the benefits of us being together, and I also don't, you know I don't, we're not going to be in a place where this, where COVID-19 isn't going to be a part, isn't going to be with us for some time. I don't know how long it is, but we're going to have some level of COVID going on in this country I think for a long time and at some point we're going to need to decide what those thresholds are that we're going to say, okay it's, maybe it isn't totally safe from a transmission perspective that you're going someplace where you have, you don't have, you have zero chance of, of transmitting COVID, but there are.....so there's that threshold question that I struggle with. I will note, you know, like the GMT for example told us for them it's all or nothing. Either everybody can come to the meeting of the GMT members to a GMT meeting, or they want to do it virtually, and I'm kind of that same way when it comes, even if we break it down to the Council versus our advisory body, that at a Council level that it's all of us or we're going to be virtual. I loathe the thought of a hybrid where some of us are in the room and some of us aren't, but none of that is very helpful in trying to decide what to do here. I realize that, but it's my biggest, again my biggest thing is where's the line? What has to happen for us to say 'no' we're not going to do it, or if we stay above a certain line or certain lines that we are going to meet in person? And just Merrick maybe you've thought about that and can offer some thoughts.

**Merrick Burden** [00:13:24] Yes, thank you Phil. Your question Phil actually is related to I think some of the points that Marci and Ryan were raising. I start by first thinking about it from a logistical perspective. So, one bookend is that we, we do not have the capability right now to run concurrent advisory body and technical teams in a hybrid manner. We touched on this earlier in the week when we started talking about, you know, our financial savings and what that might take to purchase microphones and, you know, electronic brains and things that would be capable of doing that. And that's a significant expense to the tune of a hundred thousand. And I'm getting the thumb that I think that number is low. So, it's significant. So that's one bookend, which is if we're wanting in person advisory bodies at this point, it is an all or nothing. Like I said before though, that's probably not the same case for the Council, and well it's not the same case if we were to have just a Council meeting. We've been running a meeting here in a hybrid format trying to test this out a bit. So, we're in a position of saying we're capable of running a hybrid Council member meeting with remote for everyone else. We could also fully meet in person, and what that threshold looks like when we fully meet in person and we're confident that we would have a quorum and our technical teams would be fully staffed and everything, I don't have a good window into that. Much of that is based on, you know, agency policies and risks that those agencies are willing to take, and I think I'm just not in the best position and maybe some of our agency folks can speak to some of those thoughts. Marc Gorelnik.

**Marc Gorelnik** [00:15:38] Well, I'm not an agency person. I'm sure that's clear to everyone, but I wanted to see if we can maybe try to converge a little bit here. So, I understand certainly from the GMT



that it's an all or nothing for them and I think that I got Ryan's point that it's unclear at the moment whether NMFS staff will be able to participate. Maybe they will. Maybe they won't. It's four months away, we simply don't know if that is going to be. And so, while for management teams and maybe some advisory bodies it may be an all or nothing thing. It's not all or nothing for every advisory body... well, let me rephrase that, some advisory bodies have, for example, and management teams have NMFS representation, so that's a case where you can forecast that you won't be able to get everyone together because it's possible that the NMFS folks will not be permitted to travel, but most of our advisory bodies generally, I mean other than maybe the Habitat committee don't really have NMFS representation, the Salmon Advisory Subpanel and basically the advisory subpanels or basically industry and community folks. And what I would suggest the solution there is to leave it up to the advisory body. If we have an in person Council meeting, does your advisory body willing to meet in person realizing there's no virtual alternative? Or would you rather be a hundred percent virtual? That may work for some, for some advisory bodies being in person, it may not work for others, but just because it doesn't work for some doesn't mean it doesn't work for others and I think that there's general recognition that meeting in person has its benefits if it can be safely done. To Phil Anderson's point about when do we know whether it's safe enough, I think that we have to rely in the first instance on the local health authorities. What do they say about meetings? Are they permitting them or are they not? Do they have requirements for masks or testing or vaccination, whatever those are? They are presumably the experts, and we are not, so I think in the first instance that's the place we defer. But I think Phil is right, this COVID-19 is endemic and it's going to be with us in some way, shape or form, probably for years if not forever. It's going to get managed, it's not going to disappear and so, you know, I think that we're at the point now where we either decide to meet in person or at least attempt to meet in person, if that can be done safely or not. And so, what does that mean? It means the Council and it means, in my mind anyway, the advisory bodies that are able and willing to meet in person and with a virtual option for the others. I don't have a solution for the challenge that Marci raised about delegation meetings. I think that's a tough nut to crack for which I apologize. But anyway, those are my thoughts.

**Merrick Burden** [00:19:18] Thank you Marc. Anyone else? Go ahead Bob.

**Bob Dooley** [00:19:29] Yeah, Merrick, you know, just in my meetings with other people around the country and particularly in the MREP part of this thing, other Councils do things, are doing several different ways, hybrid meetings, remote voting, things that, you know, like that. It might be good to get some.....just to take the temperature if you haven't already done it of what other Councils are doing, and I'm sure you probably already have and may be unnecessary comments, but it seems to me that we're not inventing the wheel here.

**Merrick Burden** [00:20:13] Thanks Bob. Chuck.

**Chuck Tracy** [00:20:23] Thanks Merrick. Just to touch on Bob's point. Yeah, we've had quite a few discussions about what's very regular discussions over what other Councils are doing and there are, I mean just about every Council has started doing hybrid meetings. Many of them have been doing them for a long time, like the Western Pacific. So, this is not a new thing. You know the ability to be effective and to provide access to people in various in person or remote forums is quite doable, and has been done quite well for a while. So as Bob said, we're not reinventing the wheel here. So, I will just leave it at that.

**Merrick Burden** [00:21:31] I see Brad trying to raise his hand next to me, so I'll just call on him.....(laughter)...

**Bob Pettinger** [00:21:42] I will say that one thing. It's been, it has been a joy to be here back in the Council office amongst staff and our two Directors and to experience somewhat what it used to be like.

Sidebar, having dinner afterwards to talk things through. The little nuances that make a meeting go better. That's not lost on me, I'm sure it's not lost on any of you as far as we want to get back there. I was under the mistaken impression that we could have.....I was thinking about having a meeting where the Council be in person, the advisory panels could be in person and the management teams, since the government restrictions from the make-up of those bodies might hinder getting together and that they could meet virtually, but having talking to Kris here about that that's really not doable. It's all or nothing because all of his equipment is here and he's got to run them and he oversees those meetings and I think that's why Merrick has floated what he did as far as having it here as far as the baby steps get going, I just never did quite, personally, I didn't quite get that until my discussion with Kris. But with that, you know, failure isn't an option in this process. We got a lot of stuff to get through. The salmon meetings are pretty important. A lot of back and forth has to happen between groups. We have advisory panels that have a lot of new members that need to get to know each other to work cohesively into the future and so I'm kind of leaning towards what Merrick maybe has proposed about meeting in Portland because the advisory bodies could be here, the advisory panels could be here in person, and we could still do virtual for the management teams at virtually no cost. And I think that sounds to me like the best option right now. Sometimes it takes baby steps because as Phil mentioned and others, you know, this thing is not going away and we just need to deal with it the best we can and I think that that's probably maybe the best start from my perspective. So, I'll stop there.

**Merrick Burden** [00:24:14] Thanks Brad. Just for the benefit of myself, what you were suggesting is a hybrid with the Council in Portland and advisory bodies meeting at an adjacent hotel in person and technical teams meeting virtually. Is that correct?

**Bob Pettinger** [00:24:37] Yes. Preferably next door at the Embassy Suites so.....

**Merrick Burden** [00:24:49] Any other comments from anybody? Joe Oatman.

**Joe Oatman** [00:24:58] Thank you. I haven't provided any comment so far on this. Pretty difficult for me to do so and now at the March meeting that including the salmon item where we typically get the most participation by the tribes for that. So, the challenge, at least based on our side I believe, is you know for them, you know, 26 sovereign nations and, you know, COVID and health and safety of any member from these tribes who may or typically do participate in the salmon meetings, you know, it's something of critical importance to them. So, I haven't had any direction provided to me by any of the tribes so far and so it puts me in a difficult spot to add anything constructive here, but I think speaking for myself as a Council member, I'm certainly open to a hybrid approach. I certainly feel comfortable being able to meet in person and whether we have advisory bodies that meet, you know, in....(inaudible)...You know I think that's certainly something for the tribes to consider. Nonetheless, I think my ability to coordinate and sidebar with tribes will still be a challenge if it were a hybrid approach, even a full remote approach it's a challenge that I can attest to from certainly this week. So again, I don't think I'm really saying anything constructive here, but I just wanted to give the Council and Executive Directors, you know, some thoughts on that. Thank you.

**Merrick Burden** [00:27:14] Yeah, thank you Joe. Maggie Sommer.

**Maggie Sommer** [00:27:27] Thank you Merrick. I thought I'd weigh in from one of the agencies. Certainly, ODFW recognizes the value of getting back to in person meetings and having the in person contact and communication. We are fine with the concept of hybrid meetings if necessary, and certainly recognize the potential benefit of starting off with that from Portland as Brad described in his proposal just a minute ago. That made quite a bit of sense and really recognized the benefit in the advisory subpanels getting together in person if possible, given all the turnover in particular and starting off new working relationships as a group would be great if those are able to be in person. And then finally, just

recognizing that it might not necessarily, it might not be a one size fits all approach for the management teams either, and I'm just thinking in particular if it, that they may operate a little bit differently from each other and interact with their relevant advisory subpanel a little bit different. So, for example, if the Salmon Technical Team would benefit from meeting in person along with the Salmon Advisory Subpanel and that its members and agency representatives were able to do so, you know, I imagine that's the kind of thing that could be determined as we get closer to the meeting.

**Merrick Burden** [00:29:08] Great, thank you Maggie. Any other comments? Heather.

**Heather Hall** [00:29:18] Thank you Merrick. I'll chime in here too. And I, as the conversation's been going on and trying to wrap my head around how these hybrid meetings would work. And yeah, still struggling with that. I think the point that Maggie just mentioned about the STT and the Salmon Advisory Subpanel maybe needing to be together made me think about the GMT and the GAP and how collaborative they are and how important those collaborations are, and I'm not saying it couldn't work, but then the idea of the, the GAP being in person and the GMT working remotely and how they have those joint meetings are just things that are coming to my mind and, you know, I know I talked in our delegation meeting a couple of times this week about how much I'd like for us to all be together and so I appreciate the conversation, but it feels not as easy if we either do hybrid or in person. And one thing that I keep thinking about is one of the barriers to getting back together, it sounds like really are these transmission rates and I don't know what they are or if they're coming down and I must say I just, I haven't really paid attention about that or to that. I don't know if there's any trends that we're looking at that would point us to maybe by March we could be in person. In person, after talking about what hybrid means seems like the easiest option, but anyway those are just some thoughts I'm having. I don't have any guidance or preference just thinking out loud, and I think Marci's point about just transitioning from our state delegation meetings in the morning to the Council room, it's challenging in my home office to do that and, you know, it's... and it's just switching from one meeting to another, but the idea of potentially holding a delegation meeting in our hotel room or a conference room at the advisory or the Embassy Suites and then walking over to the Council office, I just think that's something real to think about how we do it. I'm not saying it's not a problem that we can't solve. I just, I think it's a real, something to really think about. So, thank you.

**Merrick Burden** [00:32:26] Thank you for those thoughts, Heather. Corey Ridings.

**Corey Ridings** [00:32:34] Thank you Merrick. I, sort of sorting through this so apologies, my thoughts aren't perfectly organized here. But thanks to you and Chuck and Kris and Sandra especially for getting us to this moment as successfully as you have. In terms of hybrid meetings for the Council members, it seems like this week has proven that that can be done at least mostly successfully. I'm generally supportive of that concept. I think that, and I've heard other people say this too, I think there's tremendous value in being able to have eye contact and read facial gestures and be able to increase that direct communication between members and also respecting the fact that we don't know where we're going to be in March and there may be some folks that don't feel comfortable to be in person inside just yet. So that seems, hybrid seems like a reasonable option to keep on the table. I did want to voice some concerns about the sort of this ABs are in person and they're sort of mandatory in person. I worry that there actually might be a significant number of folks who wouldn't be able to make the meeting, and given the fact that we have quite a few new folks, that that might be an even bigger lift in terms of figuring out how to do alternates and that sort of thing. So not to say that's not a hill that can't be climbed, but just something to keep in mind and if that were to move forward, maybe there'd have to be some sort of outreach effort by Council staff to make sure folks had an alternate in mind or had plenty of time to sort of think through how those meetings were going to happen. I'm not sure if this is sort of a crazy idea or not, it probably is, but to the point that none of us have a crystal ball and we don't know transmission rates and that sort of thing, I don't know if it makes sense to try to revisit this in late

January, if that's even a possibility sort of logistically. But it might be helpful if Council staff sort of took some of the discussion we're having today and maybe threw together some options on paper and the Council could consider it at a point in time that was closer to the actual meeting and maybe have a slightly more structured discussion there. So anyway, that's my thoughts. Thanks very much.

**Merrick Burden** [00:35:13] Thank you Corey. Marci.

**Marci Yaremko** [00:35:16] Yeah, thank you Merrick. I just want to make sure that I clear up a deficiency in my earlier remarks when I spoke about advisory bodies. I intended to be referring only to our industry-based advisory bodies, not our management entities. I think they are yet a fifth category that needs their own special scrutiny and treatment. The management entities certainly, you know, as a state agency person and as a state agency supervisor I certainly cannot require my staff to travel to a meeting. The good news is most of them usually very much want to go to a meeting, but just like with Council members in an event that they were unable to travel, I don't see that substituting them out is a possibility at all. We have folks that are carrying the lead on items that, you know, it's their knowledge of a particular issue that has them heavily involved in a discussion or doing an analysis and so it would not serve the Council well at all to not be able to offer some technical support to a management team that was meeting. And I guess I would note that it's been actually several years, I believe, that the SST and the GMT have offered some form of hybrid approach to their meeting in the sense that folks haven't been able to travel, they've participated by phone or virtually with pretty good effectiveness in engaging in the management team discussion. I think the challenge there though is that those weren't meetings that co-occurred with the Council meeting that I can recall. So, I think it's a question of timing and alignment of the management team meetings with the full Council and thinking about how that operates. I'm just acknowledging there's only one Kris to go around and one Sandra to go around and the other Council staff that contribute to the IT operations. They, last I checked, have other obligations as well involved with Council meetings that keep them busy. So, appreciate the conundrum there and at the same time I, you know, would not think want that to prevent us from moving ahead or finding some solution that does allow for some in person somehow. Anyway, thanks.

**Merrick Burden** [00:38:57] Thank you Marci. This is a very rich discussion and it's really helping me to wrap my head around, around this issue. I know you all have been talking about this for quite a while now and I've been here for a week so perhaps I'm still getting up to speed and so this is really helpful. I don't want to cut off discussion, but I do want to offer up maybe a way to make the call. And one of the things that's really staring me in the face right now, quite literally, is the cost to this Council that comes from delaying this decision. And so, as you all know, we sign contracts with hotels months, years in advance and, you know, if we cancel early, it doesn't cost as much or anything, and the longer we wait the more it does cost. And so, I would like to... if we are going to have to back out of a hotel, I'd like to be able to do that before it costs us a lot. And so maybe as a time horizon here, if I look at our schedule right now for March and April meetings, we start to lose almost a couple of hundred thousand if we don't make a decision by December and then it goes to two hundred some by January and a little bit more by end of February and so forth. So unless there is a thought to the contrary, I think the way forward is for the Chairman and I to take this very rich discussion to heart and I would propose that he and I work together to decide what the appropriate course is and that we do so here over the course of the next couple of months while we, our crystal ball perhaps gets a little less foggy and we learn a little bit more about what we think we can do in terms of a hybrid and a in person and whether it's something that, you know, Brad and Maggie spoke to perhaps, or maybe it's, maybe it's full in person, maybe things go swimmingly. I guess that would be my proposal for moving forward, that the Chairman and I take this matter to heart and all of your good input to heart, continue this conversation with you on the, over the next few weeks as things progress and make a decision accordingly. Bob Dooley.

**Bob Dooley** [00:41:38] Thank you Merrick. That was really good information on the cost of delaying the decision to, you know, to go hybrid or and canceling through the hotels. It seems to me that that ought to be part of your analysis in purchasing the equipment to allow us to do a better hybrid version. I mean, as others have said, this hybrid, this COVID thing is not going away anytime soon, and I think it'll be rising and falling, and we'll be in a situation where making decisions in a timely manner might not be as easy as it could be so....because of that uncertainty and things that pop up. So, if you're doing the analysis, it might be good in that context to factor in that extra money it costs to cancel and not be sure and that might fund it in a very short while the amount it takes to buy the equipment to be more flexible. So anyhow, I'll stop there. Thank you.

**Merrick Burden** [00:42:52] Yeah, thanks Bob. That is a, those are good thoughts. The other thought related to that is how long it takes for the equipment to get to us nowadays. I'm told it would be at this point we'd be hard pressed to have any equipment in hand in time for the March meeting. But your note on savings to pay for such a thing is well noted. Marc.

**Marc Gorelnik** [00:43:14] Okay, yeah, Merrick I think it's a good idea for us to talk about it. You know, I think one great example of the problem with remote meetings is that Brad was there with you and Council staff to talk about this, and I was not and so, you know, Brad's got somewhat different education on this than I did. But I think we need to talk about it. One of the things that seems to come, become clear is that the, is that we're sort of tied to the Council office because of the need to run these, the potential to have to run these virtual advisory body or management team meetings and otherwise that they could be run from the hotel in San Jose then we wouldn't be tied to the Council office. That's something we need to explore, especially if we're going to invest money in more equipment and if we're still going to be tied to the Council office in order to do that, then that's something we need, we need to have upfront. But let's you and I talk about this before we incur some irreversible financial damage and I'll just leave it there and, yeah, I'll just leave it there.

**Merrick Burden** [00:44:36] Okay thank you Marc. Phil.

**Phil Anderson** [00:44:41] And I will leave it with....My perspective is that you should make a decision by the end of December. I believe that we need to either go virtual or do a hybrid. I think a hybrid, and I'm talking for both March and April, I think whatever we do for one we're going to.....we should do for the other. I would go.....I would prefer you lean toward trying to do a virtual and that we delay thinking about a full in person meeting until the June meeting.

**Merrick Burden** [00:45:21] Thank you Phil. Are there any other comments on this matter? If not, I think Mr. Chairman I will hand it back to you.

**Marc Gorelnik** [00:45:44] All right, thanks Merrick. Thanks for leading that discussion. I appreciate it. A lot of good thoughts and not a lot of great solutions.

## **D. Habitat Issues**

### **1. Current Habitat Issues**

**Brad Pettinger** [00:00:00] No public comment. That takes us to Council discussion. And the Habitat Committee did have a couple of recommendations for you to comment on. Marci Yaremko. Marci.

**Marci Yaremko** [00:00:17] Yeah. Thank you Mr. Vice Chair. Thank you, Habitat Committee, for your report on a number of items. With regard to the recommendations that are summarized at the end of the report, I believe the Council has previously tasked the HC with drafting letters both for Nordic Aqua Farms and on the Klamath Dam removal EIR. But I appreciate the HC just reaffirming their plans on drafting those letters and obviously their plans are to begin drafting once these EIRs are released, and I appreciate the kind of situation they're in that they can't start work on that until the EIRs are released, and then there will be a comment period that, you know, they'll be aiming to adhere to. So, I certainly agree with their recommendations and note that either of these letters could require a quick response process from us depending on the comment period timing, so I think they're just cautioning to us that that may be the case. I think we all would hope it's not the case and that we'd have a little more opportunity in a public forum to review the draft letters and comment on them at our March meeting if the timing would allow. So, I do, I appreciate their recommended path forward on these two items and otherwise appreciate all their updates on the other items in the report. Thanks.

**Brad Pettinger** [00:02:11] Thank you Marci. Further discussion? Caren Braby. Caren.

**Caren Braby** [00:02:17] Yeah, thank you Mr. Vice Chair. I just wanted to also say thank you and agree that the Council has approved or encouraged the Habitat Committee to act on their behalf with the quick response letter for both of those items and that we look forward to their hard work in helping us with that when those EIRs move. Thanks.

**Brad Pettinger** [00:02:46] Thanks Caren. Anyone else? Anyone thinking that's not a good idea? Caren your hands still up. Okay. Well, Kerry, I think that we have some direction there.

**Kerry Griffin** [00:03:19] Yeah, thank you. One thing I wanted to also mention. Corey read in the Habitat Committee report the Chumash Heritage National Marine Sanctuary and just....and he also mentioned that that's, that that announcement is in the Supplemental Information Report number 9. So, I just, I meant to say this in my overview that in case someone's looking for that announcement in the habitat agenda item it's not there. It's an informational report. Just to clarify. But yeah, I mean it sounds like the Council agrees with the two recommendations from the Habitat Committee, so we'll be in a little bit of wait and see mode here to see when those EIRs come out and hopefully they'll encompass a Council meeting, but if not we'll be ready, and 'we' meaning the Habitat Committee to put together a quick response letter as indicated in their report. And I think that's it. I think that concludes your business on this agenda item.

**Brad Pettinger** [00:04:25] I don't see any hands, so I think we're good, so thanks Kerry.

## **E. Groundfish Management**

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

**Brad Pettinger** [00:00:00] So that would take us to Council action. So, I'm looking for any hands potentially. I'm not sure there's any guidance there or not. Okay. I guess I'll turn to John and see what, if we're done here since I don't see any hands ? (inaudible).....I'm hoping that's a technical glitch because if that's you John speaking you sound like you've swallowed a bottle of helium. John, are you there?

**John DeVore** [00:01:04] Yeah, apologies. My headset is dying and so I used a different mic and that transition just doesn't work well.

**Brad Pettinger** [00:01:13] That's true it didn't.....(laughter)....

**John DeVore** [00:01:15] Yeah, sorry about that. Okay. Yeah, I'd say that you are done with this agenda item. You've received reports and updates from the West Coast Region and the Science Centers and a report from the GAP and there have been no subsequent questions from the Council members, so you are, you have completed this item.

## 2. Adopt Stock Assessments

**Brad Pettinger** [00:00:00] And that will bring us to Council action. And with that, I look for some hands to get us going here. Maggie Sommer. Maggie.

**Maggie Sommer** [00:00:25] Thanks Vice Chair. I'll kick us off with really an expression of appreciation for all of the work that has gone into all of the additional requests completed in response to the Council's concerns and questions about the assessments, the STAT teams and additional contributors of analyses really stepped up, did quite a bit of work and the review processes that these have undergone, including by the Groundfish Subcommittee and the full SSC, have really been extraordinarily thorough I think. They may not have answered every question we have, but we certainly have some, some outstanding areas where we all recognize we would like to have more information, but I did want to recognize the tremendous effort that has gone into bringing us all to this point and our understanding of the current status of these stocks based on the information we have before us. I think with that I will note that I, at your pleasure and after the Council, had any other discussion we may wish to, I'm prepared to offer a motion regarding the spiny dogfish assessment.

**Brad Pettinger** [00:01:54] Okay, thank you Maggie. Further discussion? Marci Yaremko. Marci.

**Marci Yaremko** [00:02:08] Yeah, thank you Vice Chair Pettinger, and thank you, Maggie, for the lead off. I guess I don't have any initial comments. I am prepared with a motion when the time is right on copper and quillback, so it's fine for me to go first or spiny dogfish to go first. I don't have a preference there. So, I guess I'll pause for a minute, see if there's a preference.

**Brad Pettinger** [00:02:47] Well your hand is still up Marci.

**Marci Yaremko** [00:02:52] Okay. Well if....I guess I'll pass it back to you for a minute to see if there are any other opening remarks before we get into motions. Thanks.

**Brad Pettinger** [00:03:03] Thanks. Further hands for discussion? I'm not seeing any so I guess I would entertain a motion. Marci.

**Marci Yaremko** [00:03:21] Okay, thank you Vice Chair Pettinger. My motion is off to Sandra and Kris and hopefully it will be on the screen shortly. There we go. Thank you. I forgot the beginning. I move the Council approve the data moderate length-based stock assessments for copper and quillback rockfish off the coast of California in 2021 using catch and length data and their corresponding rebuilding analyses for use in management, as shown in Agenda Item E.2, Attachments 1 through 5.

**Brad Pettinger** [00:04:19] Okay. Does that language accurately reflect your motion?

**Marci Yaremko** [00:04:21] Yes, it does. Thank you.

**Brad Pettinger** [00:04:24] Thank you. Oh, Bob Dooley for a second. Thank you Bob. Marci, please speak to your motion.

**Marci Yaremko** [00:04:31] Well okay. I guess I'll just start by saying this is a tough day. This motion starts in motion a very painful series of steps to establish specifications and management measures and potentially consideration of inseason actions to use these assessments in management. That being said, thinking back over the past few years and our recommendations on stock assessments, we asked for the use, or the implementation of data moderate length-based assessments believing on recommendation



of the SSC that these tools would help get us new information, perhaps more efficiently on stock status and abundance and we understood that they would be somewhat truncated processes, both in the review and in the data analysis conducted so, you know, I think there's been a lot of discussion about adhering to the TOR and the bounds of the length-based assessments and I think there's no question that within the confines of this type of model, every possible inputs that were available were explored as thoroughly as they could have been, and folks worked very hard, very long to evaluate, you know, where we might be able to work or make improvements or ensure that we were doing the best we could on the modeling side. But here we are, all of these efforts, you know, at the end of the day still leave us where we're at with these assessments that off California don't paint a very pretty picture of the status of the copper and quillback resources off the State of California, and so we will embark on using them in the upcoming biennium for management. I think I've certainly learned a few things along the way with this process. One, how important the pre-assessment data workshops are and how important it is that we be all, I think, collectively committed to bringing the full suite of available data that might be available. That means looking far and wide and consulting early with collaborators, with folks in the research community that may have resources that we might draw upon in terms of otoliths or other EFI that they've collected in various surveys that may not feed in directly to our stock assessors, so that's certainly a lesson learned that we will be working hard behind the scenes to build those relationships and improve our connectivity with all folks in the research community that might be able to help us in the future. Also, that we come to those pre-assessment workshops with an understanding of our catch data and potential discrepancies and how we might resolve them because we don't want to wait until an assessment is already done with data that might contain outliers or errors that we haven't vetted thoroughly through the review process. All that said, and again acknowledging the extra lift between June and September by the Groundfish Subcommittee and the SSC and the stock assessors to go through repeated reviews and questions and answers and requests for inclusion of additional data and the quick work on the part of the Newport lab to do some aging between June and September. At the end of the day, we're still where we were in June and so it is what it is. And that said, the results simply just don't comport with what CDFW's catch data has captured for fishery removals over time for copper and quillback. We presented that information back in June and a supplemental CDFW report just demonstrating the contributions of both copper and quillback to our overall catches of minor nearshore rockfish throughout California, the proportion of the catches have increased in recent years. Meanwhile, the results from the stock assessments truly suggests that these stocks just shouldn't be available to fisheries and in that low of abundance. It's very difficult to reconcile what we're seeing in our catch data and what our fishery participants are seeing on the water with regard to catch and reconciling that as well with other stock assessments of nearshore or shelf stocks that inhabit the same environments that show much different trends. Also, at least in the case of copper rockfish, previous data moderate assessment using the index-based method rather than the length-based method was used for management, I think it was eight years ago, and that assessment painted a very different picture of stock status. So it's difficult with that information out there and the fact that a different data moderate assessment type was used at the time and produced such different results, it's difficult to be here in the position now with a different type of data moderate assessment and no way, no process to attempt to reconcile the two data moderate methods, and in fact that's just we haven't built a process like that, and really I think the solution that all folks have pointed to is, well the way to resolve it is, to conduct a full assessment as soon as possible. So certainly, support that idea as soon as practicable. I guess I'm, we're at the point where there really is no alternative at this point. In consultations with other management entities there is no, nothing to do here in this agenda item other than accept the SSC's recommendations. They've determined that these assessments are BSIA and suitable for management. So, with this motion we just must follow the protocol and we'll move ahead with the next step in the process. I appreciate the GAP's two paragraphs summarizing their concerns that are very succinct and very eloquent. I'm appreciative that they will be bringing to us in subsequent statements remarks about the financial impacts to our fisheries. I think the time to consider those impacts and balance the collective needs across our specifications with all of our groundfish stocks, we'll have an opportunity to consider that in

future agenda items this week and beyond, so I'll be very much tuned in to what they bring to us in terms of the consequences and also the possible solutions that we'll be looking to. With these resulting specifications I think we'll have no choice but to turn to other alternatives and other targets and we look forward to the opportunity to explore other opportunities that may be available on the shelf in particular to potentially somewhat mitigate some of the losses that I expect that we will be faced with in the nearshore. So, I guess that's it. I wish I wasn't making this motion, but again I feel like this is, you know, this is the next step forward. Thank you.

**Brad Pettinger** [00:15:15] Thank you Marci. I know that wasn't easy. Discussions on the motion? Marci Gorelnik. Marci.

**Marc Gorelnik** [00:15:31] Thank you Vice Chair Pettinger. And, you know, with a heavy heart I guess I'll vote for the motion because we don't really have a choice. But I do want to echo what Marci has said with regard to these stock....the assessments sort of suggesting these stocks have a, are going a different direction than other similarly situated stocks. It's also a little difficult for me to reconcile the low abundance of these stocks, particularly quillback when much of their habitat has been and remains off limits to fishing. I don't know what percentage that is, but it's hard for me to see with much of the habitat off limits for 20 years, and much of it inaccessible today how the stock could be as low as the stock assessment reports it to be, but it's the only science we have right now so that makes it the best available science and I'll support the motion.

**Brad Pettinger** [00:16:51] Okay. Maggie Sommer. Maggie.

**Maggie Sommer** [00:16:52] Thanks Vice Chair. Thank you for the motion, Marci. And I certainly understand the impact that this will be having on California fisheries. In terms of process, you know, I will be voting for this motion. We certainly do have a choice, but our choice would be to recommend against adoption, I believe, only if we felt there were some additional avenues of, that required further analysis to resolve. And as I said in my comments earlier, there has been quite a bit of work and it does not appear to me that the data currently exist to inform any further work that would potentially result in an improved understanding of the status of these stocks, so I do think this is the best science available we have to use right now and I do support the motion and adoption of them and just want to, like others, express how much this has highlighted for me the importance of so many of our nearshore data collection activities, whether that's our fishery dependent activities from which we gather of course catch and effort, but a lot of biological data as well, but also fishery independent efforts, and there are numbers going on by various state agencies including ODFW as well as the National Marine Fisheries Service and others, and those really are tremendously important, and I know that in my mind and I think in many others this is really emphasizing the need to continue and expand support for those nearshore research efforts. Thanks.

**Brad Pettinger** [00:19:07] Yeah thanks Maggie. Anyone else? Okay, well not seeing any hands I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:19:28] Aye.

**Brad Pettinger** [00:19:28] Opposed? Abstentions? Motion passes unanimously. Okay, so we have one left and I know Maggie said she had it ready to go so if no one else is going to raise their hand we will go to Maggie. Maggie.

**Maggie Sommer** [00:19:58] Thank you Vice Chair. I move the Council adopt the Spiny Dogfish Assessment presented in Agenda Item E.2, Attachment 6, September 2021 with modifications to the decision table and a category two assignment as described in Agenda Item E.2, Supplemental SSC

Report 1.

**Brad Pettinger** [00:20:18] Okay, is a language on the screen accurate?

**Maggie Sommer** [00:20:22] It does. Thank you.

**Brad Pettinger** [00:20:23] Thank you. Seconded by Virgil Moore. Thank you Virgil. Maggie, please speak to your motion.

**Maggie Sommer** [00:20:30] Thank you Vice Chair. Just repeat or refer to my earlier comments, appreciating all of the significant additional work done on this as on the other assessments by the assessment teams, other analysts and the reviewers. The SSC report to us today was very comprehensive. It described the decision table modifications as being the elimination of the original lowest state of nature, where survey catch ability or Q value was equal to point nine because they found that, that was found to be implausible. The original base model in which the Q is equal to point five eight six then becomes the new low state of nature and a new Q value fixed at the midpoint between those values results in a Q of point four three underpinning a new base model. Also note that the SSC recommended that the states of nature not be assigned specific probabilities due to the uncertainty related to this revision. They endorse the assessment with this decision table modification as the best scientific information available for use in management and recommended that it be a category two assignment and I would support those and this motion reflects that. Before I conclude I do want to also acknowledge the SSC's recommendation that the next assessment be a full one conducted as soon as practicable but recognizing the need for additional research to address some of the survey catchability, representativeness, some of the migration, and in particular some of the transboundary issues prior to the next assessment if possible. We will certainly have an opportunity to consider this during the next groundfish stock assessment prioritization process and would hope for input from the Science Center on whether sufficient new data would likely be available in the next cycle, recognizing that that is going to be upon us sooner than we think so we will see when new information is available. The SSC also recognized some concerns about harvest policy related to elasmobranchs and that the current target SPR of 50 percent may not be sustainable. We heard....we saw a little bit of recommendation on that in the report and then heard some discussion in question and answer and it is my current understanding that the potential for further work by the STAT and potentially a workshop might occur during the stock assessment postmortem meeting and so we will maybe be looking to see what comes out of that for scheduling and when some work can be done on that line. And finally, before I conclude, I want to also acknowledge the GAP recommendation that the Council keep in mind the management implications associated with the harvest specifications that will result from application of this decision table and note that as we have said, we will be addressing those under upcoming agenda items. Thank you.

**Brad Pettinger** [00:24:23] Thank you Maggie. Discussion on Maggie's motion? Corey Niles. Corey.

**Corey Niles** [00:24:37] Thanks Mr. Vice Chair and thanks, Maggie, for the motion. I think Maggie covered it all. Just to echo a couple of things in regards to the previous motion as well... just thank the Science Centers, the STAT, the SSC for all of their hard work. These are uncertain endeavors, but it's not for a lack of trying and effort from those folks so when I recognize that, but really want to just echo when the time is right and just mention it often is the need to do a transboundary assessment here and we've seen that start to take off with the sablefish stock and see what a monumental effort it is that it does seem like the main way to improve our understanding of what's going on with the species. So, I'm hoping we will work towards that when the time is right. But yeah, thanks, I think Maggie covered all my thoughts and I will end there.

**Brad Pettinger** [00:25:42] Okay. Thank you Corey. Anyone else? All right. Well, I don't see more

hands so 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? Abstentions? Motion passes unanimously. And with that I will turn to John DeVore to make sure we're good to go.

**John DeVore** [00:26:17] Yes, thank you Mr. Vice Chair. You have completed all the considered actions under this agenda item. You've adopted all the stock assessments and rebuilding analyses endorsed by the SSC. I also want to kind of share my thanks with everyone in the process. This was a difficult assessment cycle and I thought everyone did a very good job. But I want to, I want to kind of stress the importance of Corey Niles' contribution on the spiny dogfish. The GAP called attention to that in their statement but quite frankly the analysis that Corey presented at the mop-up panel in late September really spurred the discussions in the right direction for spiny dogfish. So, I don't know if the rest of the Council really understands just how important that contribution was, so I wanted to underscore my thanks to Corey for bringing that forward. But with that, I would say you have completed this agenda item and thank you very much.

**Brad Pettinger** [00:27:37] Okay thanks John and I see Marci's hand came up so go-ahead Marci.

**Marci Yaremko** [00:27:41] Yeah, thank you Mr. Vice Chair, and thank you Mr. DeVore. I just want to go back to your description of the process forward with regard to discussing delineations for stock assessments before they happen and the criteria that might be identified in advance by the stock or the criteria identified I guess by the SSC that we would presumably support and that that be, that process be.....I think what you're suggesting is that one thing we've learned is that we need to have some clear discussions about that and agreement on the stock partitions before the assessments end and that consider all of that, that list of things that you outlined. So, I do hope that that happens, but it didn't sound like it would be a huge lift. I don't know if you were planning to take that up in the postmortem or if that is.....that sounded like more like a plan for a future workshop that we would then take up under agenda planning. But I just I want to thank you and the SSC for flushing out that concept and acknowledging how really important it is. Certainly, this cycle I think we were a little surprised with the lines that were drawn and not a lot of opportunity I guess to consider if in fact those partitions were in fact the best. And once the modeling gets underway then it's kind of too late to go and rejigger everything. You're dealing with different data inputs, and you have to redo them all so, you know, having that discussion early I think is really important part of the process and certainly think can involve more than just those on the STAT. So, I just want to really express support for the concept that the SSC brought to us in that passage in their statement and I will look forward to talking about that further in agenda planning. It sounded like we might see something so hopefully that will come to us in an SSC statement under that agenda item. Thank you.

**John DeVore** [00:30:29] Yeah, thanks Marci. Yeah, the SSC does intend to discuss this as part of the postmortem right now recommended to occur in mid-January at some point. And so that report from the postmortem review will be coming into the Council in March under Groundfish Stock Assessment, Prioritization and Planning, so I think that will be the next point in time to advance this concept.

**Marci Yaremko** [00:31:10] Thanks very much. I look forward to it.

**Brad Pettinger** [00:31:13] All right. Yeah, thanks Marci for the question and John for filling us in. Okay, so with that I think John finished us up here. And so, I see... uh... Chair Gorelnik is back from his congressional hearing so I am happy to hand the gavel back to him.

**Marc Gorelnik** [00:31:33] Thank you very much Vice Chair Pettinger. All the reviews are in and apparently you've done a smashing job.....(BREAK - AGENDA ITEM REVISITED)..... As Vice Chair Pettinger mentioned, it has been observed that there is an issue with the previously adopted motion on E.2. So, Brad I will now call on you to address that issue.

**Brad Pettinger** [00:31:55] Thank you Chair Gorelnik. As I understand it takes two motions to get us there and so I would move to amend. I guess I will wait until the language comes on the screen here. Very short. I move to amend the previously adopted E.2 ODFW motion. And the language is correct.

**Marc Gorelnik** [00:32:22] Okay and I don't have a meeting record in front of me, but I'm assuming there was only one motion offered by ODFW under E.2, is that correct?

**Brad Pettinger** [00:32:33] That is my understanding.

**Marc Gorelnik** [00:32:35] All right. All right so it's been moved by Brad Pettinger. I'll look for a second. Seconded by Bob Dooley. Please speak to your motion as necessary.

**Brad Pettinger** [00:32:46] Thank you Chair Gorelnik. Yeah, this motion is to open it up to make the amendment to the previous motion.

**Marc Gorelnik** [00:33:01] Okay. And I guess when we get to the next motion, we'll find out what the change is. So, let me see if there's any questions or discussion on this motion to amend? I'm not seeing any hands. I'll call the question. But who seconded? Okay... so Bob Dooley seconded that, so all those in favor say 'aye'.

**Council** [00:33:21] Aye.

**Marc Gorelnik** [00:33:21] Opposed, no? Abstentions? The motion passes unanimously. Brad, you have a further motion?

**Brad Pettinger** [00:33:35] I do. Thank you Chair Gorelnik. I move the Council amend the E.2 ODFW motion as follows: Strike Agenda Item E.2, Attachment 6, September 2021 to replace it with Agenda Item E.2, Attachment 6, November 2021. And the language on the screen is accurate.

**Marc Gorelnik** [00:34:01] All right. Thank you for that motion, Brad. Look for a second. Looks like it seconded by Butch Smith. Please speak to your motion as necessary.

**Brad Pettinger** [00:34:10] Yes. Just fairly simple here. Thankfully Council staff caught this, and it needs to be addressed and we're doing that here and so I would stop there.

**Marc Gorelnik** [00:34:21] Great. Any discussion or questions? Not seeing any hands I'll call the question. All those in favor of this motion say 'aye'.

**Council** [00:34:31] Aye.

**Marc Gorelnik** [00:34:31] Opposed, no? Abstentions? The motion passes unanimously. Thank you Brad for the motion. Let me ask Brad if there's anything further under E.2?

**Brad Pettinger** [00:34:48] No, I'm good. Thank you.

### 3. Harvest Specifications for 2023-2024 Including Final Overfishing Limits and Acceptable Biological Catches

**Brad Pettinger** [00:00:00] That takes us to Council action, and I'll open up the floor for discussion. Okay, Maggie Sommer. Maggie.

**Maggie Sommer** [00:00:32] Thank you Mr. Vice Chair. My apologies trying to move through all my multimode materials. I will start by again expressing much gratitude toward everyone who has put together so much complex information for us to consider today. It has been really extremely.....I will say it's been difficult to put all the pieces together, but it has been very helpful and I appreciate the way that has been presented to us. I'm going to start with what I think is a relatively low hanging fruit comment. This is just for information. I wanted to note that in E.3, Supplemental Revised Attachment 1, right, for quillback rockfish in Oregon in 2023 and 2024, the OFL and ABC are slightly different than the values presented in September because they're based on updated projections using more accurate estimates of mortality in 2021 and 2022. And my apologies, I have, I had made myself a note to alert you all to this and forgot that the SSC had called it out in their statement too, so they have taken care of this task of informing you for me. If anyone has any questions on that I would be happy to respond to them. But I think with that I'll stop and allow our discussion to move on to issues that I suspect will be of much more interest for Council discussion today. Thanks.

**Brad Pettinger** [00:02:18] Thank you Maggie. Further discussion? Joe Oatman. Joe.

**Joe Oatman** [00:02:21] Thank you Mr. Vice Chair. And I, too, want to express my appreciation to the materials that the GMT provided I thought were very useful in terms of be able to really easily follow the information and what would be recommended, so I just wanted to express that. So, the comment that I have for the Council under discussion for this item regard sablefish. Our sablefish, the tribes are supportive of the no-action alternative for sablefish and a P star of zero point four five. We would also vote in favor of having a P star of zero point four zero analyzed for consideration at future Council meetings. The tribes do not feel that a P star of zero point three five fulfills the trigger for the tribes and are not in favor of further analysis. The treaty sablefish allocation is based on a catch accounting exercise that occurred, that indicated that 20 percent of sablefish north harvestable population would be available within treaty area during the fishing season. These are federally recognized treaties. To tribes, reserve 50 percent of the harvestable surplus, which when paired with the catch accounting exercise results to the 10 percent treaty allocation. The tribes have reviewed the stock assessments endorsed by the SSC and associated risk. The stock is increasing coastwide from last year through California. Your assessment that the Council received is advised because regardless of the trajectory of that stock is going through, the tribes do not see a need to buffer for this stock. In conclusion, the tribes will support analysis of a P star of zero point four five and a P star of zero point four. We cannot support further analysis of a P star of zero point three five. Thank you for the opportunity to provide those comments.

**Brad Pettinger** [00:04:58] Thank you Joe. Further discussion? Keeley Kent. Keeley.

**Keeley Kent** [00:05:20] Thank you Mr. Vice Chairman. I have a few comments to provide relative to number 3 on the Council action list. I'm happy to hold those if others have comments specific to 1 and 2 or I could offer those now.

**Brad Pettinger** [00:05:43] I don't see any hands behind you so let's.....why don't you go ahead.

**Keeley Kent** [00:05:49] Thank you. I did want to provide a few comments related to item number 3 on

the Council action list, which is providing guidance on stock complex restructuring. I wanted to first start off with a big thank you for the extensive and comprehensive work of the GMT on this particular issue in the Stock Complex Report, as well as the very thorough presentation provided today. That information put together will be key in understanding how our stock complex management structure is working, and I want to recognize what I know was the significant workload that it took to get to the information that was presented today. I'd also like to note that we recommend the Council consider removing any overfished species from the stock complexes to allow direct management under a rebuilding plan. We think the Council should consider whether additional conservation and management is warranted for stocks in complexes, specifically those with category 1 and 2 assessments that have had their OFL contributions repeatedly exceeded in recent years. However, we recognize the considerable workload reevaluating stock complexes and the trickle-down effects of any large scale changes to complexes, including those that are allocated to the shoreside IFQ sector could amount to, and as such, while we recognize the benefits of a comprehensive evaluation and consideration of significant changes, we think that is likely beyond the scope of what is possible in this biennium at the stage we are at, at the November meeting. So, for the 2023-2024 biennium, we would encourage the Council to consider the recommendation of the GMT for some targeted management measures to reduce mortality of specific stocks in complexes that have had their OFL contributions exceeded, but we would look for further discussion about how and when to tackle a more comprehensive evaluation outside of the scope of the specific spex biennium. Happy to answer any questions or have any further discussion on those points, but I wanted to share them with the Council. Thank you.

**Brad Pettinger** [00:08:02] Thank you Keeley. Further discussion? Maggie Sommer. Maggie.

**Maggie Sommer** [00:08:25] Thank you Mr. Vice Chair. I'd like to come back to this question of the sablefish P star alternative of zero point three five. I am hearing a considerable amount of discussion about that alternative and uncertainty about whether that additional level of reduction from the default specifications is warranted relative to the uncertainties in the assessment. And I just wanted to maybe revisit that question. I'd be interested in hearing perspectives from other Council members if anyone has any to share. I will say in my recollection of the SSC's presentation on the stock assessment and the SSC's comments on the update assessment, I believe there were some improvements in the assessment and there was general confidence in the outcomes of that assessment, even given some of the uncertainties such as the lack of 2020 survey data. So, you know, I would certainly want to move forward with the no action alternative and the P star of point four alternative for analysis. And I would welcome hearing any input from other Council members on retention of a point three five and whether that is determined to be necessary at this time or not.

**Brad Pettinger** [00:10:33] Yeah, thanks Maggie. Marci Yaremko. Marci.

**Marci Yaremko** [00:10:39] Yeah, thank you Mr. Vice Chair. Thank you, Maggie, for the lead in. I, too, am comfortable with a range to include point four five and point four for the reasons you suggest. I think there is some basis for uncertainty in the fact that there's a lack of survey data that was included that does suggest some uncertainty beyond where we're at today, so that alternative to me is reasonable. You know I think about our management measures, and I think about this stock and I think about our history with both assessment and management of this stock, and I'm going to guess that if it's not the most scrutinized and most closely and carefully managed stock among our groundfish species managed under the FMP, I'd be quite surprised. We have worked so hard to develop management measures that really are effective in ensuring that we attain and not exceed this resource. We've allocated according to our plans, and we track individual pots of fish and manage them inseason very closely, so I find there to be very little risk with our management approaches that cause me pause. As for the overall risk of, or the overall probability of overfishing, I think because we've spent so much energy and focus on assessing sablefish over numerous cycles, it's always a high priority for us on our assessment lists

because it's such an important resource both to our fisheries and communities as well as to the ecosystems that it resides in. So, I'm feeling like I have a great deal of comfort with that more narrow range in P star values and would support your suggestion to not include point three five in the alternatives. Thank you.

**Brad Pettinger** [00:13:39] Thank you Marci. Heather Hall. Actually, Maggie your hands still up. Heather.

**Heather Hall** [00:13:48] Great, thank you Vice Chair, and thank you, Maggie, for teeing up this discussion. I know it's something we've all been thinking a lot about, and I want to just start by saying we're at the stage in the biennial spex process where they look at a range of alternatives and can select a PPA. We don't take final action for a while and in my mind that simply, and for that reason speaks to having a range that has a good bookend, then I see that as being zero point three five to help us understand the analysis. It just, it broadens the analysis and helps us make a good decision when the final decision comes and so I'm just speaking now and in support of keeping zero point three five in for simply informing our decision. In addition to that, the reason why we want to be precautionary, or we want to look at precautionary alternatives is just the big change from the last several assessments. It's no longer in the precautionary zone and even saying that they're there, the stock was never in the precautionary zone. We also had no stock assessment in 2020 and, or excuse me, no survey in 2020 to inform the stock assessment and only half of the survey in 2019, so taking some time to get those data points for the next assessment I think is really important. We can see from recruitments in the North Pacific that they can be sporadic and so I just think weighing all of those things right now at the point we are in the process, eliminating the P star of point three five is too soon, and I would really like to see that. I spoke to the GMT presentation this morning and the challenge with understanding the economic analysis, and I'd really like to give the GMT time to look at that and respond to those questions. I know we heard that they said they could do that and so I think it's just too soon to take P star of point three five out of the range. Thank you.

**Brad Pettinger** [00:16:51] Thank you Heather. Pete Hassemer. Pete.

**Pete Hassemer** [00:16:56] Thanks Mr. Vice Chair. Yes, I guess to weigh in on that a little bit. I would support moving forward with this two alternatives, the status quo is the point four five and an alternative of point four. I understand that the rationale for why we have the point three five in there. In getting to my position on this I looked hard at the decision table that was included in the documents and referred back to the 2019 when we had the same set of discussions regarding the 2020-2021 biennium and there was a lot of discussion about the decision tables in there. And I understand concerns regarding the risks, the uncertainty, excuse me, in the assessments and the need for the assessments and I support those assessments. But at this time, looking at the status of the stock, I think it's very much warranted to just go with those two alternatives, the point four and point four five. And my, I guess I don't have an objection to a preliminary preferred of point four. I think there's a rationale for that as well as a rationale for a point four five. But in terms of the current biennium, we're looking at the 23-24 and what might happen then in future years. This is a long-lived species. Even at a point, P star of point four catches or the ABC would be substantially higher than it is in the current biennium and any fish left in the water are available in the future and it's hard to look forward to that next biennium, but we'd consider a different set of P stars then again. So anyway, I think because of the status of the stock we can narrow it down to the two P stars, the point four and point four five. Thanks.

**Brad Pettinger** [00:19:27] Thank you Pete. Heather, I see your hands still up. Did you put it back up after? Okay. Very good. Christa Svensson. Christa.

**Christa Svensson** [00:19:37] Yeah, thank you Mr. Vice Chair. So I am going to fall in the camp



alongside WDFW in favor of point three five and really it's the same points that I agree with that have already been outlined and so I'm not going to run through all of those to save us all some time, but I do also want to reflect for a moment on the fact that it is a sub group of industry stakeholders that are making this request to be a bit more conservative and I would like to respect their wish for that. I recognize it's not everybody. I certainly am not opposed to having something else chosen as a preferred alternative or preferred choice, but I do think that taking a look at that in the analysis stage is definitely worth considering, and I'm very supportive of keeping it in. Thank you.

**Brad Pettinger** [00:20:46] Thank you Christa. Phil Anderson. Phil.

**Phil Anderson** [00:20:52] Thanks Mr. Vice Chair. I'm finding myself in the same place as Christa and for similar reasons. I think preliminary preferred at point four, I will be prepared to support that to put forward. I would like to keep the range on the table for now. We are going to be, as I think Mr. Hassemer mentioned, we're going to be at higher levels, and I think I mentioned this before in some previous questioning about the analysis relative to jobs. We're going to be at a higher level of ACL than we'd been in a long time, and so just an opportunity for everybody to carefully think through here how we react to the higher levels that are being, that are coming out of the stock assessment seems to me to make sense. I know there's a lot of, there's opposition to point zero three five and whether that, you know what, where we end up at the end of the day, I'm not sure, but I think it's worth keeping it in the mix and just carefully considering where we end up with this. As we all know sablefish is a really important stock to a lot of different fisheries and we need to take care of it. Thanks.

**Brad Pettinger** [00:22:22] Okay. Thanks Phil. Further discussion? Okay, Maggie Sommer. Maggie.

**Maggie Sommer** [00:22:41] Thanks Mr. Vice Chair. I'd like to let, you know, that I will be prepared to offer a motion but it will take me a few minutes to put some final pieces together and get it to Sandra, so happy to do that if the, while the Council is, while we are continuing to discuss or if you take a break I could do it at that time, but I did want to let you know that I will have one prepared shortly.

**Brad Pettinger** [00:23:08] Okay. Maggie, are you talking about five minutes, 10 minutes?

**Maggie Sommer** [00:23:19] It would just, it would probably take me five minutes Chair. Thank you.

**Brad Pettinger** [00:23:23] Okay well, if I don't see any hands we'll take a break for five minutes and come back at 10:40.....(BREAK).....10:40 and Maggie do you have a motion?

**Maggie Sommer** [00:23:56] Thank you Vice Chair. I have sent it so if it has made its way to Sandra or Kris, I am ready when they are.

**Brad Pettinger** [00:24:19] Well the Ether is a little slow today but I'm sure it'll get here. Okay Maggie when you're ready.

**Maggie Sommer** [00:24:37] Thank you very much Vice Chair. I move the Council adopt for all groundfish stocks, adopt the OFLs for 2023 and 2024 and stock categories presented in E.3.a, Supplemental Revised Attachment 1 as final. For all groundfish stocks other than those listed below in number 4 and quillback rockfish in California adopt the P star ABC and ACL values for 2023 and 2024 in E.3, Supplemental Revised Attachment 1 as final. For the stocks listed below: Adopt the range of default and alternative P star, ABC and ACL values for 2023 and 2024 in E.3.a, Supplemental GMT Presentation 1, except use the area delineations and values for vermilion and sunset rockfish in E.3, Supplemental Revised Attachment 4. Identify the following alternatives as preliminary preferred. Sablefish coastwide: Alternative 1, ACL equal to ABC. P star of point four. Lingcod north of 40 10:

Alternative 1, ACL equal to ABC. P star of point four five. Lingcod south of 40 10: Alternative 1, ACL equal to ABC. P star of point four five. Oregon black rockfish: Alternative 1, ACL equal to ABC at 512 metric tons. Pacific spiny dogfish: No preliminary preferred alternative at this time. Vermilion and sunset rockfish in California south of Point Conception: No action, ACL equal to ABC. P star of point four five. Vermilion and sunset rockfish in California north of Point Conception: No action, ACL equal to ABC. P star point four five. Vermilion rockfish in Oregon: No action, ACL equal to ABC. P star point four five and vermilion rockfish in, pardon me in Washington: No action, ACL equal to ABC. P star of point four five. Noting that all reports referenced in this motion are from November 2021.

**Brad Pettinger** [00:26:59] Okay. Thank you Maggie. Does the language on the screen accurately reflect your motion?

**Maggie Sommer** [00:27:05] It does.

**Brad Pettinger** [00:27:08] Okay. Looking for a second? Second by Marci Yaremko. Thank you Marci. You want to speak to your motion please.

**Maggie Sommer** [00:27:21] Thank you very much Vice Chair. Yes, again this really is built on a tremendous amount of work by the SSC, the GMT, the GAP, public input, the National Marine Fisheries Service and Council members and I appreciate all of that information and input and hope that after I have concluded, perhaps Council members from Washington or California, would invite them to add anything they have regarding the stocks specific to areas off their states. Regarding the defaults all adopted in numbers 1 and 2 in this motion. These are the default harvest control rules and the values that result from their application. These harvest control rules were established in Amendment 24 and they have been applied here to the best scientific information we have on stock biomass, status and yield resulting from the most recent assessment of each stock. They have been endorsed by the SSC. And I'll just note that California quillback rockfish will be addressed in a separate motion. Regarding the alternative harvest control rules and specifications addressed in item number 3, the intent here is to provide an adequate range for analysis to address conservation and socioeconomic concerns stemming from assessment uncertainty, stock utilization, fishery circumstances and other factors. The SSC endorsed the alternative projections in Attachment 3 and Supplemental Revised Attachment 4, and those are what are reflected as well in GM, Supplemental GMT Presentation 1, except that the area delineations of vermilion and sunset rockfish differ between those two and are, we should be focusing here on the area delineations for those stocks as laid out in Supplemental Revised Attachment 4. I will note that all of the default harvest control rules are included in the range for analysis. And in addition to the alternatives that were reviewed in Supplemental Revised Attachment 4 as well as Attachment 3, I am including the GMT Alternative 1 for spiny dogfish. This would be slightly more precautionary than the default in recognition of the uncertainty associated with the assessment results and decision table. Regarding the inclusion of the alternative with a sablefish P star of point three five, I appreciate the advisory body and public input and the Council discussion and acknowledge the considerable uncertainty about whether it's necessary to include this additionally, precautionary alternative at this time. This motion does propose retaining it for analysis to further explore the need for a reduction from the default of this magnitude. It does seem to me that a P star of point four is adequately conservative, particularly in light of the management approaches that Marci reminded us of, as well as the fact that we anticipate assessing this high priority stock frequently. In addition, as shown in the projections in Supplemental Revised Attachment 4, there is little difference in the risk to the stock and between alternatives in terms of the impact on stock status. However, given the strong interest expressed in further analysis and review, I have included it here. Rationale for the preliminary preferred alternative selections is as follows. For sablefish coastwide Alternative 1 with a P star of point four. Again, with the range proposed we will have several options to apply various levels of precaution due to changes in the new assessment. And as I just said, based on the information we have up to this time, I believe the

P star of point four is most appropriate. For lingcod north of 40 10 and south of 40 10, the alternatives, Alternative 1 for each with a P star of point four five. As noted in the GMT report and presentation, there was high uncertainty in scale in stock size in the assessments warranting some precaution in an approach to setting specifications. However, a Category 2 sigma does provide some buffer for uncertainty in the OFL estimate resulting from the assessment. That would seem to be adequate and a P star of point five as preliminary preferred as appropriate at this time, again noting that the default of...we are retaining, pardon me, we are retaining point four in the range. I may have just misspoken in my characterization. I am.....and in the motion wording I will highlight this. Those stocks identified as PPA for lingcod north and south, the intent is to select a P star of point four five as the PPA and the motion language labels those as Alternative 1, and in fact they should be the no action alternatives there. So, if that requires an amendment to the motion to correct that, I would flag that for attention after I conclude my remarks, which I will do shortly. Returning to rationale for the PPA. Briefly, we have, ODFW has described rationale for considering the black rockfish alternative and the GMT and GAP supported that. I note that there is a very small difference in the 10-year depletion estimate between the projections, between the alternative projections, and this was endorsed by the SSC. I'm not proposing a PPA for Pacific spiny dogfish at this time, given the interest in further analysis of the alternatives before determination of a preference between them. And then for all of the vermilion rockfish stocks here, the PPA is identified as a P star of point four five. The GMT pointed out the issue of catch exceeding OFL contributions to the complex, but I believe that the appropriate place to address that is via management measures rather than specifications. Recall that we have been managing to the complex specifications rather than focusing management on component stocks, and this certainly has brought the potential need to do that to our attention, and a P star choice will not address the issue of reducing catch. Again, management measures seemed to me the appropriate place to do that. I think with that I will conclude my remarks. And again, apologies for the error in the description in labeling the lingcod north and south PPA as Alternative 1 when I believe it should be no action to reflect the P star of point four five.

**Brad Pettinger** [00:35:59] Yeah, thank you Maggie. And we probably should do that, so is someone willing to amend the motion to make that change? Pete Hassemer. Pete.

**Pete Hassemer** [00:36:10] Thank you Mr. Vice Chair. Before asking any questions, I'd like to move to amend the motion. Kris or Sandra, whoever is typing is probably easiest to do this with strike out, but I move to amend the motion as follows: in Item 4 where both lingcod north and south of 40 10 North Latitude, replace Alternative 1, the language Alternative 1 with the words 'status quo'.

**Brad Pettinger** [00:37:00] Thank you Pete. Does the language on the screen accurately reflect your motion?

**Pete Hassemer** [00:37:05] Yes it does.

**Brad Pettinger** [00:37:07] Okay, looking for a second? Seconded by Heather Hall. Thank you Heather. Pete, I don't know if you need to speak to it but I'll let you.

**Pete Hassemer** [00:37:16] No just a simple correction. Thank you.

**Brad Pettinger** [00:37:20] Okay. I don't see any hands to speak so all those in favor signify by saying 'aye'.

**Council** [00:37:29] Aye.

**Brad Pettinger** [00:37:29] Opposed? Abstentions? Okay the amendment passes unanimously. Okay

so we're back to the amended motion on the floor and for discussion so looking for a hand. Keeley Kent. Keeley.

**Keeley Kent** [00:00:00] Thanks Mr. Vice Chair. I had a question for the maker of the motion specifically on item one and wondering whether the exception that is included for quillback rockfish off California under item number two should also be there under item number one. My question is specifically whether or not if there are, you know, further action on quillback rockfish off of California, if that should be considered separately for OFLs as well as ABCs and ACLs. Thanks.

**Brad Pettinger** [00:00:36] Maggie. Oh, I see John DeVore has a stand up.

**John DeVore** [00:00:43] Yeah, thank you Mr. Vice Chair. I don't recommend changing the language simply because in our analysis when we analyzed the no action alternative, depending on what the Council does ultimately decide on California quillback, the values that are in Revised Attachment 1, the 40 10 adjustment and all that would inform the no action alternative and managing it in complexes is part of the no action alternative as well. So, I do expect that we'll see another motion here regarding California quillback as Maggie spoke to, but I don't really have any concerns with including those values in Revised Attachment 1 since we do need that for the no action alternative.

**Brad Pettinger** [00:01:44] Thank you John. Maggie.

**Maggie Sommer** [00:01:47] Thank you Mr. Vice Chair. Thank you too, Keeley, for the question and to John for your response. I had not exempted California quillback rockfish from number one based on guidance, or thinking similar to what John just presented, but on further thought as you asked your question, I would like to highlight the fact that this motion does specify that those are final and maybe ask Mr. DeVore to confirm that this is, it is okay to proceed with the motion as is, which would include quillback rockfish off California in that motion without revision, and again, thanks Keeley for the question and possibly the catch.

**John DeVore** [00:02:44] So my answer to that is that, you know, any alternatives that you adopt that depart from the default Harvest Control Rule, for example all those listed under item number four but presumably including California quillback when we see subsequent motions. I don't really see that as a problem because I think it's really understood that that's not a, those values aren't final preferred alternatives for those that are still being considered for alternative harvest control rules, so I don't really quibble with that language. I think it's well understood but if others have a problem with that, for the record I won't quibble with that either.

**Brad Pettinger** [00:03:43] Maggie.

**Maggie Sommer** [00:03:46] Thank you very much Mr. Vice Chair and thank you John. I guess if it helps as the maker of the motion, I will state that my intent would be certainly to allow for consideration of alternative Harvest Control Rules, including for California quillback rockfish and also for adjustment to the nearshore rockfish complexes if quillback rockfish is removed for those. I believe those values would also need adjustment. So that would be my intent.

**Brad Pettinger** [00:04:23] Okay. Further discussion? All right. Marci Yaremko. Marci.

**Marci Yaremko** [00:04:39] Yes, when it's appropriate I'd like to speak in favor of the motion but I'm not sure if we've wrapped up on the technicalities. Thank you.

**Brad Pettinger** [00:04:51] I see Rose Stanley has her hand above or below you so maybe she might... Rose.

**Rose Stanley** [00:04:58] Hi. Thank you Mr. Vice Chair. I would like to agree that I do think there is a bit of confusion with the current wording under number one, which is adopting the OFLs, which would include the nearshore rockfish complex OFL, which would include quillback as final. So, I would suggest that while I appreciate there's maybe intent to allow for changes should quillback be pulled out of the complex, that it would be clearer here to have language that would allow for more room on that piece. Thank you.

**Brad Pettinger** [00:05:42] Okay, so we've heard that GC would like to have it amended to pull that out, I guess. So... Marci.

**Marci Yaremko** [00:05:55] Yeah, thank you Mr. Vice Chair. Possibly one approach forward might be that, presuming that we're talking about withdrawing and editing and resubmitting this motion, potentially we might take up the quillback motion first if that would make it cleaner for GC.

**Brad Pettinger** [00:06:29] Maybe I should ask our parliamentarian for some advice. Dave, are you there?

**Dave Hanson** [00:06:45] Yes, I am.

**Brad Pettinger** [00:06:48] Some guidance here?

**Dave Hanson** [00:06:51] Could you repeat. Could you repeat the question?

**Brad Pettinger** [00:07:00] Yeah, should we withdraw this motion and then move to CDFW's motion and then have this resubmitted?

**Dave Hanson** [00:07:19] Depending on how many more motions are going to be made, it might be easier to withdraw, and everybody get their things together and do it at one time instead of piece by piece.

**Brad Pettinger** [00:07:35] Okay. Maggie.

**Maggie Sommer** [00:07:38] Thank you Vice Chair. I see Phil has his hand up and may have some good advice to offer. I'll just state that I am willing to withdraw and revise the motion.

**Brad Pettinger** [00:07:52] Okay. Phil, did you have some insight or a second?

**Phil Anderson** [00:07:58] Well, I mean I certainly agree with Dave that that is one approach. I think the point was if we could get the quillback piece out there and done then we could come back to this and so I guess the question for Dave. You know I was going to suggest we could table this motion, move on to the quillback piece. Once that's done then come back and bring this back before the body and make any additional amendments to it that may be needed.

**Brad Pettinger** [00:08:30] That sounds.....

**Dave Hanson** [00:08:34] That's the other way to do it.

**Brad Pettinger** [00:08:36] Okay.

**Dave Hanson** [00:08:37] It should be a motion to postpone, but ideally you have a motion on the floor and all discussion is supposed to be related to that motion.

**Brad Pettinger** [00:08:55] Okay.

**Dave Hanson** [00:08:57] I don't see any harm in postponing action on it and doing something else.

**Brad Pettinger** [00:09:02] Well, I think our Chair Gorelnik will have some insight.

**Marc Gorelnik** [00:09:07] I have a comment directed to the current motion. I move that we postpone consideration of this motion.

**Brad Pettinger** [00:09:16] Okay. Looking for a second? Seconded by Phil Anderson. Thank you Phil.

**Marc Gorelnik** [00:09:26] I don't see any need to discuss the motion or to expand on it.

**Brad Pettinger** [00:09:32] Okay. I agree. Okay. All those in favor of postponing consideration of this motion to signify by saying 'aye'.

**Council** [00:09:41] Aye.

**Brad Pettinger** [00:09:41] Opposed? Abstentions? Okay the motion passes unanimously and Marc. Okay and now, I believe, Marci. Take us away.

**Marci Yaremko** [00:10:01] Yes. Thank you Mr. Vice Chair. I do have motion on California quillback. I believe Sandra and Kris have it.

**Brad Pettinger** [00:10:13] Okay.

**Marci Yaremko** [00:10:13] Thank you. For quillback rockfish off California, I move the Council adopt the following, recognizing the SSC's recommendation that the stock be determined as overfished. Stand alone California OFL and ABC and ACL values to be informed by the rebuilding analysis adopted under Agenda Item E.2. Remove quillback rockfish from the minor nearshore complexes north and south of 40 10. Include SPR harvest rate alternatives from Table 2, page 10 of the quillback rockfish rebuilding analysis of point five, point six, and point seven and F equals zero.

**Brad Pettinger** [00:11:09] Thank you Marci. Is that language on the screen accurate?

**Marci Yaremko** [00:11:12] Yes, it is. Thank you.

**Brad Pettinger** [00:11:14] Okay, looking for a second? Seconded by Bob Dooley. Thank you Bob. Speak to your motion Marci?

**Marci Yaremko** [00:11:21] Yeah, thank you Mr. Vice Chair. Well, this is the next step as we proceed with restructuring our management in our nearshore fisheries and our nearshore complexes to address the expected overfished determination for quillback rockfish off California. Appreciate the discussions that have gone on over the past few weeks on how we address the overfished status of this stock in our management moving forward. I know there's been a lot of folks that have thought about how we address the fact that quillback is part of a complex and has been included in the complexes for a number of years. Also, the complexity that comes with the fact that quillback off California means that we're needing to restructure or address quillback both for north and south of 40 10, and that that affects all

three states and all fisheries that participate in utilization of the minor nearshore stock complexes. It is clear that when we have an overfished stock like we do for quillback off California, that we manage it individually in our specifications. That is in keeping with how we've always managed overfished stocks that we no longer can manage that species as part of a complex because it needs specific, narrowly tailored, focused management to address the needs of rebuilding. So, because the California assessment was broken at the dividing line of the state line and not the 40 10 line, this does affect both the north and south minor nearshore complexes and consequently all three West Coast states. Want to acknowledge and appreciate the work of the GMT in helping us think through how these, how this removal of quillback does affect the management of our other nearshore complex stocks. I think we'll hear more about that in future agenda items as the work moves forward. Just also want to acknowledge that the rebuilding analysis for quillback rockfish did provide us with a range for consideration of SPR harvest rate alternatives. Examining the SPR from point five, point six and point seven does give us a pretty wide range of T targets as well as probability of recovery by T-Max, which would be 2066. 52 percent probability of recovery by T-Max at the SPR harvest rate of point five up to 98 percent probability of recovery by T-Max under an SPR of point seven. So, with that I think this.....this is the next step and that concludes my motion. Thank you.

**Brad Pettinger** [00:16:10] Thank you Marci. Discussion on the motion? Okay. Certainly not the easiest decision. If I don't see any hands, we're going to call for the question here. Okay, seeing no hands I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:16:49] Aye.

**Brad Pettinger** [00:16:49] Opposed? Abstentions? Motion passes unanimously. Okay, so we do have a tabled motion. It probably has to have some work done to it potentially. So, Maggie, do you have something? You want to take a bite of this?

**Maggie Sommer** [00:17:24] Well, thank you Vice Chair. If we could put the tabled motion back on screen.

**Dave Hanson** [00:17:30] Postponed.

**Maggie Sommer** [00:17:31] And if we are going to continue with this motion, then I believe it would need to be amended by someone else and I would welcome an amendment to make the correction to make sure that quillback rockfish off California and stock complexes, pardon me, and the nearshore rockfish north and south stock complexes are not included in item number one.

**Brad Pettinger** [00:18:09] Okay. Well, Heather has her hand up so Heather.

**Heather Hall** [00:18:19] Thank you Vice Chair. I'm prepared to make a motion to amend, and can we please scroll down so that number one is on the screen? Thank you. I move that under number one as shown on the screen after 'for all groundfish stocks' insert 'and stock complexes except quillback rockfish off California and the nearshore rockfish north and south complexes'. And then comma and resume the rest of the original language.

**Brad Pettinger** [00:19:44] Okay. Thank you Heather. Is that language on the screen accurate?

**Heather Hall** [00:19:52] Yes.

**Brad Pettinger** [00:19:56] Okay. I guess I'm looking for a second. Seconded by Maggie. Okay Heather, any discussion?

**Heather Hall** [00:20:22] Sure, I'll just say that I think this amendment is necessary to make sure that our intent in the motion is clear and complete, and that's it. Thank you.

**Brad Pettinger** [00:20:36] Very good. Okay I don't see any other hands so I'll for call the question. All those in favor signify by saying 'aye'.

**Council** [00:20:43] Aye.

**Brad Pettinger** [00:20:43] Opposed? Abstentions? Motion passes unanimously. Thank you Heather. Okay, now we're back to the amended motion and looking for discussion and seeing none. Oh, Marci Yaremko. Marci.

**Marci Yaremko** [00:21:12] Yeah, I believe we're, we're back to the substance of the main motion?

**Brad Pettinger** [00:21:17] We are.

**Marci Yaremko** [00:21:18] Okay. I just want to speak in support of the motion, and I really want to thank Maggie for some amazing hard work overnight and into this morning and just her amazing ability to synthesize and pull everything together for us. It has sure been a delight to work I think as a tri-state team here in the background and I really appreciate her leadership on this motion in particular and the extra lift. We had materials come to us late in the game and it's, you know, we're doing our best and really want to acknowledge that the thinking and the comprehensive nature of the motion that is in front of us here today. I want to speak specifically to a few of the PPA recommendations that are contained in Item 4, particularly the recommendations on lingcod south for the P star value of point four five. Maggie touched on this in her remarks but I just wanted to recognize that for this stock, the Southern Lingcod Assessment was a Category 2 assessment and is in the precautionary zone, and consequently that means that 40 10 default HCR is applied automatically so that coupled with extra precaution that comes with the Category 2 determination, those are two additional buffer layers of precaution that go with this southern lingcod stock, which certainly gives me comfort in continuing with the P star value of point four five. Also want to recognize some of the remarks from the GAP as well as members of our delegation that have reminded us that lingcod off California, while we haven't, it appears that it's been more difficult to access these fish the last year or two but would acknowledge.....and that the fish have been found deeper and that's been I think recognized by the trawl sector as well. And that for the non-trawl fleet the RCAs continue to not allow for much access to the lingcod stock off of most of California, so that is I think an explanation as to why we haven't been as fully utilizing this resource as maybe we might want to. So, all in all I think there's, the point four five P star buffer offers adequate protection coupled with the Category 2 assessment determination as well as the default HCR 40 10 adjustment. Moving to vermilion rockfish off of California. Want to support the PPA P star values of point four five. It's wonderful that we have a new assessment for vermilion rockfish. I know that... heard many remarks in our delegation about how comfortable folks are with the quality of the work that was done and the breadth of the assessment and the comprehensive nature of it, and we have been waiting many years for a new vermilion assessment and now we have one and we feel pretty good about it. Just acknowledging that believe that the new vermilion assessments, we've got a Category 1 off of Oregon and Category 2 for California and Washington. That Category 2 determination does mean that we have resulting OFL values that have been, are lower or more precautionary than what they would be if the assessment had been determined to be a Cat 1. In the case of the vermilion assessment South of Conception, the reason for the recommendation of the Category 2 assessment was driven by the sunset vermilion rockfish mix of stocks that were assessed and the inability to kind of delineate those two stocks in the catch data and other input data. So, kind of by default, because we're assessing that species as a complex of vermilion and sunset, the determination was made that it was a Category 2 stock, and consequently that means that the resulting OFL is going to be lower. So, there is, I think



in my mind, a considerable amount of precaution built in which lends support for our PPA determination of a P star of point four five. So again, want to thank the maker of the motion and support it. Thanks.

**Brad Pettinger** [00:27:38] Okay, thank you Marci. Further discussion? Okay seeing no hands. Heather Hall. Heather.

**Heather Hall** [00:27:55] Thank you Vice Chair. And I echo the appreciation that Marci shared for Maggie's work in putting this motion together. I also very much appreciate the effort to that and the coordination between the three states. I definitely miss the days of sitting in a hotel conference room and doing this together in the evening and helping to have an efficient conversation the next day but... so I appreciate the late-night emails and all of that as we put this together. I also want to speak again to the sablefish range of alternatives adopted here. I appreciate that the P star of point three five is still here, still included in the range of alternatives for the reasons I mentioned before we....at the beginning here, but I really think it'll be valuable to have that broad range of alternatives. It's a, we have an opportunity, which I think is rare, to look at alternatives that result in ACLs that are higher in all three alternatives than we've seen in many years while at the same time being precautionary. So definitely appreciate that we'll be able to look very carefully at that one. Have the information for a final decision. That's it. Thank you very much.

**Brad Pettinger** [00:29:31] Thank you. Thank you Heather. Further discussion? And Heather your hands still up. Okay, well seeing no hands I guess I'm going to call for the question then so all those in favor signify by saying 'aye'.

**Council** [00:29:59] Aye.

**Brad Pettinger** [00:29:59] Opposed? Abstentions? Okay motion passes unanimously. So, with that I will turn to John. What else...how are we doing here?

**John DeVore** [00:30:25] Thank you Mr. Vice Chair. You've made a lot of progress, but I do believe we, we might need a few more things. Specifically, I believe we're going to need a tribal motion on alternatives that they would like to see analyzed for the tribal fisheries, mainly the set-asides used to manage tribal fisheries in the next management cycle. And just a check, there's been a lot of discussion on stock complex restructuring so I believe we have enough guidance on that, but you know, just to make sure that we've had a thorough discussion there might just as a check to make sure that the Council doesn't have any more comments on stock complex restructuring. But fundamentally I do think we need a tribal motion.

**Brad Pettinger** [00:31:23] Okay. I'd looked to Joe. Joe, you have anything for us?

**Joe Oatman** [00:31:33] Thank you Mr. Vice. Chair. I haven't been made aware from the tribes who are affected here that they have a motion that they would like to provide, but I do understand that we will have something on that for agenda E.5 if that is adequate?

**Brad Pettinger** [00:32:08] John, I see your mics still open.

**John DeVore** [00:32:12] Yeah, if that's a question to me, I think it will be. I mean that's fine. Just as long as we leave the meeting with that detail covered, we'll be fine.

**Brad Pettinger** [00:32:23] Okay well we could just table this and go to the EFPs and make sure we don't get ahead of ourselves. Maggie Sommer. Maggie.

**Maggie Sommer** [00:32:36] Thank you Mr. Vice Chair. Before we move on to EFPs, I just wanted to chime in on stock complexes. Support the comments we heard from Keeley earlier and the recommendation or the information provided in the GMT report and presentation to us. I think it is appropriate that we acknowledge our interest in a future comprehensive examination of stock complexes outside of the biennial specifications process for 2023 and 2024. We have already partially addressed California quillback rockfish by removing it from the complex earlier in this action. And then I believe under E.5 we will be considering management measures, including potentially species-specific management measures for some of the stocks identified in the GMT presentation for us for further consideration. So, I think we are on track to do that and have the appropriate points teed up at which we'll be addressing those, recognizing that we will need further discussion at some point on exactly when we will begin a comprehensive stock complex evaluation in the future.

**Brad Pettinger** [00:34:03] Thank you Maggie. Heather Hall. Heather.

**Heather Hall** [00:34:13] Thank you. I stumbled for the button here. Excuse me. I, before we move on to... I just wanted to ask if we could get some follow-up information on the vermilion, the decision to combine Oregon Washington vermilion on the status determination. We just noticed this was, the SSC recommendation on Monday was different than what we'd heard from the STAT recommendation and our member of the STAT team wasn't available on Monday. Multiple power outages and all of that and so I'd just like to ask if we can have the SSC follow-up with us and explain a little bit of what that means for Oregon and Washington.

**Brad Pettinger** [00:35:18] Thanks Heather. So, Heather I guess, as far as for clarification on that, is that a question to who?

**Heather Hall** [00:35:34] Yeah. Thank you Vice Chair. I should say as a follow-up ask if John DeVore can help us with that and it can be a follow-up. It's not a discussion I intend to bring up now and just wanted to highlight it that it was a little bit different than what we understood from the STAT team. So, it's definitely a follow-up.

**Brad Pettinger** [00:35:58] Okay. John, you have some thoughts?

**John DeVore** [00:36:09] No, thank you. I appreciate that. We will make sure that the SSC comes back with an elaboration on their recommendation for vermilion in the north at the next meeting that spex is on the agenda, whether that's....certainly it will be on the agenda in April, but whether it's on in March or not we'll make sure at the earliest time the SSC comes back with a more detailed explanation of their recommendation.

**Brad Pettinger** [00:36:42] Okay. Heather.

**Heather Hall** [00:36:44] Thank you very much John. That's exactly what we were hoping for. I appreciate it.

**Brad Pettinger** [00:36:53] All right. After discussions here in the room out, maybe suspending the completion of this agenda item until maybe after the EFP discussion to make sure we're good. Oh. Phil Anderson. Phil.

**Phil Anderson** [00:37:09] Yeah, I'm a little bit confused on that. I totally understand the need for a tribal motion under E.5.... set-asides and so forth they'll be bringing forward. I did not think we were doing that under this agenda item, so I was a bit puzzled what exactly we were looking for from the tribes under this agenda item.

**John DeVore** [00:37:43] Mr. Vice Chair, if I may. I only brought it up just to make sure that we get that. I don't think there's any problem at all with making those decisions under E.5. So that's what the GMT is prepared to do so I think we're okay on that and we'll look forward to that, any recommendations on tribal set-asides under E.5.

**Brad Pettinger** [00:38:11] Well there you go. Thanks John. Okay, so John are we done here.

**John DeVore** [00:38:20] Yes, thank you Mr. Vice Chairman. I believe you are. It's been a very comprehensive discussion and I want to personally thank everyone who's contributed information throughout this process to get to this point. But I do believe we have enough guidance and alternatives for a detailed analysis of 23 and 24 harvest specifications. So, with that, I'd say you have completed your mission for this agenda item.

**Brad Pettinger** [00:38:52] Okay John, thank you and not an easy decision, even though there wasn't much room here so... okay.

#### 4. Preliminary Exempted Fishing Permit Approval for 2023-2024

**Brad Pettinger** [00:00:00] Takes care of advisory bodies. There's no public comment and so hopefully we can get this wrapped up fairly quickly. So, takes us to Council discussion and action. Heather Hall. Heather.

**Heather Hall** [00:00:19] Thank you Vice Chair. I appreciate all the work that the GMT did and the GAP did in going through these EFP applications, making sure everybody's got their T's crossed and I's dotted and that they have what they need to do the over the winter analysis. I didn't see any recommendations that any of these need to go to the SSC and I think that speaks to the fact that they're all renewals and so they've been underway and are proceeding with the exception of what was noted in both the GMT and GAP reports that the Scott Cook EFP hasn't been underway at all. So, I do have a motion that I'm prepared to offer but I would wait and see if others want to have any discussion or make comments before I go ahead.

**Brad Pettinger** [00:01:30] Okay. Thank you Heather. I'm looking for hands? And I'm just not seeing any, so I think we welcome a motion this time?

**Heather Hall** [00:01:51] Okay. Thank you. I don't know what I've done that is making it hard for me to find my unmute button today but let's see, I'm not sure if Sandra has that yet. So, I can give it a minute.

**Brad Pettinger** [00:02:08] She's shaking her head.

**Heather Hall** [00:02:08] Okay. Hmm.

**Brad Pettinger** [00:02:28] I see a thumb being raised across the room. One minute here.

**Heather Hall** [00:03:04] There it is. Okay. Vice Chair if you're ready I can read that.

**Brad Pettinger** [00:03:20] Okay.

**Heather Hall** [00:03:21] All right. I move that the Council adopt the EFPs for public review as recommended by the GMT in Supplemental GMT Report 1, November 2021, including the set-aside amounts outlined in Table 2 of the same report and a total allowance of 100 chinook salmon annually for all of the non-trawl EFPs.

**Brad Pettinger** [00:03:45] Okay. Thank you Heather. Is the language accurate on the screen?

**Heather Hall** [00:03:51] Yes, it is.

**Brad Pettinger** [00:03:52] And I see Jim Seger as his hand up, Jim.

**Jim Seger** [00:03:55] I just wanted to note that in addition to the 100 chinook salmon cap for those EFPs, that internal to the Year Round Mid-Water Rockfish EFP, which is your Attachment 5 on Page 4 there, there is a 1,000 chinook salmon north of 42 and a 100 chinook salmon south of 42 salmon cap. So, while it's not called out in the motion since it's internal to that EFP application, I'm assuming that that would be included in the motion or do you want to call that out in the motion?

**Brad Pettinger** [00:04:34] Okay, thank you Jim. And I see.....anything else Jim?

**Heather Hall** [00:04:42] Well this is Heather. I would do whatever is needed if that needs to be specifically called out, I would do that. I don't know if Keeley's going to offer some input that helps.

**Brad Pettinger** [00:05:03] Keeley.

**Keeley Kent** [00:05:05] I was going to offer input on a different issue, so I apologize if there is a question for me. I would ask you to repeat it.

**Brad Pettinger** [00:05:16] Jim.

**Jim Seger** [00:05:18] Yeah, I'm not sure from a parliamentary perspective whether it needs to be in there or not. From my perspective as long as we've had this discussion and it's clear to Council members that that's internal to the Year Round Mid-Water Rockfish EFP that we don't need to include it in the motion, if that's clear. But I don't have a final word on that. I don't know if NOAA GC or somebody else needs to weigh in.

**Brad Pettinger** [00:05:49] Okay. I thought those numbers were in the EFP specifically I believe, but.....

**Jim Seger** [00:05:54] Yes, that's correct. And that's what I'm saying. I just want to acknowledge and make sure that it's clear that they're there. They're on page, they're page 4, but since we were calling out all the other set-asides specifically that are also in the EFPs, as well as the salmon set-aside for the non-trawl EFPs. I just wanted to get acknowledgment on the floor that there's also that additional thousand chinook north and hundred chinook south within the other EFP.

**Brad Pettinger** [00:06:24] Okay, cool. Okay, very good. Keeley.

**Keeley Kent** [00:06:31] Thanks. Don't think that we need anything further in the motion to specifically address that. I think we have already covered it in our EFP terms and conditions and since these are renewals, assuming nothing is changing I don't see a need to specifically amend the motion in this way.

**Brad Pettinger** [00:06:51] Very good. So, at that point I think we're looking for a second. Seconded by Marci Yaremko. Thank you Marci. Heather, you want to speak to your motion?

**Heather Hall** [00:07:05] Sure. Thank you. I think these EFPs are providing valuable information and they've been in place last year, so as I said I think continuing them for the next biennium provides the opportunity to gather really valuable information and that's it. I think that they speak for themselves. Thank you.

**Brad Pettinger** [00:07:33] Very good. Thank you. Further discussion of the motion? And Keeley I see your hands still up.

**Keeley Kent** [00:07:41] Yes, I do have a question for the maker of the motion if this is the right time?

**Brad Pettinger** [00:07:45] It is.

**Keeley Kent** [00:07:46] Thanks. I just had a question. I wanted to clarify from your motion because there is a bit of discrepancy that I'm seeing in the GMT report. The GMT is not recommending that the Cook EFP be renewed, but when you scroll down into the table of set-asides, the Cook EFP is in there and so I wanted to clarify exactly what your motion would be doing with respect to the Cook EFP.

**Heather Hall** [00:08:17] Thank you for calling that out, Keeley. The intention of my motion was to

not forward the Cook EFP per the recommendation of the GMT and I hadn't really highlighted that that was still in Table 2. And I was maybe being overly.....I didn't want to, I wanted to be sure that the set-aside amounts were approved in the motion, and so that's why I referred to the table but hadn't noticed that those set-asides were in there so let's see. I don't know if an amendment to this motion would be necessary to just say, including the set-aside amounts in Table 2, except for the Scott Cook EFP would be helpful.

**Brad Pettinger** [00:09:23] Well it seems to me that if the Cook EFP doesn't move forward, the set-asides don't matter because he's not going to use them because there's no EFP. So unless we're robbing other EFPs for the set-asides I don't know if it matters or not but, what do you want to do here? Marci.

**Marci Yaremko** [00:09:44] Yeah, thank you Mr. Vice Chair. If it's the pleasure of the Council to amend the motion to strike the phrase that begins with including the set-aside amounts outlined in Table 2 of the same report and a total allowance of a hundred chinook salmon annually for all the non-trawl EFP's. That might get us there, but I appreciate Heather's desire for some clarity. I guess my thought was that the GMT report has a nice summary of recommendations and they, they'd be adequate.

**Brad Pettinger** [00:10:38] Okay. So, is that a motion or to amend the motion?

**Marci Yaremko** [00:10:42] I think with concurrence from the maker of the motion, that would be my proposed amendment.

**Heather Hall** [00:10:53] Thank you Marci. I appreciate it. That works for me. That was my starting point, and I should have just stuck with it. So, thank you.

**Brad Pettinger** [00:11:04] So the second on the amendment? Jim.

**Jim Seger** [00:11:11] Thank you Mr. Vice Chair. So, is the intent of this motion then that the, this motion does adopt the set-asides but as specified for each of the individual EFPs that is being forwarded? Or is the intent to come back then with a second motion to cover set-asides and chinook caps?

**Brad Pettinger** [00:11:38] Marci. I should say Heather. I'm sorry.

**Heather Hall** [00:11:48] That's okay. Whatever is simplest. It was intended to adopt the set-asides that go with the recommended EFPs that are going forward.

**Jim Seger** [00:12:08] So Mr. Vice Chair, if I may. So, my question might have been to the maker of the second. I'm not sure, but the question is would the motion as it would be amended, as it would stand amended, is it, would it be the Council member understanding that that includes the set-asides that are part of each of the EFPs or are you going to be coming back with a second motion?

**Marci Yaremko** [00:12:44] I'm not sure if that inquiry was to me as the maker of the amendment, but I guess I'd be happy to respond. But yes, it is. I believe our intention that the EFPs as they are proposed, which includes a proposed set-aside amounts, be forwarded for public review. I think the GMT discusses the set-aside amounts in their report, and while not specifically identified in the summary of the recommendations, I believe that the recommendation to forward those applications does imply that the set-aside amounts that go with the corresponding EFP would also be approved by us for public review.

**Brad Pettinger** [00:13:44] Okay. Jim.

**Jim Seger** [00:13:47] So the only thing I'm trying to track down right now is I can't remember, and a GMT member may be able to help. Their recommendation for a total allowance of a hundred chinook salmon annually for all non-trawl EFPs, I'm not sure if that recommendation would be covered by this, by this motion. Another approach on this motion that might be simpler might be just to say, including set amounts outlined in Table 2 for those EFPs that we are forwarding. But anyway, the point I want to make, the important point right now is, yeah, and I don't know whether somebody from the GMT could help out. I need to flip back through all of the three non-trawl EFPs and see what they say individually about that salmon bycatch cap.

**Brad Pettinger** [00:14:46] Yeah, and I don't have that in front of me, but I see Lynn has her hand up. Lynn.

**Lynn Mattes** [00:14:52] Through the Vice Chair. Mr. Seger, we don't have salmon caps for each individual EFPs, each of the individual non-trawl EFPs, that was a conglomerate of all of them combined. I am not a Council member and I'm not a parliamentarian, but I think what you just suggested would cover it. I know as the GMT member who's doing the calculations, I understand which you all are getting at so I can do the math. But no, we don't have individual chinook set-asides per EFP. It's a hundred for all of them combined.

**Brad Pettinger** [00:15:30] Thank you Lynn. Maggie.

**Maggie Sommer** [00:15:35] Thank you Mr. Vice Chair. I wonder if an alternative amendment so that the motion would read, including the set aside amounts outlined in Table, I'm not offering this now. I'm musing out loud. Including the set-aside amounts outlined in Table 2 of the same report for the recommended EFPs. And a total allowance of 100 chinook salmon annually for all the non-trawl EFPs would address the concerns and ensure that we appropriately adopt the set-asides, including that 100 chinook salmon amount.

**Brad Pettinger** [00:16:14] I think that would get us there. Marci.

**Marci Yaremko** [00:16:18] Thank you Mr. Vice Chair. And with that musing I would withdraw my amendment if that works for everyone.

**Dave Hanson** [00:16:28] Yes.

**Brad Pettinger** [00:16:31] Okay, and then Maggie would you offer up one.

**Maggie Sommer** [00:16:40] Certainly Vice Chair. Thank you. I'll wait for the formatting to return to a size I can read. Thank you. I move to amend the motion as follows. After the words 'of the same report' add 'For the recommended EFPs' close quote. And that would be the only language I am proposing to add by amendment and the remaining language would continue after that.

**Brad Pettinger** [00:17:37] Thank you Maggie. Is that the language accurate?

**Maggie Sommer** [00:17:41] Yes, it is.

**Brad Pettinger** [00:17:42] Okay. I don't know if we need to call for, or discussion on this? I see Marci you still have your hand up. Okay, I'm looking for a second? Seconded by Virgil Moore. Thank you Virgil. Okay, all those in favor signify by saying 'aye'.

**Council** [00:18:09] Aye.

**Brad Pettinger** [00:18:09] Opposed? Abstentions? Motion to amend passes unanimously. Now we're back to the original amended motion or as amended, so. Okay, I don't see any hands so if no hands I'm going to call for the question. All those in favor of the amended motion signify by saying 'aye'.

**Council** [00:18:50] Aye.

**Brad Pettinger** [00:18:50] Opposed? Abstentions? The amended motion passes unanimously. Thank you. And Jim I would turn to you.

**Jim Seger** [00:19:05] Thank you Mr. Vice Chair. So, you have adopted on a preliminary basis a suite of five EFPs for renewal in the coming cycle. You decided there isn't any need for those EFPs to go to any special advisory bodies, and you have a suite of set-asides and salmon bycatch caps, including one that covers all of the non-trawl EFPs and another salmon bycatch cap that is within the mid-water trawl, mid-water rockfish EFP. And I think that concludes your business on this.

**Brad Pettinger** [00:19:40] Okay. Thank you. And apologies trying to get back to Keeley. That was my bad. Got us held up there. So okay with that, I'm going to hand the gavel back to our esteemed Chairman, Marc.

**Marc Gorelnik** [00:19:55] Thank you very much Vice Chair Pettinger. Great job.



## 5. Biennial Management Measures for 2023-2024

**Marc Gorelnik** [00:00:00] All right, now we come to Council discussion, and I know there some things to discuss before we take action. I know that there's an interest in perhaps deferring some action at least until tomorrow. So why don't we get started? Pick back up, maybe. Brad Pettinger, do you want to? I'll call on you first even though your hands are not up because you tried before.

**Brad Pettinger** [00:00:30] Thank you Chair Gorelnik. I'm a little bit confused about where the ramp down might play out and what, if it's applicable to where we're at here. It appears to me that we have a lack of tools in the toolbox, and it's something we've done before, and I believe it did a little bit of short term alleviation of the some of the pain to the fishing industry and I think it'd good to maybe have John DeVore maybe lay out an overview about how that might look and how much and how that may play out potentially. So yeah.

**John DeVore** [00:01:12] Okay. Thank you through the Chair. I've done a little bit of look at this, but the answer comes back to whenever you're developing a rebuilding plan you have to rebuild in as short a time as possible while considering the needs of fishing communities, the marine ecosystem, other stocks and that sort of thing. So, it's not unlike any other rebuilding strategy that might be considered. You have to make the case that you need the ramp down to avoid some, you know, real egregious short-term impacts that would otherwise, you know, could be mitigated with the ramp down strategy that couldn't be mitigated with some other rebuilding strategy that you're looking at. So, under all circumstances you are comparing the time to rebuild under that strategy, the impacts associated with that strategy with the shortest time to rebuild, which is a zero-fishing strategy. And clearly there's a lot of impacts associated with that. So, it's not unlike any other rebuilding strategy in that regard. The phase-in ABC control rules that you see in the National Standard 1 guidelines, you know, actually do speak to, you know, getting an ABC in place that will stop overfishing from occurring. The overfished aspect of it is a bit different in that it's really all of the same metrics and whatnot that you have to consider when providing that strategy. And so, you really have to demonstrate that a ramp down is the best way to go to avoid some real significant, unavoidable impacts to fishing communities in this case. So, you know, there's no real clear roadmap on that, but it was the same thing with yelloweye when we did that back in the day, we had to demonstrate why that was a better strategy than a constant harvest rate strategy from the beginning. So that's really the answer right there.

**Marc Gorelnik** [00:03:50] All right. Merrick followed by Phil Anderson.

**Merrick Burden** [00:03:55] Yes, thank you Mr. Chairman. Thank you Mr. DeVore. Listening to this discussion brings back memories of, I believe it was our 2007-08 spex when we tackled this issue with yelloweye. To add to what John was indicating here a minute ago, some added context and maybe some parameters in terms of how to think through a potential ramp down strategy, so my recollection of the yelloweye issue was that first, if we think about the time for rebuilding that by engaging in a ramp down that I believe was a three year period, if memory serves, that to get down to the trajectory that we were aiming for, that that ramp down strategy didn't really appreciably extend the rebuilding time all that much relative to what I think was, I don't know it was a 70 or 80 year plan at the time. It was quite awhile. And what we also had was a reasonable expectation that there were some tools that we could develop over the course of a two- or three-year period that would get us there. And what those are, are escaping me at the moment or what those were are escaping me at the moment, but I think the question is valid here in that if we are looking to explore a ramp down strategy perhaps for this species that we would be looking for a reasonable set of tools that we think we could develop over the next two or three years to justify that ramp down strategy. So, there's a question in there. Do we see some tools that could be developed that would justify that sort of a ramp down that would alleviate the pain that when we get

to the bottom of that ramp down that we have tools that would alleviate the pressure that we're all trying to avoid here?

**Marc Gorelnik** [00:05:57] All right. Phil.

**Phil Anderson** [00:06:03] Thanks Mr. Chair, and thanks, Merrick, for helping me remember some of it. For me the bottom line, I guess as you know, given where we find ourselves today is if there's another potential lifeline out there other than some sort of a ramp down strategy, I don't know what it is. If they're, you know, I'm sure the folks at National Marine Fisheries Service have been thinking about how to deal with this issue and take into consideration the very serious consequences our actions are going to have on the industry and if anybody.....I'm sure we all heard the concern and the downright fear in the voices of the people who have testified on this issue this week, and it's a real. And so regardless of whether I could answer in the affirmative right now or anybody else around the table necessarily, that we can think of some tools to use during the ramp down period, it behooves us in our, in my mind for us to make the effort to do that. To look at potentials for ramp down strategies that help the industry, our fishing industry get through this difficult period. And we were asking for yelloweye rockfish stock assessment updates every year. I mean I think the scientists were going crazy with us continuing to ask for it because in some way the situation was similar in that what the people were seeing on the grounds didn't necessarily match up with what the assessment was telling us, you know, and we had also gone through the whole cowcod, or were in the midst of that situation where the rebuilding program at one point that they brought to us said they would never rebuild, even in the absence of fishing, and low and behold that proved to be wrong. Low and behold, instead of rebuilding yelloweye out, I think it was 2076 I think. You know we're now looking to something in 2036 or something like that so. And the same thing, you know, similar with canary, we went from thinking it was going to take us another 20 years to all of a sudden being at the cusp of a threshold of having canary rebuilt, and widow's another example. So, I just given all the information and public testimony we've heard the observations and the comments from California Department of Fish and Wildlife throughout this, I just think that we need to look for a way to help get through this time frame to when we hopefully can get some better.....get improved information, improved data that's going into the stock assessments to ensure that we're making these decisions based on reality.

**Marc Gorelnik** [00:09:51] Thank you Phil. Brad.

**Brad Pettinger** [00:09:52] Thanks Chair Gorelnik. And really speaking what maybe what Phil and said they're adding to that some of those things could be, you know, Marci was talking about maybe getting some credit, you know, for the savings potentially in 2022 that could be, maybe, I believe moved forward and certainly species-specific barotrauma survivability for both those species that needs to be done. So little things might make a big difference. And tell you what the testimony I heard was damn compelling if I may say that, and my heart goes out to all those individuals. And also, it sounds to me like this COVID potentially had some pretty severe impacts to maybe some dock sampling the last couple of years. And so, there's certainly a much more information to be gathered here and I think that we ought to do, as Phil indicated, everything we possibly can to do help where we can. And I'll stop there.

**Marc Gorelnik** [00:10:57] Thank you Brad. Marci Yaremko.

**Marci Yaremko** [00:11:01] Yeah, thank you Mr. Chair. And thanks to everyone for their remarks around the table here and your attention to the seriousness of the situation. I appreciate the thoughts and the suggestions and certainly agree that we need to do everything we can. And I also really want to echo Phil's last remark that we need to make sure that we're making our decisions on reality. And I think that's where many of us are struggling. The questions of scale in the assessment are really ones

that were problematic for us. How the assessments can generate such unreasonably low numbers in light of where the current catches are in terms of allowable yield, it's really, I just can't reconcile it. Similarly, it's tough to explain why the status using these new assessment methods is so different between one border and another. Many folks testified, not as much this meeting, but I believe it was in June and September about the similarity of the quillback found on the California side of the border and the Oregon side of the border, and that the fish are targeted the same way, are encountered the same way, exist in the same habitats and it is difficult to explain away such dramatically different results in two different areas that are right next to each other. I think we've had a lot of discussion about our concerns with the process. I was encouraged in the discussion in the SSC, when we got the SSC report under stock assessments, the exchange we had with John DeVore about the plans for ensuring that there's more robust transparency with regard to establishing the boundaries that stock assessors decide when they embark on the modeling exercises and how they partition the available data between regions and on what basis. I was very encouraged with that discussion and yet at the end of the day we, I think we have a number of lessons learned and I certainly have a lot to say about in the next stock assessment cycle what advice I might have with regard to future data moderate assessments using length-based methods. But all that aside, those are lessons learned and I think we're, we're still left with the task of focusing on here and now. One thing that throughout the discussion on management measures as we've been building the alternatives that has been very difficult for me to understand and get my head around is the tool that we have in the toolbox that we have always used in our specifications to move fleets and efforts around. We have managed by making adjustments to RCA lines. We have used that tool to move people off fish and into and move the effort into a place where we are going to avoid the stuff we're most concerned with. And that tool has been in application for 20, 20 years now. So, I am thinking that we are going to need to make some adjustments to our RCAs to minimize the effort in the nearshore. We don't want the discard mortalities that we're seeing in the CDFW report. They're going to be too high. So, what that means for me is that we need to be focused on what we can do now in the management measures action to move our fleets into areas where they're unlikely to encounter high volumes of the fish that are going to be so constraining, recognizing that the, you know, the opportunities to target them, you know are going to largely need to go away. But my biggest worry and always has been, these are nearshore fisheries. We have lots of people utilizing the nearshore for lots of different fisheries and we're going to need to do our best to acknowledge that. I mean most of our recreational fleets tend to fish near to shore. How do we continue to provide them some meaningful opportunity and yet reduce the impacts of effort and do our best to minimize the bycatch and discard that, you know, is going to amount to quite a lot? And from all looks at it, probably more than we can withstand. So, I am hoping that we can take a look at how we might use our RCA line management tool that's in our toolbox that has been a fundamental element of our management measures for many, many cycles and how we wisely adjust measures to minimize effort on these sensitive stocks. So when I think about examples of where we've done this and folks talk about innovation and how we can think about how to minimize impacts on communities and fleets, I think about the action we took in the last biennial spex to minimize impacts on sensitive bottom habitat and coral and yet provide a little relief and access into a little deeper water by establishing, I'm not going to say a second RCA, but an RCA of a different flavor that was different for non-bottom contact gear hook-and-line activity. So that's just one example of the type of innovative thinking that our Council with the support of NMFS has used in the past to help us access a little more of our healthy stocks while still being protective of overfished yelloweye. But I am hoping that we spend quite a bit of time over the next few months here thinking about how we design our management, noting that yelloweye is still overfished, but I think we're going to need to look a little bit at how we loosen the belt a little. We have done very well on our yelloweye catch accounting. We've ensured that we've been way within our established spex and management measures on yelloweye, but there are a few new unfortunately overfished kids on the block and they're going to need a lot of attention in this process and I realize this might mean that we need to talk about adjusting our priorities and that we're, when we get into agenda planning, I mean NMFS workload, Council staff workload, state staff workload is, you know, it's going to be a struggle. But I, in all of my years involved

in Council activities, I always recall that when you have an overfished stock, that's the trump card. That is the thing that you must do and it's not discretionary. It's painful but it's our obligation and, gosh, I just hope that we will be able to commit the energy and resources to looking for creative solutions. Thank you.

**Marc Gorelnik** [00:21:14] Thank you very much Marci. Further discussion on this agenda item? I'm not seeing any hands. It's a few minutes to five. We can press on or we can pick up motions tomorrow after appointments. And I'm not seeing any hands. Marci.

**Marci Yaremko** [00:21:56] Yes, thank you Mr. Chair. I'd support pausing here and allowing us to make some, have some discussions over the evening that I think will lead us to better motions tomorrow along with supporting rationale. So, if it would be okay, I would support holding motions until tomorrow. Thank you.

**Marc Gorelnik** [00:22:25] All right, thank you Marci. Let me see if there's any contrary view to be expressed and I'm not seeing any hands. So we will pick up motions tomorrow. Hopefully it'll go smoothly being day last.....(BREAK)..... And thanks to the Council for getting through that work expeditiously, so we'll now go to Agenda Item E.5, this is carried forward from yesterday. We've had all the reports. We've had some Council discussion. There may be some additional discussion, but certainly we'll need to have some motions for E.5. So, I'll look for some hands to get us started on E.5, Biennial Management Measures. Marci Yaremko.

**Marci Yaremko** [00:23:29] Yes, thank you Mr. Chair. Just to note, the states and others are sorting out some motions and order of motions and I think we can wrap that up with about a three-minute break.

**Marc Gorelnik** [00:23:48] Okay.

**Marci Yaremko** [00:23:49] Or a pause.

**Marc Gorelnik** [00:23:51] Or a pause. Why don't we, we did pretty well timewise on C.9, so why don't we take five minutes here and that will not be our morning break. We'll later come to our morning break, but I want to make sure that you have the time you need and so we'll come back at 9:15 or 9:16 rather or so. Is that okay Marci?

**Marci Yaremko** [00:24:21] Sounds great. Thank you. Sounds great. Thank you.

**Marc Gorelnik** [00:24:24] All right.....(BREAK)..... 9:16. Ask Marci Yaremko if you're ready now or if you think we need to extend this break?

**Marci Yaremko** [00:24:42] Thank you Mr. Chair. I would look to Sandra or Kris for a reply. We did provide them with an order of operations and not sure if theirs pulled up and ready to go yet or not. Thanks.

**Marc Gorelnik** [00:24:54] All right. I'll look for a sign from Sandra or Kris. I assume that means.....well, we have our Council action ahead of us, so I'm simply going to open the floor at this point for any discussion that we need to have and then welcome any motions. So, I'm sure there is a pretty decent list of motions here on E.5 so look for some hands here to get us started. Marci Yaremko.

**Marci Yaremko** [00:25:37] Yes, thank you Mr. Chair. And believe we had quite a bit of discussion yesterday. I think we ended right where we needed to with the Council comments around the table with where we're looking to go with our management measures in the next biennium. Appreciate the detailed

conversation we had on a number of points, and I believe the series of motions that we have for you today that should cover the suite of action items that we have to work from should get us set up to move forward with further over winter analysis that will be necessary on a number of these points. So, with that I think that Sandra might be ready. She at least has our list of motions and the order in which they're best organized for everyone. So, with that, Sandra, if you're ready with CDFW 1. Thank you. I move the Council adopt the following alternatives for inclusion in the range considered for groundfish management measures in 2023 and 2024. Noting the numbering from E.5, Attachment 1, November 2021, the action item checklist. Action item Number 2: Area management. Make minor adjustments to RCA coordinates to better align with bathymetry lines, depth contours and to avoid crossovers and to incorporate recommended modifications from enforcement and industry as described in E.5.a, Supplemental CDFW Report 1, November 2021. Action item 3: Off the tops. Adopt the following preliminary set-asides for 2023 and 2024. Research. The maximum historical research mortality should be used for set-asides for all species except yelloweye rockfish and cowcod. For each of these species the GMT shall determine the appropriate amount to set-aside for research based on anticipated projects. The maximum historical IOA mortality for off the top deductions for all species except dark blotched rockfish suggested deduction 9.8 tons. Petrale sole suggested deduction 11.1 tons. Sablefish south suggested deduction 25 metric tons. Yelloweye rockfish suggested deduction 2.66 metric tons and nearshore rockfish north suggested deduction 1.3 tons to accommodate mortality in IOA fisheries in 2023-2024. GMT recommendations from Agenda Item E.5.a., Supplemental GMT Report Table 2. For quillback rockfish, quillback and copper rockfish off California include placeholders for off the top set-asides for research, IOA fisheries and approved EFPs for each of these species as necessary pending further over winter analysis. Thank you. And then we'll be skipping item 4 and coming back to that in a second. Action item 5: For ACTs. For cowcod a single ACT of 50 metric tons for south of 40 10. Yelloweye rockfish non-trawl ACT of 39.8 metric tons in 2023 and 24. For quillback rockfish off California include placeholders for ACTs for each of the groundfish fishery sectors off California that incur a fishery mortality pending further over winter analysis. For copper rockfish off California include placeholders for ACTs below the minor nearshore complex ACLs for each of the groundfish fishery sectors off California both north and south of 40 degrees 10 minutes latitude pending further over winter analysis. And then I'll be skipping 6 and 7. They'll be covered in another motion elsewhere and move to item 8 for harvest guidelines. The state shares for stocks in a complex. Adopt preliminary harvest guidelines for species managed within a complex. Blackgill rockfish within the slope rockfish south of 40 10 complex, the status quo allocation scheme. For the Oregon black, blue, and deacon complex there's no need for species-specific harvest guidelines within the complex. For the cabazon and kelp greenling complex, no need for species-specific harvest guidelines within either the Oregon cabazon kelp greenling complex or the Washington cabazon kelp greenling complex. And for nearshore rockfish north of 40 10 complex by state, use the status quo sharing arrangement to set the state specific harvest guidelines as described in action item 11 of E.5.a., Supplemental GMT Report 2. For quillback rockfish off California, include placeholders for harvest guidelines for each of the groundfish fishery sectors off California that incur fishery mortality pending further over winter analysis. For copper rockfish off California, include placeholders for harvest guidelines below the minor nearshore complex ACLs for each of the groundfish fishery sectors off California both north and south of 40 degrees 10 minutes latitude.

**Marc Gorelnik** [00:32:45] Okay Marci. Thank you for that motion. It's rather lengthy but I want to ensure that the language that appeared on the screen is accurate and complete.

**Marci Yaremko** [00:32:59] Yes, it is. Thank you.

**Marc Gorelnik** [00:33:01] All right. I will look for a second. Seconded by Maggie Sommer. Thank you Maggie. Marci, please speak to your motion.

**Marci Yaremko** [00:33:14] Yes, thank you Chair Gorelnik. These recommendations largely follow from the GMT's most detailed and excellent series of reports to us. There are a few additions that are included here that I just speak to briefly, in particular for quillback and copper rockfish off of California. Now that we have approved these stock assessments for use in management, we'll be needing to pull the quillback rockfish off California out of the complex, which requires some, some different treatment of it in our management measures to attain the state specific standalone ACL that will be established for quillback off California. In the case of copper rockfish, while we expect copper will remain in the complex both north and south of 40 10, that's the minor nearshore rockfish complex, we do expect the need for specific harvest guidelines or ACTs for this stock. So there have been a few additional items here added for off the top ACTs and harvest guidelines to allow for the development of those numbers over winter. So, we've added placeholders here. I do want to talk for a minute about the off the top set-asides. First, I want to really acknowledge and appreciate the work of the GMT on short order on their Saturday off to do their best to pull us some numbers to get a first look at what some necessary off the tops might be, particularly for quillback rockfish noting we'll also need them for copper. It appears from this initial look that the set-asides for quillback will be minimal, and that's good in the sense that we'll be deducting those set-asides from the ACL and the remaining amount will be used to inform our fishery harvest guideline on these stocks. However, I just want to flag that the ACLs and harvest guidelines that we'll be managing, or the ACLs that will come from the analyses forthcoming are going to be extremely constraining. And in the case of quillback, we're probably looking at a smaller ACL for all of California than we may have been working under, the sheer number is likely to be smaller than what we were working on with for either cowcod or yelloweye in their period of time when they were the, at their lowest abundance. So how these set-asides work out we'll be keeping a close eye on it. Again, cautiously optimistic that these set-asides will, that we will accommodate them out of the ACLs and not need major decision making or adjustments. But I think the message remains the same, and that's that every fish is going to count. So, we've got some work ahead of us in the accounting department from these non-target fishery activities to do. On that front I guess I'd just like to take this opportunity to flag in the case of quillback off of Northern California, that given what we did see in the directed Pacific halibut fishery there, there were encounters with quillback rockfish that we'll need to address. So, I do expect that looking forward to next fall when we take our, or maybe it's June when we take our first look at directed fishery measures for Pacific halibut for 2023. I'm expecting that we'll want to discuss impacts in California to quillback rockfish and the RCA line on the shoreward side where we expect the quillback encounters might be coming from. So that's, I just want to flag that as something new that we've identified in our discussions this week that we'll be wanting to work through as a result of the expected ACL and ACT for California quillback. I think that covers my remarks for this motion. Thank you very much.

**Marc Gorelnik** [00:39:42] Thank you. Are there any questions for the maker of the motion? Keeley Kent.

**Keeley Kent** [00:39:51] Thank you Mr. Chair and thank you Marci. I just had a quick question on copper rockfish, and I was trying to look back at the SSC recommendation, you know, following from the recommendation to pool together the two California copper stock assessments. There was also a recommendation though to recognize the differences in recruitment and estimated trajectory between those areas north and south of Point Conception and I don't see in your motion a specific recognition of additional management measures at that 34 27 line. And I apologize if this is expected to come through either in a separate motion or for further development at the March or April meetings, but I did want to make sure that I asked about it. Thank you.

**Marc Gorelnik** [00:40:43] Marci.

**Marci Yaremko** [00:40:47] Thank you Mr. Chair and thank you Keeley for the acknowledgment on

that point. Yes, I'm very much alert to that potential need. I think we have the flexibility here under action item 8. The last bullet for copper rockfish off California include placeholders for harvest guidelines below the complex level, both north and south of 40 10. I would interpret that that gives us the flexibility for south of 40 10 if we wish to establish a specific harvest guideline just for the area south of Conception, 34 27. That would be an HG that would fall below that, that complex that's established for all of south of 40 10. So, I think by signaling here our intent to use harvest guidelines as the tool, we do have the flexibility to do that with it contained within this bullet point. Thanks. That would be my intent. Thank you.

**Marc Gorelnik** [00:42:11] Thank you Marci. Keeley, does that address your question adequately?

**Keeley Kent** [00:42:15] Yes. Thank you very much.

**Marc Gorelnik** [00:42:18] All right. Are there further questions for the maker of the motion or discussion on the motion? I'm not seeing any hands. I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:42:36] Aye.

**Marc Gorelnik** [00:42:36] Opposed, no? Abstentions? The motion passes unanimously. Marci, thank you very much for the motion. And let us continue this parade of motions. I think we may have a motion for tribal fisheries. Joe.

**Joe Oatman** [00:43:14] Yes, thank you Mr. Chair. I'll wait for Sandra to pull up the motion. Thank you Sandra. So, this goes with the tribal motion under E.5, Biennial Management Measures for 2023 to 2024. I move that the Council adopt the preliminary tribal set-asides as shown in item E.5.a, Supplemental Tribal Report 2, November 2021.

**Marc Gorelnik** [00:43:51] All right, thank you Joe. Is the language on the screen accurate and complete?

**Joe Oatman** [00:43:54] I do Mr. Chairman.

**Marc Gorelnik** [00:43:54] All right. We'll look for a second. Seconded by Phil Anderson. Thank you Phil. Joe, please speak to your motion.

**Joe Oatman** [00:44:05] Thank you Mr. Chairman. So, the Makah and Coastal Tribes provided Supplemental reports of the Supplemental Tribal Reports 1 and 2 respectively as part of this agenda item in regarding their intent to harvest groundfish during the 2023 and 2024 management years. The intent of this motion is to adopt the preliminary tribal set-asides as requested by the Coastal Tribes. Thank you Mr. Chair.

**Marc Gorelnik** [00:44:37] All right. Thank you very much, Joe, for the motion. See if there's any discussion on the motion or questions to the maker of the motion? I'm not seeing any hands. I'll call the question. All those in favor say 'aye'.

**Council** [00:44:52] Aye.

**Marc Gorelnik** [00:44:52] Opposed, no? Abstentions? The motion passes unanimously. Joe, thank you very much for the motion. I think we have next a motion. Heather Hall. Heather you're muted.

**Heather Hall** [00:45:27] Thank you Chair Gorelnik. I knew you'd tell me if I were. Good morning and thank you Sandra and Kris for this, putting the motion on the screen. I move that the Council adopt the following preliminary alternatives as recommended by the GMT in Supplemental GMT Report 2, November 2021 for analysis. Action Item number 6. Two year trawl and non-trawl allocations. Adopt the status quo preliminary two year trawl non-trawl allocations. Action Item number 7. Amendment 21 allocation changes. Maintain the status quo 40 percent trawl 60 percent non-trawl percentages for lingcod south of 40 10 North Latitude. And Action Item number 11. Within non-trawl harvest guidelines, ACTs or shares, limited entry, open access and recreational, adopt the preliminary status quo two year within non-trawl harvest guidelines or shares.

**Marc Gorelnik** [00:46:39] All right. Is that language accurate and complete?

**Heather Hall** [00:46:45] Yes, it is.

**Marc Gorelnik** [00:46:46] And before I ask for a second, I see that Todd Phillips says his hand up. Todd.

**Todd Phillips** [00:46:51] Yes, thank you Mr. Chair. Miss Hall, I have a question regarding action on number 6. You'll notice on the action item checklist. We have it broken out into 6 and 6b. I just want to confirm that what you have here on the screen also includes 6b, which is rebuilding species allocations specific to yelloweye rockfish. Thank you.

**Marc Gorelnik** [00:47:11] Heather.

**Heather Hall** [00:47:17] Yes, thank you. Thank you Chair and thank you, Todd, for that. It does include that. Sorry if it's not clear.

**Marc Gorelnik** [00:47:27] All right. So, Todd, you have something further? Okay. So, we have a motion before us, and I will look for a second. Seconded by Marci Yaremko. Heather, please speak to your motion.

**Heather Hall** [00:47:47] Thank you. So I... these recommendations follow along what we saw from the GMT. They are largely looking at status quo. I know the GMT did a thorough job at looking at historical mortality and sector attainment to evaluate the need for changes. I would say overarching here, we know that these are preliminary allocations for analysis, and they can be further refined in April.

**Marc Gorelnik** [00:48:32] Okay.

**Heather Hall** [00:48:34] I think that's it. Thank you.

**Marc Gorelnik** [00:48:35] No, I didn't mean to cut you off.

**Heather Hall** [00:48:39] No. That's okay I'm done. Thank you.

**Marc Gorelnik** [00:48:40] All right. Okay, thank you for the motion, Heather. Let's see if there are any questions for the maker of the motion? Any discussion on the motion? All right I'll call the question. All those in favor say 'aye'.

**Council** [00:49:01] Aye.



**Marc Gorelnik** [00:49:01] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Heather for the motion. So, Maggie Sommer.

**Maggie Sommer** [00:00:00] Thank you Chair. I'd like to offer a motion? I move the Council adopts the following alternatives for inclusion in the range of groundfish management measures in 2023 and 2024 for further analysis and review using numbering from E.5, Attachment 1, November 2021 The Action Item Checklist. Action Item 9. Within trawl allocations. Remove this item from the checklist. Action Item 10. Within trawl set-asides at-sea whiting. Request that the GMT evaluate whether there is a need for an at-sea set-aside for Pacific spiny dogfish and to recommend a set-aside amount, if appropriate. Status quo for existing set-asides. Action Item 12b. Directed shortbelly rockfish prohibition. Move this item out of the 2023-2024 biennial management measures process and in March 2022 under groundfish workload and new management measure priorities, consider prioritization and scheduling of a standalone groundfish FMP amendment for this purpose. Action Item 13. Shore-based IFQ trip limits. Status quo trip limits for non-IFQ species in the IFQ fishery. Additional spiny dogfish.....request.....request the GMT, pardon me I'm comparing versions, and I think that I owe Sandra a thanks for catching a little bit of lost text there, request the GMT to evaluate potential management measures to control catch of spiny dogfish in groundfish fisheries if the ACL is exceeded or projected to be exceeded, including, but not limited to the use of block area closures and bycatch reduction areas.

**Marc Gorelnik** [00:01:56] All right, thank you for the motion, Maggie. Is the language accurate and complete?

**Maggie Sommer** [00:02:01] Yes, it is. Thanks.

**Marc Gorelnik** [00:02:02] And I'll look for a second. Heather Hall's hand's been up. Heather, is that for a second? Okay. I'll look for a second. Seconded by Heather Hall. Thank you Heather. Maggie, please speak to your motion.

**Maggie Sommer** [00:02:21] Thank you Chair. Item 9 is no longer necessary. As the GMT noted, those former allocations were converted to at-sea set-asides as, pardon me set-asides as part of Amendment 21. For number 10, given the range of specifications adopted for Pacific spiny dogfish, I would like to ask the GMT to consider whether there's a need for set-asides for spiny dogfish and what amount, if appropriate, recognizing that analysis as well as further, pardon me, I note that the GMT has already provided some information on sector catches in their report under E.3 in the Report 1 and that that would be helpful to inform an evaluation of this. For the other set-asides status quo at this point, recognizing that further analysis and as well as the tribal requests under this agenda item could necessitate further consideration in April 2022. For 12b. Shortbelly rockfish. Provided rationale in the ODFW report earlier. This is not necessary to proceed as part of the biennial management measures package on this timeframe for implementation January 20, pardon me, January 1st, 2023, so I'm recommending that we consider it along with other potential groundfish management measures for prioritization and scheduling. My intent is not to lock us into a standalone FMP amendment process if in the future it seems that there is, could be some efficiency gained by packaging it with an FMP amendment that we are working on for another reason, but simply to specify here that it will not be part of the groundfish management measures process. Number 13, the GAP and GMT recommended status quo. There are no requests for changes to the non-IFQ trip limits in that, in the IFQ fishery. And then the additional spiny dogfish request coming back around to thinking about the new specifications we will end up with for that stock. I'd like the GMT to explore whether management measures might be needed and what could be used, including block area closures or bycatch reduction areas, but potentially other measures that the GMT might recommend or consider, for our consideration as well. Thanks.

**Marc Gorelnik** [00:05:18] All right. Thank you very much Maggie. Are there any questions for the maker of the motion or discussion on the motion? I'm not seeing any hands. I will call the question. All those in favor say 'aye'.

**Council** [00:05:37] Aye.

**Marc Gorelnik** [00:05:37] Opposed, no? Abstentions? Motion passes unanimously. Thank you very much, Maggie, for the motion. Okay, we still have some items on the checklist not yet addressed. I'll look for another motion. Heather Hall.

**Heather Hall** [00:06:08] Thank you Chair Gorelnik. I have another motion to offer. Thank you Sandra and Kris. I move that the Council adopt the following preliminary alternatives as recommended by the GMT in Supplemental GMT Report 3, November 2021 for analysis. 14a. Open access fisheries. Open access fixed gear fisheries north of 40 10, for the open access sablefish daily trip limit. DTL fishery north of 36 North Latitude. Look at the status quo, which maintains a 600 pound daily limit in the DTL fishery. Thank you. Option 2: Remove the 600 pound daily limit with the weekly and bi-monthly limits remaining the same. Action Item 14. Open access fixed gear fisheries south of 40 10. Status quo alternatives. Action Item 15a. Limited entry fixed gear north of 40 10 for the limited entry fixed gear sablefish fishery south of 36. Look at the status quo. Seventeen hundred pounds per week with fifty one hundred pounds per two months and in Option 1, that looks at twenty four hundred pounds per week and forty eight hundred pounds per two months. Action Item 15b. Limited entry fixed gear fisheries south of 40 10 North Latitude. Again, for limited entry fixed gear sablefish south of 36. Status quo alternative of twenty five hundred pounds weekly trip limit. Action item 15c. Limited entry fixed gear primary fishery. Extend the limited entry fixed gear primary sablefish fishery tier. Sablefish tier fishery end date from October 31 to December 31. And under this one provide additional guidance to the GMT for the above action items included in 14 and 15 to look at trip limits, RCA changes, et cetera that consider the new harvest specifications for copper, quillback, and vermillion or other species as needed. Action item 16 through 18, which is Washington, California, and Oregon recreational. The states and the GMT as needed will analyze routine measures such as bag limits, season structure, step limits and length limits, et cetera that keep catch from exceeding harvest targets. Recommend that the GMT exploring, explore new and available data to inform species-specific, death dependent mortality rates for discards using descending devices for copper, quillback, and vermillion rockfish. If those values are readily available and can be incorporated into the current discard mortality estimation framework, the expectation would be they could be implemented for recreational discards as soon as possible. For example in 2022.

**Marc Gorelnik** [00:09:49] All right Heather. Is the language on the screen accurate and complete?

**Heather Hall** [00:09:55] Yes, it is.

**Marc Gorelnik** [00:09:57] And I will look for a second. Maggie, your hand is up. I assume that's for the second. And let me know if otherwise. All right, so I guess that was seconded by Maggie. So please, Heather please speak to your motion.

**Heather Hall** [00:10:18] Thank you. So, I'll just run through these here. For 14a and b, this looks at routine adjustments for the open access fixed gear sector north and south of 40 10. It includes an alternative that, as I mentioned, removes the daily trip limit. For the sablefish DTL sector I think captures an interest by the GAP to look at that. Under number 15, looking at alternatives for the weekly and monthly limits for sablefish in the south under number 15 status quo. At the time the GMT hadn't received any alternatives to explore over the winter, and then for the primary sablefish tier fishery, which is 15c, look at extending the season date here through the spex process. We know that under all

of the P star choices that the Council's considering, they'll be higher ABCs for sablefish. Having a season extension could provide that sector with more opportunity to catch these higher limits, so it seems appropriate to put it in here. I didn't hear any red flags from the GMT on including this in the specifications package and just calling out that in this analysis and looking at these trip limit alternatives under action items 14 and 15 that the Council hasn't included overhauling the stock complex, stock complexes in the harvest specification's action, but trip limits will likely be needed so that we can effectively manage the individual species within a complex to their component ACL. And I should say that that is also going to be needed for numbers, Action Items 16, 17 and 18 so didn't mean to describe that just for 14 and 15, but we'll want that flexibility to be able to look at that in the upcoming biennium. Moving on to the recreational fisheries. This really just is analysis of routine management measures like depth restrictions, bag limits, and size limits as needed for our fisheries. And again, looking at management measures that will help us either through inseason or preseason, identify what is needed to keep stocks managed in a complex to their component ACLs. And then the GAP suggested the recommendation that we look at expanding discard mortality credit for the use of descending devices. I think we know this will be important looking ahead if that information is available, and I've heard that there's already been some exploration of that and that it's not a huge lift to look at that. I know all three states will benefit from the exploration as we look out into the 23-24 biennium. So that's it. I'd be happy to take any questions.

**Marc Gorelnik** [00:14:16] All right thank you Heather. Are there any questions for Heather on this motion? Keeley Kent.

**Keeley Kent** [00:14:24] Thank you Mr. Chair and thank you Heather for the motion. I did have a couple of questions on Action Item 15c, the limited entry fixed gear primary fishery season extension. The first question for you is noting that the Council has taken this action as a temporary measure through emergency rulemaking for two years in a row, and both times included an extension of the incidental halibut retention provisions for the portion of this fishery that is allowed to do so. Does your motion and your alternative suggested for further development include consideration of that? Or would that be something that is not being considered at this time? And I'll seek your answer and then I'll ask my other question if that's all right?

**Heather Hall** [00:15:14] Thank you for the question, Keeley. I, if it's, I'll be honest I didn't think about that putting those two requests together. It makes sense to do that and if it can be done through the spex package I'd like to clarify that, if that extension of halibut retention could be allowed, but maybe since I haven't given it any thought and I don't know if others have either, it might not be appropriate to include it here.

**Marc Gorelnik** [00:16:00] Keeley, do you have a follow-up for.....

**Keeley Kent** [00:16:00] Thanks. I do. Yes, I don't have any further thoughts on the incidental halibut piece. I just realized it wasn't specifically called out and also is something that I had not thought about. The reason being in our NMFS report under spex, as well as in the GMT report under spex, we note that we don't see a need for this particular measure to be implemented by January 1, 2023. I am wondering if you could speak to a little bit more the reasoning behind including this in spex in light of these two reports noting the lack of a tie. Thank you.

**Marc Gorelnik** [00:16:46] Heather.

**Heather Hall** [00:16:47] Thank you Chair Gorelnik. Thank you, Keeley, for the question. I did note in the GMT report that there wasn't a need for this to be implemented by January 1, but also that there wasn't any red flags with the workload for including it, and in the GAP report similarly just hoping to

have whatever approach would be the quickest to ensuring that this is in place for 2023 and if the spex is it, I'd like for consideration, at least preliminary.

**Marc Gorelnik** [00:17:37] Okay. Keeley.

**Keeley Kent** [00:17:44] Thanks Mr. Chair. I'll just note that I am not comfortable with including this in spex at this time due to the other workload. And so, while everything else in this motion I see as very prudent measures for further development, when it comes time to vote on this motion, I will abstain just for the sole reason that I really do think the Council needs to be mindful of the overall workload of specifications. We have already projected for the Council in this NMFS report that was released prior to the Council meeting our concerns with all of the specific actions that are not tied to January 1 but did want to take this moment to explain my rationale for abstaining. Thank you.

**Marc Gorelnik** [00:18:30] All right, thank you Keeley. Any further questions for the maker of the motion or any discussion on this motion? Chuck Tracy.

**Chuck Tracy** [00:18:46] Thank you Mr. Chair. I guess I will just comment on Miss Kent's comments. You know I have started to see some things sort of creep into the spex and management measure process here that, you know, that perhaps aren't essential for January 1 implementation. I'm pretty much in her camp that to the extent that we can, we should keep this to very essential management measures, particularly when it comes to new management measures or sort of things that don't seem like a big lift but when you get several of them included, and I suspect there's more coming, that we need to take a look at what our capacity is. I think there's some things that, well I think there is some Council staff capacity. Again, I think there's trade-offs here, and I guess I would urge caution on just, you know, sort of the incremental increase in the assumption that things are not too difficult to do so let's do them. Again, I think there's some room for that, but I just want to urge caution. Thank you.

**Marc Gorelnik** [00:20:10] Thank you Chuck. Marci Yaremko.

**Marci Yaremko** [00:20:13] Thank you Mr. Chair. Thank you Heather, Keeley and Chuck for this discussion. I guess I'd just like to offer my perspective on where we're at here in November in building our range of alternatives and acknowledging that each biennial cycle we are always pressed with trying to keep the box manageable and that things do have a tendency to come in late and add analytical challenge. But I think I'd also reflect on what our intent is with our biennial management measures process here. I've always viewed this agenda item as the core of the work we do to manage our groundfish fisheries and particularly with adjustments that I'm going to just characterize as routine, which include seasons, depth, bag limits, trip limits. Those tools have always been in this toolbox. We have made seasonal adjustments in the spex pretty, pretty regularly. That's not to say that there aren't particular issues here that should be considered on this particular season request. I certainly appreciate that there may be some, but I'm just considering the general approach that we've always taken to spex, which has been to...that this is the time every two years to reconsider changes to those routine measures. I know that, you know, in cycles past we have made adjustments. I mean just last cycle to seasons in California, changing some commercial seasons to allow additional months. And then over the past several cycles we've iteratively increased season lengths per the advice of our stakeholders that we're seeking to maximize their number of fishing days or fishing opportunities or to ensure more year-round access by markets to fish. So, I don't have any real thoughts on the specifics here. I realize this is a long-standing end date that might require some additional analysis and consideration, but I just wouldn't want to give impressions that this package that we do every two years isn't the place to be considering routine adjustments. And for that reason, I do support continuing to keep it in the range for now. Thanks.

**Marc Gorelnik** [00:23:58] Thank you Marci. Any further discussion on this motion? All right. Not

seeing any hands, I will call the question. All those in favor say 'aye'.

**Council** [00:24:14] Aye.

**Marc Gorelnik** [00:24:14] Opposed, no? Abstentions?

**Keeley Kent** [00:24:26] Keeley Kent.

**Marc Gorelnik** [00:24:26] Keeley Kent abstains. The motion passes unanimously with one abstention. All right. I think there's still something left on our checklist, so I'll look for another motion. Marci Yaremko.

**Marci Yaremko** [00:24:44] Yes, thank you Mr. Chair. With that Sandra CDFW 2. Thank you. So, this motion will address item 12d and e in the checklist. I move the Council approve the following items from Action Item 12, new management measures, to be included in the range considered for groundfish management measures in 2023 and 2024. 12b. Rebuilding analysis for quillback rockfish off of California. Per the GMT recommendation in Agenda Item E.5.a, GMT Supplemental Report 3, include additional runs of an SPR harvest rate at point five five and point six five to further examine the tradeoffs of alternative rebuilding strategies. Use a lower 2022 projected fishery mortality of 11.9 metric tons per Table 11, Agenda Item E.7.a, Supplemental CDFW Report 2. For copper rockfish south of Point Conception, a rebuilding analysis is available for use if needed. Moving to 12e. Groundfish retention in the Non-trawl Rockfish Conservation Area using only non-bottom contact hook-and-line gear, including no dinglebar, no longline, and no vertical hook-and-line gear that is anchored to the bottom, similar to requirements in the 21-22 management measures. This would be a management measure to reduce nearshore fishery effort and bycatch on overfished or precautionary nearshore stocks, while also avoiding bottom contact and benthic species of concern.

**Marc Gorelnik** [00:26:51] All right. Thank you Marci. Is the information on the screen accurate and complete?

**Marci Yaremko** [00:26:55] Yes, it is. Thanks.

**Marc Gorelnik** [00:26:57] And I will look for a second. Seconded by Bob Dooley. Marci, please speak to your motion.

**Marci Yaremko** [00:27:09] Thank you Mr. Chair. I'll start with 12d, the rebuilding analysis for quillback rockfish. Appreciate and concur with the GMT's recommendation to include additional runs of the SPR harvest rate to give us a little refinement in the alternatives so that we're able to examine the tradeoffs. We had previously acted on this and approved a tentative list of point five, point six and point seven, and I think having some additional marks in there will help us make some decisions when the time comes. With regard to the projected fishery mortality for 2022 of 11.9 metric tons, that number comes from our action under the inseason agenda item yesterday, where we took some actions to reduce catch next year in hopes that we keep some additional fish in the bank so that when we rerun the rebuilding analysis it might aid us with our, excuse me, our resulting ACLs for 2023 and beyond. Speaking to copper rockfish south of Point Conception, as noted by the GMT, a rebuilding analysis was adopted by the Council under our action this week under E.2. That analysis is there if needed. We are expecting, per the SSC's recommendation, a combined California assessment or combining the assessments for the two California regions for copper rockfish that would then make a rebuilding plan for south of Conception not necessary, but we are continuing to keep the rebuilding plan here and available to us per our action under E.2. Moving to 12e. This is about groundfish retention in the non-trawl RCA. This was a measure that was brought to the Council by the GAP this meeting. As you might

recall, the GMT didn't have an opportunity to analyze it, but it is on our list and available for consideration. I'm thinking back to our discussion yesterday about the need for putting our heads together and thinking about how we effectively manage our nearshore fisheries in order to keep our coastal communities afloat, and this concept would be a measure that would reduce nearshore fishery effort and bycatch on these overfished or precautionary nearshore stocks while also avoiding bottom contact and benthic species of concern. The approach envisioned by the GAP here is quite similar to the action that we took in June of 2019 for the 2021, or 20 and 21 management measures where we recommended the use of hook-and-line gear in a portion of the RCA north of 40 10 in that region between 30 and 40 fathoms where hook-and-line gear would be authorized for use, excluding dinglebar and longline gear. Additionally, kind of a clarification of that language or an additional thing that has been identified that also should not be authorized is vertical hook-and-line gear that anchor, that is anchored to the bottom. So what the GAP is asking for and what I think we should be asking for or analyzing as we head to March is a measure that would allow for hook-and-line fishing in some portion of the RCA to again reduce the effort in the nearshore and to minimize the bycatch that is expected on quillback and copper rockfish, those bycatch events are expected to be quite significant just looking at the information presented to us in the inseason action in the CDFW report. Once we reduce the catch level so that catch cannot be retained, we expect significant throwbacks and consequently significant discard mortality both to copper and quillback rockfish. So, evaluating this management measure toward our goal of using our measures overall to attain our suite of groundfish specifications, I'd like to see this item included in the range. Thank you.

**Marc Gorelnik** [00:33:46] All right, thank you very much Marci for the motion. Let's see if there are any questions for the maker of the motion or discussion on the motion? Keeley Kent.

**Keeley Kent** [00:33:57] Thank you Mr. Chair and thank you, Marci, for the motion. I do have some questions on 12e. And maybe as a starting place I was wondering if you could cross walk us between what this alternative is intended to cover in comparison to what was adopted in the ROA earlier in this meeting under E.6. I may have follow-up questions after that, but that seems like a good place to start.

**Marci Yaremko** [00:34:28] Thank you Mr. Chair. Thank you Keeley. I guess I would note that I view these actions as separate. They are different. They are on their own trajectories. I view our management measures that accompany our biennial specifications as being the vehicle that we've always used to make adjustments to measure so that we attain the specifications. I do not see the action in E.6 being aimed at attaining the specifications, so I view the goals of each being very different. I recognize there is some similarity in the content contained in the range proposed or recommended by the Council yesterday in E.6 that does have similar content. But I also, I think want to flag the spex is a different, or the management measures associated with spex serves a different purpose. I'd also note that we took a nearly identical action just last June in 2019. With that said, this particular recommendation for inclusion in the range would be limiting hook-and-line gear use in a portion of the non-trawl RCA to exclude dinglebar, longline, and vertical hook-and-line gear that's anchored to the bottom, which is very similar, nearly identical to the requirements that exist right now presently in regulation between 30 and 40 fathoms north of 40 10. So, in terms of the cross walking, I'm not prepared to do that right here and now. I can acknowledge that the range as it's been described in E.6 does includes similar but not the same content. So, I think I'd leave it there. Thank you.

**Marc Gorelnik** [00:37:18] Keeley, do you have a follow-up?

**Keeley Kent** [00:37:21] Thanks Mr. Chairman. Yes. I feel like I'm not getting the specificity that would be necessary to be able to provide feedback for the Council the next time this is taken up, so I will keep asking to see maybe on these specifics. You mentioned that this would be a portion of the RCA, so I take that to mean that this would not apply for the RCA, non-trawl RCA off of Washington, Oregon

and California and I'm wondering if you can provide more specifics on what that portion that will be considered should be?

**Marci Yaremko** [00:38:01] Thank you Mr. Chair. Thank you Keeley. No, I'm not prepared to offer that specificity here and now and again, I'm looking at the fact that it's November. I'm looking at the Council's discussion that we've had under this agenda item and our expressed intent that we look to find solutions so that we attain our specifications in 2023 and 2024. I believe this might be one viable solution. It's something we've used in our spex measures in the past, so I'm not hearing exactly why there's a reason we cannot analyze it with more specificity as new information unfolds. You know, I think we have to also acknowledge, as we have throughout this series of motions in this agenda item, that there are numbers yet to come that we have not seen yet and considered in the full suite of materials, so it's very difficult without having a complete list of specifications and other measures such as harvest guidelines, ACTs, it's very difficult I think to add additional clarity or specificity on what may or may not, or what words may follow from this concept. So, I apologize. Again, I'm not feeling like we have that type of specificity around any of these other alternatives that we've approved here today, and certainly I welcome receiving some written input from National Marine Fisheries Service in a report in advance of the next agenda item on this topic in March about what the sideboards are and what analysis will be necessary to accompany our recommended suite of management measures. Thanks.

**Marc Gorelnik** [00:40:39] Keeley. Your hand is up.

**Keeley Kent** [00:40:41] Thank you Mr. Chair. I do want to acknowledge, yes, I still feel like we would need more direction on what we would be providing input on. I'm going to try one more time. Just again I think there are similarities between what has been taken up under the non-trawl RCA action, and there have been some sideboards set up already under that action, and it would be easier to provide the feedback that it sounds like the Council is interested in from the National Marine Fisheries Service at the next meeting with some acknowledgment about whether those sideboards are being considered or not. So specifically, I'll note that we've had a lot of discussion under E.6 as to whether or not we are moving the EFP gears that were specifically tested into regulation, or if it's a broader take with more flexible gear types such as including artificial lures versus baited lures. Also, that action looked at allowing the limited entry fixed gear folks to fish up to their limited entry fixed gear limits using this gear type in the non-trawl RCA, so I'd be interested if that should be considered as something for further development in March or April under this agenda item. And then additionally, we have heard from the Enforcement Consultants related to some sideboards on the enforceability of allowing these gear types to be operating in a very large, closed area, specifically additional declarations, gear definitions and prohibitions on carrying multiple gears on board. Those kind of sideboards that we have discussed previously is what I was looking for to understand whether or not they're under consideration for this agenda item. I'll note that while that certainly there is opportunity for further development over winter, the rest of the spex timeline with meetings in March and April and then final action in June really doesn't leave a lot of time for further refinement between those meetings. And so, if the Council is seeking specific input from the agency, as well as from any other of our partners in management, including the Enforcement Consultants, it would be helpful to have, to know whether everything is on the table or whether there are certain items that are not worth our time because the Council is expected not to try to move those pieces forward. So, I think for now that concludes my remarks just in terms of questions, but I do, I have a broader statement, but I'll perhaps pause and see if Marci has any further response to that.

**Marc Gorelnik** [00:43:15] Marci.

**Marci Yaremko** [00:43:16] Thank you Mr. Chair. Keeley, if it is desirable on the part of National Marine Fisheries for me to indicate now that the starting place for analysis of this alternative is

consistent with the content in the motion for E.6 that's reasonable to me as a starting place. I honestly was trying to keep this narrow and simple and there were a lot of things that came up in E.6 that were, I'd say new, and I think we took a very, we did discuss them at length and if there is a need in this, in the management measures to attain the spex, if National Marine Fisheries identify, has identified those needs and they must be accounted for in the 23-24 management measures, then, yes, I would say that is my intent. If that is what is needed to keep this item within our range so that again, I'm comfortable with agreeing that the, that a starting point for analysis of this proposed item is consistent with the items that you just described verbally and that were an element of our E.6 motion. Thanks.

**Marc Gorelnik** [00:45:12] Let me go to Chuck Tracy before I go back to Keeley. Chuck.

**Chuck Tracy** [00:45:16] Thank you Mr. Chair. Thank you, Marci, for the clarification there. I guess, you know, when I look at the motion that's displayed in front of us. I mean if I was, in my interpretation of this, if I was to be giving guidance to the GMT, that guidance would be that there aren't any new gears being considered. That the area to be considered would be either or perhaps sideboards, either what is in regulation now or the entire RCA. To me those are the only two reasonable interpretations of what's on the screen. And again, the gear is explicit. It's as explicit as it was in 2019 when we adopted it for the current biennium. So to me that would.....that's how I would interpret that and that's the guidance that that I would be suggesting should the GMT need, need some, and I think they do need some, something to work with over the course of the winter, particularly if, you know, if the idea is that at some point at another Council meeting in March and or April that some of these other concepts might come in, that's pretty late in the show for them to be tackling, you know, a new type of analysis I guess.

**Marci Yaremko** [00:47:14] Mr. Chair if I may.

**Marc Gorelnik** [00:47:15] Yes. Yeah.

**Marci Yaremko** [00:47:18] Thank you Chuck. I.....and Keeley both, I think you have identified that it would help the language of this motion to specify that we'd be considering groundfish retention in a portion of the non-trawl RCA. When I think about the swath of area covered in the non-trawl RCA, it does extend all the way up into Washington and I believe the action we took under E.6 was limited to the area from the Washington Oregon border south to Point Conception. So, I'd be more than happy if that is the, if that will help move this ahead, that type of additional specificity, certainly willing to entertain an amendment to do that.

**Marc Gorelnik** [00:48:27] Keeley.

**Keeley Kent** [00:48:32] Oh, my apologies. I do have further remarks for discussion, but I will hold them for now. Apologies for leaving my hand up.

**Marc Gorelnik** [00:48:39] All right, no worries. So, we have a motion before us. There's been some conversations about perhaps making some changes to clarify scope. As the maker of the motion Marci cannot offer that amendment. So, if there is interest here to do that, we'll need a hand. Maggie Sommer.

**Maggie Sommer** [00:49:04] Thank you Chair. I would offer an amendment.

**Marc Gorelnik** [00:49:10] Please go ahead.

**Maggie Sommer** [00:49:13] After, on the top line after Non-trawl Rockfish Conservation Area, please insert, pardon me this would be the top line of 12e. Exactly there. Thank you. Please insert 'between the Washington Oregon border and Point Conception, California'. That concludes the Amendment.



**Marc Gorelnik** [00:49:56] Okay, Maggie, I see that language has been highlighted. It's simple enough. I can confirm that that is exactly what you said. And so, I will look for a second. Seconded by Phil Anderson. Thank you Phil. We're all getting tired here. Please speak to your amendment as necessary.

**Maggie Sommer** [00:50:22] Thank you Chair. Just following up on our discussion, adding a little specificity in geographic area that this would apply to, and this would make it the same as the area covered by this item in the Council's action under E.6.

**Marc Gorelnik** [00:50:39] All right, thank you Maggie. Is there any discussion on the amendment? I'm not seeing any hands. I'll call the question on the amendment. All those in favor say 'aye'.

**Council** [00:50:52] Aye.

**Marc Gorelnik** [00:50:52] Opposed, no? Abstentions? All right. The motion to amend passes unanimously. We're back to the main motion here as amended. Is there further discussion on this motion? Todd Phillips.

**Todd Phillips** [00:51:22] Yes, thank you Mr. Chair. This is just a clarifying question regarding the motion before us on 12e. Two questions... I guess three questions. First two regard that I would like to confirm that this is for LEFG, limited entry fixed gear and open access fixed gear and that is for directed groundfish as opposed to any other type of, especially for OA. Additionally, that we are looking at the entire non-trawl RCA and not specific depths or depth boundaries. And also, would this apply in any way, shape or form to limited entry trawl? I don't, I think I know the answers to those, but I'm hopeful that clarifying that would cement those facts in my head. Thank you.

**Marc Gorelnik** [00:52:14] All right, thank you Todd. I think we'll go to the maker of the motion Marci Yaremko to provide any clarification on the intent of the motion.

**Marci Yaremko** [00:00:00] Yes, thank you Mr. Chair. I'll take the easy one first. This action would be for the Non-trawl Rockfish Conservation Area, so would not apply to the trawl fishery. I believe you asked about depth constraints. I probably should have requested the maker of the amendment to include the phrase 'of groundfish retention in a portion of the non-trawl RCA between the Washington Oregon border and Point Conception' because, yes, I do believe the intent here would be to look at using depth constraints, specifically waypoints to define the portion of the RCA for which we might allow access with these limited gear types. So perhaps if that is the, if I guess let me start with asking if I answered your question, questions?

**Marc Gorelnik** [00:01:30] Todd.

**Todd Phillips** [00:01:34] Yes, thank you Mr. Chair. Miss Yaremko, the one, I guess I need to qualify one of my questions regarding limited entry trawl. Those were gear switchers. I want to make sure that they would be included in part of this action as well. Thank you.

**Marci Yaremko** [00:01:53] Thank you Todd. I believe that when limited entry trawl permittees are fishing under the gear switch alternative, yes, they are subject to the non-trawl RCAs. So, I have no intention of doing anything differently here. I believe that's how things operate. So, for those gear switchers, yes, they'd be considered part of the limited entry fishery using fixed gear. So that would be my intent. Hopefully that clears it up. Thanks.

**Marc Gorelnik** [00:02:46] Okay.

**Marci Yaremko** [00:02:50] Thank you Mr. Chair. Thank you. I just wanted to again indicate I'd be happy to have an amendment on the port.....the item regarding a portion of the non-trawl RCA.

**Marc Gorelnik** [00:03:06] Okay. The maker of the motion is receptive to a friendly amendment along those lines. If anyone wishes to make it or feels it's necessary. Maggie Sommer.

**Maggie Sommer** [00:03:21] Thank you Chair. I don't have an amendment to offer. I'm not sure I understood the distinction about a portion of and maybe I'll just try stating my understanding of the motion before us. Seek some clarification if I'm incorrect in any of it, but the intent would be to, and recalling that this is based on the recommendations specifically under 12e that have been provided to us by our GMT and our groundfish.... well, the GMT did not have a recommendation but the Groundfish Advisory Subpanel. I understood the intent to be allowing directed groundfish, open access and limited entry fixed gear fishing to occur in the entire portion of the non-trawl RCA between the proposed northern and southern boundaries of this action using the specified gear types, which would be hook-and-line gear types except dinglebar, bottom longline and anchored vertical longline. So that's my understanding of the intent. I did if, I did not follow the additional discussion, I'm sorry on potential use of depth lines. I assume that that is a reference to the potential for adjustment of RCA boundaries as needed to address catch of overfished and other species. But I, if I am incorrect in any of my interpretation, please help there. And I guess I will also just say, in response to Todd's question about gear switching by the trawl fleet. I had not contemplated that being a part of this action, although I suppose there is the potential for use of hook-and-line gear to access trawl quota under this action unless it is specified that that's not the intent. Thanks.

**Marc Gorelnik** [00:06:02] Thank you Maggie. Well, what are we going to do here? Chuck Tracy and then Marci.

**Chuck Tracy** [00:06:15] Thank you Mr. Chair. Well, first of all let me just say that I think Maggie and I are reading the motion in front of us the same that this would apply to all depths within the RCA, whatever that is. If the boundaries of the RCA changed then that would apply to that. It would not at this, the way it's phrased now, I don't believe it would allow this activity in some depth range of the RCA and not allow it in others unless it's not just similar to the requirements in 21 22, but is the same as those require, those depth requirements in 21 and 22. But what I guess what I would suggest is that perhaps we take our morning break.

**Marc Gorelnik** [00:07:18] Well, we have been at this for quite a long time and so we will take our morning break here unless there's any objections and maybe some clarity will fall upon us. We'll be back at 10:55.....(BREAK)..... It's 10:55 and we're back from our morning break, and maybe we've got some.....maybe we have some clarity here so I'll look for a hand. And if I don't see a hand, I'm simply going to call the question because I'll assume there's no further discussion to be had. Marci Yaremko.

**Marci Yaremko** [00:08:19] Yes, thank you Mr. Chair. A little bit of email correspondence that I'm just trying to catch up with that came in over the break. On the amendment language I was reminded that copper rockfish is one of the species that we are looking to mitigate for in this particular action. When I indicated that I'd be willing to consider the physical geographic range from the Washington Oregon border down to Point Conception, I was endeavoring to again be consistent with the content that we approved in Agenda Item E.6. I started the discussion today not wanting to be consistent with E.6, but felt like that was the will of others around the table and consequently I felt that was a good starting place. And I clearly heard some interest in limiting the geographic scope of application. But that being said, I don't, on reflection I do think it is not in our best interest to limit the southern extent of this action to Point Conception, but rather it should be extended to the U.S. Mexico border. We certainly are going to have trouble in Southern California achieving the new copper rockfish specifications and we are

looking for all tools to be able to do that. So, with that I would request that before we take up the matter, the main motion, request maybe someone consider a friendly amendment to that, to that item. Thank you.

**Marc Gorelnik** [00:11:06] Okay, so we've had that comment from Marci about the suggested need for a friendly amendment. I'll have to see if someone's willing to make it. Phil Anderson.

**Phil Anderson** [00:11:25] Thanks Mr. Chair. I would move to amend the motion by replacing Point Conception. This is under 12e, Point Conception with the U.S. Mexico border.

**Marc Gorelnik** [00:12:06] Okay. Phil, is that language as you wish it for the amendment?

**Phil Anderson** [00:12:11] Yes Mr. Chairman. It is.

**Marc Gorelnik** [00:12:13] All right, I'll look for a second. Bob Dooley. Please speak to your amendment.

**Phil Anderson** [00:12:20] Thank you Mr. Chairman. As Miss Yaremko indicated that the issues that we have with particularly copper rockfish extend beyond and south of Point Conception, so the need to include the entire area from the Washington Oregon border to the U.S. Mexico border gives the Council the flexibility to consider these measures throughout the range of copper rockfish.

**Marc Gorelnik** [00:12:55] All right. Thank you Phil. Any questions for the maker of the motion or discussion on the motion to amend? I'm not seeing any hands. I'll call the question on the motion to amend offered by Mr. Anderson. All those in favor say 'aye'.

**Council** [00:13:12] Aye.

**Marc Gorelnik** [00:13:13] Opposed, no? Abstentions? And the motion to amend passes unanimously. We're now back to the main motion as amended. I'll look for any further discussion. Keeley Kent.

**Keeley Kent** [00:13:35] Thank you Mr. Chair. I do just want to take a moment to recognize my appreciation that we've made some additional inroads to providing specificity to this action. I appreciate that some folks around the table weren't quite ready for that, but I do view this as really helpful in guiding what will come back next and our ability as the agency to provide the types of feedback that we think the Council needs to see to further refine this action going forward. So, express my appreciation. I'll note I will be abstaining on this action, not because I don't think it's important to look at, but simply out of workload concerns. I recognize, as I've said earlier in this meeting, that what's happening under specifications is going to bring a lot of difficult changes for several sectors of our fishery, and I do think relief is needed but I do see other viable pathways that could move alongside or in tandem with specifications should the Council shift around their workload and their focus. So just recognizing that I think these kinds of flexibilities are important and should be discussed. I think there's still a fair amount of development that needs to happen. We will look to hear from our other management partners at the next time that we see this agenda item, but just note the limited time for substantial changes to what the Council is looking at between the March and April meetings and the June meeting. So simply out of workload concerns will be abstaining. Thank you.

**Marc Gorelnik** [00:15:10] All right, thank you very much for that Keeley. Is there any further discussion on this agenda item? Rather, on this motion? Maggie Sommer.

**Maggie Sommer** [00:15:20] Thank you Chair. I do, and I appreciate its inclusion here as the maker of

the motion under E.6 that also contained the element similar to 12e here. I just wanted to speak to the, I guess the overlap between our actions on these two items. I think, you know, to use the words Keeley just appropriately said, relief will be needed due to some of the coming specifications, and that is relief for both our fishing communities, but also for the stocks of concern. And that latter part of it is really the connection I see here to the harvest specifications and management measures package. It does seem to be an important element of the, a suite of measures we will be looking at and trying to put into place to provide some relief for quillback and copper and stocks of concern. So, I am supporting its inclusion in this pathway feeling that that is a tie to the spex package and the January 21st, 2023, pardon me I keep going there, January 1st, 2023, date of expected implementation of harvest specifications and so I would support it here. And obviously if this proceeds on this pathway, you know, Marci acknowledged that maybe some potential differences, I'm interpreting those as a little bit more the reasoning underlying these alternatives but would leave it to Council staff. Obviously, we are not intending that there be a duplication of effort moving through these. So, you know, I trust Council staff to efficiently organize work on this under the agenda items and the pathways that the Council has laid out here. Thanks.

**Marc Gorelnik** [00:17:24] All right, thank you for your comments, Maggie. Anything further on this motion? I'm not seeing any hands. I'll call the question. All those in favor of the motion as amended say 'aye'.

**Council** [00:17:38] Aye.

**Marc Gorelnik** [00:17:38] Opposed, no? Abstentions?

**Keeley Kent** [00:17:46] Keeley Kent.

**Marc Gorelnik** [00:17:48] Thank you Keeley. The motion passes. All right. I think we still have some business under this agenda item. So, any of other motions? Phil Anderson.

**Phil Anderson** [00:18:10] Thanks Mr. Chairman. I do have another motion for the, to put before the Council for consideration having to do with shortbelly rockfish. And with your permission I would go ahead and put it on the floor.

**Marc Gorelnik** [00:18:36] Yes, please.

**Phil Anderson** [00:18:38] Thank you Mr. Chairman. I move that the Council adopt an alternative for further analysis within the 2023-2024 groundfish harvest specifications and management measures with the following language which would amend the groundfish FMP to describe the management intent for shortbelly rockfish. That language is: If fishery related shortbelly rockfish mortalities exceed or are projected to exceed 2 thousand metric tons in a calendar year, the Council will review and investigate survey abundance trends and other stock status information as appropriate, consider changes in fishing behavior, consider changes in the market interest for shortbelly rockfish and other factors as appropriate that may lead the Council to reconsider the EC designation for shortbelly rockfish. In addition, in response to the review of the information, the Council may also recommend other management measures that achieve the Council's FEP goals and objectives and goal 2 in particular for shortbelly rockfish. Other management measures may include, but are not limited to, area closures, gear prohibitions, bycatch limits and seasonal restrictions. The language on the screen does accurately reflect my motion. Thanks Mr. Chair.

**Marc Gorelnik** [00:20:09] Excellent. Thank you very much Phil. I'll look for a second. Seconded by Pete Hassemer. Please speak to your motion.

**Phil Anderson** [00:20:16] Thank you Mr. Chairman, and I appreciate the Council's indulgence in considering this motion. I want to say at the outset that this motion is meant to be an interim step to the Council ultimately giving consideration to prohibiting a targeted fishery on shortbelly rockfish. The Council recently, well as recently as in June of 2020, designated shortbelly rockfish as an ecosystem component species within our West Coast Groundfish Fishery Management Plan recognizing its importance as forage in the California Current ecosystem and absence of targeted fishing. Ecosystem component systems are not targeted or generally retained for sale or personal use and are neither currently subject to overfishing, overfishing, overfished, or approaching overfished status nor likely to become so in the absence of conservation and management measures. You'll recall, as part of the Council's June 2020 motion concerning shortbelly rockfish, it said that if catches exceed 2 thousand metric tons in a calendar year, the Council will investigate changes in catches and so on as reflected here in the amendment language, proposed amendment language. And it also went on to say the Council may also recommend other management measures for shortbelly rockfish that meet the Council's ecosystem objectives in the FEP. During the discussion and on that motion at the time, NMFS indicated that our action, if approved, would not be captured in a regulation or in an FMP so if we wanted to operationalize this, the action that we took, it would need to be placed either in regulation or in an FMP. And of course, here I'm suggesting that it, that we consider placing it in the FMP. I believe that the Council indicated at that time its intent to follow through with the subsequent action that puts it on what I'll call some teeth in our approach. Staff capacity and process roadblocks frustrated our ability to take that next step. I understand this approach would not carry with it a workload burden on the spex process that would otherwise inhibit the ability to get that work done, as it is a reflection of a previous action that we would've taken. And I gained this understanding from talking with both state representatives as well as National Marine Fisheries Service, in particular Keeley Kent. In case you don't have at your, at the ready, what the FEP goal 2 is, let me just read it real quickly so you'll know why I referenced it in particular. Goal 2 is conserve and manage species populations and the ecological relationships among them to realize long-term benefits from marine fisheries while avoiding irreversible or long-term adverse impacts on fishery resources and other marine environment. There are two sub-objectives under that goal. One which speaks to better understanding the trophic relationships and the potential ecosystem effects of fishing and to understand the effects of trends in marine mammal, seabird and other protected species populations. And the other objective under that goal is assessing the variability in fisheries income and vessel participation rates to ascertain whether the California Current ecosystem fishing rates have affected long term stability and well-being for fishing communities. So that's the reference of why I'm referencing Goal 2. I would close by saying that I think the Council has held the same policy for shortbelly rockfish as for our other EC species, however in this case, incidental encounters with shortbelly have been a, have been of a different nature in terms of unexpected volatility experienced in recent years, especially in the whiting sector. This has made identifying management measures to enforce a prohibition on targeting while also allowing for incidental catch in existing fisheries more difficult than for some of the other shared EC species. And also, we have had difficulty finding a place within the Council's workload to move forward and follow-up on our June 2020 action. I would also note that if new interest in targeting shortbelly were to arise in the interim, interim that is between a time that we would put an FMP in place, perhaps, hopefully that reflects what's on the screen here or something close to it and are, perhaps, an ultimate decision to prohibit a targeted fisheries. So, if there is a new interest in targeting shortbelly were to arise in that interim period, the Council has several tools to address such unexpected situations, including consideration of a request for an emergency action to prevent it and place shortbelly management measures on its agenda as soon as possible if we find ourselves in that particular position. I support, as noted with previous motion that was put forward by Maggie Sommer, that we consider starting the process or considering a process for potential of prohibiting it as a targeted species at our March meeting. So, this action is being proposed again to be part of the 2023-2024 spex process so that we could operationalize the action that we took in June of 2020 and provide a greater degree of the Council's ability to have it memorialized in our FMP for future action if needed. Thanks Mr. Chairman. I'd be happy to answer any questions.

**Marc Gorelnik** [00:27:10] Thank you very much for the motion. I'll look to see if there are any questions. I have two hands raised. We'll start with Keeley Kent.

**Keeley Kent** [00:27:21] Thank you Mr. Chairman. Thank you, Phil, for the motion. I did just want to clarify the third paragraph, so talking about specifically management measures. Just clarifying that management measures would be considered assuming we've gone through the process of what is in paragraph 2 and determined that this species is no longer, should no longer be considered an EC species. Reason I'm looking for clarification, just noting that, you know, explicit in that determination that the Council made to move shortbelly into the EC designation is that it's not in need of conservation of management. And so, recognizing that decision could change, and you would change that decision prior to seeking management measures. Is that a fair understanding?

**Phil Anderson** [00:28:13] Mr. Chairman, Keeley... yes, that is correct that our first step in this is that if we get to a point where we're projected or we're going to exceed the 2 thousand metric tons, then you go through that first step in the event that you reconsider and remove it from the EC designation, then there is additional potential actions to address the situation. Did that answer your question?

**Marc Gorelnik** [00:28:51] Keeley?

**Keeley Kent** [00:28:54] Yes. Thank you.

**Marc Gorelnik** [00:28:54] All right. Further questions of the maker of the motion or any further discussion? Corey Ridings.

**Corey Ridings** [00:29:02] Thank you Mr. Chair. Yeah, I just wanted to thank Phil for this motion. I'll be voting for it. Also, thanks to Maggie for the earlier motion made and to the report that ODF and W provided ahead of the meeting. Shortbelly is obviously an important forage species. The Council has been discussing this for a long time. We've heard from a number of stakeholders about its value to the larger ecosystem. So just wanted to note that I appreciate this work to keep it moving forward and, yeah, look forward to seeing these steps play out over the next year or so. Thanks.

**Marc Gorelnik** [00:29:48] All right. Thank you Corey. Michael Clarke followed by Heather Hall.

**Michael Clarke** [00:29:53] Thank you very much Mr. Chair. And thank you Phil for the motion. As folks know, Fish and Wildlife Service has the Federal responsibility of protecting migratory birds along with many other trust species, and we manage several national wildlife refuges and globally important marine wildlife populations, including seabirds and marine mammals at the Farallon Islands National Wildlife Refuge. Juvenile rockfish and particularly shortbelly are an integral prey item for several of our seabird species, including the California least tern and marbled murrelet. Because of their importance to fish and wildlife trust resources, we certainly have some concerns about excessive take of shortbelly rockfish, particularly concerns about the potential for a directed fishery on shortbelly. But again, really appreciate this motion. And I think to protect shortbelly rockfish and their importance as a major prey species for seabirds, we believe this motion kind of strikes the appropriate balance between flexibility necessary to allow some incidental harvest while providing the additional teeth necessary to protect shortbelly when populations are less abundant. Thank you.

**Marc Gorelnik** [00:31:09] Thank you Michael. Heather Hall.

**Heather Hall** [00:31:12] Thank you Chair, and I also want to thank Mr. Anderson for the motion. I appreciate that the next step that it takes with this issue and formalizing what we started back in 2020 into and by putting it into the FMP and I also want to thank ODF and W for the comprehensive report

on this that they had in the advanced briefing book to help really think through this. I appreciate that very much. I also wanted to just comment. I do think back to the exchange about when we could take management action, I think one of the ideas was that even within EC species we can take management action if needed. Even before as it is designated as an EC species, so it was, just wanted to say that we could respond to that before pulling it out of the EC species designation. So, thank you very much.

**Marc Gorelnik** [00:32:32] Thank you Heather. Maggie, and then I'll come back to Michael Clarke.

**Maggie Sommer** [00:32:37] Thank you Chair. Thank you to Phil for the motion and for your comprehensive remarks about our approach and our current attention to shortbelly rockfish. Certainly support the motion as it codifies something the Council has already committed to doing. Thank you.

**Marc Gorelnik** [00:32:56] Thank you Maggie. Phil Anderson.

**Phil Anderson** [00:33:02] Yeah, thanks Mr. Chair and thanks for those of you who spoke in support of the motion. I just want to say thanks to ODF and W for their report. I plagiarized some of my rationale from their paper. This was a, this is a group effort that's being brought forward. This was not just me, for sure. Heather and Marci and Maggie and others helped and had great ideas on how we might move forward, take a step forward here in terms of how we're managing shortbelly rockfish and I think as Maggie said, kind of codifying our previous action and so I just wanted to acknowledge everybody that played a hand in putting this together. Thanks.

**Marc Gorelnik** [00:33:57] All right, thank you Phil. Any further discussion? I'm not seeing any hands. I'll call the question. All those in favor say 'aye'.

**Council** [00:34:07] Aye.

**Marc Gorelnik** [00:34:07] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Phil, for that motion. So, before we finish this agenda item I want to see if there's any other business. Maggie Sommer followed by Bob Dooley.

**Maggie Sommer** [00:34:35] Thank you Chair. I want to recognize that the analysis and workload related to the range of alternatives we've adopted for groundfish harvest specifications and management measures will be large. We touch on that in a number of ways. I was a little bit slow earlier, but I did want to comment specifically on the inclusion of the alternative in the range to extend the limited entry fixed gear sablefish tier season and I would be inclined to advise staff and the GMT that that's lower in priority than the 12e item that we spent quite a bit of time discussing and suggest that they allocate their time and attention accordingly. And one of the reasons I am thinking about that is the time frame, obviously that's an extension of the season that would come into play later, later in the year. So as the Council moves, or pardon me, as staff and the GMT move, and others move through analysis of this and we'll come back to it and have a chance to understand the progress and status of the analysis next time we take up this, take up the specifications and management measures and, if necessary, can make adjustments at that time, but just wanted to offer my thoughts on relative priority there.

**Marc Gorelnik** [00:36:18] Thank you. Keeley Kent followed by Heather Hall.

**Keeley Kent** [00:36:24] Thank you Mr. Chairman. A few more comments. I just wanted to note I feel like I have been fully clear on my workload concerns so will not belabor that, but just want to note, you know, what we will seek to do in the subsequent Council meetings on this agenda item as things get developed is to provide specific feedback, particularly just want to call out implementation steps and note that there may be items in this package that have, that are beyond what we have done in the past.

And, you know, there are some implementation steps related to other applicable laws that simply may require more time beyond the very restrictive specifications, rulemaking pathway that we are always held to, to get final rule in place by January 1, 2023. And so I note that here just because I recognize that there are a lot of high priority items that the Council is considering and there will be further opportunity for feedback and inclusion of that information, but I just want to make sure that the Council is clear that even if all these items are fully developed by June, if there are additional implementation steps that cannot be completed in the required six month rulemaking time frame, we may need to consider bifurcating the action and taking up some parts of this action in a separate rulemaking pathway that would not be implemented for January 1, 2023. Certainly, we will seek to advise the Council with those kinds of details when we come back to this in 2022, but I just do want to make sure that that is out there as a possibility for folks so that it's clear as to what the expectations for the rulemaking pathway is. I have a comment on the stock complex pieces, but I note there's a number of other hands up so perhaps I will wait my turn to come back to that. Thank you.

**Marc Gorelnik** [00:38:25] All right, thank you Keeley. Heather Hall followed by Bob Dooley.

**Heather Hall** [00:38:29] Thank you Chair Gorelnik. And I just want to speak to the prioritization conversation that we're having here and definitely appreciate the comments from both Maggie and Keeley specific to the LE fixed gear primary season and the prioritization for that. I think Keeley spoke to this nicely in our expectation that NMFS and staff would advise us on workload and really the hope is that effort will be given to prioritize items that really have the most benefit for going into place on January 1. So just wanted to support that approach as well. Thank you.

**Marc Gorelnik** [00:39:20] All right, thank you Heather. Bob Dooley and then I'll come back to Keeley if that's okay?

**Bob Dooley** [00:39:28] Yes. Thank you Mr. Chairman. I do have a motion on the subject if it's okay?

**Marc Gorelnik** [00:39:40] No time like the present.

**Bob Dooley** [00:39:41] Okay. I think Sandra might have it. I'd appreciate it if you'd put it up. Perfect. Thank you Sandra. I appreciate that. I move the Council add an alternative for analysis that would analyze a ramp down rebuilding strategy for quillback rockfish. This ramp down strategy would decline linearly over a three-year period after which catch will be at the target level that aligns with the Council's Quillback Rockfish Rebuilding Plan. This ramp down strategy would be explored for the SPR equals zero point five and the SPR equals zero point seven alternatives to enable a range of analysis.

**Marc Gorelnik** [00:40:30] Okay, and the language on the screen is accurate and complete?

**Bob Dooley** [00:40:33] Yes, it is.

**Marc Gorelnik** [00:40:34] All right I'll look for a second. Seconded by Butch Smith. Please speak to your motion.

**Bob Dooley** [00:40:42] We heard this week numerous testimony from industry and also Council members. A concern that this quillback issue will cause great economic harm. The social and economic implications associated with the Quillback Rebuilding Plan will be extreme. The ramp down strategy is intended to meet our obligations to rebuild as quickly as possible while taking into account the needs of the fishing communities. My intention with this ramp down strategy is to enable the development of tools and techniques that will help us avoid quillback and improve their post-release survival, such as tools to improve survival related to barotrauma. Spatial measures that can help better avoid quillback



and the potential development of gears that may enable avoidance. I think this is an absolute important measure to analyze, to understand we've done it before in the past. I think that we need to soften the blow that this, that the restrictions on quillback will give industry. So that's about what I have to say.

**Marc Gorelnik** [00:42:08] All right. Thank you very much Bob. Are there questions for the maker of the motion or discussion on the motion? Marci Yaremko.

**Marci Yaremko** [00:42:19] Yeah, thank you Mr. Chair. First question is an easy one to the maker of the motion. I expect you're simply referring to California quillback. My next question is I'm hoping that we can hear a little bit from Council staff about what this analysis involves. I'm extremely cognizant of workload. I just want to make sure that this analysis is necessary to help us complete our actions for the biennial specifications and management measures process. I just don't know enough about it. It's kind of the first we've heard of it. If this is something that wasn't contemplated as the teams went to work, that's a perfectly good reason to add it here to the list, but I just want to make sure I know what I'm voting for. Thank you.

**Marc Gorelnik** [00:43:27] Bob.

**Bob Dooley** [00:43:28] Yes. Thank you Mr. Chairman. Thank you, Marci, for the questions. I, of course I think this applies to California absolutely. As to the other, I think that this is absolutely I'm concerned about workload as well, but I'm equally if not more concerned about the well-being and turning over every rock we can to help our industry, and we've all identified how painful and how this could economically affect our communities and fishermen. So, I'll leave it there, and I see John DeVore has his hand up and I'm sure he has a little more to add.

**Marc Gorelnik** [00:44:10] Yes, thanks Bob. Yes, and John.

**John DeVore** [00:44:14] Yeah, thank you Mr. Chair. How I would interpret this motion is we would, as it states in the motion, do a linear ramp down to these target levels, target harvest rates from the 2022 catch levels down to a catch, you know, the new catch catches that are a result from these two harvest rates, and we would compare those across all the alternatives, including the no-fishing alternative, to see what the extended time to rebuild would be relative to, you know, all the other alternatives. And then we will need to really explore what benefit we're getting from doing this, like what is happening in that three year period to soften the blow and, you know, things like barotrauma mitigation, designating areas that, you know, that really you should warn people to stay away from because there's a lot of quillback there or whatever it is, you know, so as we go through this I think that's going to be the real key for this ramp down is what are we buying with this three-year period? I think that right now that sort of captures my initial thoughts.

**Marc Gorelnik** [00:45:50] Okay, thank you for that John. Keeley Kent.

**Keeley Kent** [00:45:56] Thank you Mr. Chair. Had a couple of questions. One I guess just, you know, I don't want assume intent, but assuming that the guardrails around this are, you know, the existing rebuilding requirements, that whatever would be evaluated within this ramp down that, you know, there are specific recognition that things to be considered are bound by the rebuilding requirements. So, I'm assuming that that is correct. And then just also clarifying, I believe this would require new rebuilding runs and so it would be, I am chatting right now, but may also ask for specific input from the Science Center potentially on the years requested that for these rebuilding runs. So, would you be seeking.....so Mr. DeVore just mentioned 2022 as one of the years, or if that would be extending starting in 2023, extending through 2025 or 2026? Some clarity on the additional rebuilding runs for the Science Center I think would be helpful. Thank you.

**Marc Gorelnik** [00:47:15] Bob?

**Bob Dooley** [00:47:17] Yes, thank you Mr. Chairman. Thank you, Keeley, for the question. I may phone a friend on this, but I think that, I think it is for over the three-year period starting in 2022. I believe that we need to have that analysis to understand the difference in the rebuilding timeline and whether this approach would help and to which degree it would help. So, I think this analysis is critical to helping our industry absorb this blow.

**Marc Gorelnik** [00:47:49] John DeVore.

**John DeVore** [00:47:50] Yeah, thank you. So just to be clear, I was using 22, 2022 as the starting point for determining the slope of the ramp. And I was assuming that we would be getting to the target level of harvest by 2025. But, you know, if I'm wrong on that assumption, now would be a good time to clear that up.

**Bob Dooley** [00:48:23] That's the way I intended it.

**Marc Gorelnik** [00:48:29] All right. Further questions for the maker of the motion or discussion on this motion? I'm not seeing any hands. I will call the question. All those in favor say 'aye'.

**Council** [00:48:44] Aye.

**Marc Gorelnik** [00:48:44] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Bob, for that motion. All right, let's see if there's any other business on Agenda Item E.5. Phil Anderson followed by Keeley Kent.

**Phil Anderson** [00:49:16] No other action Mr. Chair. Just there's an Appendix B in the Pacific Coast Groundfish Fishery 2019 2020 harvest specifications that speaks to the yelloweye rebuilding plan revisions and if you go back into pages like 16, 17, 18, you'll find where there is a description of the additional kind of mitigating measures that were, that were taken in response to the ramp down to, or not in response, but is as part of the ramp down. That might be a good place for people to go look for ideas. Thanks.

**Marc Gorelnik** [00:49:58] Thank you Phil. Keeley Kent followed by Brad Pettinger.

**Keeley Kent** [00:50:04] Thanks Mr. Chairman. I just wanted to make a quick remark on the stock complex issue. I recognize the Council has taken some interim steps in the motions passed today on addressing mortality of stocks of concern currently managed in complexes for the 23 24 biennium. We do view these as interim steps and as we have discussed earlier in the meeting on the stock complex issue, we see a need for further examination of our stock complex management structure and possible consideration of larger changes beyond the scope of what is possible for this biennium. We will bring this for, this issue forward again, likely the next time the Council sees the Workload and New Management Measures agenda item and we will specifically seek input from the Council, the SSC, the GMT and the GAP and others on developing pathways to carry out this comprehensive evaluation and, if needed, subsequent development of changes. Thank you.

**Marc Gorelnik** [00:51:06] Okay, thank you Keeley. Brad Pettinger.

**Brad Pettinger** [00:51:09] Yes, thank you Chair Gorelnik. It's come to our attention that we need to amend a previous motion under E.2, There's a discovery of a grammatical error by staff that needs to be corrected. I think it'll take a couple of motions to get there to fix it and with your oops....

**Marc Gorelnik** [00:51:30] Vice Chair Pettinger let's wrap up E.5 first and then I will hand the gavel to you for E.2 if that's okay? Is that okay with you?

**Brad Pettinger** [00:51:45] I think you keep the gavel. How's that sound?

**Marc Gorelnik** [00:51:48] Okay I can keep the gavel for E.2, but let's, we're on E.5 right now, so I just want to cleanly finish E.5 and then we can come back to an issue on E.2. I think that's the best way to proceed. So let me just see if there's anything further on E.5 and then I'll turn to Todd and make sure we've completed our business on E.5. Todd.

**Todd Phillips** [00:52:14] Yes, thank you Mr. Chair. Looking at your Council action I would agree that you have met all of those items one, two, three, four and five. Thank you, Council, for the very vigorous discussion and the motions. We will, we'll get to work on those as soon as possible and have something for you back in March of 2022. Thank you.

**Marc Gorelnik** [00:52:42] All right. Thank you, Todd, and thanks Council for the hard work on E.5.

## 6. Non-trawl Sector Area Management Measures

**Brad Pettinger** [00:00:00] And that will bring us to Council discussion and so I'm looking for a hand. Ah ha, Maggie Sommer. Maggie.

**Maggie Sommer** [00:00:13] Thank you Vice Chair. Boy, do I have a lot of discussion I'd like to get out, but I'm going to start with probably an unexpected question for Todd if available on something he said during his, the staff presentation earlier. It caught my ear, and I made a note about it and then didn't ask, so if Todd's available?

**Todd Phillips** [00:00:37] Yes, I am here Maggie.

**Maggie Sommer** [00:00:38] Great. Thanks Todd. I recall that you said, and I was on Slide 24, but we don't need to pull it up, but you mentioned that there was something that had found that seabirds did not seem to be attracted to artificial gear. And I'm assuming that the implication there is that as we move forward in this, we might be thinking about one potential mitigation measure for seabird impacts could be to not allow bait and to require artificial lures only. I guess my question is two part. One is, am I, is that interpretation correct that that was what that was intended to mean and two, can you give us just a little bit more information? What gear type overall? Was that with longline gear or something else?

**Todd Phillips** [00:01:40] Yes, through the Vice Chair. Miss Sommer, so your first question, as far as I understand that is, that the statement that I made is accurate. So based on....oh what is...the EFP review that National Marine Fisheries Service does and hopefully Keeley Kent is listening that she could probably better explain their review process than I ever could. When they look at the EFPs for impacts to endangered species or species of concerns, particularly in this case short-tailed albatross, it seems to appear that where artificial lures are used that there is a lower likelihood of seabird interaction meaning that there is, they're just, they realize they're not food I guess to be say it colloquially. Under the EFPs using the artificial gear, which all of them as I understand it are, these EFPs of course that I'm referring to are the non-trawl RCA EFPs known as the Cook, Emley-Platt, and Lovewell or Real Good Fish EFPs. There were no seabird interactions noted. So, looking back at, or thinking back to my statement I believe that if Keeley can reply, get to us that the Council could consider a gear type, an artificial lure as a potential mechanism that would in theory, if I'm correct hold true as not unattractive gear. Hopefully, that makes some sense to you and to the Council. Yes? Is Miss Kent available? Yes.

**Brad Pettinger** [00:03:48] Keeley.

**Keeley Kent** [00:03:51] Thanks Todd. I believe you covered it well. Yes, when we approved those EFPs and, yeah, speaking collectively for the three non-trawl EFPs, we did evaluate whether or not the EFPs would change anything from the proposed action that we consulted on with U.S. Fish and Wildlife Service in that seabird biological opinion that we are under, and one of the pieces of that evaluation specific to these EFPs were that they were all using artificial bait. And you know, we know that baited hooks that are within the diving range of albatross create a risk for seabird bycatch. And so, using what we know about risk for seabird bycatch in our fisheries, that's how we approach the evaluation of the EFP gear. I think it's important to note that, you know, as part of this we want to hear from the Council exactly what gear configurations we are considering because it will be a different evaluation and for considering, if the Council is seeking to consider baited hooks or something like that. And that would be, you know, what we would look at once the Council sets an ROA is evaluating all of our, in addition to all of the other pieces that we'll need to evaluate in the analysis, specifically evaluating whether the changes the Council is looking to make create any different impacts that will need to be analyzed for

any of our biological opinions.

**Brad Pettinger** [00:05:33] Okay, thanks Keeley. Further discussion? Maggie Sommer.

**Maggie Sommer** [00:05:45] Thank you Vice Chair. I think if I may I will share a number of my thoughts at this point. After listening to all of the reports and the public comment and hopefully hear from some fellow Council members in discussion, I think overall to start with I support the GMT suggested revisions to the purpose and need statement for this action and note that if we add the Cowcod Conservation Area to the action alternatives here, then we might need to add a reference to that in the purpose and need statement so that it's covered. I support moving Alternatives 1 and 2 forward without the suboption for multiple gears on board as the EC recommended removing and the GAP and GMT supported that removal as well. And as the GAP pointed out, I believe the suboption to fish only inside the RCA or both inside and outside the RCA is not needed. I believe that that distinction wouldn't matter if the allowed gear types were available for use inside and outside the RCA, so I hope that someone will correct me if I'm mistaken on that. I am thinking about the GAP recommended description of allowed gears and whether that is the best approach versus prohibiting specific gears. Fully appreciate the GAP's laser focus on making sure we have at least some of these action alternatives that can be implemented as soon as possible. And I am, I understand and agree with a point that the EFP authorized gears in there, you know, keeping some alternatives narrowed to those, are probably the best pathway for the quickest implementation. I am wondering what happens if we include the GAP's request to consider allowing the EFP gears in the non-trawl RCA in the groundfish specifications and management measures process, which I would support as potentially a quicker pathway to allowing that opportunity. I don't, in my opinion it does not seem that allowing those specific non-bottom contact gear types which have demonstrated reduced impacts on yelloweye rockfish, for example, on benthic habitats within the RCAs. That does not seem to be a huge analytical lift to me, and I know that we will be probably having some further discussions about that when we get to part two of E.5, our Groundfish Management Measures. But I am wondering what that means for what to include in a range of alternatives or not here, and I am assuming that we would include it in a range that's adopted here and then if it is taken up in the spex package, then it can subsequently be removed from this item if it is proceeding on another path. Let me pause for a second maybe, Mr. Chair, I have a few more comments but I've said a lot already and I saw Keeley's hand just went up and I wonder if I should give others an opportunity to speak for a minute before I offer my other thoughts.

**Brad Pettinger** [00:09:54] That sounds good Maggie. Keeley.

**Keeley Kent** [00:09:59] Thank you Mr. Vice Chairman. I'd like to respond to Maggie's last part of her comments and specifically the idea of moving the part of this action that is specific to the non-bottom contact gear into spex. And I will say that it is very similar to our thoughts on all of the other new management measures and in the NMFS report that will be provided under the spex agenda item. And, you know, I recognize the concern from the industry with the unfavorable stock assessment results and the impacts that a rebuilding plan will have on the fishery. And so do not take lightly the fear that I have heard about what that will mean for the fisheries. But I still don't see a tie to January 1 and remain concerned with the overall spex workload and the ability not only for the Council to finish the action by June, but also for my team to get the rulemaking done for January 1, 2023. I'll note one specific that we have not yet run down is that part of this action that has been discussed would, as the Enforcement Consultants have raised, potentially require some new declarations. Our declarations are under a Paperwork Reduction Act. As I think everyone knows, we have to apply for and receive approval to be able to collect any information from the public. So, adding new declarations may trigger a PRA requirement where we need to go out and seek revision and additional authority to be able to collect that information. Those changes can take a while and on the very expedited pathway for rulemaking that spex has to happen on, I am concerned that we wouldn't be able to get those changes done in time,

which would mean that these changes could not roll out January 1 and would create additional rulemaking hurdles for us to be able to make this happen. I think I can probably stop there, but just noting my concerns here are very similar to my concerns under spex, which is that, you know, the workload really should be focused on what is absolutely necessary for January 1 and would encourage the Council if it's something that is a high priority to look at the rest of the groundfish workload and move things around as is needed to make sure that it matches the Council's current priorities. Thanks.

**Brad Pettinger** [00:12:45] Okay, thanks Keeley. Marci Yaremko. Marci.

**Marci Yaremko** [00:12:54] Yeah, thank you Mr. Vice Chair. Thank you, Maggie, for posing that question and, Keeley, for responding to it. I thought I heard Maggie suggest that maybe an efficient pathway forward for the non-sector, non-trawl sector area management item in E.6, noting that NMFS has been clear that this action will trail behind spex by one year, expected one year delay in implementation. It would seem prudent at this point to keep the range of alternatives available to us in this item as broad as possible with regard to the concept of picking up some elements of RCA management under E.5. Whether or not they were on the a in E.6, I believe that we have an obligation under E.5 to make sure that our management measures are tailored to achieve our specification. So, I feel like that discussion is somewhat of a separate situation. I see the E.6 train being somewhat, you know, a year behind and that there's really no reason I think to be less inclusive in a range that we're developing here today, recognizing that it's November of 2021. I feel like there's not a lot of incentive to be removing items from this list at this time. So anyway, I just wanted to chime in with my thoughts on this topic and appreciate the discussion. Thank you.

**Brad Pettinger** [00:14:59] Thank you Marci. Maggie Sommer. Maggie.

**Maggie Sommer** [00:15:10] Thank you Vice Chair. Thank you to Keeley and to Marci for the information and perspective on that. Given that I will intend to include Alternatives 1 and 2 in a motion I develop for non-trawl RCA action. I will also, I also do support moving Alternative 3 forward changing the non-trawl RCA boundaries, but probably with a revision from the description in the, in Attachment 1 to keep the shoreward boundary at 30 fathoms between 40 10 and the Oregon Washington border as I believe was recommended by the GAP and clarified by Harrison in response to my question based on the nearshore rockfish quillback and copper in particular issues. I will also be inclined to add either as a suboption for analysis or a required element, a prohibition of bottom contact non-trawl gear use in groundfish EFH conservation areas. I will say I am also considering whether to include an alternative for a more complete reopening of the non-trawl RCA in the range for analysis now, also with an exclusion of bottom contact gear from EFH Conservation Areas. If analysis and implementation can be phased and it would not delay progress on the previous alternatives, again the phased approach described in the GAP, I believe the incremental approach as they called it. In terms of my mention of interest in continuing to exclude or pardon, my interest in excluding non-trawl bottom contact groundfish gear from EFH conservation areas, it is my understanding that this could be done through this action. I know there have been some sidebar discussions on what the, you know, whether that could be included in the scope of this action and how that could be accomplished. And I guess I would be interested in hearing a little bit more from the National Marine Fisheries Service on our scope to be able to consider changes to gear types allowed in or excluded from the EFH conservation areas, wholly all EFH conservation areas or just those areas, portions of them that overlap with the non-trawl RCA and could be reopened. I only have one more comment that might engender some, some further discussion and response. I'll just put my other comment out there on the table so then I'll be quiet for a little bit, and I would love to hear from others. I want to acknowledge that monitoring is a big issue in increasing access into the non-trawl RCA for this fleet with very low, in general low observer coverage rates, et cetera, and I would be interested in exploring ways to increase observer coverage if possible, understanding that at this time there don't seem to be new resources available to the observer program,

but would seek to better understand tradeoffs, for example, among increasing observer coverage in this sector compared to others or other options for increasing the monitoring and accountability with increased access to these areas. With that, I think I've gotten many of my big thoughts out on the table and will appreciate any discussion or thoughts that other Council members have to share. And I would not be prepared to offer a motion on this item until Sunday.

**Brad Pettinger** [00:19:46] Okay. Thank you Maggie. And let's see Keeley has her hand up and I think a response to your question, so Keeley.

**Keeley Kent** [00:19:52] Thanks. Yes, I do have a response to your question about the EFH. We, this has been raised through this couple of days ago through this meeting, so we have been looking into it. We're not aware of regulations restricting all changes related to EFH to consideration during a full EFH review. The regulations at 50 CFR part 600 subpart J actually do contemplate interim revisions between reviews, allowing changes of EFH areas. Our understanding is the potential option contemplated here would be limited to EFH areas currently closed to bottom trawl, which would otherwise be opened up to pot and longline gear through this action. We would view that as within the scope of the action at hand if the Council wanted to consider moving those, what is currently protected under a non-trawl RCA closure to being an EFH closure inclusive of pot and longline gear. Maggie did suggest possible other changes and I would want to reevaluate my statements if we were talking about making additional EFH changes that are outside of the scope of what would otherwise be opened up with these non-trawl boundary changes. So, I'm restricting my comments to that, that smaller ask that we have heard earlier in this meeting. Thanks.

**Brad Pettinger** [00:21:29] Okay. Thanks, Keeley, for the clarification. Okay. Anyone else? Bob Dooley. Bob.

**Bob Dooley** [00:21:40] Yeah, thank you Mr. Vice Chair. Maggie, thank you so much for the thoughtful comments there and many others. I think we're on the right path of considering this for sure, the sectors that really need some help. I mean we've got a crab season that's a disaster or looking to be that way. We have a salmon season potentially coming up again that doesn't look very good, although they didn't do too bad locally here this year. We're, our small boat fishermen are in big trouble, and we need some help on that, so I think we're going down the right path. I will reiterate that we need to do this sooner than later. There's been mention of incremental approaches of ways to get access to those grounds in a quicker way, but I also agree with you, Maggie, on your comment about monitoring. We've got to remember that a lot of the uncertainty that is attached to not being monitored and not having accountable fisheries is what got us, a lot of us here in this to begin with. That's why we've been out of there for 20 years, a big reason, at least in my opinion. So, I think we need to revisit that, and I think we need to do it incrementally. We hear about logbooks coming with the seabird mitigation litigation. The sooner the better in my opinion and mandatory. It would help us to understand and compare observed trips to non-observed trips. I think it merits some analysis here to see how we can incrementally approach this, but I think there's no doubt in my mind that 5 percent observer coverage is not enough. I think we need to know... you know... this week has shown us what lack of data does and uncertainty with these, with the new overfished designation. I believe we really need to have a full suite of alternatives analyzed for this monitoring and how they might be implemented over time to get us where we need to go. But I think the low hanging fruit here is probably increased observer coverage at least and getting logbooks as quick as we can. So, I think I'll stop there. I appreciate it, but I just wanted to make sure that it was being considered and I was very happy to hear you include that in your statement. So thank you.

**Brad Pettinger** [00:24:30] Thanks Bob. Okay. Anyone else? Phil Anderson. Phil.

**Phil Anderson** [00:24:39] Thanks Mr. Vice Chair. I just wanted to offer a few hopefully short

comments about WDFW's proposal. I appreciate the consideration that both the GAP and the GMT have given to it up to this point. I think we are in a, we're in a different situation here in Washington than in Oregon and California, and in particular in my mind relative to the need to get something done quickly because of the loss of really important fishing opportunities due to some of the stock assessments that were just adopted and rebuilding plans that are really going to be difficult to meet. We have a couple of similar challenges in the north. Vermilion rockfish relative to our recreational fishery is going to be really challenging. But the recreation, the... what I call the deep-water recreational fishery out of Ilwaco and Westport and La Push and Neah Bay has really changed and expanded over time. And so, as we consider the potential of modifying our non-trawl RCAs we're going to have to keep, I believe we're going to have to keep a real close eye on doing it in such a manner that doesn't create conflict between our recreational and commercial sectors. I think there are some opportunities to do that, but I think there's a lot of discussion and work yet to go before we're going to have something that's specific that we could bring forward. At least that's my opinion. I noted both in the GAP and as well the GMT, the thought the WDFW proposal would be on a separate track, and I support that. I don't, I would not want our process to slow down. What's being contemplated in the south where it's, at least in my mind, there's a need to do something expeditiously, at least as expeditiously as possible. So, I just wanted to offer those comments and those cautions and concerns at least from my perspective, and I look forward to engaging with our stakeholders off Washington here in the coming months if this proposal is advanced for future development. Thanks.

**Brad Pettinger** [00:27:47] Thanks Phil. Corey Niles. Corey.

**Corey Niles** [00:27:48] Thanks Mr. Chair, and thanks Phil for those comments. And before I lose my train of thought and hearing Maggie's speaking to a team needing more time. I think we would also, we would support that and appreciate the time for Sunday. But just adding to a couple of things that Phil said and hearing what the GAP, the message the GAP said and the EC, I think Phil captured it well that, you know, we in terms of the GAP, their incremental approach idea, my point here we do not intend to slow this down, to slow changes down in the other areas of the coast, and everyone's spoken of the importance there. We're contemplating simpler changes, but as Phil just said, these won't, we're not in a hurry, this will take some time to have the discussion. So, I just want to recognize the, what the GAP is saying, and I think echoing that Washington is a different situation and the changes aren't as urgent and it will take time and we don't intend to slow anyone else down. But I don't have much more to add than what Mr. Anderson said at this point. But, yeah, I also would appreciate holding off until, until Sunday to get to final recommendations here.

**Brad Pettinger** [00:29:17] Okay, thanks Corey. Anyone else? Well, I think that the, what Maggie had to say that the motion, at least for Maggie will probably come on Sunday and I assume many of the motions probably will be, will probably happen then too. So, I would think that the goal here is to get as much discussion out of the way and get peoples thoughts out now so we can have some nice clean motions to be given on Sunday. Corey Ridings. Corey.

**Corey Ridings** [00:29:56] Thanks Mr. Vice Chair. Just some short thoughts here. In general, this really needs to move forward so thanks to staff who really sunk their teeth in and gave us a good start. And as noted by the GAP under this agenda item in the last and by public comment today, including Mr. Koeppen and Mr. Ibach, it's critically important that we continue to pursue access opportunities for communities, especially here in California. We need to do so quickly while meeting our conservation obligations. As noted, this is critical to the small boat fleet especially so thanks to Bob and Maggie and others for speaking to this. I won't elaborate. In terms of meeting the stated purpose and need of this, which I spoke to kind of tangentially earlier, which includes things like diversifying fishing strategies, providing more stable fishing opportunities and bringing financial benefit to fishermen communities, I'd like to see more social and economic analysis provided to help better understand alternatives that



come out of this action, and thanks to Council staff earlier for offering to do this in response to my question. I'm specifically thinking about, you know, how do these proposed alternatives impact individual income diversification? How the proposed alternatives impact port level, revenue consolidation? I'm hoping to get a handle here on how this might impact infrastructure and community stability and just, you know, in light of how important this is likely going to be to California communities, really trying to speak to how important it is to have this information to... provided to the Council to make these decisions. I also wanted to speak of the need to be thoughtful about reopening previously closed areas and ensure that habitat that's critical for healthy fish populations and overall ecosystem health are protected. Thanks, Maggie, for thinking about including a no bottom contact gear in existing EFH. And as this moves forward encourage staff to address the concerns raised in the Habitat Committee report, especially regarding corals and utilize the data and approaches recommended in that report. So thanks. Thanks Mr. Vice Chair. Maybe this was a little early to put out. I look forward to seeing the draft motion on Sunday and thanks very much.

**Brad Pettinger** [00:32:21] Well, thank you Corey. Okay, anybody else? All right. Well, with that I think the plan here, at least unless someone.....Chuck Tracy. Chuck.

**Chuck Tracy** [00:32:43] Thanks Chair. Just a question on timing, I guess. I've heard Sunday tossed around a lot as far as bringing this back in front of the Council, so I guess I would like to just for planning purposes know if we should plan on starting with our administrative matters first thing and then picking this up with the other groundfish items after those administrative items are concluded or if you had something else in mind?

**Brad Pettinger** [00:33:20] And I guess that would be.... I would ask.... Maggie.

**Maggie Sommer** [00:33:30] Vice Chair, I don't know if you were going to ask me, but it makes no difference to me. I leave it to your judgment and Director Tracy's judgment.

**Brad Pettinger** [00:33:41] Okay, well thank you. I mean you're the motion maker or we're going to at least have one of them. Chair Gorelnik. Marc.

**Marc Gorelnik** [00:33:50] Well I was just thinking that it might make sense to keep the groundfish items together since we, when it comes to support staff and whatnot. So, if it makes no difference to anyone else, I would suggest we start with administrative on Sunday and then have the groundfish together. In other words, pick up E.6 before we start the other groundfish items. Just my two cents.

**Brad Pettinger** [00:34:24] Well, thanks Marc and that sounds pretty good. Probably why you're Chairman. Okay, seeing no hands and saying anything I go in that direction. I would think we're done today on this agenda item, and we'll table it until Sunday sometime after noon or maybe late morning. And with that Chair Gorelnik, I will pass the gavel back to you.

**Marc Gorelnik** [00:34:55] Thank you very much Vice Chair Pettinger. Pete Hassemer has a hand up. Pete.

**Pete Hassemer** [00:35:01] Thank you Mr. Chair. But just a point of order. Because we are ceasing discussion of this and taking up other options or agenda items, is the proper step here to have a motion to table this or suspend discussion? I don't know what the right term is or can we just do it with a handshake?

**Marc Gorelnik** [00:35:27] Well, we often will table a pending motion. We have no pending motion, and we have precedent for breaking up an agenda item. But maybe Dr. Hanson has a suggestion.

**Dave Hanson** [00:35:40] Well there's no problem with splitting stuff up or taking it up at different times, but the motion is to postpone, forget table. Postpone and hopefully to a time certain, but it doesn't have to be.

**Marc Gorelnik** [00:35:59] All right, well if we don't have to then maybe we won't unless someone feel strongly about it. Thank you Dave. ....(E.6 postponed until Sunday, November 21st).....

**Brad Pettinger** [00:00:00] And with that I'll turn to Todd to, for E.6. Todd.

**Todd Phillips** [00:00:02] Yes, thank you Mr. Vice Chair. So as the Council is well aware, this is a continuation of this E.6 from Friday, November 19. I believe we are.....well as Mr. Merrick Burden said, public comment has been reopened. There is a document in the briefing book. It speaks to what Miss Yaremko was asking for regarding some research off the top for quillback and copper I believe. Also, just for Council knowledge, there is a revised, I believe, report on this one. Just some percent were changed regarding the blackgill rockfish.....Oh excuse me, that is not this agenda item. That is under spex. My apologies. My brain was confused there so, yes, we are in discussions for E.6, Non-trawl Area Management Measures. I apologize for any confusion, too many groundfish items going around in my head.

**Brad Pettinger** [00:01:20] Okay Todd. Thank you. Well, there's a lot of balls up in the air, that's for sure. And so okay so we're in the middle of Council discussion and we broke to have some cleanup motions potentially to be made today and so I would open the floor. Maggie Sommer. Maggie.

**Maggie Sommer** [00:01:45] Thank you Vice Chair. I wanted to appreciate the opportunity to hold over for motions today and also appreciate the consultation yesterday with representatives from the National Marine Fisheries Service and the other states as well as this morning on some refinements, and appreciate quite a bit the good work done by staff to prepare us for this and provide the substantial information available in the briefing book to review in terms of preliminary analysis and setting up this selection of a range of alternatives as well as by our advisory bodies. And I am prepared to offer a motion with some modifications to the purpose and need statement following up on some suggestions and then as well a motion on alternatives for consideration for the area between 40 10 and the Oregon Washington border when you are ready for motions.

**Brad Pettinger** [00:02:47] Okay, well thank you Maggie. Stay close because I don't see any hands yet, just in case. So further discussion? Well, I'm not seeing any hands so I'd take that motion.

**Maggie Sommer** [00:03:14] Thank you Mr. Vice Chair. This will be ODFW Motion 1. I move the Council adopt the following revised statement of purpose and need for non-trawl area management actions. I'll note that the motion shows the proposed deletions in strike out and the additions in bold, underlined font, and I will read it as it would read with those changes made. The purpose of these proposed actions is to provide access to additional areas that are currently closed to groundfish fishing inside the Non-trawl Rockfish Conservation Area, RCA, and Cowcod Conservation Area, CCA. The non-trawl sector is presently unable to access many target species where they are most abundant. The actions are needed to provide increased access to non-overfished shelf rockfish stocks and other important target stocks that can be found in the existing Non-trawl Groundfish Conservation Areas, thereby increasing the overall potential economic value of the groundfish fishery. The actions are also needed to help diversify fishing strategies in light of restrictive opportunities in other groundfish and non-groundfish fisheries, and to provide more stable year-round fishing opportunity, expand opportunities to supply seafood and increase potential financial benefit to fishermen, communities and the infrastructures they support. The additional access might be provided by actions such as, 1: Moving and or modifying the existing non-trawl RCA and or CCA boundaries, and or 2: Allowing groundfish

fishing inside the non-trawl RCA and or CCA using only select gears that minimize bottom contact.

**Brad Pettinger** [00:05:25] Okay. Thank you Maggie. Does the language on the screen accurately reflect your motion?

**Maggie Sommer** [00:05:31] Yes, it does. Thank you.

**Brad Pettinger** [00:05:33] Okay. Looking for a second? Seconded by Christa Svensson. Thank you Christa. Maggie, speak your motion.

**Maggie Sommer** [00:05:45] Thank you Vice Chair. This, these modifications to the purpose and need statement that we have previously seen are intended to be inclusive of the non-trawl sector a little more broadly than shelf rockfish and are based on the suggestions in the GMT report under this agenda item. They are also intended to include consideration of Cowcod Conservation Area modifications under this action as well as some more minor changes to just recognize that restrictive opportunities in other fisheries more than just salmon and crab are a factor. And I think I'll leave it there. That's the intent of these modifications to the purpose and need statement. Thanks.

**Brad Pettinger** [00:06:44] Okay. Well, thank you. Discussion on the motion? Okay, I'm not seeing any so I will call for the question. All those in favor signify by saying 'aye'.

**Council** [00:07:01] Aye.

**Brad Pettinger** [00:07:01] Opposed? Abstentions? Okay motion passes unanimously. Thank you Maggie for that. Okay. Further discussion? Motions? Maggie Sommer. Maggie.

**Maggie Sommer** [00:07:34] Thank you Vice Chair. I can offer a second motion and then note that after all motions under this item are completed, we probably want to have some Council discussion and confirmation of priorities as we move forward with any actions adopted under motions today. So, I'll be prepared to offer ODFW Motion 2.

**Brad Pettinger** [00:08:02] Okay.

**Maggie Sommer** [00:08:09] Thank you Mr. Vice Chair. One moment while I make sure I have the right version in front of me on my screen with some notes. That looks like it. Great. I move the Council adopt the following range of groundfish non-trawl area management alternatives between 46 16 and 40 10 North Latitude, waters between the Oregon Washington border and Point Conception, California. Alternative 1: Allow open access vessels targeting groundfish to fish in the non-trawl RCA using approved hook-and-line gear. Allow open access vessels targeting groundfish to operate inside the non-trawl RCA with hook-and-line gear except bottom longline, vertical hook-and-line that is anchored to the bottom, and dinglebar gear are types of hook-and-line gear that are not allowed. Fixed gear types other than hook-and-line are not allowed. Vessels must declare their intent to fish within the non-trawl RCA prior to departure. Fishing area. Vessels may fish inside and outside the non-trawl RCA on the same trip. Gear on board. Vessels shall only carry approved hook-and-line gear on board the vessel when fishing occurs in the non-trawl RCA. Alternative 2: Allow limited entry fixed gear vessels targeting groundfish to fish in the non-trawl RCA using approved hook-and-line gear up to limited entry fixed gear trip limits. Allow limited entry fixed gear vessels targeting groundfish to operate inside the non-trawl RCA and fish up to the limited entry fixed gear trip limits with hook-and-line gear except bottom longline, vertical hook-and-line that is anchored to the bottom, and dinglebar gear or types of hook-and-line gear that are not allowed. Fixed gear types other than hook-and-line are not allowed. Vessels must declare their intent to fish within the non-trawl RCA prior to departure. Fishing area.

Limited entry fixed gear vessels may fish inside and outside the non-trawl RCA on a trip. Gear on board. Limited entry fixed gear vessels can only carry approved hook-and-line gear on board a vessel. Vessels shall not fish... vessels shall not switch gears during a fishing trip. I would like to make one change as I'm reading this, please? The gear on board. Limited entry fixed gear vessels can only carry approved hook-and-line gear on board a vessel when, and this is the addition, after vessel please add 'when fishing occurs in the non-trawl RCA'. Thank you. Moving on to reading Alternative 3: Reconfiguration of non-trawl RCA boundaries. The seaward non-trawl RCA boundary will be 75 fathoms. Suboption 1: Prohibit all bottom contact groundfish gear in groundfish EFH conservation areas that would otherwise be reopened under this action. Alternative 4: completely remove the non-trawl RCA. Suboption 1: Prohibit all bottom contact groundfish gear in groundfish EFH conservation areas that would otherwise be reopened under this action. Priority of alternatives and incremental process. Alternatives in this motion are prioritized in this order, 1, 2, 3, 4. Analysis and future Council action should allow for adoption of preliminary preferred and final alternatives for Alternatives 1 and 2 as soon as possible, and this may occur before those steps for other alternatives under this item. In addition, the Council may consider action on Alternative 3 prior to Alternative 4. Alternatives may be combined. Action alternatives are not mutually exclusive. Logbooks required for all action alternatives. Logbooks will be required to collect data on fishing effort, location, gear, catch, releases and discards and other information determined to be necessary. And block area closures. For all action alternatives block area closures may be used in the non-trawl sector to control catch of groundfish or protected species by restricting fishing by gear type and sector within specific latitudes and depth contours. Block area closures could be implemented inseason or preseason. Yelloweye Rockfish Conservation Area closures. For all action alternatives, identify potential Yelloweye Rockfish Conservation Areas, if any that could be used to mitigate impacts to yelloweye rockfish resulting from this action, which could be implemented in biennial management measures or inseason action.

**Brad Pettinger** [00:13:20] Okay Maggie, thanks. But before we go to a second, I see or ask you for clarification. I see Todd Phillips hand up, Todd.

**Todd Phillips** [00:13:28] Yes thank you Mr. Vice Chair. Miss Sommers, I noticed in the very top there where it says I move the Council et cetera et cetera, you have between 46 16 and 40 10 North Latitude and then in parentheses you have waters between Oregon Washington border and Point Conception. 40 10 is not Point Conception.

**Maggie Sommer** [00:13:55] Thank you for the catch, Todd. I appreciate that. Perhaps my intent is 40 10 up to the Oregon Washington border, so perhaps striking that whole parenthetical statement would be best. Let's just delete that.

**Brad Pettinger** [00:14:17] Okay. Thank you, Todd, for that catch. And Maggie is the language now on the screen now accurate?

**Maggie Sommer** [00:14:23] It is now. Thank you.

**Brad Pettinger** [00:14:27] Wonderful. Thank you for the motion. Seconded by Marci Yaremko. Thank you Marci. Maggie, speak to your motion as needed.

**Maggie Sommer** [00:14:37] I will. Thanks Vice Chair. Overall, this motion generally adopts the recommendations of our Groundfish Advisory Subpanel with a few modifications to the alternatives as they were proposed in Attachment 1 under E.6 in our briefing book. This suite of alternatives is intended for this area between 40 10 and the Oregon Washington border to allow us to evaluate these potential modifications to the non-trawl RCA and as I will speak to in just a moment when we get down to the item on incremental process and prioritization. A very important part of this is allowing evaluation and

potential action on these first alternatives if that can occur prior to Alternatives 3 and 4, understanding that there is likely to be a more substantial analytical process and time frame for Alternatives 3 and 4. So Alternative 1 would allow hook-and-line gear types, and I'm using the current gear definitions in Section 660 dot 11 in the Federal regulations. So, it would allow hook-and-line gear types except that it would specifically exclude those hook-and-line gear types which are designed to make bottom contact, and that includes bottom longline, the vertical hook and long, pardon me, hook-and-line anchored to the bottom as well as dinglebar gear. And then for clarity, the motion also specifies that fixed gear types other than hook-and-line would not be allowed under this alternative. It includes the requirement for declaration when fishing in the non-trawl RCA. It removes the sub, the multiple suboptions for a fishing area and gear on board, which were included in the Attachment 1 so that now there's just a single statement about which the, what's allowed in terms of fishing area on a trip when this activity occurs and what kind of gear can be on board. Alternative 2 is very, is similar to Alternative 1. The difference being that it would allow limited entry vessels to fish up to their limited entry trip limits under this activity. I will note that as analysis proceeds on these items, the expectation is that among the types of gear that would be allowed under these alternatives will be the three configurations allowed in the approved mid-water rockfish non-trawl EFPs that have been authorized, Emley Platt, Cook and Real Good Fish, and so we will have some information on that, in fact we already do in the appendix to the attachment that was presented. But this alternative is not narrowing it specifically to only those gear configurations. This would provide for a little bit more flexibility and we'll see. Hopefully that can continue. I also considered the information we discussed on Friday. We heard a little bit about, about potential concerns about seabird impacts with the use of natural bait. That would potentially, or sorry, presumably be part of the analysis under this action and if necessary, the alternative could be modified in the future to require use of artificial bait. But for now, this alternative would allow the use of natural bait as we move through further review and consideration. Alternative 3 would leave the shoreward boundary of the non-trawl RCA in this area entirely status quo and addresses only moving the seaward boundary to 75 fathoms with a suboption that would prohibit all bottom contact groundfish gear in the EFH conservation areas that would otherwise be reopened under this action. There are some trawl EFH conservation areas which are currently closed to trawl gear that are inside the non-trawl RCA and in areas where the non-trawl RCA would be opened by this action. Those would be opened to fishing with non-trawl gears unless this suboption is selected. The suboption would leave those closed to bottom contact, non-trawl gears in order, in I guess recognition of the ongoing status of those areas. They have been protected from habitat impacts because of the closure in the non-trawl RCA since the early 2000s and this would maintain, the suboption if selected would maintain that status quo for those areas. Alternative 4 contemplates entirely removing the entire non-trawl RCA again with the same groundfish EFH conservation area suboption. Again, on priority and incremental process we certainly have heard from the Groundfish Advisory Subpanel and in some public testimony a strong interest in seeing Alternatives 1 and 2 move through first and not be delayed by the potential lengthier analysis associated with Alternatives 3 and in particular, Alternative 4. And so, the intent would be to point the analyst toward working on Alternatives 1 and 2 first and to state at this time and notify everybody that the Council is certainly prepared to consider action in next steps on just some of the alternatives, they don't have to come as an entire package of four at once. As the analysis is conducted it appears that Alternative 3 could be ready for further Council consideration and action prior to Alternative 4. That could be considered as well. On the logbook requirement, I note that we will, the Council will be discussing logbooks in currently tentatively scheduled for March meeting. We'll be discussing the fixed gear logbook and we will have an opportunity at that time to specify that fishing activity allowed under these alternatives and any others adopted under this item today would be subject to that logbook requirement and have any other discussion of logbook needs. And then the block area closures and Yelloweye Rockfish Conservation Area closure statements are to clearly indicate that these, I would like these tools to be considered in the analysis and available as measures to respond to catch of groundfish or protected species under this activity. Finally, just a few additional comments regarding the habitat analysis that will be conducted as part of the analysis here. Pardon me, I would

like to request that the National Marine Fisheries Service conduct and lead analysis of habitat impact related to management measures for the complete range of alternatives adopted under this action with assistance from Council staff is available and appropriate as well as the Habitat Committee provided their Habitat Committee members from each state available to participate in the analysis. I would like to request that in habitat analysis, the recommendations for analysis that were provided in advisory body reports, including E.6, Supplemental Habitat Committee Report and in public comment be considered. I want to recognize the importance of monitoring regarding these issues. Monitoring for compliance as well as for fishery dependent data collection and acknowledge that this is a significant issue and will likely be a factor in Council evaluation and decisions on these alternatives and future steps. We recognize, I recognize that VMS and observer coverage are already requirements, and also would like to explore whether there is potential to increase observer coverage rates for vessels fishing in the non-trawl RCA or newly reopened portions of it. I understand that at this time there is no, there are no new resources available to the observer program to increase this coverage so we will just be continuing to look for information from the National Marine Fisheries Service on trade-offs and how an increase in observer coverage rates in the non-trawl groundfish sector could potentially affect observer coverage, availability and rates in other sectors, and any other relevant information that NMFS feels they could add to what they have already shared with us to inform the Council understanding of potential observer coverage rates in this fishery. I mentioned logbooks earlier, just again recognizing that requirements specific to these activities would need to be developed and evaluated, whether an existing logbook can be used during a new one can be developed. There are some enforcement related issues. Certainly, any new gear type and sector approved for use should be added to the declaration reporting requirements as recommended by the Enforcement Consultants. And gear types and specific gear configurations should be evaluated to determine if new definitions need to be added to the West Coast Groundfish Fisheries Fishing Gear Definitions at 660 dot 11, including definitions for the terms used in this motion. We may discover more specification as appropriate. And certainly, as the analysis proceeds, we'll be looking for it to enable the Council and our advisers to evaluate the enforceability of gear specifications in any areas, new areas that might be defined under these actions. Now finally just a note on other fisheries, the action alternatives here would not make any changes from status quo for any non-groundfish fisheries, including salmon troll. And would hope that the analysis will enable evaluation of the potential for gear and area conflicts with other fisheries as well. That concludes motion and my rationale for it. Thank you Vice Chair.

**Brad Pettinger** [00:27:04] Thank you Maggie for a very complete rationale. This is large motion but Marci Yaremko. Marci.

**Marci Yaremko** [00:27:10] Yes, thank you Mr. Vice Chair. A question to the maker of the motion, and Sandra if you wouldn't mind scrolling up. Just want to clarify back, thank you, in response to the inner.....or the exchange with Todd Phillips earlier. I'm wondering if your intent is to annex south of 40 10. I believe we might have been looking for language that said 46 16 to 34 27, Point Conception.

**Brad Pettinger** [00:27:54] Maggie.

**Maggie Sommer** [00:28:03] Thank you Vice Chair. Thank you for the question, Marci. I would defer to a recommendation from California on how far south these alternatives should extend. Certainly, don't want to annex portions of your state....while I have made this change to the motion, but I certainly if you are interested in proposing an amendment to extend it farther south to the actual Point Conception line I have no objections to that.

**Brad Pettinger** [00:28:41] Thank you Maggie. Marci.

**Marci Yaremko** [00:28:43] Yes. Thank you Mr. Vice Chair. Yes, thank you. I would propose a friendly

amendment here to strike 40 10 and replace with 34 27.

**Brad Pettinger** [00:29:08] Okay Marci. Obviously, it's... obviously the language is what you want.

**Marci Yaremko** [00:29:13] Yes.

**Brad Pettinger** [00:29:13] If not let me know.

**Marci Yaremko** [00:29:15] Looks good. Thank you.

**Brad Pettinger** [00:29:16] Okay. Seconded by Bob Dooley I believe. I guess speak to your amendment as well.

**Marci Yaremko** [00:29:33] Yes, thank you Mr. Vice Chair. I believe in working through the content of the ODFW motion and the collaborative nature of the work, we certainly would like the alternatives to apply all the way to south, to Point Conception. That's, that was, that's consistent with the recommendations we've received from the GAP as well. Thank you.

**Brad Pettinger** [00:30:04] Okay wonderful. Any discussion? Okay with that I'll call for the question. All those in favor of the amendment signify by saying 'aye'.

**Council** [00:30:15] Aye.

**Brad Pettinger** [00:30:15] Opposed? Abstentions? Motion passes unanimously. Okay. So now we have an amended motion on the floor and looking for discussion. Bob Dooley. Bob.

**Bob Dooley** [00:30:36] Thank you Mr. Vice Chair. I'd really like to thank the group that worked so hard yesterday for so many hours to bring this forward and thank you so much Maggie for presenting it. I think it's a really good motion. I have a couple questions. One of my questions is you have additional verbal guidance, and I don't understand it. It wasn't included in the motion and was the intent to have that pertain to the motion? And how is it, how are they linked? Maybe I'm just showing my ignorance here a little bit, but that's a question.

**Brad Pettinger** [00:31:19] Maggie.

**Maggie Sommer** [00:31:21] Thank you Vice Chair. Thanks for the question, Bob. My intent with my additional verbal guidance was that it would apply to this motion and if you have a specific question about something I said, I would be happy to clarify further.

**Brad Pettinger** [00:31:38] Bob.

**Bob Dooley** [00:31:38] Thank you Mr. Vice Chair. No, thank you Maggie, I just wanted to make sure it was on the record here that that is part of this motion because I think it's a very important part of it. And I do have another question if it's okay Mr. Vice Chair?

**Brad Pettinger** [00:31:51] Please.

**Bob Dooley** [00:31:54] In your mention of monitoring in this fourth bullet point, I believe it was that we explore the potential to increase observer coverage rates. And I would, I guess it's more of a request that NMFS gives us a thought or a analysis of how much observer coverage would be adequate to properly monitor as we enter into an area that has been closed for 20 years and to be able to eliminate

a lot of the uncertainty at the low rates, particularly in the open access sector that was indicated earlier as 5 percent. What would be the prop... the suggested amount of oversight and monitoring to adequately account for bycatch and discards and, you know, and such so that we can defend the fact that we are coming into an area that hasn't been there for 20 years, hasn't been in use. So, I guess the bullet says to explore the potential increase and there was in the context I believe in whether there's observers available, but I don't know that we get to the point of what is, what would be ideal or what is needed to adequately define as bycatch. So, I hope it's an appropriate comment at this time, but I just....and question so thank you Maggie.

**Brad Pettinger** [00:33:46] Okay. I see a Keeley Kent has her hand up, so Keeley.

**Keeley Kent** [00:33:55] Thank you Mr. Vice Chair. I could respond to that if this is the right time, but I want to make sure this is the right time to respond to that or if you'd prefer that come up more under discussion.

**Brad Pettinger** [00:34:10] I....this would be fine for me.

**Keeley Kent** [00:34:16] Thanks. In response to Mr. Dooley's question and request. Certainly, we can look into that, you know depending on the scope of that sort of investigation and the type of information the Council would be seeking to have in front of it to look at that. It could be a considerable undertaking and so I would just caution that we'd likely need some time to be able to prepare that sort of information. I certainly do not have, you know, specifics that I could offer at this time but would consult with our observer program managers and seek to provide that information. Would just request some additional time to be able to put that together and bring that back to the Council.

**Brad Pettinger** [00:35:03] Okay. Thank you Keeley. Maggie.

**Maggie Sommer** [00:35:10] Thank you Vice Chair. And I will add that my thinking on it is not that NMFS can tell us how much observer coverage is enough. I think I have been looking at that as a Council policy decision on how much uncertainty, you know, how much we feel is necessary to achieve a level of uncertainty that we are comfortable with. And so I appreciate Keeley's response just now and I think that is the type of information that I would be hoping might be available at some point to help inform the Council as we proceed with, you know, future evaluation and decisions on whether we think the current observer coverage levels are appropriate or we would want to somehow allow for or potentially require higher levels, et cetera, but I think that's a policy call and I think we'll want to give that some more thought with any additional information that might be available about it. And that's why I didn't specify anything more definitive about observer coverage levels in the alternatives in this motion.

**Brad Pettinger** [00:36:33] Okay. Okay thank you Maggie for that. Further discussion on the motion, the amended motion? Okay I'm not seeing any hands, so I'll call for the question. So, all those in favor signify by saying 'aye'.

**Council** [00:36:55] Aye.

**Brad Pettinger** [00:36:55] Opposed? Abstentions? Motion passes unanimously and thank you, Maggie, and really everyone involved with putting that together and I know most people had a day off. Some people had a day off yesterday, but individuals there involved in all that certainly didn't so much gratitude for that effort. Okay I guess I would turn to Marci because I believe she has a motion I believe, but Marci.



**Marci Yaremko** [00:37:33] Yes. Thank you Mr. Vice Chair. Your correct I do have a motion. Sandra or Kris. Thank you. I move that given the timing and efficiency concerns cited by NMFS in Agenda Item E.5, NMFS Report 1 include consideration of Cowcod Conservation Area repeal alternatives within the non-trawl sector area management measures, range of alternatives. Waypoint analyses for areas within the CCA offered for consideration in E.5.a., Supplemental CDFW Report should be included in future analytical materials developed for this alternative.

**Brad Pettinger** [00:38:34] Okay. Thank you Marci. Is the language on the screen accurate?

**Marci Yaremko** [00:38:38] Yes, it is. Thank you.

**Brad Pettinger** [00:38:40] Very good. Seconded by Bob Dooley. Okay, Marci, please speak to your motion.

**Marci Yaremko** [00:00:00] Yes. Thank you Mr. Vice Chair. First want to acknowledge the priority need for consideration of the Cowcod Conservation Area removal. This has been a longstanding priority of the Council's. It has been on our to-do list for many moons. Cowcod are completely rebuilt. We've also completed our EFH amendment that includes essentially a determination that no trawling is conducted in these waters, so time is right. We had included consideration of this action item in our initial cut of items to go in the 23-24 management measures package this cycle. That was after being unable to accommodate it in the 21-22 specifications cycle. However, in reviewing the NMFS report that was provided to us for this meeting, the Agenda Item E.5, NMFS Report 1, NMFS took the time to document their thinking on where this area fits best, and I do agree that there are efficiencies to be gained by pairing the cowcod area repeal with consideration of the bigger non-trawl RCA items that we just approved in the ODFW motion. Certainly, agree that for evaluation and analysis efficiency, pairing the cowcod piece with the rest for north of Point Conception makes a lot of sense given the similar considerations needed for habitat and focusing on monitoring needs. I want to appreciate the GAP's statement on this item that they acknowledge that if it's quickest to get done here in this non-trawl RCA action, then this is the place it should go, though they also remind us that reopening the cowcod area has become even more critical or will be even more critical in the near future due to constraints in the nearshore on copper and vermilion and quillback rockfish. The CCA contains several areas of known abundance for very healthy stocks, including chilipepper and then the deep-water areas of the slope that really we've been aiming to get access to for our sablefish and thornyhead participants. Those areas have been locked up a long time and we're looking forward to working on this action and revising the boundary lines, considering new waypoints, and meanwhile also working to ensure we maintain protections for coral and sponge hotspots. Want to acknowledge Ben Enticknap's public comment to us and the work that already is underway with members of the industry and Oceana and some sidebar discussions that have started to come together to develop a joint proposal that would include these protections to the most highest priority sensitive areas has been acknowledged. Those meetings are underway, and they do hope to have a work product for us to review hopefully by March or April. So that will I think fit nicely in the timeline for the non-trawl RCA action and just want to acknowledge that the intent there is to take a big step toward producing the analytical work that's needed to support the action to repeal or modify as needed the Cowcod Conservation Area. So that was our hope that, you know, we've been hearing for many cycles now that the reason we couldn't consider repealing the Cowcod Conservation Area, first cowcod was overfished then the EFH action should be effective before we consider access in that area and then newer concerns that have surfaced on coral and sponge habitat that is definitely present in the in the cowcod area. So, we look forward to that work. CDFW has been facilitating some of those discussions and I expect them to continue over winter and just want to again thank the participants in that process. It includes a number of our GAP members and also other industry reps from the fixed gear sector, open access and limited entry, the recreational sectors, we've got private boat recreational interests as well as CPFVs in the discussions. And then

again, the leadership from Oceana and brought together our data, our priorities, what are the most important areas to each sector and how do we work together to develop a proposal that balances the needs of the fishing communities and the need to protect the most sensitive of the bottom areas with regard to coral and sponges. With that said and noting that it is a work that is new work that we recognize is very important in support of the analysis needed to complete this action. I just want to, I think, flag a few of the comments in the NMFS report about other analyses that might be needed to accomplish the opening of the cowcod area. Maggie spoke about monitoring, and I believe the same priorities hold true here. We certainly need to look at monitoring programs and how we would monitor activity in the CCAs noting that we do have existing tools of VMS. Some observer coverage. We also have some on board catch monitoring of the CPFV fleet. We also have our fish ticket data, which is available to us now nearly real time as well as our location specific CPFV data in the form of California State logbooks for the CPFV fishery. And then again on board data from some coverage of the CPFV activities. So, I think we're starting off with programs in place and we look forward to discussion about how we best utilize our existing programs or make recommended modifications to ensure that monitoring is sufficient. With regard to another suggestion from NMFS that the Council consider catch of other stocks that are prevalent in the CCA that have previously been identified as vulnerable, such as bronze spotted rockfish and pink rockfish. I guess I'd say this was new to me hearing concerns about bronze spotted and pink rockfish associated with actives in the CCA. But again, just reiterating that we do have species-specific catch data, species-specific discard data. Bronze spotted is a prohibited species and we do our best to educate anglers with regard to species identification to aid them in properly identifying bronze spotted rockfish. We may have some work to do on, on pink rockfish and may be more work to do on bronze spotted rockfish, but fish identification is certainly something that is an area of emphasis in our recreational sampling program and in our training protocols, and also in our outreach materials that we prepare each year for the public in association with the, our Annual Regulations booklet. So, I think we're looking at some other outreach materials to aid identification of these stocks now that NMFS has identified them as of a particular concern. So, we'll certainly be doing some evaluations over winter to see what else we might be able to do to alleviate any concerns with those stocks. So, with that I'm happy to include consideration of the Cowcod Conservation Area repeal among the alternatives for the non-trawl RCA action and looking forward to next steps. Thank you.

**Brad Pettinger** [00:12:14] Thank you Marci. I see Todd Phillips with a hand up. Todd.

**Todd Phillips** [00:12:18] Yes, thank you Mr. Vice Chair. Miss Yaremko, just so Council staff understands the intent of this motion... do you intend recreational fisheries to be part of the analyses? And I would also point out that if that is the case, it's not exactly clear to me that the purpose and need would cover recreational fisheries because we've been primarily dealing with commercial fisheries in the analyses today. Thank you.

**Brad Pettinger** [00:12:47] Thanks Todd. And I see Keeley as her hand up, but Marci you want take that first or.....

**Marci Yaremko** [00:12:52] Sure. I guess I would note that really what is going on here is moving a proposed item that was included in the ROA for the biennial management measures. This Cowcod Conservation Area repeal has been among the items included on the list until now and that it's the work that's been considered in that process, in the spex process certainly includes a recreational component. So, yes, that would certainly be the intent. I'm sure if we needed to modify language in the future to make that clear, we can do that, but I saw the action here today is basically a wholesale move of the item out of E.5 and into E.6. Thanks.

**Brad Pettinger** [00:13:57] Thank you Marci. Keeley.

**Keeley Kent** [00:14:02] Thank you. I had a clarifying question. With the changes to the purpose and need that we saw previously where it does lay out that in that second or in the last sentence of the purpose and need, basically the approach that adding the CCA changes in with into the same structure that the non-trawl RCA changes are being looked at, which is kind of a separation of consideration for non-bottom contact gear and then consideration of bottom contact gear changes. I just wanted to confirm the intent cross walking between this motion, the previous motion and the purpose and need statement that the intent would be that the CCA changes are integrated into the alternatives in the same way that, yeah, there's a separation of the approach in the different alternatives between looking at non-bottom contact gear in the CCA and then also looking at changing and or removing the boundaries of the CCA in the same way that it's going to be considered for the non-trawl RCA. Is that a fair summarization? And if not, I would appreciate further feedback. Thank you.

**Marci Yaremko** [00:15:24] Yes. Thank you Mr. Vice Chair. Thank you Keeley. I'm going to answer that as a qualified yes. I think that there is, there are elements kind of yet to unfold as we begin the discussion for areas north of Point Conception and how we develop alternatives and the pathways and the phased approach discussion. I think that exactly how the cowcod piece is considered if it's appropriate to consider gears as opposed to full, I guess we'd say no fishing areas. That to me is not something that's had a lot of resolution yet, you know, acknowledging that the work is just getting going on this action. We thought we were doing the right thing by approaching this proactively to get some discussions going and look at some waypoints and look at some coral and sponge hotspots and put some folks together that are interested in working on this area. So, I would support flexibility as we move forward to integrate these two pieces of the action acknowledging that we have just now made the decision to talk about them both under this action item. I think there will be some, some things that become more clear as we work to develop the alternatives. But I would, you know.... yes, I would like to proceed including the cowcod area in as part of the discussion, again noting that this was the recommendation to pair this item with the non-trawl RCA item. So, I think that's the best answer I can give you at the time and I'm looking forward to the discussions as they transpire. Thanks.

**Brad Pettinger** [00:17:50] Okay. Thank you Marci. Further discussion? Okay, seeing no hands I'm going to call for the question. All those in favor signify by saying 'aye'.

**Council** [00:18:08] Aye.

**Brad Pettinger** [00:18:13] Opposed? Abstentions? Motion passes unanimously. Okay, thank you Marci. With that I'll, I think I'll turn the Todd to give us an update how we're doing on this.

**Todd Phillips** [00:18:29] Yes thank you Mr. Vice Chair. I believe the Council.....there's a hand up, I also see it.

**Brad Pettinger** [00:18:35] Yeah. Corey.

**Corey Niles** [00:18:40] Thanks Mr. Vice Chair. Yeah, I do have a motion to offer as well. I believe Sandra or Kris should have that. But if you have questions for Todd, don't mean to interrupt those.

**Brad Pettinger** [00:18:55] No. That was....that's...we have a motion I'd love to have it.

**Corey Niles** [00:19:02] Okay. Well thank you Mr. Vice Chair. There you should see it; I see it on the screen here so I'll read it here. I move that the Council add and please delete that 'too' Sandra or Kris, sorry about that. Put it in the wrong place. I'll start over here. I move, and can you add a 'too' after the comma in that same sentence? Oh, second comma, excuse me. Thank you. Apologies. Okay starting over. I move that the Council add the following alternative specific to the area off Washington north of

46 16 North Latitude to the range of alternatives. Open unlimited areas of the non-trawl RCA and to pot gear only limited in that only parts of the current boundary would be modified and that the opening would only extend so far onto the continental shelf. The areas would be generally located seaward of the 75-fathom line but may be defined by coordinates that do not necessarily follow a single depth contour. The open areas would satisfy the following objectives. Allow only minimal increases of yelloweye bycatch. Avoid direct and indirect conflicts with recreational and other fisheries currently fishing within a hundred fathoms. Avoid impacts to sensitive habitats. Are distinct enough from the hundred fathom seaward boundary to be enforceable by the existing vessel monitoring system. And could you add 'ing' after monitor there? Sorry about that. It's on the very last bullet point. The very last phrase of.....that monitoring. I should have written and. Yeah and sorry for the confusion. Under that very, vessel monitor system should be monitoring. Thank you.

**Brad Pettinger** [00:21:21] Okay Corey. Does that language on the screen accurate?

**Corey Niles** [00:21:26] It does now, thanks to Kris or Sandra.

**Brad Pettinger** [00:21:31] Okay, very good. Looking for a second? Seconded by Butch Smith. Thanks Butch. Corey, please speak to your motion.

**Corey Niles** [00:21:55] Yeah, thanks Mr. Vice Chair. Yeah, I guess I'll start off. I didn't, with this easy one I didn't suggest a number for this alternative, but it's meant to be a standalone alternative separate from what we just passed. You know... and Council staff can figure out how to package it, but this is a separate alternative that applies just to those areas off Washington. And we spoke, I'll just take a couple of minutes here, and we spoke a little bit to it in our WDFW report under this item. I spoke to it the other day, yesterday or whenever.... Friday. You know Washington has a different history in terms of our nearshore areas that, you know, the state led in the 90s. The Council has supported and we have, we don't have the same nearshore commercial fisheries that they do off of Oregon and California and a lot of that was out of concerns about whether the area could support a commercial fishery on top of our recreational and tribal fisheries. So, I mean, I'll go bullet point by bullet point briefly here. And that's really, that first bullet point about yelloweye bycatch. We have a lot of yelloweye off of Washington and the pot gear only part is because we believe that, you know, catch of yelloweye will be minimal and the data shows that. On that second bullet point, you know, this area has been closed for close to 20 years. Our recreational fisheries have been experiencing the same type of restrictions for rebuilding yelloweye as the commercial fisheries and have adapted over that time to fish in deeper waters. And there is a potential for conflict over fishing grounds and the same species, but we think suspect that with pot gear, at least the indirect conflict in terms of, of harvest of the recreationally popular species like halibut and lingcod, black rockfish, et cetera would be very low. The third bullet there. I think we've spoken to the habitats and we're not meaning to have a full review of our habitat protections here, but we'll be looking at that as, we will be looking at that as we look for areas that would be open. And then I think the Enforcement Consultant's report and others spoke to that last one there about the need to be able to enforce this with VMS and especially so if we're going to differentiate gear types. We need to pay attention to whether this would be enforceable or not. Have a couple more thoughts to offer. You know we recognize that the fellow Council members representing our state up here have concerns about looking at this idea and we appreciate their support. You'll see we don't have specific coordinates at this time. We had some initial discussions with folks, the proponents of this idea and recreational stakeholders, and they just did, those highlighted the need to have more discussions. So, this would generally put folks on notice that we're considering this. It doesn't say that we're going to find areas that meet these objectives, but we think that more valuation is warranted. And I think there was an exchange yesterday or the day, on Friday with the GMT on what we meant by the report meant in terms of is it the whole area or is it parts? And the language here is meant to indicate we're not talking about a move completely off the hundred fathom line into 75 fathoms everywhere off Washington, yeah, we've seen

enough to know that, you know, that wouldn't be consistent with these objectives, but we think there are some smaller areas there that have the prospect of satisfying these. I briefly mentioned that our tribal co-managers, we haven't had a chance to fully engage them, but we would still like to do that. We hope to hear their thoughts on this, and we think this evaluation, this set up would, would help them help us understand their concerns if they have some about opening these areas. And let me, a couple more, just a couple more thoughts and I'll wrap up and see if there's, if I can speak more to questions and understand that this leaves somewhat open for what we would ask staff to be analyzing from this point on and on that I think the GMT's report was excellent in many regards, but I think we would be, WDFW would be looking in particular to come up with coordinates for the next stage of Council consideration and being asked, and ask analysts to look generally at these as they are in the other states looking at habitat, about bycatch rates, about the economics of the fishery here. The purpose is to possibly open some grounds in late summer and fall to get to some bigger sablefish, higher value sablefish. So, we think the analyst could help look at that and on that to say these in terms of only being part of the coast, we expect these openings would be only for part of the year where there is that interest. And just pausing, I guess I'll end with, yeah, those four objectives are what rose to the top for us. There of course not the only objective the Council would have to consider under the Magnuson Act and other laws. And, you know, we've heard the GMT and others mentioned the possibility of whale entanglements. You know pot gear is nice for yelloweye bycatch and seabird encounters. It does pose some questions about whale entanglement, which we didn't name here explicitly but of course we would be, and the Council would be paying attention to those. Yeah, and I guess I'll end there Mr. Vice Chair see if I can answer any questions.

**Brad Pettinger** [00:28:41] Okay, thank you Corey. I see Keeley Kent has her hand up. Keeley.

**Keeley Kent** [00:28:48] Thank you Mr. Vice Chair and thank you Mr. Niles. I did want to confirm intent. You know looking at this motion as very broad as you have noted and there is additional development work to be done similar to some of the other alternatives that the Council just adopted. And so, I want to confirm that the expectation would be there will be further development and refinement of specific alternatives for the next stage. That we would need additional clarification on what exactly the alternatives are rather than being able to just jump to like a PPA, for example. I just want to confirm that understanding with you.

**Brad Pettinger** [00:29:38] Corey.

**Corey Niles** [00:29:40] Thanks Mr. Vice Chair. Yes, that is the intent and given that we are not talking about wholesale changes here, the work of the analysis going forward would be to get to that more specific proposals and coordinates, which would then, you know, we wouldn't, I wouldn't see us coming to a PPA at the next step, and we might even, like I said, come up with areas that we don't think are workable. And on that I think, I did not say this in speaking to it earlier, but in terms of priorities, you know, as the GAP spoke to in their report, there's some concern that this waiting for this area off Washington might slow other changes to California and Oregon and we have no intent of doing that and if it turns out a slower track is needed after the next stage, that's the possibility. That is a possibility we recognize and who knows, we've even talked about maybe we'll have these discussions, look at the data, look at the areas more closely and perhaps something like an EFP might even be more appropriate. Yeah, no, I don't expect we would be able to jump to a PPA right away at the next step. Hope that answers it.

**Brad Pettinger** [00:31:01] Okay. Thanks Corey. Further discussion? Phil Anderson. Phil.

**Phil Anderson** [00:31:11] Thanks Mr. Vice Chair. I won't say much here. I'm just.....and Corey noted it. I am approaching this action with reluctance. The ACAs have been in place for over 20 years or right

at 20 years I think, and a lot has changed over the course of the 20 years, particularly the area between, I'll just say between 75 and a hundred fathoms and the recreational use in those areas, so I will try to work within the process as the department sets up to have further discussions about whether or not we can find these areas and we'll see how it goes. Thanks.

**Brad Pettinger** [00:32:15] Okay thanks Phil. Anyone else? All right. I'm not seeing any hands for discussion so I will call for the question. All those in favor signify by saying 'aye'.

**Council** [00:32:34] Aye.

**Brad Pettinger** [00:32:34] Opposed? Abstentions? Motion passes unanimously so okay with that I'll go back to Todd to see how we're doing on this one.

**Todd Phillips** [00:32:57] Yes, thank you Mr. Vice Chair. Obviously, the Council's had a very vigorous and good discussion on this item. The motions are giving us a direction to go, and I'll also note that Miss Sommer's motion did give us priority of how to start in on these particular agenda item, or particular items. I would say that you have achieved the desired goal of your Council action and we will get to work on this as we can. Thank you.

**Brad Pettinger** [00:33:33] All right. Thank you Todd.

## 7. Inseason Adjustments Including Pacific Whiting Set-Asides for 2021 – Final Action

**Brad Pettinger** [00:00:00] Seeing none that takes us to Council discussion. I should point out that the some of the testimony there that we did have quillback and copper did go through a mop-up process and those assessments were approved earlier in the meeting and so here we are. So, I'll open the Council floor for discussion and look for hands. Chair Gorelnik. Marc.

**Marc Gorelnik** [00:00:38] And I figured I would break the ice here so you're not standing around looking at an empty slate there were no one raising their hand. I regrettably, you know, I think that we have to do what we have to do here and so I support the recommendations on these three species made by California. It's going to cause hardship and I'm not persuaded in the end that that hardship will have been proven necessary, but we have stock assessments and we are bound by them. So, you know, we've got to do what we got to do. I will say however, I remain puzzled at the results of those stock assessments. We have stock complexes where we have similarly situated species and with wildly different exploitation rates, which isn't intuitive, and we have these species with large amounts of their habitat still protected and yet we have these high depletion rates. Again, that's not intuitive. So, I think it's the job of NMFS and the Council with the cooperation of the states to provide accurate and complete stock assessments so that we can have effective management so that we can protect our natural resources pursuant to Magnuson and that we can also provide opportunity and optimum yield pursuant to Magnuson. I'm fairly certain that's not where we are at today, but nonetheless we have these stock assessments, and we have to do what we have to do. That's all I have to say.

**Brad Pettinger** [00:02:37] Thanks, Marc, for laying out the situation quite well. Maggie Sommer. Maggie.

**Maggie Sommer** [00:02:46] Thank you Vice Chair. I appreciate Marc's comments. Very eloquent about the assessments and the need for good information from all of our data collection activities. I just wanted to, I guess, offer my observation that it is, yes, these assessments went through the prescribed review process and it's public. There were multiple steps to that review process and still it is very difficult for anyone, even myself and others who are very involved in this process and very familiar with navigating the documents, reading them, knowing what to look for and where, and I can't imagine how much more difficult it must be for many stakeholders who aren't that well versed in our process overall, to understand the impact that the assessments will have at the time that the assessments themselves are considered and adopted because I think a lot of that understanding has really developed through our discussions on the harvest specifications and now management measures, well, inseason now, pardon me, and we will be getting to management measures for the next biennium shortly. And I think that that timing, that order there really does make it difficult, and it is one of the factors that contributes to us maybe finding ourselves in this position now of having hearing quite a bit of frustration and criticism of the assessments in the process. I think along those lines maybe the constructive comment I would have to offer is that as we go through future cycles it would maybe behoove us to look for ways to communicate the bottom line of the assessments and the potential impacts as much as we can, as much as we might understand them earlier in the process. I recognize that's difficult to do because that understanding again it develops as we go through this exercise. I will also be, you know, we have set up our stock assessments on an every other year cycle, and we are not expecting to conduct any assessments again until 2023 and there are plenty of activities that the Science Centers and the SSC itself are involved in... in... in the quote unquote off years, which aren't at all off in terms of workload, they are conducting other scientific activities that are very important to our process. But I am wondering if there is some opportunity to take up as soon as possible some efforts to develop information related to these stocks that can really help and feed into our understanding of their status and potentially inform

our management sooner than a assessment conducted in 2023 and biennial management measures beginning in 2025. So that's not an easy question to answer right now. I'm not looking for an answer from other Council members or the National Marine Fisheries Service on the spot here, just offering that I think that's probably something that's on a lot of our minds. Thanks.

**Brad Pettinger** [00:06:44] Thanks Maggie. Further discussion? Marci Yaremko. Marci.

**Marci Yaremko** [00:06:51] Yes. Thank you Mr. Vice Chair. I'm happy to offer a motion and I'll have some thoughts that go along with it if now's a good time.

**Brad Pettinger** [00:07:03] I don't see any hands behind you so proceed.

**Marci Yaremko** [00:07:07] All right. Thank you. Whoa a little.....there we go. Thank you. I move the Council adopt the following for the 2022 fishing season. For the Pacific whiting set aside and research activities in the pink shrimp fishery continue to set the Pacific whiting set aside at 750 metric tons for 2022. For open access fixed gear lingcod north of 42 North Latitude. Option 1: Increase to twenty-five hundred pounds per month as soon as possible in 2022. 3. For limited entry fixed gear lingcod north of 42 North Latitude, Option 1: Increase to 5,000 pounds for two months as soon as possible in 2022. 4. For open access DTL fixed gear sablefish north of 36 North Latitude, reduce per Option 1: 600 pounds a day or one landing per week up to 2,000 pounds not to exceed 4,000 pounds for two months. 5. For limited entry DTL fixed gear sablefish north of 36 North Latitude, reduce per Option 1: twenty-four hundred pounds per week not to exceed forty-eight hundred pounds per two months. Number 6. No adjustment to the short spine thornyhead north of 34 27 North Latitude trip limit at this time. For quillback rockfish. A one fish quillback rockfish sub-bag limit in the recreational fishery statewide. Implement a 75 pound per two-month sub-trip limit to the 2,000 pound, two month minor nearshore rockfish trip limit for the area between 42 and 40 10 North Latitude, and a 75 pound per two month sub-trip limit to the 2,000 pound, two month deeper nearshore trip limit south of 40 10 North Latitude. For copper rockfish, implement a new statewide one fish copper rockfish sub-bag limit within the 10 fish daily RCG bag limit. Next, implement a 75 pound per two month sub-trip limit to the 2,000 pound per two month minor nearshore rockfish trip limit for the area between 42 and 40 10 North Latitude and a 75 pound two month sub-limit to the 2,000 pound per two month deeper nearshore trip limit south of 40 10 North Latitude. And for vermilion sunset. Reduce the vermilion rockfish five fish sub-bag limit to 4 fish within the 10 fish daily RCG bag limit within the recreational fishery statewide.

**Brad Pettinger** [00:10:11] Thank you Marci. I see Todd has his hand up. Todd.

**Todd Phillips** [00:10:11] Yes, thank you Mr. Vice Chair. Just a quick clarifying question regarding quillback, copper and vermilion, I guess the bullets are there for them, particularly for recreational fisheries statewide. Would that be just California or would it also include Oregon and Washington? Thank you.

**Marci Yaremko** [00:10:40] Thank you Todd for the clarification. Yes, statewide California. My apologies for not stating the word California there explicitly. I'd accept an amendment if that's necessary, but I am speaking only to California. The recommendations came from the CDFW report and statewide implies. Thank you.

**Brad Pettinger** [00:11:10] Yeah, there's no second here so we're still good.

**Marci Yaremko** [00:11:12] Excellent.

**Brad Pettinger** [00:11:16] I'm slowly learning that fact to hold off on the second. Okay.



**Marci Yaremko** [00:11:23] We need a 'California' after copper. The word 'statewide' and then also in vermilion. And, yes, the language on the screen is correct. Thank you.

**Brad Pettinger** [00:11:42] You read my mind. Okay, thank you Marci. Looking for a second? Seconded by Chair Gorelnik, thanks Marc. Marci, speak to your statement please.

**Marci Yaremko** [00:11:58] Okay, thank you Mr. Vice Chair. For the first six items in this motion the GMT report thoroughly explains the rationale for each of the recommendations and appreciate their analysis and the GAP's review of those recommendations and their concurrence. I think we had a detailed discussion about the rationale for the increases and that the proposals should work to help us achieve but not exceed our various specifications for 2022. Moving to the three California pieces of this action on quillback, copper, and vermilion sunset. First, I want to thank my staff. They, there were a number of folks that worked on the analysis that was provided here today. A lot of quick work in the background while also trying to manage a number of other GMT analytical needs. We've mined our data as best we can and did as thorough of a job here as we possibly could. One thing I want to note is that when looking at the projected discards, fishery discards, that comprises an awful lot of the mortality in the case of quillback and copper rockfish, and as you reduce allowable retention your discard mortality is going to go up in the season structures that we have in our fisheries. So, I think I made this comment at the onset, but our work is not done here in 2020 into 2023. This is a first step at taking some cuts that are driven by stock assessments that a lot of folks around the table have spoken to that give us pause. The extent of the impacts that we are considering here today as well as into the future are grave to our recreational and commercial nearshore fisheries. When you hear things in discussion about depth dependent mortality rates and measures to reduce effort in the nearshore to try to get pressure off of these stocks, these actions are not things that we want to propose because it's, you know, we want to. It's because, you know, the Council has an obligation to make sure that we are considering all of our management measures and all of our sources of fishery mortality. And as we look to start building the scorecard or scorecards in future inseason actions and in our future specifications, there's going to be a lot of work to do, mining available data, and looking at impacts across all groundfish and non-groundfish fisheries. So, this is just the first of many unfortunate steps along this path to come. I want to also zoom in on some remarks about the veracity of the stock assessments. I've expressed many times around this table that, you know, I don't feel like we have a lot of choice. Once it's determined to be best available science our options are really quite limited. But the amount of work that we will be spending to ensure that we are managing correctly and in accordance with Magnuson, there's going to be a lot of work yet to come and I know that we're going to have some tough discussions about priorities and needs for analytical time. I know how difficult or how much volume we're talking about doing and how strapped staff are, but I don't feel like we can, that we can cut corners on our management when it comes to rebuilding an overfished stock. So, I think there are a lot of things yet to come that we haven't talked about yet that are going to be elements of the spex. I guess I also want to note that when we leave here today and in consultation with NMFS on their regulatory process to implement inseason actions, we will be quickly needing to go to our California State Fish and Game Commission and seek their concurrence to adopt and implement these regulations for state waters, so that will be on the docket for the Commission's agenda coming up here in December. So, we'll be working to support that regulatory process in addition to the Council ongoing over winter Council analytical needs. So, I just I want to thank my staff. They've had a heck of a week. We've involved many people beyond just our GMT, GMT folks in aiding us with this, the analysis that we're working off of today and there's more work to be done. I want to flag that in the quillback rockfish item, bullet one, you will see here in bullet one that there's a recommendation for a one fish quillback rockfish sub-bag limit in the recreational fishery. I just want to note that that is a different recommendation than what you see in the CDFW report, in the GMT report and in the GAP report. And I want to thank National Marine Fisheries Service for letting me know this ahead of time so that we could make adjustments when it came time for motion, but in order, and I encourage Keeley to the follow-up at some point in this discussion, but I appreciate the

heads-up that we need a Council recommendation that does not, does not involve prohibition in order for NMFS to be able to pursue an inseason action. If we were looking to do a complete prohibition it's my understanding that we'd need to be enacting a rulemaking action under a point of concern framework instead of under the inseason action, and so it would be a more involved and lengthy regulatory process that wouldn't allow us to utilize the inseason tools that we have available to us in the toolbox. So that's why this recommendation here today differs from the recommendations that you're reading in the report. I appreciate the heads-up because we do want NMFS to implement this recommendation as soon as possible with the idea that it will be effective through as much of 22 as possible. With that said, it's important to note that the expectations for catch in 2022 are going to be higher than what we were hoping to estimate for quillback when it comes time to discussing the inputs that would go into the rebuilding analysis. So, the savings that were reflected in the various tables, just note that with the recommendation for a one fish bag rather than a zero fish bag limit on quillback in 2022, I think the difference in the increases in the, on the order of somewhere near 4 tons. So, we were hoping to achieve more savings in 2022 but it doesn't appear that there is an expedient way to do that here and now. So, I do appreciate NMFS taking the time to look into what options we had under the inseason toolbox authority and appreciate them alerting me of that before we took action here today. Moving to vermilion rockfish. The reduction from 5 fish to 4 fish. I believe that that action is intended to take a step in the direction of doing better to ensure that our management measures help us to keep within our ACL contribution to the minor nearshore rockfish, to the minor nearshore rockfish complex, acknowledging as described in our report that going down to 4 fish still doesn't project that we're going to get there. So, we just need to flag that, you know, this may not be enough, but we do feel it's important to make a meaningful step toward the direction of doing better to stay within our contribution for vermilion within that overall complex. We've had a long, several year track history of exceeding the OFL contribution and the analysis suggests that we will not do that in 2022 by reducing to 4 fish. So I, it's again a difficult cut to make especially with a stock assessment that will be, it was an optimistic assessment and did suggest the stock is healthy, so I know that it's difficult from a perception standpoint to reconcile why more cuts are needed, but recognizing the need for us to stay within our complex contributions this action is needed. And I think with that I will conclude my remarks and thank the Council for their time on this issue.

**Brad Pettinger** [00:25:04] Thanks Marci. Discussion on the motion? Keeley Kent. Keeley.

**Keeley Kent** [00:25:20] Thanks Mr. Vice Chair. I will take the invitation set up by Marci to just follow-up a little bit more on the quillback rockfish. And Marci was spot on that we looked at that recognizing that there wasn't a lot of time to evaluate that particular request, but the Council does not have in its inseason toolkit a clear ability to make that kind of change, a prohibition on retention and so we don't see an inseason pathway for that right now. Certainly, if the Council is concerned with quillback rockfish mortality in 2022, it could look for other options. There is the point of concern framework in the FMP, and should the Council want to consider a pathway other than inseason, we could evaluate the possible rulemaking pathways to get there. So just wanted to note that if the Council wants to further discuss that, we're happy to try to run down additional options that are posed. Thanks.

**Brad Pettinger** [00:26:31] Okay, thanks Keeley. Further discussion? Corey Niles.

**Corey Niles** [00:26:44] Yeah, thanks Mr. Vice Chair. Thanks, Marci, for the motion. I'll be supporting it. You know I did raise some questions on the first six, but those can wait for next year. I just wanted to, you know I, you know, comment on the tough, the tough decisions, actions being made here. Support those. Recognize that they are going to be serious. And I just wanted to also speak to the challenges here and, you know, and the excellent testimony we got and into Maggie comments and Marci's on the challenges of stock assessment. And yeah, and Mr. Chair, it may turn out that when we assess these again, these actions might not be necessary but, you know, I just want to....our process is, you know,

the best, the best, you know, humans have invented for this, for this challenge, these are uncertain.....we don't know if we're precautionary or not until we get the data. And that's the point I'm here trying to make is, you know, let's... I'm just encouraging folks to not forget, you know, we have some of the best assessors in the world. They're doing the best with the data we have, but as the people are thinking how to address these problems, I'm going to point to the state and Federal budgets that support data collection and they haven't been keeping up with costs, with inflation and there's no easy way out of it and collecting data one time is not going to do it. It's going to be, have to be an investment in collecting data, and it was nice to hear folks recognize that in testimony and I hope that you continue to advocate for improved data collection, and it's not just the data collection, it's the folks who who have the skills and the interest in looking at otoliths and determining how old a fish was and collecting lengths and all that. And yet again our budgets are not overflowing for those things. But yeah, I'm supportive of the motion and again, thanks to CDFC.....excuse me, from our colleagues in California for all the time and thought they put into this.

**Brad Pettinger** [00:29:03] Thanks Corey. Chair Gorelnik. Marc.

**Marc Gorelnik** [00:29:05] Yeah, thank you. Thank you Vice Chair. And, Corey, I agree that this is a budget issue and several of us take every opportunity to raise this with NMFS when we have the opportunity and when it's appropriate, and when I say NMFS I mean headquarters, because, you know, our region can only do what they can do with the money they're provided. But I do want to say that when we're not able to do assessments it reflects poorly on the process that we're all engaged in, and we're all invested in this process and anything that causes the public to lack confidence in our process also reflects poorly on us. And right now, that is what you're seeing amongst the public, because the assessment, granted they did the best job they could with whatever they had, because it doesn't seem to jive with what people are saying. That's not to say that it's wrong, but it does suggest that before you, you know, and we are, we are taking these management measures no doubt about it. But, you know, it's going to cost people jobs. It's going to cost; it's going to cost people's livelihood. It's going to cost people's opportunity. It's going to hit people in the pocketbook. And when we take steps like that, it's my preference and I'm sure others as well that we do this not just on the best data available, but on adequate data. And we don't have that now. And it, and I'm not blaming any individual, but it just does not reflect well on the process when we can't do, we can't make these decisions with adequate data.

**Brad Pettinger** [00:31:14] Thanks Marc. Bob Dooley. Bob.

**Bob Dooley** [00:31:19] Thank you Mr. Vice Chair. And thank you, Marc, for that. You took the words right out of my mouth. I just, we have good people doing good work. We have inadequate funds to do the work that needs to be done. We don't typically, we can't use data that we can't verify. We should be using our.....in this particular situation I believe that there's so much uncertainty that was in this, in these stock assessments, so much doubt by industry particularly from what they're seeing on the water and how for various reasons, funding, COVID, you name it, a lot of things caused us to get here and it's, you're right, a lot of people are going to lose their lives, lose their business. And I think we, you know, we can't turn fisheries off and on and expect them to survive. I know we're in a situation we can't do much about. I also want to recognize all the work that the states have done, particularly my state has done and it's amazing how much those people care and how much they do work to try to mitigate these type of situations and I appreciate all that hard work. But I can't help but think that it's not our job to solely look at the data and do best available science and let that be the only thing that guides us. I keep bouncing back at National Standard 8. You know, we shall measure, shall it says, take into account the importance of fishery resources to fishing communities utilizing economic and social data that meet the requirements of paragraph 2 but provide for the sustained participation of such communities, this and to the extent practical, practicable minimize adverse economic impacts on such communities. And while I struggle with how we wedge that in there. I know there's some of that that's in these proposals,

but then you hear our industry come forward and this is going to hurt. And so, I heard Vice Chairman Pettinger talk about a ramp down and I don't know if there's ways to ease the pain while we go forward. I know this is all good work that's been done in this proposal, and I support it but, boy, it's heavy. I'll leave it there. Thank you.

**Brad Pettinger** [00:34:38] Thank you Bob. Marc, I see your hand's still up. Okay. Further discussion? If not, I'll call for the motion. All those in favor signify by saying 'aye'.

**Council** [00:34:59] Aye.

**Brad Pettinger** [00:34:59] Opposed? Abstentions? Okay motion passes unanimously. I believe we have a couple more motions out there so I'm looking for hands for discussion. I see a motion, but I don't see a hand. Marci Yaremko. Marci.

**Marci Yaremko** [00:35:51] Yes, Mr. Vice Chair. I believe the motion that we just approved did cover items one and two. Just to clarify. Thanks.

**Brad Pettinger** [00:36:03] Okay. Well then, I was mistaken so I'll turn to Todd. Todd.

**Todd Phillips** [00:36:13] Thank you Mr. Vice Chair. Yes, I would concur with that assessment. The Council has adequately considered both numbers one and two in your Council action and have addressed both of those through that single motion. So that would be my recommendation is that you've done what you can do under this particular action item. Thank you.

**Brad Pettinger** [00:36:39] Okay. Thank you, Todd, and with that I'm going to hand the gavel back to Chair Gorelnik.

## F. Salmon Management

### 1. Final Methodology Review

**Brad Pettinger** [00:00:00] That takes care of the advisory bodies, management teams and I don't see any public comment cards, so with that I would turn to the Council for discussion and action. So, looking for a hand and Kyle Adicks. Kyle.

**Kyle Adicks** [00:00:22] Thank you Mr. Vice Chair. I'll just kick it off. Recognize I think it was a comment Pete Hassemer made during the questions for the SSC. The FRAM Documentation Methodology Review item has been on the list for as long as I can remember, probably as long as I've been involved in the Council process and just want to acknowledge that I feel like....(INAUDIBLE)....we made this year thanks to all the work of the WDFW modeling staff, the Northwest Indian Fisheries Commission modeling staff, and NOAA modeling staff. It was a huge leap forward for that. Yes, it will be an ongoing process to continue refining things and updating as the model changes over time, but just wanted to acknowledge the work of that group and thank them for all their hard work getting us so far along this year.

**Brad Pettinger** [00:01:15] Thank you Kyle. Further discussion? Phil Anderson. Phil.

**Phil Anderson** [00:01:25] Yeah, thanks Mr. Vice Chair. And just echoing the comments there of Kyle. I see Angelika listening in along with, I saw Wendy. I know they contributed a huge amount to getting the documentation work done for FRAM and, like Kyle, it's been on our workload agenda here for a long, long time and this is a really great day as far as I'm concerned to see this come to fruition and get that done. I think it's going to mean a lot for the people that follow in the footsteps of those who develop the FRAM and put it together and it's been a great management tool so getting it documented is extremely important so congratulations to all those who contributed to making this happen.

**Brad Pettinger** [00:02:23] Thank you Phil. Pete Hassemer. Pete.

**Peter Hassemer** [00:02:28] Thanks Mr. Vice Chair. I know there's some motions necessary for some of the actions here, but while people are preparing those and sending them maybe I'll just follow-up on those thoughts too. And again, I want to express my appreciation to the group that put all that documentation together. You know, we've been asking for that for a long time, and we have a great product out there. I guess my concern is maybe more, you know, just thinking about workload and where this comes up, that the Council needs to look for ways to not so much take ownership because I think Dr. Satterthwaite you know mentioned that these agencies and groups developed it and whether the Council would house those databases or products in a repository is an issue, but I think the Council needs to consider some protection of its investments in this or ways to provide support for that. As I looked at the FRAM report that's in the materials and was stated by the individuals that spoke here is this documentation was produced by staff from Washington Department of Fish and Wildlife, Northwest Indian Fish Commission and some of the NOAA staff. It's somewhat external to the Council and it's housed external to the Council, and Dr. Satterthwaite got to that. You know how you protect that so you understand how the database changed with respect to the forecast methodologies and developing that database, the STT highlighted that, yes, there's a need there, but it's a lot of work and they're considering or just alerting the Council we would need to prioritize. Now what I read it into that is the STT expects that they would be assigned with that task. So, the obvious point there is that the longer we wait to start the project, the deeper the hole is going to be that you have to fill in if it's an important task. So, the consideration, it might be an assignment for the staff to discuss this. Where can the Council provide support for these efforts if they are occurring outside of our normal process? Or

how can the Council provide support to protect its investments of this important information that it uses in its process? So, you know, as we go through our budgeting processes and think about the workloads, is there a role for the Council here? So that's why I ask those questions. Again, very pleased with where we are with the FRAM documentation. How can we continue to support that...is the question in the back of my head, and how do we get at some of these other things now, like the forecast methodology and make sure we have all this documentation available? So, I think I'll close there. Thanks for the time.

**Brad Pettinger** [00:06:02] Yeah, thanks Pete. Further discussion? I think Robin indicated a motion needed to be made so Kyle Adicks. Kyle.

**Kyle Adicks** [00:06:24] Thank you Mr. Vice Chair. I don't have any great answers to Pete's issues right now on how we do a better job of documenting some of this stuff long term and where some of it is housed but acknowledge those are issues we need to think about. I don't have a motion for the FRAM documentation. As I said, that's going to be an ongoing thing, but we've made a lot of process. I also wanted to acknowledge the evaluation of postseason chinook FRAM performance. When this idea popped up for review, in my mind it was a huge task that was going to take a lot longer to get as far as we got quickly on that one. So again, acknowledge the NOAA and WDFW staff that did a lot of work on that, that will continue and will help us understand the differences in some of our fishery models and hopefully make improvements to them along the way. I do have a motion when the Council is ready for the Willapa Bay forecast methodology. I'll speak to that when I make it, but just wanted to acknowledge that second task that was tackled this year.

**Brad Pettinger** [00:07:37] Yeah, yeah thanks Kyle. Okay. Anyone else? Okay I'm not seeing anymore discussion on the FRAM, so I guess, Kyle, you want to jump down to the Willapa natural coho forecast topic?

**Kyle Adicks** [00:08:10] Thank you Mr. Vice Chair. Yes, I have a motion I'm prepared to go ahead and make on that topic.

**Brad Pettinger** [00:08:17] Well I'm not seeing any hands so please.

**Kyle Adicks** [00:08:22] I move that the Council adopt the forecast methodology for natural origin Willapa Bay coho as presented in Agenda Item F.1, Attachment 3.

**Brad Pettinger** [00:08:37] Thank you Kyle. Is the language of the screen accurate?

**Kyle Adicks** [00:08:40] It is.

**Brad Pettinger** [00:08:40] And seconded by Phil Anderson. Thank you Phil. Then speak to your motion please.

**Kyle Adicks** [00:08:46] Thank you Mr. Vice Chair. This is a topic that's been on the list for a couple of years. WDFW brought a method forward a couple of years ago that the Council approved with the understanding that it would go back into methodology review for better documentation. WDFW staff went away and decided that we could really bring forward a better method rather than trying to document the existing method, and that's what was presented through methodology review this year and that I think was pretty strongly endorsed by everyone that looked into it. Acknowledge the question for the STT that it will be an ongoing assessment of the model methods each year and to pick which of the methods within the methodology presented works best as we move through time and update data. But again, thanks to all of the hard work from WDFW staff and the SSC and STT for engaging and reviewing this method, which I think is a big step forward for forecasting Willapa Bay coho.

**Brad Pettinger** [00:09:53] Thanks Kyle. I see Robin has her hand up. Robin.

**Robin Ehlke** [00:09:59] Thank you Vice Chair. I just wanted to make sure that the Attachment 3 includes the actual methodology in the sense of what models might be used and how they might be combined and so it may be beneficial to add to the motion, and I don't know if I'm out of place here, but after Attachment 3 to say something along the lines of and described in the STT Report F.1.a just because there's three ways to do it and I don't know if those were all identified as the actual three ways in Attachment 3.

**Brad Pettinger** [00:10:53] Okay, so trying to think what the best way to do this is. I guess, Kyle, was it your intent.....Chuck Tracy. Chuck.

**Chuck Tracy** [00:11:13] Thank you Mr. Vice Chair. Thanks for that Robin. So, it seems like the best way to address that would be to amend the motion. I might recommend that something to the effect of, you know, and implemented as recommended by the Salmon Technical Team in STT Report 1.

**Brad Pettinger** [00:11:39] Okay. So, I guess I would amend the motion then or withdraw it and redo it. Kyle.

**Kyle Adicks** [00:11:59] Thank you Mr. Vice Chair. I was trying to scroll through the report because I thought the report actually captured sort of the approach that the STT recommended. Having trouble finding the exact language now. Happy to withdraw it and make a new motion or let someone amend it. I don't believe I can amend it, but happy to let someone amend it to add the language Mr. Tracy suggested as well.

**Dave Hanson** [00:12:29] That is correct.

**Brad Pettinger** [00:12:31] Thank you Dave. So, with that if there's no one wants to.....oh, Chris Kern. Chris.

**Chris Kern** [00:12:35] Well, I just offer to amend the motion.

**Brad Pettinger** [00:12:45] Okay.

**Chris Kern** [00:12:47] So, I would move that we amend the motion to include after Attachment 3, and as described in Supplemental STT Report 1.

**Brad Pettinger** [00:13:07] Okay. Almost done. Okay is that language accurate?

**Chris Kern** [00:13:19] I hope so.

**Brad Pettinger** [00:13:20] Okay... and seconded by Phil Anderson. Thank you Phil. Any discussion here? And I see... Phil, you have your hand up?

**Phil Anderson** [00:13:30] Yeah, I should not have been as quick on my hand. I wasn't trying to second it.

**Brad Pettinger** [00:13:38] Oh, I'm sorry.

**Phil Anderson** [00:13:39] I just. No, that's my fault. I thought Chuck's language, suggested language was 'and implemented as described in', and I thought that that would be more explicit but if this wording

that's on the screen does it, I'm fine with it and am happy to second.

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

**Chuck Tracy** [00:14:12] Thanks Mr. Vice Chair. Well, let me just take a quick look at the STT report again. Yeah, I think that would probably suffice. The amendment as it is would suffice.

**Brad Pettinger** [00:14:39] Okay. Okay, and then seconded by Phil Anderson maybe? Yep, it is....(laughter)....any discussion? I'm seeing none I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:15:01] Aye.

**Brad Pettinger** [00:15:01] Opposed? Abstentions? Okay, motion, or amendment passes unanimously, and now we go to the amended motion. And any discussion on the motion as amended? I'm not seeing any hands so all those in favor signify by saying 'aye'.

**Council** [00:15:23] Aye.

**Brad Pettinger** [00:15:23] Opposed? Abstentions? Okay the motion, as amended, passes unanimously. So okay, get that out of the way. And thank you, Kyle, and thank you, Robin and Chuck, for getting us through that. So, all right, so that takes care of the Willapa, Willapa Bay as we move down here. Any more discussion on the....the hands... any guidance to be had? Pretty quiet bunch today. I guess I would turn to you Robin, and I'm not seeing any hands so are we good?

**Robin Ehlke** [00:16:22] Thank you Mr. Vice Chair. I think we are good. We have a plan moving forward for the Willapa Bay forecasting method and there's just been a lot of really good work done and it's nice to see all of that work behind us so we can look forward. So, with that, yes, you've covered everything you need to do under this agenda item.

**Brad Pettinger** [00:16:46] Thank you Robin.



## 2. 2022 Preseason Management Schedule

**Brad Pettinger** [00:00:00] Okay, that takes us... let's see... to public comment, and I don't see any public comment cards on this item so that would take us to Council action and a couple of things to do here. So, Susan Bishop. Susan.

**Susan Bishop** [00:00:21] Thank you Mr. Vice Chair. I would just note in the schedule just in the interest of keeping things moving and maximizing the chances that we, that NMFS gets the 2022 salmon regulatory package in place by the time of the May 16th effective date. And the current schedule as outlined in the documentation presented, I think, the STT and the Council is scheduled to complete its work on April 20th. We will note that the 22nd, which is the date I think scheduled for posting, public posting as of Friday, if there's a possibility for the Council to transmit the Pre-3 to say on the 22nd or 21<sup>st</sup>? That would provide us some additional time to work on that regulatory package. I know it only seems like it's a day, but at that point in time everyday matters. The, you know, the weekends are hard both for our staff but also in coordinating with the headquarters. So, I would just make that plea in this case.

**Brad Pettinger** [00:01:34] Okay, thank you Susan. Further discussion? Marci Yaremko. Marci.

**Marci Yaremko** [00:01:47] Yeah, thank you Mr. Vice Chair. I want to thank the STT and the SAS for considering the schedule and taping, taking up the topic of the salmon hearings and their importance in our Council process. Appreciate the advice of the SAS. I support the recommendations that they've offered us. Just would add that for California we are planning to host our annual pre-preseason salmon informational meeting sometime around that normal timeline of the end of February, early March, where we get together to discuss forecasts and available fishery data from the ocean and the inland reaches. So, we are planning to do that as our annual pilgrimage, we call it in Santa Rosa. We are planning for that to be an in person meeting at this time. Of course, everything is planned with the contingency that we may need to move back to a virtual platform. I guess I'd also add that thinking comprehensively about our use of the virtual platform, you know, one area that I had kind of said might be low hanging fruit to consider for moving to future virtual hearings might be the salmon, our salmon hearings that occur between the March and the April meeting. One thing that has been a challenge for California over the years is deciding on a single meeting location that works for the greatest number of folks. The virtual hearing has been pretty effective in getting people together to offer testimony from all parts of the state without necessitating travel to one particular location. That said, we had a discussion about that in our California delegation last week and our SAS reps and others brought up to me that the importance of that opportunity to physically meet in person. To have the SAS folks work with other fishery advisors that they may not see during the March and the April meetings to talk about the alternatives and potentially refine them and that this in person opportunity really is a very important event for them to negotiate. So, I hadn't really considered that previously in thinking about this, the salmon hearings and thinking about, you know, maybe moving them to virtual, but I certainly appreciate that opportunity and that they appreciate the fact they're using the salmon hearing as that chance to negotiate and get folks together from various port areas and constituencies that may not engage in the March and April meetings. So, with that, I guess I would just offer the support for the proposed plan as outlined and the Eureka hearing site, presuming that we are in fact moving back to being fully in person. Thanks.

**Brad Pettinger** [00:05:43] Yeah, thank you Marci. Further discussion? Comment? Phil Anderson. Phil.

**Phil Anderson** [00:05:51] Thank you Vice Chair. I'm prepared to offer a motion when you're ready.

**Brad Pettinger** [00:05:59] Okay. Well, I don't see a bunch of hands underneath you so I'm good.

**Phil Anderson** [00:06:07] Okay. Kris and Sandra, I ask that you indulge maybe because I have not had a chance to e-mail you this so I move the Council adopt the schedule for developing 2022 ocean salmon fishery management measures as detailed in Agenda Item F.2, Attachment 1, and confirm Council staff hearing sites and state intentions for additional hearings identified in Agenda Item F.2 Situation Summary.

**Brad Pettinger** [00:07:08] Thank you Phil. Does that the language on the screen.....

**Phil Anderson** [00:07:13] Yes, it does. Yes, it is. Thank you Mr. Vice Chair. And thanks Sandra and Kris.

**Brad Pettinger** [00:07:23] Yeah, thank you Phil. I was just waiting till she finished her typing. Okay. Need a second. Seconded by Kyle Adicks. Thank you Kyle. And Phil, do you want to speak to your motion? Okay....

**Phil Anderson** [00:07:35] I don't have any additional comments. I think we had a good discussion. The schedules supported by our SAS, STT. Taken into account the comments from Miss Bishop in terms of implementation once the Council decision making is completed and this does give some additional flexibility to the states for scheduling additional hearings in whatever manner that is in person or virtual that they deem appropriate. Thanks.

**Brad Pettinger** [00:08:18] Thank you. Discussion on the motion? Seeing no hands, I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:08:34] Aye.

**Brad Pettinger** [00:08:34] Opposed? Abstentions? Motion passes unanimously. Very good. Thank you everyone and I'll turn to Robin once again to see how we're doing here.

**Robin Ehlke** [00:08:56] Hello Mr. Vice Chair. Sounds like we have a good plan moving forward for the salmon preseason process. I think your work here is done. I'll work with our staff to get meeting sites for the public hearings, and we'll move on from there, but thank you very much. Your work under this agenda item is complete.

**Brad Pettinger** [00:09:20] Okay. Thank you Robin.

### 3. Southern Oregon/Northern California Coast Coho Endangered Species Act Harvest Control Rule – Final Action

**Marc Gorelnik** [00:00:00] That concludes public comment. We've had our reports. Takes us to our Council action. We have an obligation here to adopt a final preferred alternative. So, we've had quite a bit of information presented and some thoughts shared already so let's open the floor to discussion and hopefully motions. So, I'll have to see who wants to go first. Chuck Tracy.

**Chuck Tracy** [00:00:50] Thank you Mr. Chair. Just to note that we did have an earlier request for at least consideration of suspending this agenda item to allow some further discussion. I guess I would just ask if that is still, if that request is still relevant and if so, perhaps we could suspend this and move on to halibut. I believe the halibut folks are aware of this possibility so let me just defer to the Council on whether that's still a desired process.

**Marc Gorelnik** [00:01:30] All right. Mr. Oatman.

**Joe Oatman** [00:01:34] Thank you Mr. Chair. And if I can comment on that as Chuck just laid out. I believe that deferring this to later and taking up halibut next would probably be appropriate. I think, you know, what I've heard on this item so far both from NOAA fisheries, the California Tribes it would seem like there are not in kind of full agreement on what type of harvest control that you all could support. Maybe having some additional time we might be able to look into that further.

**Marc Gorelnik** [00:02:20] All right. That makes good sense Joe. Thanks for that. So we will suspend this Agenda Item F.3. We'll come back to it and we'll proceed now with G.1 unless there's a request for a break. Chris Kern.

**Chris Kern** [00:02:47] Thanks Mr. Chair. I had a couple.....I was going to wait and see if anybody else wanted to lead off, but I had a couple of questions that might....I wonder if now's the time to do that and if it can inform any of the discussions that may be occurring. And then I would also ask whether the answer to that is yes or no? If we have a sense of when we may be coming back to this because I am actually on the road doing a number of other things today and through the rest of the week and I'm going to have to adjust my schedule to make this work. So just any info I can get on what we might be expecting would be helpful to me, even though I hate to be whiny about it, but I got to adapt here so any information I can get would help me.

**Marc Gorelnik** [00:03:33] I think that's that's a fair request. G.1 is scheduled for an hour and then presumably we would take lunch. So, I guess my question to the folks working on SONCC coho, is this something we could expect to come back to the floor by 1:30 or 2:00 o'clock? Or will more time be needed? I mean I realize that's not a question that can be answered with any precision. Joe Oatman.

**Joe Oatman** [00:04:04] Thank you Mr. Chair, and maybe I'll weigh in here. I think I'm comfortable with, you know, trying to return back to this item around 1:30, 2 o'clock. You know... hopefully... you know we have some progress to report out there by that time and see when and how to proceed with a motion.

**Marc Gorelnik** [00:04:30] All right. Well hopefully.... Chris, that works okay with your schedule?

**Chris Kern** [00:04:37] Yeah, Mr. Chair. I'll make that work. So 1:30 at the earliest?

**Marc Gorelnik** [00:04:43] Well yeah, well, I would say 1:30 at the earliest. If we wrap up G.1 very

quickly, we can start with G.2 and then come back to F.3 no later than 2 o'clock hopefully.

**Chris Kern** [00:04:58] Okay. Thank you.

**Marc Gorelnik** [00:04:59] That's our window.

**Chris Kern** [00:05:00] I appreciate the accommodation there. Thanks.

**Marc Gorelnik** [00:05:03] Sure. We aim to please. All right. So, we're going to shift Chairs here, at least metaphorically and go to G.1. Marci Yaremko.

**Marci Yaremko** [00:05:15] Yeah, thank you Chair Gorelnik.

**Marc Gorelnik** [00:05:18] Your hands up.

**Marci Yaremko** [00:05:18] Just a point of clarification, if there's any discussion needed with CDFW.....

**Marc Gorelnik** [00:05:23] I see your talking but I'm not hearing you.

**Marci Yaremko** [00:05:28] How about now?

**Marc Gorelnik** [00:05:29] I have no idea why.

**Chuck Tracy** [00:05:30] Everybody else is hearing you Marci, I think, Marc, it's on your end.

**Marci Yaremko** [00:05:34] Okay thank you. Just a point of clarification that if there's any need for discussion with CDFW regarding SONCC coho.....

**Marc Gorelnik** [00:05:41] Am I the only one not hearing Marci?

**Marci Yaremko** [00:05:48] I'll keep trying. I heard you Chuck.....

**Marc Gorelnik** [00:05:52] All right, apparently, I muted my speaker inadvertently here on my end for which I apologize. So go ahead Marci. I'm sorry.

**Marci Yaremko** [00:06:02] Okay. Just a point of clarification. If folks are looking to connect with CDFW regarding SONCC coho. Pete McHugh is available. I am in the chair for Pacific halibut so I'm not going to be available for sidebar discussions and hopefully Pete can catch me up over the lunch break before we reconvene. So, thanks.

**Marc Gorelnik** [00:06:27] All right, thanks for that Marci. All right. Now we can get started with G.1.....(F.3 SUSPENDED)..... 1:45 our promised time of return. I'm hoping to get an idea from the folks who are trying to consider SONCC coho issues as to whether they're ready to come back or whether they need more time. Let's see if there's anyone who wants to help us out here with that. If it's only going to be a brief period of time we'll hold on, but if it's going to be a longer period of time I would just as soon start with marine planning. Is....are we prepared for discussion on F.3? In which case I'll hand the gavel over to Vice Chair Pettinger.

**Chuck Tracy** [00:08:01] Well, Mr. Chair....

**Marc Gorelnik** [00:08:01] Chuck Tracy, do you have any idea?

**Chuck Tracy** [00:08:05] Well, I see Marci's got her hand up. I do not see Susan on here so....

**Marc Gorelnik** [00:08:09] Marci Yaremko.

**Marci Yaremko** [00:08:09] Yeah, thanks Chair Gorelnik and I welcome Joe or Chris to jump in here with thoughts. I think we are kind of.....I don't know how much more resolution we're going to be able to get in sidebar. It's kind of a fluid situation. You know I think we're all kind of feeling very much stuck and so I mean, we could just play it all out on the floor and let the chips fall because I don't know that there's anything else to do. And I guess, you know, with that I'd see if Joe and Chris have an interest in trying to continue discussions on the side.

**Marc Gorelnik** [00:09:14] Joe.

**Joe Oatman** [00:09:17] Thank you Mr. Chair and. Thank you, Marci, for those opening thoughts. I think I find myself in the same place and I think we've had a number of conversations on the side to see if there is a pretty clear path forward that we could all, you know, potentially support and just don't see one. I think about the time that we have to try and deal with this, you know, it's fairly complex and, you know with differing perspectives, you know, I think through the management entities and NOAA fisheries. I think I would support, you know, just proceeding into Council discussion and see where that leads.

**Marc Gorelnik** [00:10:14] All right. Well, thanks Joe and thanks Marci. So, Vice Chair Pettinger you have the gavel.

**Brad Pettinger** [00:10:21] Okay. Thank you Chair Gorelnik. And I guess we'll take it from there. So, open the floor for discussion? Chuck Tracy. Chuck.

**Chuck Tracy** [00:10:36] Thanks Mr. Vice Chair. I guess I'm just looking at who's on here and I do not see Susan Bishop, I don't see a NMFS representative.

**Brad Pettinger** [00:10:45] Chuck, I'm not hearing anything. Still not.

**Chuck Tracy** [00:10:55] Oh, sorry. Okay technical difficulty there.

**Brad Pettinger** [00:11:06] No problem.

**Chuck Tracy** [00:11:06] I was just looking at the, the attendance here, I do not see Susan Bishop in here. I do not see somebody from National Marine Fisheries Service, a designee from National Marine Fisheries Service. I guess I would be reluctant to continue this agenda item without that. I see Rose Stanley if she might have some insight into that.

**Rose Stanley** [00:11:30] Yeah. Hi. Susan is having some technical issues, so if we could give her a moment. I believe she is going to try to log out and log back in. Thanks.

**Brad Pettinger** [00:11:41] Okay. Thank you Rose. We'll stand by here for Susan. Was Susan the only one Chuck? I'm sorry, did you mention someone else?

**Chuck Tracy** [00:11:55] Mr. Vice Chair, I guess I haven't done a thorough review, but I see we've got Oregon here, we've got Joe is here. Heather Hall is here for Washington and so is Kyle. Okay Kyle's

here and Marci, so I think we're good, but it looks like Susan's in so I think we can proceed.

**Brad Pettinger** [00:12:23] Okay. Very good. So, I'll open the floor for discussion. Joe Oatman. Joe.

**Joe Oatman** [00:12:41] Thank you Mr. Chair. And so, I think I would like to take this opportunity to provide some comments before any motions may come to the table, and by doing so I want to kind of reiterate what I see as some key points that both the Yurok and Hoopa Valley Tribes had presented to the Council in their reports. I think both Tribes supported a harvest control rule of at least 16 percent. The Yurok had some pretty specific thoughts in support of harvest control rule number 6. And I think both Tribes in their reports weighed out why they support that, and I think it's important for the Council to be mindful of that. You know, in the Yurok letter, you know, they talk about how the Klamath River fishery resource, including coho is integral to, you know, their way of life, their sustenance, culture, religion, and commerce. You know that out of concern for these populations, they've been managing our fishery to protect them, you know, since early 1990s, you know, before these fish were listed. And they've also committed to continuing to manage their fisheries in a manner that conserves these fish, but they also acknowledge that, you know, harvest management alone can't do it. More needs to be done on these other factors that really drive and affect the abundance and productivity of these fish. You know, there too they thought that, you know, given the relatively minor increase in risk that could result from a 16 percent ER versus something lower, that the benefits would accrue to your fisheries if a 16 percent total ER were adopted by the Council. Hoopa Valley similarly shared with us that they are now trying to find a balance between the conservation of dwindling natural resources and the preservation of their culture, and they believe that a total ER of at least 16 percent, which is perhaps the best balance between conserving SONCC coho ESU and preserving essential Klamath Trinity fisheries. They went on to state that by preserving their way of life for their future generations is first and foremost tied to the continued existence of the fish that have provided sustenance for their people since time in memorial. And so, I think it can be said, you know, among tribes, you know, they don't have an interest in fishing on these fish to extinction. You know they very much want to have fish here in the abundances and that productivity that, you know, fully sustained their way of life, and so from their approach and framework to deal with these fish, you know, it's very much to do all they can to bring these fish back to full productivity so that they can enjoy the benefits that these fish have provided to them, you know, going back to, you know, time in memorial. And so I recognize that there's the other side of this equation and that's the ESA and, you know, dealing with the requirements and responsibilities that NOAA has to ensure, you know, that ocean and inriver fisheries are set at levels that doesn't pose unacceptable risk to the ESEU or to the constituent populations, and I think we heard from Susan that NOAA could support a harvest control level that has a total ER of 15 percent. I recognize that they've got to do a lot of work to get them to that place. That's not a small thing by any means, but nonetheless it doesn't get to a level that the tribes support. And so maybe I'll just leave it there Mr. Chairman and Council for the time being, and, you know, whatever motion that may come forth, you know, interests of the tribes are very clear here from my perspective, and that is having a total ER of 16 percent is something that they very much desire given the fishery benefits that that would bring to each respective tribe and their people and their livelihoods. And one thing too that I might want to take a moment to comment on briefly, and that was that language in the California report, and I acknowledge that there's still more discussions that need to occur between the co-managers, the state, and respective tribes on whatever exploitation rate is ultimately adopted. That they'll have to have those discussions between the co-managers to figure out how to be allocated. I know Dave Hillemeier from the Yurok spoke to this and so the question I had on the language that's related to the, I believe the 9 percent of the total ER being used for planning ocean fisheries and so that was a matter that raises, you know, an issue on the tribal side and so I also wanted to make sure that we're kind of mindful of that piece as well. And so, I'll pause there Mr. Chairman and do appreciate the opportunity to provide those points under Council discussion.

**Brad Pettinger** [00:20:10] Yeah, thank you Joe for that. Further discussion? Chris Kern. Chris.

**Chris Kern** [00:20:35] Yeah thanks Mr. Vice Chair. One of the things I was contemplating discussing before we broke, and I apologize it's a vague enough notion in my head, I'm struggling to think of how to describe it, but I guess I'm trying to think about, well let me back up. One of the things that I've heard today, and it's at least at the high level was a sort of a concern that I share and have mentioned before several of us had that, you know, we've been pushing towards a deadline here that, you know, we don't have to get into the why's, the reasons for the deadline, but there's been a deadline and we've expressed concern along the way that we want to do the best we can at this, whether it meets the timeline or not. And I've seen that a little bit today, maybe phrased differently. However, assuming that we do need to do this today, which is what I'm hearing, not much dissent with the notion that some final action might be necessary or is necessary today, whatever that might mean. I'm trying to get my head around whether there are options for future flexibility that can be sort of integrated into it as opposed to just discussed later, and I don't have any grand ideas for what those are so, and I don't necessarily expect to reply unless somebody's got some ideas they've been thinking about for the last couple of hours. One of those might be, but maybe not necessarily, you know, how does the Council weigh in at a future date to sort of revisit the control rule if we decide that that's necessary? Does it generally result in a full reconsultation? I'm sure it depends on what it is and then what other options might we have to address some of the concerns we've had raised today relative to like modeling. One that jumps to mind that I'll just throw on the table while I'm here is potential for adjustments to FRAM through scaler approaches, which we've used for some other stocks or other improvements on the inputs. You know, one of the things I think is driving this is sort of the fishing effort approaches that we use for the south of Falcon planning, you know, have to be integrated into that process and then when you see fishing that doesn't do the same thing as what preseason said it was going to be, you should really expect the output to be different, but I'm not sure, you know, we'd like to, I think, be able to kind of reconstruct some of those and see if there's a way to explain some of the things that Pete McHugh and Miss Bishop were talking about earlier. So anyway, I guess I'm just wandering a little bit. I'm looking if there's any Hail Mary's here, so to speak, that can be integrated for flexibility that still do what we need to do, which is try to get a control rule that meets the needs of the stocks and the fishers and is consistent with ESA. So, I'll stop. I know I'm wandering.

**Brad Pettinger** [00:23:48] Yeah, thank you Chris. Let's see Sheila has her hand up behind you so maybe she has some insight for us. Sheila.

**Sheila Lynch** [00:23:58] Thank you Mr. Vice Chair. And can you hear me okay?

**Brad Pettinger** [00:24:01] Oh we can.

**Sheila Lynch** [00:24:01] Thank you. I probably don't have any insight to respond to Chris, but I did just want to flag as you head toward taking Council action that, you know, I think there's some potential kind of lack of clarity in the language on page 4 of the CDFW Supplemental Report that I just kind of wanted to flag because I think it could, you know, if that is what makes its way into the motion and the Council votes on it and it proceeds forward through the process it could create some confusion in implementation and create some ambiguities down the line. So, just in the interest of flagging that and potentially addressing it here. I think, you know, the first sentence of that language does indicate that the intent is that the total fishery exploitation rate limit of 15 percent would be in place, but it looks like if you read down, the only preseason objective would be to keep the ocean salmon fisheries within 9 percent in four out of five years. So, it's not completely clear how the 15 percent overall rate would actually be implemented. There's reference to tracking that through postseason reports. So just, you know, not really kind of knowing fully what the intent was there just wanted to point to that potential ambiguity in the language.

**Brad Pettinger** [00:25:46] Okay, thank you Sheila. And I'm not a salmon guy so I wouldn't have much,

wouldn't be much help there, but I'm still looking for hands to help us get through this. I see Marci Yaremko has her hand up. Marci.

**Marci Yaremko** [00:00:01] Yeah, and thank you Sheila. I can aim to address that ambiguity and maybe the easiest thing to do here is just to go ahead and roll out what was expected to be a CDFW motion that it does in fact reflect that summary of recommendations at the end of the CDFW report. I think it's maybe easiest to talk through it element by element and I will do my best to respond to questions and I will offer some thoughts along the way about why CDFW believes that this path forward is, I guess, the best of the options that we might have available to us today. So, Sandra or Kris with that I move the Council adopt the summary recommendations contained in Agenda Item F.3.a, Supplemental CDFW Report 1 as follows: Harvest Control Rule 5, as described in Agenda Item F.3.a, the Fishery Harvest Control Rule Risk Assessment. This amounts to a total fishery exploitation rate limit of 15 percent on SONCC coho salmon to be implemented as follows: Evaluation of attainment of the limit occurs on a postseason basis each year using the annual postseason exploitation rate, which is the sum of the fishery mortality. Some of the fishery exploitation rates experienced in the year across all ocean and inland sources of fishery mortality. The annual ERs are then averaged over the available postseason record for the period following each CR adoption, and this average must not exceed the adopted limit of 15 percent. Postseason estimates of the ocean exploitation rate will be generated using the Coho Fishery Regulation Assessment Model, or FRAM, whereas the inriver exploitation rate component will be determined using data provided by co-managing agencies as described in Appendix C and Appendix I of the Risk Assessment Report. In addition, ocean fisheries seasons shall be designed preseason each year such that coho FRAM projections of the ocean fishery impacts to SONCC coho salmon do not exceed 9 percent more frequently than once every 4 years, which is a reduction in the status quo allowable ocean impact rate of not more than 13 percent. And if I get a second, I will walk through each of these elements in detail. Thank you.

**Brad Pettinger** [00:03:10] Okay Marci. Does the language on the screen accurately reflect your motion?

**Marci Yaremko** [00:03:16] Yes it does. Thanks.

**Brad Pettinger** [00:03:18] Very good. Look for a second? Seconded by Bob Dooley. Thank you Bob. Marci, please go ahead.

**Marci Yaremko** [00:03:29] Yeah, okay. Thank you Mr. Chair, Vice Chair Pettinger. Let me start at the top with the Harvest Control Rule 5 recommendation. I am very sensitive to the tribal recommendations that we have before us here today and that also we received back in September. And in fact, in our technical review of the HCR alternatives, we internally, CDFW found pretty solid technical merit for an HCRs as high as 17 percent without causing undue projections of risk to the resource. I'm thinking back to the presentation we received in September and I'm thinking of the boxes changing from white to pink in the schematic at the rate above 15 percent, and I recall asking what makes those boxes pink? Why is this a bright line? What's the bright line? And I think the answer I receive is that the bright line is above 10 percent of increased exploitation is not acceptable. But I guess I feel like we still don't have a great answer as to why 15 percent is acceptable, and 16 percent is not. When we look at what the projections are for the HCR of 16 percent, I believe the number was 10.4 percent increased risk, and I know that the kind of a do not cross line is at 10 percent but, gosh, it's just very difficult to understand why that line is where the line was set. And I do appreciate NMFS's continued offline discussions with us. Repeatedly, routinely Susan, Jeremy reaching out to us. Regular communications ongoing was very useful to us. But to kind of be.....I kind of feel like we weren't really left with an alternative here other than to accept a decision that was made for us that we cannot consider a rate higher than 15 percent, regardless of what other measures we might be taking to protect and avoid



SONCC coho. So I'm kind of feeling like our hands are tied and again, on a technical basis, I think we would have been comfortable with a number higher than 15 percent, including for reasons that the tribes identified, but I did not feel like we had an alternative here today in our decision making process here in November to recommend a number higher than 15 because we were very much of given the impression that it just would not be acceptable to National Marine Fisheries Service. So that's kind of what prompted us to go back to, I'm going to say the drawing board, to kind of look at okay how can we work within that guidance? Because this is definitely here at the November meeting, this is our one and only opportunity to provide input to National Marine Fisheries Service on the development of the biological opinion. They've been incredibly clear that the timeline is not negotiable. That they've also been incredibly clear that we're not going to have information on the ongoing consultations on the inriver components of the total exploitation rate, and yet the Council is in a position here where we're being asked to make a recommendation on a total exploitation rate, and we have really no idea what is being contemplated as an outcome of those, those discussions that are continuing. I think we had sort of hoped that we'd be able to wrap all this up and have it complete by November and have some clarity on the inland piece so that we could be comfortable with some, having some certainty on that, what a total ER recommendation might be, but I think we're, you know, we're really not left with any options. You know as the sitsum describes, the workgroup process was on an 18-month timeline all along and that's consistent with the stipulated agreement, and it didn't sound like there's any flexibility to be had there. I certainly appreciate that, you know, the sentiment of the SAS in their report feeling like we're at the end of the road. We know we're at the end of the road and we're struggling to recommend something because this is our chance to do so, but really the things we'd like to recommend don't appear to be within the scope. So I think, you know, and it's a really sensitive..... Richard Heap's summary comments about, you know, clinging to whatever you can. I think we feel very much the same way and it's very tough to kind of engage in this process for multiple years and continue to look for alternatives and prepare analyses really to find that there's not much that we really have an ability to weigh in on. Apparently, that is going to mean, or provide meaningful input into the process. So then I want to circle back a little bit to our motion in September and the work of the workgroup and essentially their quick work to respond to the Council's requests that, hey, let's take a look at what these ocean impacts are going to be because we haven't really done that yet and here we are kind of at the, you know, very late in the game, and lo and behold, as shown in the slide presentation today, I mean the impacts in fact, you know, appear to fall largely in the California KMZ on the sport and commercial fisheries and then also down in the Fort Bragg cell and north up in the Oregon KMZ. That is hard to.....that's kind of a very difficult bit of news to receive, especially if you're a member of the industry from the California KMZ where we have so, so little opportunity to begin with that here's another constraint that might basically double down on other constraints and just nail the coffin even more closed, even in those few years, every once in a while when we get some chinook opportunity in that area due to a more favorable forecast on Klamath fall. So, you know, the work of the workgroup was incredibly insightful in really demonstrating where these impacts are likely to fall. And I'd be completely remiss if I don't reiterate the reality that in California, we cannot fish for coho. They are prohibited. They are listed everywhere up and down the state. There is no retention of coho whatsoever, and our regulations are designed to avoid coho impacts both in the ocean and in the rivers because they're an ESA and CESA-listed stock. So, we absolutely have a long history of managing to avoid interactions in our fisheries that are on other targeted stocks, and so to learn that the way FRAM is built, you know, we still have the lion's share of the impacts in California despite our essentially permanent prohibition on take and retention of coho in California. So, I think moving to the next bullet in our motion, the evaluation of the limit occurs on a postseason basis each year using the annual postseason exploitation rate. So again, back to....we were back to the drawing board, kind of not seeing any flexibility on the 15 percent. We took a look at what the total ERs look like postseason, particularly looking at that Trinity River component and, you know, with all of the ocean and inland exploitation rates together over the time series and, you know.... what, what limit or how can we work this in a way that does not, you know, where are we at right now as of today in terms of a long term average and where do we need to be? And I think looking at the numbers

postseason, there are years that the annual total is higher and years that the annual total is lower across all sources of fishery mortality and on average were, I think right around 15 percent right now, again with some years being higher and some being lower and that, I think is, you know, looking at where we need to go and the protections that we need to ensure exist for the stock, I think that if that is what is meant by a total exploitation rate, you know, I think there's some room to work there. We did not provide here, I guess, you'd say a recommendation on what numbers of years you might average, for example is this looking at the most recent six years that we average and if you, and also if in fact you exceed that average. I know the question was raised by Sheila, what do you do? I think the reason you're not seeing any content along those lines in this motion here today, we didn't have time. We did not have time to discuss that or how it might be implemented. And we also, you know, really our goal here was to give National Marine Fisheries Service some ideas to start with and recognizing that, you know, the actual implementation and the terms and conditions in the ITS, you know, will be up to them, but we really just didn't have time to go further with this concept and how you would actually implement the 15 percent postseason or what would you do in the event that you, you know, that you do exceed it? But I would hope that we'd have opportunities to develop that looking forward. You know there certainly are tools in our toolbox and again a commitment I think between the co-managers to work collectively. You know I think if, if we can agree on this total ER, which is really what the action was in front of us today, you know, there's, there is time to work out the details. So that's the reason and the thinking behind that passage and, yes, acknowledging that it's somewhat open-ended and that, you know, that's by design because we didn't really have an opportunity to scope the concept further. Then the second bullet about the postseason estimates of the ocean ER being generated by FRAM, which is a different, obviously that's the tool that we use for the ocean estimates while the inriver component is determined, according to the methods described in the appendix. I just wanted to add that for clarity. So, I think that was what we were aiming for with regard to the concept of how we make 15 percent as an overall total ER work for all parties was the postseason approach as opposed to a preseason approach. Then I want to get to this last passage, which I appreciate is, I think, causing some consternation and I'll just do my best here to explain. Our proposal was that ocean fisheries seasons still be designed with a preseason cap. That's how we've operated in the ocean for many years with a 13 percent allowable ocean impact rate on SONCC coho. I think the, you know, the application of when you evaluate the total HCR certainly has a bearing on this passage, but our thought was that we look at this as a two-part approach with a preseason tool and then the postseason review and evaluation of the attainment with whatever provisions would come to actually implement that 15 percent or, you know, what to do in the event that you don't attain the 15 percent. But as for the preseason piece, I can really....you know, I understand how there could be some confusion or concern about allocative implications with a number like 9 percent out here, and I just can't reiterate enough that is not intended to be... to suggest any allocative implications. If you'll bear with me a moment to have a look at the figure that is provided, Figure 1 in the CDFW report, this is a look at the preseason versus the postseason projected ERs under coho FRAM, and so if you look along the x axis, that's the preseason value, and then the resulting postseason value after the season's over, so the actual exploitation is on the y axis. So, taking all of these data points into consideration, you'll see that the fit of these data points is not very good with the R squared of point one o six nine. There's not much relationship between pre and post. So, in some years you might be using a preseason tool that unduly constrains you and then in other years you may have not constrained yourselves enough because the postseason outcome was significantly more impactful. And so, this relationship and the poorness of it is of grave concern to CDFW and to our industry because just the difference of, you know, just 1 percent can mean, you know, a whole month of fishing. When you look at those heat maps that the workgroup provided, you know, a significant amount of time on the water, particularly in those, those hot cells in the California KMZ and Fort Bragg and the Oregon KMZ. So, what we were really aiming to do is find a way to avoid the incredibly harsh consequence of applying the preseason FRAM cap in such a way that would essentially prevent us from having any opportunity in those occasional years when there's enough Klamath Fall to prosecute some amount of fishing in these Northern California areas. So that was why, you know... again the pre versus

post, we really feel like the postseason impacts for ESA purposes should be what matters to us and the National Marine Fisheries Service because the postseason impacts are the impacts that were estimated to be realized on the ESU and if the relationship between the pre and the post isn't good, then, you know, what are you actually, are you actually achieving your goal with regard to ESA if the pre and post relationship isn't, you know, isn't solid, so considering that we like the postseason tool as the metric to whether we're achieving our ESA objective, but the reason that we offer the 9 percent preseason constraint as well is because we wanted to avoid an impression that we were not paying attention to the needs of SONCC coho and that, you know, this is a fragile ESA-listed stock and if we were to see preseason values that go high, we would need to be concerned with that. It doesn't happen very often, you know, and we've been operating under the 13 percent. We very easily could just get rid of that whole passage in this motion right now and say nothing about preseason, but our intent was to provide some upper limit that should provide reasonable assurance that on the postseason end we're not going to see a number that comes out of the ocean that is, you know, dramatically out of whack, recognizing the relationship here between pre and post is so poor, the predictive value of the preseason value is not very good. So really, you know, the intent here was to provide a second measure of precaution, or I guess you'd say comfort with the approach that we would not be supporting a preseason structure that was likely to produce I guess I'd say significantly higher impacts from ocean fisheries postseason. So that was the rationale for the 9 percent. And again, there is no intent that that be a carve out or a share of the 15 percent that is implied, that's in no way what we were aiming at. We see the pre and the post situation here being entirely separate discussions really, because again, there's such a poor relationship. But that being said for, you know, for continuity sake and the fact that I think we do need to be cognizant of this stock as we design our fishing seasons. We want to have that awareness that our season structures afford, you know, are adequately protective when we embark on fishing. You know we want some assurance that we don't.....or we want to expect that we're not going to attain impacts that are out of, you know, out of line with where we've seen them, so that's the rationale. I guess with that, see if I have any other things to add. Just looking at my notes here. But I guess also just to follow-up on the very last point, if there is no comfort around that passage and we'd rather not have it, that's certainly an option. You know, looking at the pre and post relationship, I guess I should also note in Figure 1, the red squares, those values are 2018, 2019, and 2020. And as Pete described, you know, there was a change in the FRAM methodology in 2018 that we hope makes FRAM a little better in its pre and post relationship. However, the three years of information we do have suggest that, you know, the preseason predicted ER was, you know, 67 percent higher than what the postseason estimates are. And so, we were aiming to do I think what, what Chris is suggesting, which is building in some, some correction factor or some kind of, you know, well I guess that's what it would be is essentially a correction factor to apply to the preseason ER so that you're not essentially paying a higher bill up front than is necessary. I certainly think that is, you know, in concept very much what we were looking to do and I think that is really why the 9 percent value is there to, you know, attempt to somewhat mitigate those consequences of the fact that at least with only three data points to look at it still appears that the preseason exploitation forecast is substantially higher than what will be realized postseason. With that, that concludes my remarks. I'm happy to take any questions. Thank you.

**Brad Pettinger** [00:00:00] Okay, thank you Marci. Questions for Marci on her motion? Or discussion? Susan Bishop. Susan.

**Susan Bishop** [00:00:16] Thank you Mr. Vice Chair. And I'm happy to let anybody, I was probably quick to my hand. I'm happy to let anybody else go first that may have other things to say.

**Brad Pettinger** [00:00:27] Well, they're not lined up behind you so I think you're good.

**Susan Bishop** [00:00:32] All right. I'll start out. Maybe others will have things to add. I guess I need to start by pushing back on one of the initial points, which was that folks had limited ability for input

or substantial input. You know, we've spent two years on this. The states and the tribes and the feds have invested significant time and energy and staff, you know, in particular Brett Kormos was a constant and active member of the workgroup, and he was not shy in expressing his concerns or his input at all. As I recall in June, we spent six hours discussing this issue and in particular kind of what form the control rule might take, or at least what would end up in the range of alternatives. The initial range, you know, that we explored had included ocean-only rates, it had included abundance-based rates. It had mentioned a matrix type approach, and at the end of the day in June after a very vigorous discussion, the Council decided to, and California was a major actor in that decision, to adopt a range of alternatives that was a fixed rate only approach, and I can understand all the reasons in that, but I just want to point out that the Council has been and state, agency and tribal staff and Federal staff have all been actively engaged and had multiple opportunities through Council meetings or the workgroup process to provide input. So, I think I just feel the need to push back on that because I think it also under-counts or under-recognizes the amount of time and energy people have put into this. I think California would have a lot of company in their ESA pain, you know, I think this is something pretty much shared across the coast. Everybody has ESA-listed species that have significantly constrained stocks or constrained fisheries and so we are collectively in this boat trying to figure out the best ways to manage on balanced fishery needs and resource needs. So those are a couple of initial comments. But, you know, sort of more to the point here, I think at least NMFS's concern is that this proposal is outside the range of alternatives it creates. I appreciate, you know, California's really in a problem solving, solution-oriented mode, what might work, trying to accommodate the information that NOAA has provided, the input from their constituents and, you know, tribal concerns, they're trying to do their best to accommodate all these different pieces. But we're down to the 11th hour now. There's a lot of questions about pieces, important pieces of this particular proposal. There are conversations, important conversations I think that need to be had that haven't been had. So for example, the issue around what is the meaning of the 9 percent, you know, NOAA... should it decide to do a consultation would do that on the action that the Council proposes and details are important, so we would not just sort of fill, you know, fill in the blanks in terms of how this would be implemented and how it would work it, you know, unless we ended up putting a reasonable and prudent alternative forward. But those details will be important to nail down and currently there's a lot of questions about how this would work, how it would work preseason, how we work postseason, et cetera, and I just think we're kind of out of time to do that. We have, you know, I think you've seen today the concerns or additional questions about the data set. You know I notice in the chart that Marci referenced, there's a cluster of points above that line that indicate an under-prediction preseason with regard to exploitation rate and a fairly substantial overage. I don't know the circumstances around those and based on some information I have it indicates those are likely associated with high Klamath years, but that would certainly be something I think that's worth more investigation. As I think we heard from Mike, the workgroup determined that something like this is outside the range of alternatives. It has, at least in the conversation we've had, apparent potential additional impacts to resources and fisheries and potential exercise of tribal rights that are all things of interest to the public that they should have an opportunity to comment on and what is out there currently does not evaluate this type of alternative, so that would be, you know, I think, you know, my question is whether or not something outside the range of alternatives could be moved forward. You know at the end of the day with regard to the model that, you know, NMFS, and this is the way that we have applied it coastwide, needs to leave the preseason planning process with assurances that the fisheries will meet the exploitation rates and that those are supported in the biological opinion, that biological opinions that it writes. You know if there's a model problem, and there often is as we know, then we have protocols and procedures to address that and to make corrections to the model to address those errors. You know we've done that with Upper Columbia River Summers, for example, and the stock composition issue there. You know we have done that as recently as I believe last year with regard to California coastal or chinook in adjusting the age four Klamath proxy rate. So that is typically the way that we address errors in the, with our models. We don't sort of disregard the model in those cases. I don't question that this is something new and that some of these changes have been made relatively

recently, but at least from NOAA's perspective that would indicate a little bit more uncertainty than less and would give us more pause to think. We think it's....we agree with some of the sentiments that have been expressed in terms of being appropriate to take the time if this was of interest to further explore this, to have the conversations that needed to be had, but I don't think that we have that today. You know we, we're not sure how we might move forward if the Council doesn't take action today. There's certainly potential, you know, we know there's a stay of litigation right now and so there may be consequences there. We would need to decide how, NOAA would need to decide how it views the 2022 regulations if there wasn't an action today. So, if the default was status quo, is status quo something that we could, that would meet the requirements of the ESA and that would need to be revisited? So, there's a lot of questions I think that are out there both in terms of procedure and in terms of the analysis that I'm concerned with regard, or NMFS has concerns about this potential motion.

**Brad Pettinger** [00:08:41] Okay. Thank you Susan. Further discussion on the motion? Okay I don't see any hands. I'm going to call for the question. Okay all those in favor signify by saying 'aye'.

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

**Brad Pettinger** [00:09:09] Opposed?

**Joe Oatman** [00:09:15] Aye.

**Chris Kern** [00:09:16] No.

**Susan Bishop** [00:09:16] No.

**Brad Pettinger** [00:09:16] Abstentions?

**Kyle Adicks** [00:09:21] Abstain.

**Brad Pettinger** [00:09:23] Okay, I'm not sure if I recognize those voices. Did someone recognize those voices? There was four I believe. There's three against and one abstention.

**Chuck Tracy** [00:09:42] We can either do a voice, a voice vote or a roll call vote, or if the folks would be so kind as to identify themselves. The three that voted no.

**Joe Oatman** [00:09:58] Joe Oatman votes no.

**Brad Pettinger** [00:09:58] Thank you Joe. I saw, I heard Joe Oatman. I saw Chris Kern. Chris Kern did you vote no?

**Chris Kern** [00:10:09] Correct.

**Chuck Tracy** [00:10:11] Did somebody else vote no?

**Susan Bishop** [00:10:13] Susan Bishop from NMFS voted no.

**Brad Pettinger** [00:10:17] Thank you Susan. And the abstention?

**Kyle Adicks** [00:10:19] Kyle Adicks.

**Brad Pettinger** [00:10:22] Thank you Kyle. Okay and I think that motion would pass then.

**Chuck Tracy** [00:10:32] That's correct Mr. Vice Chair.

**Brad Pettinger** [00:10:35] Thank you Chuck. And I see Susan Bishop has her hand up. Susan.

**Susan Bishop** [00:10:38] Thank you Mr. Vice Chair. I just have a, I guess I have a question about moving forward something that is outside the range of alternatives and the public has not had an opportunity to comment on? If I could get some clarity on that.

**Brad Pettinger** [00:10:58] Please. Go ahead. Is there any question outside of just what you spoke to?

**Susan Bishop** [00:11:05] No, just getting some clarity on that, I mean I think if it comes to NMFS we would like potentially, we either approve, disapprove or can partially approve an amendment and so it would be problematic to bring something to us that is outside the range of alternatives and which the public has not had a chance to comment on, but I could, you know, I could defer to Sheila or others to weigh in on that as well.

**Brad Pettinger** [00:11:41] Well I'm always looking for hand on something like that because I'm not prepared to comment on it. So Sheila.

**Sheila Lynch** [00:11:49] Yes. Thank you Mr. Vice Chair. I think the issue here is whether there is sufficient NEPA analysis to support this action as an FMP amendment, so that's what we'll be considering as it moves forward through the NMFS and NOAA approval process. And that just goes back to the question of whether this is within the range of alternatives that's been analyzed or it's outside of that.

**Brad Pettinger** [00:12:25] Okay, thank you Sheila. And your hand's still up by the way. And I see Chuck Tracy has his hand up. Chuck.

**Chuck Tracy** [00:12:39] Thanks Mr. Chair, or Vice Chair. Well, I have some concerns about approval of this motion. Like Sheila, certainly, and Susan, the fact that it's not within the range adopted for public review I think is problematic. I also have a fairly substantial concern about assessing the impacts of this on this alternative on the resource. It hasn't gone through the risk assessment model. I don't know if that is something that, you know, could be done or not. If not, then I'm not sure that we would, you know, I'm not sure what the process would be to evaluate the, evaluate those effects and make sure that they represent BSIA. So, while that's not a, you know, we don't know that that's a problem but that could be a problem. This will be challenging for staff to develop the analysis of and present to National Marine Fisheries Service. Certainly if, you know, if there's a timing concern with getting this action transmitted, that would also, you know, undoubtedly delay that... so I am, I do have some serious concerns about being able to bring this Council action and recommendation to National Marine Fisheries Service. Of course, we would also, I guess, potentially be needing to deem the regulations that would implement this, which we work closely with National Marine Fisheries Service to develop and so, you know, I guess I would ask them to comment on their thoughts about that as well.

**Brad Pettinger** [00:15:04] Okay, thanks Chuck. So, I guess that would be a question for Susan I believe as far as the deeming aspect, or Sheila. Sheila.

**Sheila Lynch** [00:15:11] Thank you Mr. Vice Chair. I'm not sure, and this is a little bit off the top because this is all moving really quickly, but I don't know that, and I guess we'd have to consider whether this would be implemented through codified regulations. I think we were anticipating an FMP amendment without regulations. At least that was our initial discussions. I think, you know, kind of another issue tying back to my comments earlier were just that analyzing the effects of this as written

is going to be extremely difficult, and in particular there is the reference here to the coast, the overall limit of 50 percent exploitation rate, but there's nothing that really explains how that would be accomplished so I'm not sure that the analysis would be able to assume that the exploitation rate would be limited to 15 percent. And then maybe just going back to some of Marci's comments, just clarifying point here, this is a Council action under the Magnuson Act and so once this comes to NMFS the choices are to approve, disapprove, or partially approve the amendment. We don't really have the ability wearing, or NMFS doesn't have the ability wearing their Magnuson Act hat to add things to it and make modifications to it at that point. So, the only way that NMFS could require additional actions here would be through a reasonable and prudent alternative, assuming that there is a jeopardy buy-op. So, I just wanted to clarify that to make sure there wasn't thinking that NMFS will be able to add additional pieces to this once it is transmitted.

**Brad Pettinger** [00:17:26] Okay thank you Sheila. Okay, I would say anybody else have any thoughts or if not, I will turn to Robin. Oh, Susan.

**Susan Bishop** [00:17:45] Thank you Mr. Vice Chair. You know I would just add that I don't just typically, for example if we were to do a consultation, I don't see that the amendment as written includes sufficient detail for us to be able to do that as well. I mean we... the tribes have weighed in with concerns about the assumption for the ocean rates so I'm concerned about the allocation, you know, assumptions about the allocation splits. We're concerned about exactly how the Council, for example, would manage if the rates were above 15 percent postseason. We don't know exactly how rates.....anyway there's quite a few detailed aspects to this motion that are undefined that would make it, at least my thinking of it, very difficult to do a biological opinion on to indicate that it is sufficient to do so. I'm just raising concerns about what people may assume as easy pathways forward.

**Brad Pettinger** [00:18:59] Okay. I don't know if there's an easy path anywhere right now. Sheila, you have your hand up still or just is that a remnant?

**Sheila Lynch** [00:19:07] I'm sorry I keep forgetting to put it back down. I'll do that.

**Brad Pettinger** [00:19:16] You're not the first person or the last so you're good. Okay Robin, how about I ask you what would.....(inaudible)....there. Chair Gorelnik. Marc.

**Marc Gorelnik** [00:19:28] Thank you Vice Chair Pettinger. I guess I just have to, you know, there's some criticism that we didn't bring this up earlier, but I think the thrust here, aside from the methodology, is that we've sort of been put into a black box and, you know, to come up with an overall, you know, rate and when that's inclusive of the river over which we have no authority and no prerogative. We've, I mean this is, in my limited experience the only time we've been asked to do that. And so, I think that the Council has been put into a nearly impossible position here because typically we're asked to cooperate in coming up with plans that address a specific impact rate by a Council fisheries. And so, I think what this motion is trying to do is get back to our more traditional role. I look back at some of the earlier meeting discussions on this topic and NMFS is right, you know this, we did not discuss what the ocean impact rate should be back then and obviously we didn't come up, we didn't discuss the methodology, but it's not like we discussed when methodology and we're coming up with something else. Typically, that's not something that would go into a motion. So, I'm not sure that having a methodology was implicit in any past discussions, not any particular. So, I don't think this changes necessarily what the public might have expected. They must have expected that there would be some methodology for doing this calculation and this isn't done I don't think. What is different, I think, is the reference to a Council area fisheries impact rate here. And again that's, you know, we've, Council's been put in a very difficult position here because we've been asked to opine on an overall impact rate when we're not even a party to the discussions on the inland impact rate. So I think this is.....I understand

NMFS's objections here, but I think we're just trying to do what we typically do is come up with something that we can manage on a going forward basis.

**Brad Pettinger** [00:22:33] Yeah, thank you Chair Gorelnik. Chris Kern. Chris.

**Chris Kern** [00:22:39] Thanks, and I apologize, I was writing fast, but I didn't get it all. So could I ask Mr. Tracy or Miss Lynch to repeat the suite of actions that NOAA can take under Magnuson when they take this recommendation and there were three of them, I got two of them.

**Brad Pettinger** [00:22:57] You can. Sheila.

**Sheila Lynch** [00:22:57] Thank you Mr. Vice Chair. That would be to approve the amendment as adopted, to disapprove it in its entirety, or to partially approve it.

**Brad Pettinger** [00:23:16] Okay, Chris? Okay. Marc, your hand's still up? Okay. Anyone else? Okay, Robin, I'm in uncharted territory for myself. You want to wrap this up, or at least where we're at?

**Robin Ehlke** [00:23:45] Thank you Mr. Chair or Vice Chair. I think the work under this agenda item is done as far as the Council is concerned, given that we do have a motion that did move forward. I am also hearing still a lot of questions regarding the motion and how work may be done to implement it, but I guess the first step and we'll see where it goes from there is that this action that was adopted is for recommendation to NMFS so consistent with the California proposal of 15 percent Harvest Control Rule with some caveats there. I guess we can only just take it one step at a time, but we'll work to transmit that decision to NMFS and see where we land.

**Brad Pettinger** [00:24:52] Okay. Well, thank you Robin.



## G. Pacific Halibut Management

### 1. Commercial-Directed Fishery Regulations for 2022 – Final Action

**Marc Gorelnik** [00:00:00] So we have no public comment. That takes us to Council discussion and action. And our action here is on the screen to adopt final recommendations to the IPHC for the 2022 directed fishery season structure. And so, I'll look to see who wants to get us started with any discussion. Heather Hall.

**Heather Hall** [00:00:25] Thank you Chair Gorelnik. And I didn't really have a question for Bob, so I didn't put this to him, but I do just want to thank the GAP for talking about this and especially in response to the changes that were made last year and input that Bob shared at the end there with how these, the changes to the season structure were going. So, I think I mentioned in March that it was something I was interested in hearing about and so I'm just glad to hear that, that there's no issues and I do have a motion that's ready, but I'll wait and see if others want to have any comments to make.

**Marc Gorelnik** [00:01:13] Thank you very much Heather, appreciate that. So, let's see if there is any discussion or comments to be had before I bring back Heather for a motion. And not seeing any hands I'll ask Heather to go forward with your motion and then maybe we can have some discussion then.

**Heather Hall** [00:01:37] Okay thank you. And Sandra does have my motion that we could put up but, and I will read it. I move that the Council adopt a directed commercial fishery season structure for 2022 as recommended by the GAP in the Supplemental GAP Report 1, November 2021, which is a series of three-day openings beginning at 8 a.m. on the fourth Tuesday in June and ending at 6 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** [00:02:23] All right. Heather, is the language on the screen accurate and complete?

**Heather Hall** [00:02:27] Yes it is.

**Heather Hall** [00:02:28] All right. I will look for a second. Seconded by Butch Smith. Thank you Butch. Please speak to your motion.

**Heather Hall** [00:02:35] Well it's pretty straightforward. I think the season structure that we implemented in 2021 worked well as we've heard from the GAP and others, including folks that have reached out to processors. There was some concern that this might not be ideal. This, the three days proposed here might not be ideal for processors, so I'm glad to have heard the confirmation that it's working well, and I think that's it.

**Marc Gorelnik** [00:03:08] All right, thank you very much Heather. Are there questions for Heather on the motion or any discussion on the motion? And I'm not seeing any hands so I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:03:32] Aye.

**Marc Gorelnik** [00:03:32] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Heather. And before I turn back to Robin, does anyone around the table here have any further action or discussion on Agenda Item G.1? All right. Robin, how are we doing?

**Robin Ehlke** [00:04:04] Well, thank you Mr. Chair. You're doing very well. I think you've completed your work under this agenda item and adopted a season structure that is consistent that's in the GAP report and the same.....(audio lost)....

**Marc Gorelnik** [00:04:18] All right. Well, thanks everyone for quick action there. Thank you Heather for the motion.

## 2. 2022 Catch Sharing Plan and Annual Regulations – Final Action

**Marc Gorelnik** [00:00:00] And I don't see any sign-ups for public comment, so we won't have any public comment and we'll move straight to Council discussion and action. I appreciate we've been at this a long time. We can take a break here or if we think business can be completed efficiently, we can do that and then take a longer lunch or take a good lunch anyway. So, I'm not seeing any hands up requesting a break. So, let's see what we can do here with Agenda Item G.2. I'll first ask if there's any discussion and if we don't see any hands for discussion? I'll then ask for any motions? And I'm not seeing any hands for discussion. Maggie Sommer.

**Maggie Sommer** [00:00:59] Thanks Chair. Just briefly, I wanted to acknowledge the request in the GAP report to consider an allocation shift within recreational halibut allocations and I would have, I absolutely understand the motivation for that request. Would have some reservations considering it as a final change at this meeting, given that it has not gone through a public review and analysis process, but appreciate that coming forward and just didn't want to let it go by without any comment.

**Marc Gorelnik** [00:01:43] Thank you Maggie. Any further discussion? Marci Yaremko.

**Marci Yaremko** [00:01:48] Yeah, thank you Mr. Chair. Thank you Maggie. I appreciate your acknowledgment. I was a little surprised to hear about this this morning, but I really want to express my thanks to the GAP for just their willingness to communicate and discuss the possibilities. You know, I agree too that it's kind of late in the game we don't have analysis or proposed changes to this ESP in front of us and think would create some challenges for us to try to act on that here today, but just the collaborative nature of the discussions and I think the willingness to, you know, to make our management work and to share. So, I just, I want to really thank our GAP Reps, particularly the private sport reps that made these discussions possible and agree that maybe we shouldn't lose sight of them as we look toward next year. And, gosh, we've come a long way to receive a suggestion like that that's supported by two states kind of in the interest of others. It's just it's a, it's a very, it's a great thing to read and I just want to say my thanks because I think there's some, you know, potentially some changes coming in the membership on the GAP and I really look forward to their continued leadership in these discussions. Thank you.

**Marc Gorelnik** [00:03:41] Thank you Marci. Heather Hall.

**Heather Hall** [00:03:44] Thank you Chair Gorelnik. I'll just add on to that as well and, you know, giving the whole discussion about allocation changes a little perspective. From just the discussions we had this fall relative to not even changing an allocation, really, but looking at how we use our Washington sport allocation. They, it garners a lot of discussion and for good reason and I think, Marci, you're right. I applaud our GAP members for, you know, being able to talk about it and put it forward and think about it thoughtfully in the context of all the other things that are facing our sport fisheries and I definitely appreciate the folks we have on the GAP and their skill and ability to do that in the way that they have. So, I know that was probably the input provided by Washington folks, knowing that these are I think when we've done this before, it's not just a two-meeting discussion but we've taken more time to have those discussions over a three-meeting process. So, I wanted to acknowledge that change in the GAP report and then just wanted to talk a little bit about the change to the flexible inseason management provision and definitely similarly to our GAP, I, as a Washington manager, truly value our co-management relationship with the tribes. I know the past several years have been very hard for all of us and have very much appreciated the conversations that we've had all along the way, especially in 2020 when we closed fisheries and had to come up with an entirely new halibut season structure as communities protected the health of people who live there, and we have coastal communities that are remote and, you know, so I have been so appreciative of the fact that we had this very close working

relationship during that time and then even following after. I know we give value to the fact that when we talk about allocation changes for the sport recreational fishery, it has more impacts than just on our fishing public, but also to the communities where these ports are located. And so I just, I want to speak to that and say that even though I'm... I don't think that including that in the Catch Sharing Plan is really the right place to do it. It doesn't mean or take away from anything that we do already or our commitment to keep having those co-management discussions very regularly and would just comment too on this on the GAP proposal here that the change in Section 6.8. This Section 6 is specific to the sport fishery and so while I know that our tribal engagement is important, it's important even beyond just the sport fishery so I just wanted to provide that perspective there. Thank you.

**Marc Gorelnik** [00:07:46] Thank you very much Heather. Further discussion or comments? And if not, we could entertain some motions if there are any. Maggie Sommer. Thank you.

**Maggie Sommer** [00:08:10] Thank you Chair. Sandra should have a motion and that looks like it. I move that the Council adopt the proposed changes to management measures for Oregon recreational fisheries in the Catch Sharing Plan for 2022 recommended in Agenda Item G.2, Supplemental ODFW Report 1, November 2021. The daily bag limit Alternative 1 will apply to the Southern Oregon Sub Area, in addition to the Central Oregon Coast Sub Area.

**Marc Gorelnik** [00:08:44] All right, thank you very much Maggie. The language on the screen is accurate and complete?

**Maggie Sommer** [00:08:49] It is.

**Marc Gorelnik** [00:08:50] And I'll look for a second. Seconded by, I'll give it to Christa Svensson, an Oregon Representative. Please speak to your motion.

**Maggie Sommer** [00:09:02] Thanks very much Chair. I will be brief. This reflects the recommendations that I reviewed in presenting the ODFW report, which are as a whole intended to provide more opportunity and flexibility for Oregon's recreational halibut fisheries and hopefully improve our stakeholder's opportunity to achieve the allocations in those sectors. The specific wording of this motion is deliberately intended to make it clear that we are not proposing actual final adoption of the Catch Sharing Plan language in our report today. As I spoke to, we provide the draft language, but we do intend to leave some room for the National Marine Fisheries Service, Council staff, and others as appropriate to revise and refine that going forward to accomplish the intent of the recommended management measures. And finally, the motion also includes the clarification that I spoke to a little bit earlier about the bag limit alternative applying to the Southern Oregon Sub Area, in addition to our Central Coast Sub Area. Thank you.

**Marc Gorelnik** [00:10:29] All right, thank you very much Maggie. Any questions for Maggie on the motion or discussion on the motion? Not seeing any hands, I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:10:48] Aye.

**Marc Gorelnik** [00:10:48] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Maggie for the motion. Any other motions on this agenda item? Heather Hall, please.

**Heather Hall** [00:11:18] Thank you. I do have a motion for this. And thank you Sandra. The motion on the screen reflects what I intend so I will read that. I move that the Council adopt the proposed season structure, season dates, and proposed changes to the Catch Sharing Plan for 2022, as described in

Agenda Item G.2, Supplemental WDFW Report 1, November 2021.

**Marc Gorelnik** [00:12:13] All right thank you very much Heather. Is the language on the screen accurate and complete?

**Heather Hall** [00:12:18] Yes, it is.

**Marc Gorelnik** [00:12:19] And I'll look for a second on Washington's proposal. Was seconded by Phil Anderson. Thank you very much Phil. Please speak to your motion Heather.

**Heather Hall** [00:12:32] Yes, thank you. So, the WDFW motion here is specific to the changes described in the WDFW report and don't capture the recommendation from the GAP report. And I spoke to that a little bit a minute ago. I just really want to reiterate though that our WDFW commitment to working with our tribes and discussing management decisions that affect the ports of Neah Bay and the ports of La Push and all of our communities, and so thinking broader than just the impacts to state recreational halibut fishermen, and so I've left that out of keeping of the Catch Sharing Plan to keep that working relationship between the state and the tribes. And I, as I said, I very much appreciated those discussions and the way we work together to get through really the last couple of really challenging years. So, I don't want the fact that that idea proposed by the GAP to be construed as any of departing from that commitment that we've had for the past so. And then similarly to what Maggie described, I have included the draft proposed changes to the Catch Sharing Plan in this motion, but also look for the flexibility that to work with National Marine Fisheries Service and the Council as we make those changes to the Catch Sharing Plan going forward.

**Marc Gorelnik** [00:14:33] All right, thank you very much Heather. Sorry about the background noise here. Phil Anderson. Are you seconding the motion? You did second it.

**Phil Anderson** [00:14:42] I already did. I was going to add a few comments if you're ready for that.

**Marc Gorelnik** [00:14:47] Yes, please.

**Phil Anderson** [00:14:49] Thanks Mr. Chair. Just in support of the motion and in support of the comments that Heather made relative to the relationship between the state and the tribes. The obligation is founded in co-management. We have a co-management stipulation was agreed to between the tribes and the state back in 1997 that still stands and outlines the obligation of the state and the tribes to communicate and coordinate with each other, particularly if there's an action contemplated by one or the other that could reasonably be assumed to impact the other. So that consultation piece is well established and extremely important, and I am confident that both the tribes and the state both honor that and value that coordination. And I also just wanted to say we've got a really challenging year up ahead of us in terms of halibut management in front of the IPHC. We've enjoyed some time here with some stability in what the 2A allocations are going to be. We're going have to start to, as that agreement comes to an end it's going to have to be replaced with something, so the importance of all of us working together, the states, National Marine Fisheries Service, the tribes as a unit is going to be really important. And of course, that will start with our interim meeting that, the IPHC interim meeting that's coming up here at the end of November followed by the annual meeting in January. So will just appreciate the motion. Support it and just wanted to emphasize the need for all of us to be prepared to work together for the overall good of Area 2A.

**Marc Gorelnik** [00:16:55] Thank you very much, Phil, for those comments. Appreciate them. Heather... discussion on the WDFW motion? And I'm not seeing any hands so I will call the question. All those in favor say 'aye'.

**Council** [00:17:21] Aye.

**Marc Gorelnik** [00:17:21] Opposed, no? Abstentions? The motion passes unanimously. I don't believe there is a motion coming from California. Let me ask around the table if there's any further action on this agenda item? Phil Anderson.

**Phil Anderson** [00:17:58] Thanks Mr. Chair, and I'm not sure if this is a appropriate time. I know IPHC's going to be looking for an update from the Council and specifically National Marine Fisheries Service on how we're coming with the transition in terms of managing the non-treaty directed fishery and so at some point in time whether it's, whether there's, whether Frank may be prepared to speak to that or at least we're going to need to be prepared to provide that as part of our report to the IPHC, probably at the annual meeting, so just wanted to put that on people's radars. Thanks.

**Marc Gorelnik** [00:18:43] Thanks Phil. This is our last Council meeting before that annual meeting, so I'm not sure. And this is our last Pacific halibut agenda item so I'm not sure where the Council, well, I'm not sure how we would discuss this at this meeting other than under this agenda item to the extent that any discussion is needed. So Frank. Thank you.

**Frank Lockhart** [00:19:17] So the agency has already started working with our Area 2A Co-managers on developing a report for the annual meeting, and we will include this in our portion of that report. Phil is right. We'll make that report at the annual meeting, not the interim meeting. That being said, if questions do come up at the interim meeting, the National Marine Fisheries Service would be prepared to respond to those. And, you know, we would start off essentially saying with what we said under G.1, which is the proposed rule we'll have a very good idea by the time of the interim meeting when the proposed rule will come out and we'll be able to tell them the schedule that we have for putting the new transition rulemaking into place. So, I hope that answered Phil's questions. If not, I'm happy to go further.

**Phil Anderson** [00:20:16] Mr. Chairman that sounds good. Thanks.

**Marc Gorelnik** [00:20:18] Yeah Phil. That's okay, Phil?

**Phil Anderson** [00:20:26] Yes sir. Thank you very much Mr. Chairman. Thanks Frank.

**Marc Gorelnik** [00:20:32] All right. Anything further under this agenda item? Okay Robin how'd we do?

**Robin Ehlke** [00:20:43] We did well Chair Gorelnik. We have motions in place, so changes adopted for both Oregon and Washington to the Catch Sharing Plan, so we'll work to get those in place and then I guess I would just also note that the Council will transmit to both IPHC and NMFS the proposed changes in that we decided on today. And so, with that, I think the Council has completed its work under this halibut agenda item.

**Marc Gorelnik** [00:21:19] All right, thank you very much Robin.

## **H. Highly Migratory Species Management**

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

No transcription for this agenda item.

## 2. International Management Activities

**Marc Gorelnik** [00:00:00] That concludes public comment and takes us to our Council action, which will be up on the screen there to provide recommendations. So, I guess I'll open the floor. Ryan Wulff followed by John Ugoretz.

**Ryan Wulff** [00:00:22] Yeah, thanks Chair. I just wanted to respond, I think, to Corey's question or just make sure that I think I understood it regarding our ability to make changes to the regulations and could of clarified this when I was giving my report. I mean these, you know, we are, our intent is to do three years, cover this three years of measure through a domestic rulemaking that will be done under the Tuna Convention Act. So, it's different. It's not Magnuson action. Therefore, you know, we can do inseason management as it's laid out, you know, in the rulemaking like we've had in 2021 and it's been discussed here. But if we came upon, whether it was in 2022, 2023 for whichever fishing year, if we wanted to make revisions to the regulations, that is just a process that the United States can do at any time to amend its implementing regulations as long as we are doing it in a manner that's still consistent with the overall international measure. So, it's something we can do at a relatively quick pace if needed. And I hope that answers his question.

**Marc Gorelnik** [00:01:41] Does that work for you Corey?

**Corey Niles** [00:01:45] Thanks Mr. Chair, and thanks Ryan. I probably ask you this every time we do this but, yeah, that was my understanding, but what I heard the AS saying was they might like to do that if this plan, if we were to have a plan along the lines of what they're proposing and it works well then you can run it inseason without changing the regulations. But if it turned out that, you know, new information says maybe that wasn't the best approach then we could, you all could still change it next year, for example. And that's what I'm hearing you say is it's possible. So yeah, I think that clears it up for me. Appreciate it. If I've got that summary right.

**Marc Gorelnik** [00:02:38] All right good. Thank you. John Ugoretz.

**John Ugoretz** [00:02:43] Thank you Mr. Chair. You know I wanted to go back to 2017 and what's happened since then. We've strived significantly to avoid the overage that we had in 2017 from reoccurring, and it has not reoccurred though. Total catch has remained relatively low since then. But a couple of other key things have changed. E-ticks is now fully operational, and we've had a 24 hour mandatory reporting requirement for bluefin since that time. I feel, based on our experience with E-ticks and my staff's experience on the docks, that we have a much better ability to manage bluefin catch inseason the way we do some other species that we didn't have before. And while I was very supportive of pre-trip notifications when we implemented them after 2017, the reality was that it ended up forcing the fleet to notify when they really weren't sure if they were going to catch anything, and it did result in an early closure that then had to be reversed, which from both a management and a fishery standpoint was not ideal. I think the key thing here, and I think the team has done, excuse me, the advisory subpanel has done a great job of laying out a proposal that is nearly what I would suggest in terms of leaving enough of a buffer in quota so that the trip limit reduces to a point that it is manageable so that we do not exceed that annual limit. And so, I'm pretty supportive of what they've done. I think I might make a few changes, just minor things, leaving sort of 100 tons at least between each change in limit so that we do have the ability to make a change adeptly and maybe rounding off some of the numbers just to make it a little simpler to understand, but otherwise I like what the advisory subpanel has done. I really appreciate the hard work they put in this over the past couple days.



**Marc Gorelnik** [00:05:20] All right, thanks very much John. Further discussion? Specific recommendations? John Ugoretz.

**John Ugoretz** [00:05:44] Thanks Mr. Chair. I have a motion for this if it pleases you and the Council. I think that I'd like to get the specifics down to be clear to what we're recommending to National Marine Fisheries Service?

**Marc Gorelnik** [00:06:01] Yeah, that would please me if you could get a motion going and then what we would have something concrete to discuss. Thank you.

**John Ugoretz** [00:06:11] Yeah thanks. I think staff may have it and can put it on the screen. There we go. I move that the Council recommend that NMFS implement the following trip, should say trip limits, for the 2022, 2023 and 24 bluefin fishing seasons depending on actual annual limits each year. For 2022 the annual limit is 523 metric tons, with an initial trip limit of 20 metric tons. The trip limit reduces as follows: Between January and June when cumulative catch is within 323 metric tons of the annual limit, the trip limit shall be 15 metric tons. When catch is within 223 metric tons of the annual limit, the trip limit shall be 3 metric tons. From July to September when cumulative catch is within 273 metric tons of the annual limit, the trip limit shall be 15 metric tons. When catch is within 198 metric tons of the annual limit, the trip limit shall be 3 metric tons. October to December, when cumulative catch is within 223 metric tons of the annual limit, the trip limit shall be 15 metric tons. When catch is within 100 metric tons of the annual limit, the trip limit shall be 3 metric tons. For 2023 the annual limit is 720 metric tons with an initial trip limit of 30 metric tons. The trip limit is reduced as follows: Between January and June, when the cumulative catches within 320 metric tons of the annual limit, the trip limit shall be 20 metric tons. When catch is within 220 metric tons of the annual limit, the trip limit shall be 3 metric tons. From July to September, when cumulative catch is within 290 metric tons of the annual limit, the trip limit shall be 20 metric tons. When catch is within 200 metric tons of the annual limit, the trip limit shall be 3 metric tons. October to December, when cumulative catch is within 250 metric tons of the annual limit, the trip limit shall be to 20 metric tons. When catch is within 100 metric tons of the annual limit, the trip limit shall be 3 metric tons. For 2024, if the annual limit is between 525 and 720 metric tons, the initial trip limit is 30 metric tons. January to June, when cumulative catch is within 300 metric tons of the annual limit, the trip limit shall be 20 metric tons. When catch is within 220 metric tons of the annual limit, the trip limit shall be 10 metric tons. And when catch is within 150 metric tons of the annual limit, the trip limit shall be 3 metric tons. From July to September, when cumulative catch is within 300 metric tons of the annual limit, the trip limit shall be 20 metric tons. When catch is within 200 metric tons of the annual limit, the trip limit shall be 10 metric tons. When catch is within 140 metric tons of the annual limit, the trip limit shall be 3 metric tons. From October to December, when cumulative catch is within 250 metric tons of the annual limit, the trip limit shall be 20 metric tons. When catch is within 100 metric tons of the annual limit, the trip limit shall be three metric tons. If the annual limit is between 400 metric tons and 524 metric tons, the initial trip limit is 20 metric tons. January to June, when cumulative catch is within 300 metric tons of the annual limit, the trip limit shall be 15 metric tons. When catch is within 200 metric tons of the annual limit, the trip limit shall be 3 metric tons. July to September, when cumulative catch is within 250 metric tons of the annual limit, the trip limit shall be 15 metric tons. When catch is within...I think that should be 150, not 1750 metric tons of the annual limit, the trip limit shall be 3 metric tons. October to December when cumulative catch is within 200 metric tons of the annual limit, the trip limit shall be 15 metric tons. When catch is within 100 metric tons of the annual limit, the trip limit shall be 3 metric tons. If the annual limit is between 297 and 399 metric tons, the initial trip limit is 15 metric tons. For January to June, when cumulative catch is within 200 metric, 220 metric tons, the trip limit shall be 3 metric tons. July to September when cumulative catch is within 200 metric tons, the trip limit shall be 3 metric tons. October to December, when cumulative catch is within 100 metric tons, the trip limit shall be 3 metric tons. And finally, if the

annual limit is 297 metric tons, end key there, or less, the trip limit shall be 5 metric tons for the entire year.

**Marc Gorelnik** [00:11:04] All right. Is the language on the screen accurate and complete?

**John Ugoretz** [00:11:08] I just have to add in those last three bullets. After metric tons in each case before the comma, so 220 metric tons, after that it should say 'of the annual limit' in each case. Thank you. Now it matches my intent.

**Marc Gorelnik** [00:11:45] All right. Thank you for the motion. We'll see if we have a second. Seconded by Bob Dooley. Please speak to your motion, John.

**John Ugoretz** [00:11:55] Thank you Mr. Chair. As I mentioned, I believe that between National Marine Fisheries Service and California Department of Fish and Wildlife we now have a much better feeling on how to manage tightly to annual catch limits in the bluefin fishery. We have also seen an increased interest in local bluefin catch, which we are supportive of. We feel like this is a high value, high quality and high interest fishery for both the commercial fishing industry and the public who wishes to consume bluefin. I would far prefer to have these fish caught off the West Coast with our stringent limits than imported into the U.S. from other countries. I think that the advisory subpanel did an excellent job in providing good discussion and input into what reasonable limits would be that allow for that catch. I made some minor adjustments rounding some numbers and ensuring enough between changes in trip limits that we can manage to that, and while I am sorry that I had to read that long motion, I'm glad that we have something to look at here.

**Marc Gorelnik** [00:13:22] All right, thank you very much John. So, we have a motion. We have a second. Let's see if there are any questions for the maker of the motion or any discussion on the motion. Bob Dooley, please.

**Bob Dooley** [00:13:41] Thank you Mr. Chairman. I just want to say I really appreciate John's motion and I really have to acknowledge the working together with of NMFS and the advisory panel to come up with a really good solution here and I think that's, that's to be commended. It's a rare day when we see this much agreement and I think it reflects in the communication that's been, you know, increased between all the parties so thanks, John, for the motion and I will be supporting it.

**Marc Gorelnik** [00:14:18] All right, thank you very much Bob. Any other discussion on this motion? Not seeing any hands, I will call the question. All those in favor say 'aye'.

**Council** [00:14:31] Aye.

**Marc Gorelnik** [00:14:31] Opposed, no? Abstentions? The motion passes unanimously. John, thank you very much for the motion. Is there, are there further recommendations or guidance to be provided under this agenda item? Christa Svensson.

**Christa Svensson** [00:14:58] Yes, I just want to revisit the recommendations from the PAC in preparation for the WCPFC 18 coming up and wanting to make sure that, you know, unless anybody voices an objection, that those are the positions that we want to bring forward, either through me or I don't know by what other vehicle, but probably Dr. Dahl. And I don't know that we need a motion, but if we do I suppose I could put something together pretty quickly for that. But just wanting to generate some dialogue about are we comfortable with those positions and is there anything else we need to bring forward in addition to those if needed for the WCPFC?

**Marc Gorelnik** [00:15:46] All right. Thanks for bringing us back to that Christa. So, let's see if there are different perspectives, or additional perspectives? I am not seeing any other hands, so I have to assume that folks are okay. I can't read minds. I can only look for hands. Any further... let's see Christa Svensson, please.

**Christa Svensson** [00:16:28] Yeah, I mean seeing that there aren't any, then I'm going to take that as acceptable in furthering those positions, and then it's just... are we comfortable with that as a recommendation or do we need a motion to do that?

**Marc Gorelnik** [00:16:46] Okay, great. Kit.

**Kit Dahl** [00:17:04] Mr. Chair, I think you're asking me for a wrap up of this item, and I think you've completed your business to the degree that you want to discuss international matters and you've provided guidance to NMFS on the structure of a rule to establish a limit regime for management of Pacific bluefin over the next three years. There was some questions and discussions around the potential for, given some uncertainty about what the actual catch limits can be, you know, looking out a couple of years, you know, adjustment to those, so I'm sure that we'll be sort of tracking how the fishery proceeds and how the trip limit regime performs and certainly we can schedule, I think something at another Council meeting sometime in the next two years or so if it is necessary or appropriate for the Council to weigh in on potential changes to the regulations that NMFS implements. And then just the other thing, as Christa just brought up as Commissioner representing the Council at the WCPFC, she noted that she'll be taking the PAC recommendations as a guide to the positions that this Council would be supportive of in discussions with the U.S. delegation, head of delegation to U.S. government in terms of formulating U.S. positions. So, I think with that understanding and endorsement she can go forward and fulfill her role as a representative of the Council in that forum.

**Marc Gorelnik** [00:19:07] Well, not so quick. Ryan Wulff has his hand up. Ryan.

**Ryan Wulff** [00:19:12] Yeah thanks. I'll be quick. I just wanted to give an update, I probably should've noted earlier. Because we've talked a little bit about, you know, the AS had its recommendation to look into this. I think I answered Corey's question and I agree with what Kit just said. I just wanted to note what we will have some stakeholder workshops again over the coming year in the spring. One of those will be focused on domestic management and so we can always come back to the Council if there's additional recommendations as a part of that and we can, we'll keep the Council informed of future meetings.

**Marc Gorelnik** [00:19:47] All right, thanks very much for that Ryan. All right, so we have completed our business on Agenda Item H.2.

### 3. Drift Gillnet Fishery Hard Caps

**Marc Gorelnik** [00:00:00] That concludes public comment and takes us to Council discussion and action, which should magically appear on the screen. There it is. That's our action. Adopt a range of alternatives and a PPA as appropriate. So, we've received a comprehensive report from the management team. Comments from the AS and we've had a wealth of public comment. So, who wants to get us started here? Go ahead John.

**John Ugoretz** [00:00:44] Thank you Mr. Chair. And I appreciate the efforts and comments that went into this one as well. We've been working on it a long time. I don't know that I agree with some of the things that were said, and I think we can discuss some of that as we move along here. I would kick things off by saying where I think we are in this process. At the last meeting we asked the team to further develop what could become a range of alternatives and I think they've done that, and I think they've given us a lot to chew on and some very good questions that I think we should work on answering in where we go forward here. I feel like I've heard enough to have a range of alternatives that is inclusive of the variety of input we've heard today and the variety of input that has come from the teams and other advisory bodies. I do not feel like I am prepared to choose a preferred alternative at this point. In fact, I definitely feel like I need to see analysis of a range of alternatives in order to do that and that would include analysis of how feasible an alternative is, whether there are particular implementation concerns or issues of one alternative or another that would include, you know, the team's input on potential economic impacts and relative benefit in terms of meeting our purpose and need and reducing incidental catch of protected species. So, I'm kind of hopeful that based on all of it we can pull together something. I will say and perhaps to Mr. Burke's point, I have prepared something that I've been working on. I will also say to Mr. Burke that that is not only common practice but necessary to be prepared for these meetings and that I, for one, certainly adjust anything that I've prepared based on what I'm hearing that day and even up to the minute I submit it so I don't think doing my homework is something that should be discredited, and I'll leave it at that for now.

**Marc Gorelnik** [00:03:27] Thank you John. Dr. Braby.

**Caren Braby** [00:03:31] Thank you Mr. Chair. And I also want to take kind of a big step back and go back to our decision in 2015 about this management tool, the hard cap tool. It was crafted as a tool for incentivizing behavior change and I think just the process of talking about it and putting it in place, even though never got into regulations, it has generated a suite of discussions that have been beneficial to information in front of the Council today. And so, I have a hard time thinking about moving forward with hard caps and not seeing it as continuing to be a tool that helps incentivize good behavior. That said, we've seen a lot of changes in the fishery over time and so I think there's two ways of looking at it. I, too, feel like we need to have a constrained set of alternatives to be further analyzed because what we're facing and have been facing with this issue for some time is finding a balance between the economic impacts and the conservation benefits, and we want to find conservation benefits but not to fully close down a fishery, that is not the choice in front of us. And so, I think that today's goal for me is to ensure that we have a range of alternatives that is inclusive, that gives us a broad range of information when the team is able to get those alternatives analyzed and back to us so that we understand the universe of options. And I would like to just kind of close this comment with saying that, you know, I think we are in a situation right now where we're pursuing multiple paths of changes in management for swordfish, for the DGN fishery and this is a piece of that. It's not the entire picture and I feel that we need to move forward with this piece of that puzzle and think that we're in a good position to do that today based on the team's work, the AS input and public comment we've heard today, and we can get another step forward. Thanks.

**Marc Gorelnik** [00:06:36] Thank you Caren. Corey Ridings.

**Corey Ridings** [00:06:40] Thank you Mr. Chair. This discussion is obviously one that the Council's been having for a long time, but I think it remains important towards meeting the protected species goals and reducing bycatch and this is likely to only grow in importance as ocean conditions change and we see species in new areas at new times of the year. Hard caps in this fishery, I think, are consistent with the Council's policy on protected species for all of our fisheries. For example, protecting ESA-listed salmon in the groundfish fishery. I think the HMSMT has provided a great starting point for a Council discussion of alternatives. I support a broad range of alternatives for analysis. I think John and Caren already spoke to that well. I'd certainly like to see Alternative 2, the original 2015 FPA included. This was a result of many years of negotiation and compromise that would allow the drift gillnet fishery to operate within limits and I think including it honors the previous Council process and decision point there. Also, for changing circumstances, the economic analysis completed by NMFS of that 2015 alternative is likely to look very different given the change in fishery participation as a result of the California legislation and the phasing out of the fishery and the Council's vote to authorize buoy gear. Regarding these additional alternatives, I really appreciate the analysis and especially the visuals provided by the HMSMT. I do have concerns about closures that are only short term, based both on what this means for protected species as well as the enforcement concerns that we heard raised by the EC. Should these move forward, I look forward to reviewing a more in-depth analysis about the impacts of those option and the suboptions. In regard to the HMSMT's request to clarify where hard caps apply? I believe it should apply to the entire fleet regardless of geographic location. And finally, you know, some members of the public and others spoke about a hundred percent observer coverage and where that is and the AS spoke to this as well. I continue to think that that is a good idea and that, you know, ideally if we were able to get there it would certainly provide some different options for what caps might look like. So as this discussion continues, I hope that that continues to be part of the dialogue. So, I'm going to stop there. Thanks.

**Marc Gorelnik** [00:09:32] Thank you very much Corey. Christa.

**Christa Svensson** [00:09:35] Yeah, thank you Mr. Chair. I have to say I'm very appreciative of the discussion that's gone on so far. I also am not prepared to pick a preferred alternative today so glad to hear that there's at least one other person out there that isn't ready to do that yet. I do think we should have as wide a range as possible providing that there are some sidebars on that, meaning not everything and anything but I am in favor of including Option 4, in addition to Option 2 based upon the support from the HMSAS. I am also appreciative of really the conversation around semantics about both in the EEZ and outside of it, but also the conversation around exceed versus reached and where those points are. So just as we work through all of this, making sure that the language we use is consistent and clear. I do want to weigh in briefly about observer coverage. I guess I have a slightly different take on it in that, you know, I am more familiar with 20 percent for scientific purposes than a hundred percent. I do think that there may be a happy medium where a hundred percent of vessels, and I certainly haven't spoken to anybody else about this but, you know, if a hundred percent of vessels need to provide coverage and you are using a percentage of that, say 20 percent, then you don't have outliers that are never observed or never have the opportunity for being observed, and so not advocating for that today but just putting that idea out there that I think a hundred percent may not be attainable just based upon cost without EM, and since EM is not readily available at this point in time, really urging caution to proceed down that route. And with that I will close my discussion comments. Thank you.

**Marc Gorelnik** [00:12:02] Thank you very much Christa. Corey Niles, please.

**Corey Niles** [00:12:10] Yeah, thanks Mr. Chair. I'll be brief....

**Marc Gorelnik** [00:12:13] Corey, it's hard to hear you. Could you speak up or get closer to the mic or something?

**Corey Niles** [00:12:19] Yeah, I'll try Mr. Chair. I was having good luck this meeting so far but....

**Marc Gorelnik** [00:12:25] Sounds good now. You know now it sounds good.

**Corey Niles** [00:12:25] Yeah, I'll keep it brief. I don't want to repeat what's been said. I think I want to appreciate the work of the team for the AS and coming up with a constructive alternative. My understanding of the concerns that NMFS brought back to the Council were not so much about the hard caps themselves, but some scenarios where the consequences would be disproportionate to what we're trying to do. I think the purpose and need we have here is right in line with our duty as a Council and glad to see the ideas out there for doing it. So, yeah, don't think we have enough for a preliminary preferred but we do have some ideas on how to find that, the incentive that's proportionate to getting people to change behavior. I hear Gary's skepticism. I do think there are things we've heard that people could do differently and if we come away with a range here that of the sort people are speaking to, I think we'll start to see, to get more clarity on those issues at the next step. So, yeah, I appreciate all the discussion so far. I will end there not having more to add.

**Marc Gorelnik** [00:13:46] Thank you very much Corey. John Ugoretz.

**John Ugoretz** [00:13:50] Thanks Mr. Chair. Yeah, going back to observer coverage, I think the Council and certainly Department of Fish and Wildlife has been supportive of a hundred percent coverage for the drift gillnet fishery. I don't see that as necessary to implement hard caps, but it would certainly benefit. I'd also point out that the original hard cap proposal was based on observed catch, observed incidents of injury and mortality, so it's only the observed boats that are counting towards the hard cap and I think I would support doing that as well in this case, though I also support the concept of closing vessels that are unobservable, and that's by NMFS observer programs definition of unobservable when individuals are.....

**Marc Gorelnik** [00:14:55] Hey John, we're losing your audio. It sounds like a bandwidth issue. Yeah, we don't have you John.

**John Ugoretz** [00:15:10] .....risk of hitting that hard cap.....is that better?

**Marc Gorelnik** [00:15:15] Yeah, I got you now. We lost much of what you just said.

**John Ugoretz** [00:15:22] Okay. Just double checking. Can you hear me now?

**Marc Gorelnik** [00:15:27] No, it's faded away a bit.

**John Ugoretz** [00:15:29] All right, let me take a pause and see if someone else speaks while I try and fix that.

**Marc Gorelnik** [00:15:35] Okay, very good. All right, we'll look for another hand to give John a moment to straighten things out a bit. Or we'll just give him a moment. John, you're back.

**John Ugoretz** [00:15:57] I hope I'm back, can you hear me?

**Marc Gorelnik** [00:15:59] I can hear you. Yes.

**John Ugoretz** [00:16:01] Okay great. So, I was saying that for observer coverage that the caps were based originally on observed injury and mortality and I think that should be the case here, but I also agree that closing unobservable vessels, which is unobservable based on NMFS protected, I'm sorry,

NMFS observer program definition of unobservable makes sense when an individual cap has been reached. And I'd agree regarding if we have a closure it should apply to the fishery, not a particular area, so that would be inside and outside the EEZ if a closure for hard caps is implemented. In terms of the overall range, I would like to see both the periods that the team recommends included in the range. I want to see that analyzed. I don't know how things will play out in that analysis, but I think it's important both for the economic analysis and the impact on resources to see how those things play out. So, I would like to include both the full season and the temporary. And then also the advisory subpanel brought up the idea of a different timeframe of closure going through November as opposed to the fishing year, and I would like to see that analyzed. I'm not entirely sure how different that will be, but I think it's a good suboption for one of the alternatives. I think I'll see if anybody else has something more to say there.

**Marc Gorelnik** [00:18:03] All right, thank you John for that. We certainly have a number of alternatives and a lot of options within those alternatives. Do have to narrow it down a bit. Let's see if there are any other hands up. And if we don't have more discussion, if someone has a motion, we could maybe continue our future discussion off of that. Go ahead John.

**John Ugoretz** [00:18:35] Yeah, thanks. I do have a motion that I hope consolidates the various input we've heard, and I'd like to put it forward.

**Marc Gorelnik** [00:18:51] Please. Oh, and there it is.

**John Ugoretz** [00:18:53] There it is. Okay so I move that the Council adopt the following range of alternatives for drift gillnet hard caps and directs the Highly Migratory Species Management Team to analyze these alternatives for their relative ability to meet the Council's stated purpose and need, their relative potential economic impacts to DGN permit holders and their relative potential to reduce incidental catch of protected species. Each alternative should be analyzed with the addition of deep-set buoy gear as a potential alternative gear during closure periods. Alternative 1: No action. Alternative 2: The original Council preferred alternative for rolling two-year hard caps. Alternative 3: A combination of individual and fleetwide annual, meaning fishing year, April 1st to March 31st. Caps based on Table 1 below. Caps are based on observed interactions regardless of the level of observer coverage in all cases, I'm sorry, in all cases ceasing fishing shall be applied both inside and outside the U.S. EEZ. Closures are contiguous even if they extend into or beyond an existing closure. Table 1, Individual and fleet wide hard caps. Values that exceed the individual or fleetwide caps are in parentheses. I'll go ahead and read the table. It's species, individual cap and then fleetwide cap. For fin whale, one with two in exceedance and two for the fleetwide cap with three and exceedance. Humpback whale, one with two in exceedance and two with three for fleetwide exceedance. Sperm whale, one with two and two with three. Leatherback sea turtles, one with two and two with three. Loggerhead sea turtles, one with two and two with three. Olive Ridley sea turtles one with two and two with three. Short fin pilot whale, three with four for individual caps and four with five for individual caps. I think I skipped over Olive Ridley Sea Turtle one with two and two or three. Common bottlenose dolphin, three with four and four with five. I'm hoping I read everything on my table there. Option A. If a vessel reaches an individual cap, that vessel and all unobservable vessels cease fishing for Suboption 1. 30 days if the cap is reached before November 1st or 14 days if the cap is reached between November 1st and January 31st. Suboption 2: For the remainder of the fishing year, as described above. If a fleetwide cap is reached, the entire fleet ceases fishing for the remainder of the fishing year. Option B. If a vessel reaches an individual cap, that vessel and all unobservable vessels cease fishing for 30 days. If the cap is reached before November 1st or 14 days if the cap is reached between November 1st and January 31st. If a vessel exceeds an individual cap, that vessel and all unobservable vessels cease fishing for the remainder of the fishing year. If a fleetwide cap is exceeded, the entire fleet ceases fishing for the remainder of the fishing year. Option C. If a vessel reaches an individual hard cap, that vessel and all

unobservable vessels cease fishing for 30 days if the cap is reached before November 1st or 14 days if the cap is reached between November 1st and January 31st. If a vessel exceeds an individual cap, that vessel and all unobservable vessels cease fishing for the remainder of fishing year, the fishing year, and the remainder of the fleet ceases fishing for 30 days if the cap is reached before November 1st or 14 days if the cap is exceeded between November 1st and January 31st. If a fleetwide cap is reached, the entire fleet ceases fishing for 30 days if the cap is reached before November 1st or 14 days if the cap is reached between November 1st and January 31st. If a fleetwide cap is exceeded, the entire fleet ceases fishing until Suboption 1, the beginning of the following fishing year. Suboption 2: The following November 1st with the cap counts beginning November 1st each year.

**Marc Gorelnik** [00:23:37] Is that the end of your motion?

**John Ugoretz** [00:23:39] Sorry, that's the end of my motion. Yes.

**Marc Gorelnik** [00:23:42] Great. Thank you very much John for that motion. It sounds as if the language on the screen accurately reflects your motion, but could you verbally confirm that?

**John Ugoretz** [00:23:54] Yes, it does.

**Marc Gorelnik** [00:23:55] All right. Let me see if there is a second. Seconded by Bob Dooley. John, please speak to your motion.

**John Ugoretz** [00:24:06] My goal here is to have a broad range that can be compared to each other. I want to help inform the decision on a final preferred alternative. I'd point out that I'm intentionally and quite specifically not recommending a preliminary preferred alternative in this motion. I feel that we need the analysis in order to make that choice in selecting the alternative that best meets the purpose and need, reduces the potential for incidental take of protected species and reduces the potential for negative economic impacts. While I agree that certain alternatives may be more difficult to enforce, these alternatives are not impossible to enforce. I think a great example is that California Fish and Wildlife law enforcement officers are currently enforcing a temporary closure on Dungeness crab fishing in a portion of the state. A temporary ban on the use of traps by recreational crab trappers while allowing the use of hoop nets and snares along with any host of other temporary and changing restrictions. Enforcement also occurs on individuals every day as individuals are required to be permitted. While it is certainly difficult to enforce temporary reprieve for individual closures, it's far from impossible. And while with regard to meeting or exceeding limits, I think there's a benefit in analyzing both and both have been included here. Importantly for alternatives where there's an initial step, where individuals are closed or the whole feed is temporarily closed, an additional take by the fleet may be needed to effectively implement the cap where you then close completely. And I hope that the range is broad enough to provide a realistic comparison and narrow enough that the team can effectively provide those comparisons. Thanks.

**Marc Gorelnik** [00:25:59] Thank you very much, John. Are there questions for the maker of the motion? Ryan Wulff.

**Ryan Wulff** [00:26:06] Thank you John. I appreciate the comprehensive motion here. I have a question there in the second line on Alternative 3. At the end of that it says the caps are based on observed interactions. I just want to note that's different than what would be in Alternative 2 because the previous Council action was observed injuries and mortalities, not just interactions. So, I just wanted to clarify was that your intent to have it be different here? What the caps are based on versus Alternative 3 versus Alternative 2?



**John Ugoretz** [00:26:49] Thanks Ryan. Through the Chair. My intent, as I think I said during discussion, is that this would be observed injury or mortality and by interaction in this, that's what I mean.

**Ryan Wulff** [00:27:06] Thank you.

**Marc Gorelnik** [00:27:11] Any further questions for the maker of the motion or discussion on the motion? I am not seeing any hands and so if there's no further discussion there's no reason to delay a vote. So, all those in favor of this motion say 'aye'.

**Council** [00:27:38] Aye.

**Marc Gorelnik** [00:27:39] Opposed, no? Abstentions? The motion passes unanimously. John, thanks so much for this motion on a tough agenda item. So, with that motion made and passed, I will see if there's further discussion or motions on this agenda item? I'll look around the table, see if there are any hands. And I'm not seeing any hands so I will then turn back to Dr. Dahl and see how we're doing on this agenda item.

**Kit Dahl** [00:28:27] Thank you Mr. Chair. Well, I think you've completed your business by adopting a range of alternatives, that's what it says in the Council action. And there have been several statements making clear that you don't feel prepared to adopt a preliminary preferred alternative at this time and want to wait until you get some more in-depth analysis from the management team of these adopted alternatives before moving to the next step. I guess one thing in that regard. I would just note looking at our agenda planning materials, that further action on this issue has not been scheduled in the Year-at-a-Glance, our Year-at-a-Glance planner on the next two agendas or the March agenda. At some point, whether it's now or on Monday, I think it would be very helpful to clarify that. That will help the management team in balancing the workload they have on this and other items before them.

**Marc Gorelnik** [00:29:50] All right. John Ugoretz.

**John Ugoretz** [00:29:55] Yeah, thanks Mr. Chair. And thanks Kit. I appreciate that comment. I'm hoping that based on this final range of alternatives the management team will be able to provide us some input in advance of agenda planning so we can better decide how long things are going to take.

**Marc Gorelnik** [00:30:19] Great, we'll look forward to the management team's input. All right. I think that concludes this agenda item.

# **I. Coastal Pelagic Species Management**

## **1. Preliminary Review of New Exempted Fishing Permits for 2022**

**Marc Gorelnik** [00:00:00] That concludes public comment and takes us to our Council action, which is there on the screen. So, I will look for a hand to either commence discussion or to bring forward a motion upon which discussion may be had. Briana Brady. Welcome.

**Briana Brady** [00:00:19] Good morning. Thank you Mr. Chair. I think I can just offer a few thoughts by first expressing my appreciation to Diane Pleschner-Steele of CWPA and also Mike O from the Pacific Northwest, along with the fishermen and the Southwest Fisheries Science Center for all their time spent in improving the data sources for sardine management. These EFPs will continue to provide data to help inform the status of Pacific sardine and CDFW is supportive of these exempted fishing permits, and we think they should be adopted for public review. Thanks.

**Marc Gorelnik** [00:01:00] All right, thank you Briana. Further discussion on the matter before us? And if there's no further discussion, a motion would be in order, and we can have further discussion then. Briana Brady.

**Briana Brady** [00:01:22] Thank you. I have a motion, but I haven't sent it to anybody. If you want me to send it, I can or I can just read it.

**Marc Gorelnik** [00:01:32] If it's brief you can just read it.

**Briana Brady** [00:01:36] I move that the Council adopt a preliminary exempted fishing permit proposals in Agenda Item I. 1 comma Attachments 1, 2 and 3 for public review.

**Marc Gorelnik** [00:02:22] All right, thank you Briana. Is that language on the screen accurate and complete?

**Briana Brady** [00:02:29] Yes, it is. Thank you.

**Marc Gorelnik** [00:02:30] All right. I will look for a second. All right, seconded by Maggie Sommer. Thank you Maggie. Please speak to your motion.

**Briana Brady** [00:02:44] Thank you Mr. Chair. These EFP proposals provide for opportunities to help maintain time series for biological data that have been used in the stock assessment. And these EFP proposals also help to address data gaps related to nearshore biomass by allowing for the industry to run acoustics and aerial surveys, and then to collect the corresponding biological data to inform the species and size composition of the nearshore schools. And also, as we heard from our advisory bodies, the Coastal Pelagic Species Management Team and the advisory subpanel, we have support from them for these proposals to be adopted for public review.

**Marc Gorelnik** [00:03:22] All right, thank you Briana. Are there any.....I'm not sure where that is coming from.

**Briana Brady** [00:03:29] Let me mute.

**Marc Gorelnik** [00:03:36] I know where some of that sounds coming from. So, are there any questions

for the maker of the motion or discussion on the motion? I'm not seeing any hands for questions or discussion so I will call the question. All those in favor of this motion.....well Phil Anderson, you've got your hand up. Go ahead.

**Phil Anderson** [00:04:06] Thanks Mr. Chairman. I'm sorry to be slow on the draw here this morning. Briana, we heard in public testimony an expression of concern about the level of mortalities that would occur associated with these EFPs, and I was wondering if you could comment on your perspective as to whether or not the amounts that are contemplated in these EFPs pose any kind of a concern, a conservation concern relative to the ability of this resource to rebuild?

**Briana Brady** [00:04:51] Thank you Mr. Anderson. Thank you Mr. Chair. Simply no. However, I would just note that there is a specifications process in which we will look at what the biomass is at the time that these would be approved and we would get a corresponding ACL and can evaluate that question better at the time in April.

**Marc Gorelnik** [00:05:23] All right, thank you Briana. Any further questions for Briana on the motion or any discussion on the motion? Okay, then I will call the question. All those in favor say 'aye'.

**Council** [00:05:42] Aye.

**Marc Gorelnik** [00:05:42] Opposed, no? Abstentions? Okay, the motion passes unanimously. Thank you very much Briana for the motion. Let me ask if there's any further action from the Council or discussion on this agenda item? And not seeing any hands, I'll turn to Kerry to confirm we've done our business here.

**Kerry Griffin** [00:06:15] Thank you Mr. Chair. Yes, that concludes your business, and we will bring this back in April.

## 2. Fishery Management Plan Management Categories

**Marc Gorelnik** [00:00:00] So that will complete public comment on Agenda Item I.2 and will take us to our action here, which is on the screen. So, I'll open the floor to discussion. Briana Brady.

**Briana Brady** [00:00:23] Thank you Mr. Chair. I wanted to say thank you to the management team for their work on revising the FMP language and also to say thank you to the advisory subpanel and the members of the public for their continued discussion on the topic. I'm supportive of adopting the draft language put forth by the management team, and I also can agree with the request made by the AS, the advisory subpanel, that the management team explore ways to refer to the COP 9 and the SAFE. Thanks.

**Marc Gorelnik** [00:01:09] All right, thank you Briana. Further discussion? Corey Niles.

**Corey Niles** [00:01:21] Yeah, thanks Mr. Chair. And first, yes, I want to echo the nice things said about Diane and, Diane, I hope to see you in the hallway and talk in person some time. And I don't want to repeat what Briana just said but I do think adopting the language with the small ask of the team to think through how a little more could be added to make clear that the Council intends to stick to trying to apply the anchovy framework and imply, you know, go through the stock assessment priority language. I don't think we're wanting anything to be overly prescriptive, but some connection from the FMP to that process we've been working on. I would hope the team, I expect the team could come up with something concise to that effect. And that pretty much, you know, other than the thanks for all the hard work, would summarize my thinking here.

**Marc Gorelnik** [00:02:30] All right. Thank you Corey. Maggie Sommer.

**Maggie Sommer** [00:02:33] Thank you Chair Gorelnik. I agree with Briana and Corey's comments and support those as well. Also throw in my thanks to Diane. I have learned a lot from you about CPS as well and CPS fisheries and we'll miss seeing you at Council meetings. I do want to acknowledge the tremendous amount of work that this Council has been undertaking in recent years. The Council as a whole, including our management team, our advisors, members of the public, to bring some improvements to both the way we manage stocks, Northern anchovy in particular, through development of the framework approach, as well as to improve how we communicate about that and how anyone interested is able to understand our management approach and can find that information. And I do think that this, these proposed amendments to the FMP to remove the monitored and other category designations and instead describe them by individual management unit species is a great step in that direction. I think it makes it much more clear.... the approach we take for each species, and I just wanted to appreciate that and not let this go being characterized as just a simple administrative amendment. It may be. That certainly is a fair word, but I think it does more than that. It is a valuable part of our overall process and I appreciate the work the team has done to bring it to us. Thanks.

**Marc Gorelnik** [00:04:23] Thank you Maggie. Further discussion on this agenda item, or perhaps a motion to make the Council's direction clear. Briana Brady.

**Briana Brady** [00:04:37] Thank you Mr. Chair. I have a motion. I just need to send it to Kris and Sandra.

**Marc Gorelnik** [00:04:44] All right. We'll stand by while you do that.

**Briana Brady** [00:04:46] Thank you. It's on its way.

**Marc Gorelnik** [00:05:14] Phil Anderson.

**Phil Anderson** [00:05:16] Thanks Mr. Chair. I had a question maybe I could ask while we're waiting for the motion.

**Marc Gorelnik** [00:05:22] Sure.

**Phil Anderson** [00:05:22] If that's permissible. So, I'm interested in understanding.....first of all I support the notion that we link or footnote the FMP to the Council Operating Procedure 9 but I'm wondering what the process is to accomplish that? And perhaps it's in the motion. We'll wait and see. But just leaving it to the team to do I don't know that from a process perspective that they can just arbitrarily add something to the FMP such as a footnote. So, I just wanted to make sure I was clear on what, how we would go about accomplishing that if that was the will of the Council?

**Marc Gorelnik** [00:06:23] Was that question directed to Kerry or the team? Management team?

**Phil Anderson** [00:06:34] Well I guess it'd be.....Kerry's probably a good place to start and maybe National Marine Fisheries Service has some thoughts about that or Mr. Tracy.

**Marc Gorelnik** [00:06:48] All right. We'll start with Kerry then.

**Kerry Griffin** [00:06:53] Yeah, thank you Mr. Chair. Thank you Mr. Anderson. We have one precedent for adding a footnote to the FMP to reflect. It was the change in the temperature component of the sardine harvest control rule when we moved away from the Scripts Pier temp to an average of sorts of the CalCOFI sea surface temperatures. They, the CPS FMP is, you know, written into it are many statements emphasizing the flexibility, the need to be adaptive as necessary, but it also includes some values like how do you or specifics, you know, like how do you calculate the temperature for use in the sardine harvest control rule, and so that was something that we added outside of the normal amendment process just to sort of clarify that this has taken place. And so that's where that notion came up. You know I haven't, we don't have the motion on the screen so I don't know exactly what it would mean, but in my mind this is something.....this issue has been discussed... I think this is the fourth time on the Council floor and it's very important and so, you know, I think the most important thing would be when we get to a final action, and just a reminder today is not final action, this is to adopt it for public review, the language. You know whether, you know, whether the staff and the team and NMFS thinks it would be better, where the explanation would happen? I think it's something that, you know, we'll have to discuss so I'm being a little bit vague right now not having seen, you know, exactly where we're going with this. But there's some precedents to clarifying actions that the Council and or NMFS has taken in the FMP without going through a formal amendment process, and I'm not saying that's how we would do it, but, you know, that's a possibility or we've also talked about including some language. This again is adopting the preliminary FMP language so there's certainly an opportunity for some minor modifications as long as it's consistent and doesn't sort of change the nature of this action. So, I guess that's what I can offer at this point as far as moving forward?

**Marc Gorelnik** [00:09:38] Thank you Kerry. Is there anything that Chuck or Merrick may have to add? Chuck.

**Chuck Tracy** [00:09:45] Thank you Mr. Chair. So, yeah, the stage of the process we're in now is to adopt some language for public review so I think there's some opportunity there to, you know, depending on what the motion.....the motions constructed to address the management framework issue that it's scheduled to come up for approval later in the Council meeting. So, I guess I would just point out that that step hasn't been taken yet to formally incorporate that flowchart into COP 9. But presuming that that is accomplished then I think the Council could address that here at this point, recognizing that there would be an opportunity for further discussion and final action sometime next year.

**Marc Gorelnik** [00:10:54] All right, thank you Chuck. Any further discussion? I don't know if Kris or Sandra have the language of the motion yet.

**Chuck Tracy** [00:11:09] I believe they do.

**Marc Gorelnik** [00:11:11] Okay. So why don't we put that up and use that as a basis for further discussion? So Briana.

**Briana Brady** [00:11:25] Thank you Mr. Chair. I move that the Council adopt the preliminary fishery management plan, amendatory language as proposed by the CPSMT for public review and direct the CPSMT to explore adding text into the FMP language to reference Council Operating Procedure 9 and the Coastal Pelagic Species Stock Assessment and Fishery....Stock Assessment and Fishery Evaluation Document for final Council action in April 2022.

**Marc Gorelnik** [00:11:55] All right. Thank you, Briana, for the motion. Is the language on the screen accurate and complete?

**Briana Brady** [00:12:01] Yes, it is. Thank you.

**Marc Gorelnik** [00:12:02] All right. I will look for a second. Seconded by Phil Anderson. Please speak to your motion.

**Briana Brady** [00:12:15] Thank you Mr. Chair. Removing the categories has been a major priority for some of our constituents and I think it's okay to move this amendment forward with the language drafted by the management team and to ask that the management team review the draft text of the FMP to see where a reference to COP 9, which outlines in detail the management and activity cycles for CPS and also where a reference to the SAFE might work best. We have spent a substantial amount of time talking about this topic over various meetings and I'd like to see the final proposed language brought back to the Council during the April 2022 meeting. Thank you.

**Marc Gorelnik** [00:13:00] All right. Thank you, Briana, for the motion. And I'll see if there are any questions for Briana or discussion on the motion? Corey Ridings.

**Corey Ridings** [00:13:15] Thank you Mr. Chair. Thanks, Briana, for this motion. I'm going to support it. This is, CPS stocks are just so vitally important to the ecosystem, and I think that this motion moves us in the right direction. I want to recognize and appreciate the Council's long-term discussion on anchovy and the public comment that we received under this item, especially Sree. Thank you for taking the time away from school to come speak to us. We need more younger folks engaged. And regarding anchovy, I look to discussing this item further under the COPs. So thanks.

**Marc Gorelnik** [00:14:02] All right. Thank you very much Corey. Is there any further discussion on this motion? And not seeing any hands I think it's appropriate to call the question. So, all those in favor say 'aye'.

**Council** [00:14:20] Aye.

**Marc Gorelnik** [00:14:20] Opposed, no? Abstentions? Motion passes unanimously. Briana, thank you very much for the motion. Let me see if there is further discussion or action on this agenda item from around the table? And I'm not seeing any so I will go back to Kerry and see how we're doing.

**Kerry Griffin** [00:15:02] Thank you Mr. Chair. Yeah, that does complete your task for this agenda

item. You've adopted the draft FMP language for public review and provided some direction to the CPS Management Team to look at the possibility of including some FMP language to reference the COP 9 business. As Mr. Tracy mentioned, that hasn't been adopted yet in the Council Operating Procedures, but I think that should work fine. The management team is planning to have a meeting on their own in early 2022 to prepare for CPS business for the year, and so this is something I think that could be put on their plate for discussion and advice to the Council. So that does complete your business for the item. I will also like to join in the sentiments about Diane Pleschner-Steele. It's been great working with her on the CPS Advisory Subpanel for, well ever since I've been here, which is about 12 or 13 years now, and she's a passionate advocate and she walks the walk. And a little-known fact is that she is a very active voice for fighting climate change and ocean acidification and while we were in person meetings, she would almost always ride the train to meetings because again she walks the walk and, you know, puts her money where her mouth is and doesn't want to contribute to global warming. So anyway, it's been a pleasure and lots of fun and I do look forward to seeing her around now and then. So, with that I think you are done with the item Mr. Chair.

**Marc Gorelnik** [00:16:57] All right. Thank you very much Kerry.