

**COUNCIL MEETING TRANSCRIPTS**  
**267<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**June 8-14, 2022**  
Hilton Vancouver Hotel  
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Hybrid Meeting due to the COVID-19 Pandemic

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

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## Meeting Transcript Summary

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

## **A. Call to Order**

### **4. Agenda**

**Marc Gorelnik** [00:00:00] I think the first item of business is to make sure we have an agenda. An agenda has been published under Agenda Item A.4. I will see if there are any additions or changes to the agenda. And if there are not, I will look for a motion to approve the agenda. Phil Anderson.

**Phil Anderson** [00:00:25] Thank you Mr. Chairman. I move the Council approve the Council meeting agenda as printed in Agenda Item A.4, June 2022.

**Marc Gorelnik** [00:00:36] Thank you Phil. Second by Heather Hall. Please speak to your motion if you....as you think necessary.

**Phil Anderson** [00:00:44] It looks like we have a full agenda with a busy week ahead. Thank you.

**Marc Gorelnik** [00:00:49] All right. Any discussion? All right I'll call the question. All those in favor say 'aye'.

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

**Marc Gorelnik** [00:00:55] Opposed, no? Abstentions? Motion passes unanimously. We have an agenda. We've got something to do this week. So that completes Agenda Item A.4.

## **B. Open Comment Period**

### 1. Comments on Non-Agenda Items

No transcript for this agenda item.

## **C. Administrative Matters**

### 1. Council Coordination Committee Meeting Report

No transcript for this agenda item.

## 2. Financial Disclosure and Recusal Policy

**Marc Gorelnik** [00:00:00] So it will take us to any Council discussion here, if any. I guess we'll stay tuned on this topic. I know it's something that is important. I think it's generally speaking a more serious issue in other regions but it's still something that we need to pay attention to so.... Mr. Anderson.

**Phil Anderson** [00:00:33] Sorry Mr. Chairman. Thank you. I'm slow on thinking of a question. Thank you, Maggie, for that overview. I just wanted to ensure that I heard you correctly when I believe you said that you take a look at the financial disclosure forms that those of us who are required to do so submit each year, and I would assume that if you see something that is of concern or something that we need to be particularly sensitive to you would let us know?

**Maggie Smith** [00:01:22] Yes, that's correct. I do look at those and I would certainly reach out if I saw something that I thought warranted a conversation.

**Phil Anderson** [00:01:31] Great. Thanks. Appreciate you doing that.

**Marc Gorelnik** [00:01:36] All right. Anything else on this agenda item? So that will conclude this agenda item. Thank you very much Maggie. And that concludes our administrative items for the day.

### 3. Marine Planning

**Marc Gorelnik** [00:00:00] So that concludes our public comment. We've had all our reports. It takes us to our Council discussion and action. Quite a list there and I guess I'll just before we start going down the list just sort of see if folks have some preliminary thoughts or suggestions on how we can best proceed. Caren Braby.

**Caren Braby** [00:00:38] I actually I look forward to Council discussion and I really think we've heard a lot of important information today, so it is challenging to kind of pull it all together and really appreciate having this quick list here. I do have some questions about the information that is currently in front of BOEM, in particular for the offshore wind planning processes that are in progress relative to some of the activities that I understand are happening with our federal partners at NMFS. And so, maybe I can start with a couple of questions to NMFS about what those activities are and those timelines, if that would be a good place to start... if that pleases the Chair?

**Marc Gorelnik** [00:01:36] We can. Sure.

**Caren Braby** [00:01:38] Okay. So, thank you. And so, I would start by asking you, Ryan, if you could provide updates on a couple of the projects that I believe are ongoing? We've heard in the Council process from the California Current Ecosystem Team about some analyses that I believe Kelly Andrews is lead on that are ongoing in trying to describe fisheries. Also, projects that are ongoing with Blake Feist and then a third set of projects or third project known as PACFEM, the Pacific Fishery Effort Modeling Project led by Lisa Pfeiffer. Just wondering what the status is for those products or what those projects are going to lead to and kind of the timeline, how it's stacking up relative to some of the deadlines we've been talking about today?

**Ryan Wulff** [00:02:41] Yeah, through the Chair, thank you Dr. Braby for the question. I can't remember if we noted this under the groundfish NMFS Report when we talked about some of the other survey impacts there, but we are working on a letter for BOEM with their June 28th, their Oregon Call Area deadline so some of this will be in there but I can at least give a general update on those three lines of work that you just laid out. I'll do it in the order that I think I heard you say. For Dr. Andrews and the California ecosystem, we are trying to meet the BOEM upcoming deadline. We are working through that work to develop maps of commercial fishing efforts that will go into our comment letter. These would cover three groundfish fisheries as well as the commercial albacore fishery using federal logbook data and three different metrics, so that will provide information on the spatial and temporal variation of the ocean use patterns. We did present some of this to the Council in the California Current Ecosystem Status Report when we discussed that at our past meeting and this will be a little bit more fleshed out, but we haven't had the time to discuss these with the State of Oregon and with the Council before, or we won't have the time to do that before the comment deadline at the end of this month, which would be our preference, so at least when it comes to those issues the Council may want to consider asking BOEM for more time after their comment deadline for discussions along those lines to take place prior to WEA sighting. Regarding Dr. Feist's work on fishery footprint values. I think everyone is well aware as we just heard in public comments, substantial revenue is generated from commercial fisheries operating off the Oregon coast, creating heat maps of gross revenue analogous to fishing effort maps, it creates kind of a different but also important perspective of activity so because of that the Northwest Center and Dr. Feist is working on generating cumulative inflammation, inflation adjusted gross revenue, heat maps that cover over the last decade or so or 2011 to 2020. But the state of these analyses will also be too preliminary to be included in our letter, so not quite ready at this time. But once they are done, products from these will include peer review papers in scientific literature, presentations at workshops, scientific meetings, et cetera, and the timeline for that is probably fourth



quarter 2022, so a few months away, and of course that also needs to be... before we do any of that we have to have discussions with the office and with the State of Oregon. And then I think the last one you mentioned was Dr. Pfeiffer's, the PACFEM study. PACFEM is Pacific Fishing Effort Mapping Project by the Northwest Center again, but also with the Pacific States Marine Fisheries Commission, with BOEM and the States and the Region. The goal of that project is to develop spatial data to support ecosystem management initiatives in marine planning along the West Coast, again designed to inform socioeconomic impact discussions, which can then of course be used in all these siting discussions and any decisions about WEAs or cable routes or landing sites. In particular, I think you asked about the products. So those would be a database that would comprehensively join confidential fishery data from multiple sources such as observer data, fish tickets, electronic trip reports, logbook data, et cetera as well as a publicly accessible fishing effort mapping tool which utilizes the underlying confidential database that incorporates information from each data source that we have that's available. So that's the general status. Again, there's certain aspects of that that have been ready and have been presented and certain aspects of that that we will be pointing to and presenting in our letter but not all of that work is complete at this time. And I hope that answers your question.

**Caren Braby** [00:07:05] Thank you, through the Chair. Yes, so some of that, at least the first two would be ready later this year presumably and the PACFEM study might be a little bit farther out than that is my understanding from that. If I may ask additional questions about that and kind of the value of that body of work, which I am looking forward to reviewing and using myself. I ask, you know, in terms of NMFS responsibilities and authorities, is it your opinion, do you recommend to the Council or guide the Council that these would be valuable in the discussions that we're having about winnowing down, for example from Call Areas down to WEAs, that kind of winnowing process?

**Ryan Wulff** [00:08:05] Through the Chair, yes, thank you for that. Yeah, I mean I think it's very kind of a core aspect of these discussions and of course NMFS authorities, right, understanding and quantifying the potential economic impacts of offshore wind development is critical to conflict mapping, to central to understanding consequences, both for the commercial and the recreational fishing industry and the associated communities, and these analyses and the spatial data and the projects that I just discussed are directly relevant to that.

**Caren Braby** [00:08:37] I think I have one, maybe two more.

**Marc Gorelnik** [00:08:39] Go ahead.

**Caren Braby** [00:08:39] Thank you Mr. Chair. So I think not only do I see those studies and the products from them as being informative to the Oregon Call Areas, but elsewhere potentially in Washington, activities potentially in California activities as well, but across the board I see that kind of information from these studies being really critical for next steps in evaluating these processes, not just the winnowing but also things like the NEPA process and the EIS process and being core components of those future processes. Any thoughts on that?

**Ryan Wulff** [00:09:22] Yes to both.

**Caren Braby** [00:09:25] Yes. Okay. And then one, one final question I think is, is that we've talked a lot today about workload. There were some references to the challenges that NMFS has relative to workload, and I just wanted to ask specifically is would the Council advocating for and acquiring support for additional staffing resources to help in these studies help NMFS? Is that... is that something that you would look to the Council for? Would you, you know, would that be a role that we could play?

**Ryan Wulff** [00:10:10] Well, it's a challenging question the way it's worded. Let me put it this way.

NMFS would not be soliciting any direct request for resources from the Council on this effort, on those efforts, however I think I am very comfortable in stating that the President's budget, which is out right now for FY '23, obviously not approved, it's the President's budget, but it directly raises the issue of additional resources, in particular also to the West Coast and not just the region, but the Science Center so I do feel pretty comfortable in saying that this Administration is out there and that budget saying that additional resources would be appreciated. Maybe I'll leave it at that.

**Caren Braby** [00:10:58] Yeah, and thank you for working with my challenging wording but I think the resource issue, it's not just the analyses that need to be completed but the potential of additional resources helping in that effort. I will conclude there with my questions for NMFS and just maybe comment that I think NMFS's expertise and role and responsibilities and alignment with the Council's responsibilities are really kind of a key issue for me in wanting to make sure that we are moving forward with the best information possible in this, in all of these marine planning activities where we have the information to actually meaningfully minimize impacts to fisheries and the ecosystem resources that we're here to talk about and help protect. So that was the line of questioning. I really appreciate that input and I think you've given us lots to think about. Thanks Ryan.

**Marc Gorelnik** [00:12:08] All right. Phil Anderson.

**Phil Anderson** [00:12:21] Thanks Mr. Chairman. The thing that is in the forefront of my mind as we begin our Council discussion on this item is what is the Council's role in the development of wind energy, offshore wind energy projects? A lot has changed in the two years since we formulated the MPC. I don't know that I anticipated the speed at which the federal government would be pursuing placement of wind farms in areas that adversely impact our fishing industry. And I don't know that I anticipated the level of support that there seems to be in some segments of state governments on the West Coast. I have to say I've been impressed is a gross understatement in terms of how the fishing industry and fishing community has responded in terms of trying to influence decision making process and their efforts to protect their livelihoods and the future of the fishing industry. We're a quasi-governmental entity here at the Council. We have 14 voting members. I'm stating the obvious. Four of which are representing States. One representing Tribal Governments. One representing Federal Government and seven that are appointed members from the public. So, we have different roles. We have different... we are influenced in different ways in terms of what we bring to the table and what positions we can advocate for and how strongly. I hear the fishing industry loud and clear asking, pleading for us to stay engaged in a meaningful way and try to influence the direction that wind energy development is proceeding off our West Coast. And there are things I can do and say as an individual that I suspect the Council cannot. And I suspect there are things I can do and say that some of our State Representatives cannot. You know when I look at what our fundamental charge is I put it into primary categories. One is promoting, maintaining, protecting healthy fisheries resources in our federal waters, particularly those that are under the purview of our FMPs but more broadly, and it is to manage those resources in a manner that achieves optimum yield for the greatest overall benefit to the citizens of the nation, which in my mind is completely consistent with having and maintaining a healthy and economically viable fishing industry. So those are my kind of two primary measuring sticks in terms of what I think our responsibilities are and what we should be focused on. But given the, the makeup of our group and what we can and can't do maybe, I don't know if I want to say that it takes us to the lowest common denominator of what we can do that meets whatever limitations that any one of us might have, but it does in my mind limit us in some ways to what we can do that we might otherwise do if we didn't have those restrictions placed on us. So, the... an important part of the conversation to me at least, maybe I'm the only one today, is to have a bit of a dialogue about what is our role and how can we be the most effective in influencing the decision makers in a manner that's consistent with those two goalposts? And when we, you know as we dive down into the, I'll call it minutia of what's going on, if there's any way we can at least get to some common ground on what, where we, you know how

we.....where we think we can be the most effective in influencing a positive outcome to this relative to our primary responsibilities, I would like to spend a little bit of time having that discussion. I think the line of questioning Caren just had with Ryan in terms of what information NOAA Fisheries can bring to bear is an important one. I'm aware that, you know, the States have a wealth of information as well. We have the ability to respond and write letters as we have done, and I'm not suggesting that we stop that, but is there something in addition to that going beyond that that we can be more effective in terms of influencing the decision makers? So those are just some of what's in my head here as we're taking on this topic and figuring out where we're going from today.

**Marc Gorelnik** [00:20:02] Thank you Phil. I think you raised some important threshold issues about how we go forward here. I see we have some further discussion. We will take a break at some point because I know some folks may want to fine tune some language on a motion perhaps, but let's continue the discussion or not. Caren Braby. Caren Braby and then Corey.

**Caren Braby** [00:20:42] Yeah, I appreciate how you frame that Phil and I agree that that needs to drive our discussion and our actions from here on is what our primary role is and how, what the most appropriate actions are for the Council. And the way that I would characterize our actions so far with creating the MPC, engaging directly with BOEM and coordinating before Council meetings, having presentations from them as having a dialogue with them has been to make sure that the Council family is aware of all of the activities and there are many, so it's kind of an awareness component and documenting that in the Council record, creating those reports and letters that have gone out stating the Council's interests and concerns that you shared. And that has been valuable not only for the external audience but for ourselves to focus in on what those core issues and roles are and, I guess, finding our voice on this topic, and I, I've heard today that we want to keep doing that. There is encouragement from our stakeholders. There seems to be agreement so far, at least not disagreement in continuing that role from Council members. So, I see that moving forward. And then the question is what else is there that might fit in with that role? And that's a tough question and I go back to Mr. Smith's comments earlier about not wanting to prioritize one fishery over another for example. How is it that the Council can engage and be... provide meaningful information, meaningful input into this process and stay true to that desire? And I think that doing what we're doing is essential and I want to see that continue but it is, it's a challenge to think about what else we could do and how that fits with our roles and responsibilities. So, I don't have a, I don't have a silver bullet on that question. I just am supporting your reflection on that and the importance of us thinking about it.

**Marc Gorelnik** [00:23:49] Corey Niles followed by John Ugoretz.

**Corey Niles** [00:23:51] Thanks Mr. Chair. I'll try to be concise here. And on Phil's question I guess from our department's point of view we don't... we see our role given to us by State Statute and by involvement in the Council as very consistent with what the Council has been doing. I won't go too long into it, but you know in Washington we have a little, we have a marine spatial plan which was developed, you know, going through basically a scenario of exactly what we're seeing happen in California and in Oregon, so we've seen it played out. We did the maps. We mapped places that were suitable for wind energy and so, you know, we thought we came up with this process, you know, thinking through those scenarios. Yeah, I guess I don't have a silver bullet at this point too, but BOEM is... it's a federal decision-making process very much like we speak to here. The Council doesn't have direct authority but, you know, and I'm no expert but you know BOEM is subject to the same administrative procedure act laws and NEPA laws that our decisions are reviewed to. They have to show rational connections between their, their legal mandates and in the decisions they're making. They have to produce adequate NEPA analyses. And so, you know, the strength of this Council process is, you know... one. It's as Mike Conroy through the MPC and others have pointed out many times is it's a bottom up process with, you know, stakeholder engagement but there's also the best available science,

National Standard 2 side of things and we are, strive to be a science-based, rational, decision-making body and that is consistent with our agency's mission of how we will approach projects proposed in federal waters off our state. You heard Mike speak to how the consistency process worked in California in terms of conditional approval and requiring impacts from analyses of the type folks are asking for. So, I said I was going to be concise, but I guess I'm not. But the.....yeah, so I'm, and Phil's question... we see the Council's role as continuing to engage. I'm curious I'm looking at groups like the Ecosystem Work Group, the Groundfish Endangered Species Work Group where we get folks from additional experts from NMFS, from the States, we bring them together to help the Council understand the, you know, the best available science and the policy issues and really work through them in an open and transparent way. You know Ryan in response to Caren spoke to the activities that the Science Center folks are working on now. So, I don't have a suggestion for today but I'm wondering how we can, that model might be one model we could look at in terms of influencing the decision-making process with BOEM and, yeah, apologies somewhat rambling there but I will, I'll stop and look forward to contributing to the rest of the discussion.

**Marc Gorelnik** [00:27:17] Thank you Corey. John Ugoretz.

**John Ugoretz** [00:27:21] Thanks Mr. Chair. Looking at the Council action on the screen in front of us, hearing what we've heard knowing what we've done so far, I think it's pretty clear that, you know, the Council needs to continue engaging in these processes. That items one, three, four and five require some direct Council input letters. I think obviously people are struggling. I think the Council, our membership, myself would prefer to have a more lead role in some of these decisions, which we simply don't have and so we are stuck in the same loop as many of the stakeholders that we represent in terms of commenting to another agency and so that's frustrating, and I understand that. Mr. Dooley asked a good question. What are the other Councils doing and a quick search of offshore wind in the northeast region leads you to a website that the New England Council and Mid-Atlantic Council share. If you look at the actions they've taken, essentially, they're doing what we're doing. There's a long list of letters to BOEM from the two Councils and then information to their constituents on the potential proposals out there. It's very similar to the website that the Pacific Council already has. Maybe they've got a little bit more background information on some other activities that we could think about providing to our constituents in a summarized way. So really, where I see the need for discussion at this point today is we've got some draft policy guidance and we've got an existing Marine Planning Committee where there apparently is some commentary and advice needed on what the next steps are for that committee. And from my perspective for the policy guidance, we've got some excellent comments from the Marine Planning Committee, the Habitat Committee, and others that could be incorporated into that guidance. And with regard to future Marine Planning Committee activities, I think we need some more discussion because from my perspective the Planning Committee has not been as effective as it could be in some arenas because they have not been engaged in those arenas in the right way, and I think we might want to clarify that so everybody's on the same page with regard to how the Marine Planning Committee is used in our benefit.

**Marc Gorelnik** [00:30:05] Thank you John. Phil or Joe. Sorry, Joe.

**Joe Oatman** [00:30:25] Yeah, thank you Mr. Chair. So, listening to the discussion, you know, I appreciate, you know, the perspective that Phil laid out there acknowledging, you know, those of us around the table here, you know, what we represent and what our obligations are. So, kind of reflecting on that as well as the Tribal Report that I provide on behalf of the Makah and Quinault Indian Nation, you know, I certainly understand, you know, like my position here is to, you know, uphold, you know, the provisions and requirements of MSA as well as other applicable law and other applicable law here in this context, you know, includes treaty rights. And what we've heard from the tribes in their testimony they had me provide is that, you know, the current process isn't working. It isn't designed nor is it

accomplishing an outcome or, you know, they are protecting treaty fishing rights, and that may very well impact, you know, the ocean environment, areas where they fish as well as impacts to the migratory stocks of treaty fish. And so, when I think about, you know, how we might try and deal with that one, you know, maybe there's some, you know, additional thought or engagement with the tribes as to how we might go about that. You know I recognize, you know, BOEM, you know, they are a federal agency. I don't know quite exactly, you know, what, you know, obligations that they have to tribes here along the West Coast that have federally recognized fishing rights, but given, you know, their activity does affect and impact tribes and tribal resources that should be appropriately considered. Thank you.

**Marc Gorelnik** [00:32:49] Thank you, Joe, for that perspective. Well, we can have some further discussion, or we can work down the list or we can take a break. Caren Braby.

**Caren Braby** [00:33:05] Thank you Mr. Chair and I'm teeing off of something that John said as he was going ticking through the Council actions that are in front of us today. Some of them are easier to provide guidance on and others are not as easy, and it seems to me that number 6 is the place where we have the opportunity to talk about committee function and how this is working and how to optimize it and that we might start there. And I do have, I have some writing which is in the form of a motion. It is lengthy and if the Council so chooses, I could offer that motion and we could take a break and it could be considered during the break with some quiet time and maybe some paper copies. And we could resume with Council discussion if that would be desirable.

**Marc Gorelnik** [00:34:10] Well, I think that we're probably ready to start making some concrete progress with our tasks here and, I think, offering a motion is a good way, and then if folks want to take a break to contemplate that and other steps we need to take today that's fine.

**Caren Braby** [00:34:32] I will send it to Sandra right now. I think she has one version but there is a newer one. So let me do that so that she can get it projected for us.

**Marc Gorelnik** [00:35:45] I noticed that John Ugoretz has his hand up so why don't we go to John while that motion is coming through. John.

**John Ugoretz** [00:35:52] Thanks Mr. Chair. I was just going to say if Caren's suggestion to post the motion and then share it in a hard copy so people can mull it over in a break, if that can be sent out by Council Staff to the people online that'd be helpful.

**Marc Gorelnik** [00:36:11] And let me just check with Sandra to confirm that can be sent out by email so people have it in front of them at being lengthy and I'm getting an affirmative on that, so yes.

**Kerry Griffin** [00:36:28] Yeah, thank you. I think we can do that. We just need to know who all to send it to. Should we use the list on the RingCentral webinar or? Yeah, nods. So, the Council members that are logged in here. We can do that.

**Marc Gorelnik** [00:36:58] I guess until we see the motion and how long it is.

**Caren Braby** [00:37:02] Maybe it's so long it's taking a long time to get across the Council chamber. There she has it. Thank you. Thank you, Sandra. And thanks for everyone's patience in getting the right version. I'll read through it. I move that the Council, number 1, reaffirm intent and scope of the MPC Committee at this one-year anniversary of this ad hoc committee. Elevate fishing community voices and emerging marine planning issues, especially for public processes. B: Play a key role in the Council process to identify priority issues for Council engagement and marine planning with emphasis on offshore wind and Aquaculture Opportunity Areas. The emphasis on offshore wind and Aquaculture

Opportunity Areas is reaffirmed. C: Collaborate with the Habitat Committee to address habitat and EFH issues. D: Coordinate with advisory subpanels to facilitate input on marine planning to the Council for consideration in Council letters. E: Initiate Council response during public comment opportunities on behalf of the Council, recognizing that external deadlines do not mesh well with Council meeting schedule. 2. Guide the MPC Committee for the upcoming year on the following topics. A. Meetings: Schedule one recorded public webinar weeks prior to each Council meeting to 1: Identify high priority comment opportunities for QR letter response. 2: Discuss substance of QR letter comments for fisheries concerns and issues particularly. 3: Catalogue past and future marine planning activities, including meetings, letters of interest, et cetera. 4: Plan for report development to the Council covering the above topics and other committee logistics. B. QR letter responses are the default approach for the MPC decoupled from Council floor time and, 1: Are high priority when an issue has high potential to impact the Council's resources, fisheries communities, EFH habitat, research surveys, et cetera, and the Council voice in the process is deemed necessary. This is in contrast to issues for which there is value as public information for the Council family who can choose to individually participate as desired. 2: Should be collaboratively crafted but with a clear lead in sections relying on expertise of the MPC for fisheries and fishery impact concerns and relying on expertise of the Habitat Committee for habitat related and EFH issues as is traditional practice. 3: after MPC and HC complete a draft letter it should be finalized with an additional coordination opportunity with advisory subpanels which should occur via MPC members listed as HMSAS, CPSAS, GAP, SAS and EAS to the degree possible relative to external deadlines, with Council Staff finalizing the draft for Council QR approval process. C. Reiterate consistent policy statements in QR letters. 1: Council strongly advocates to outside partners that marine planning processes should rely on best information available to represent fisheries, habitats and ecosystem. Acquisition of best information may require some time to synthesize, analyze and vet available datasets for purposes of that specific planning process. And note in 1 that the Council prioritizes quality and completeness of information over expediency.

**Marc Gorelnik** [00:42:06] Thank you, Caren, for the motion. Is that language complete and accurate?

**Caren Braby** [00:42:14] It is. Thank you Mr. Chair.

**Marc Gorelnik** [00:42:15] All right. Before asking for a second, if we had a parliamentarian I could ask if this is proper, but we don't have one, so we'll take a break and that'll give folks an opportunity to contemplate this and it may simplify matters before we have to deal with an amendment process. So we'll take a... how long a break do folks want? 10 minutes? 15 minutes? 10? Okay a 10-minute break. We'll give a 12-minute break and we'll come back at 4:20.

**Marc Gorelnik** [00:00:00] All right. There is a motion on the floor. It has not been seconded. I'm going to turn to the maker of the motion and see if she would like to revise her motion before I look for a second.

**Caren Braby** [00:00:18] No thank you. It stands as offered.

**Marc Gorelnik** [00:00:21] All right. Now I'll look for a second. Seconded by Christa Svensson. Please speak to your motion.

**Caren Braby** [00:00:28] Thank you Mr. Chair. So, I appreciate the Council discussion on the Council's authorities under the MSA to maintain healthy fish stocks and it's... and maintain sustainable harvest levels, and it's with this context in mind that an efficient MPC process is in the Council's best interest and will help us further those goals, and it's with those things in mind that we've had this discussion today and with that in mind that I've made this motion. So, the first section really is hearkening back to the original State reports and Council discussion that followed on elevating fishing community voices

at the table of marine planning processes, recognizing that some of those processes do not have seats for stakeholders but do for governments, and so that was really a driving force of how we developed the MPC, including the composition and the purpose. And so, I wanted to reiterate that role because it is unique among our Council advisory subpanels and teams, and I think it's worth refreshing at this one year anniversary. We also anticipated that there would be too many issues to address for the Council. That there would be too many opportunities to engage and that we needed somebody to track all of these activities that were happening, that's 'B', that's the key role for the MPC Committee. And that the MPC Committee and under 'C' was not designed to really be expert in habitat issues and so there was a key role for the Habitat Committee to play in helping with letters in these public processes to really get into the specifics on habitat and EFH issues. We've struggled as a Council to find really efficient ways to have advisory subpanels fully engaged in this process, but we've been trying different things and trying to improve that coordination. It's working. It's not perfect but that's something we want to continue is making sure that the Council family has a voice. And 'E' recognizes again this issue that external deadlines don't match the Council calendar and we need to find a way of engaging in these public comment opportunities on their timelines, not try and force others to comply with our timeline. So, in reaffirming these kind of starting principles of the MPC and looking at the next year, I've offered some specific comments on, and I'm looking at the wrong version of my motion, but I'll fix that, specific comments that reflect the conversation we've had today. 'A' is specific to meeting frequency and structure. I have suggested here that we schedule one recorded public webinar weeks prior to each Council meeting, and those words were selected very specifically and intentionally. The recorded aspect of this reflects the sometimes difficulty and rapid timelines of MPC members, Habitat Committee members staying fully in the loop on what is happening and how letters are being developed and what the discussions in the MPC are, and if schedules conflict which they often have where an MPC webinar is scheduled over another advisory body meeting, then those individuals are not able to fully listen to the discussion. Recording the webinars is a simple way to make sure that those who are interested have access to that discussion. The weeks prior to the Council meeting is vague on purpose because as we all know some of our Council meetings are preceded by months of time without scheduled Council meetings, and in other cases are preceded by three or four weeks between Council meetings and so I didn't want to specify weeks, but this is really about providing sufficient time for the MPC and the Habitat Committee to thoughtfully proceed with their work, the issues. If they are working on a QR letter, having the time to really think about it, move through the writing process, the sharing and collaboration process and circulate with advisory subpanel members as they can working within those external deadlines. I think the components within the meetings are straightforward so I will move to the QR letter responses. And this again, the language here is chosen very intentionally that we have heard about process problems trying to fit the QR letter or a Council letter response into the Council process when it's responding to an external deadline. And so here in this motion I am suggesting that the preferred way of the MPC generating letters for Council to send out on these public comment opportunities is by QR letter response. That is different from any other committee in process, in the Council process. I acknowledge that. I think that the QR letter response process is not ideal, but we are dealing with external deadlines, and we need to meet those and that's a higher priority for me that the Council has a good opportunity to voice our opinion and our concerns and our priorities in those external processes than fitting the letter response into the Council calendar. I just realized that I'm providing rationale. I'm not sure I have a second?

**Christa Svensson** [00:07:43] I was the second.

**Brad Pettinger** [00:07:46] You're good.

**Caren Braby** [00:07:46] Thank you. I'm just too in my head. Apologies. Okay. Thank you Christa.

**Brad Pettinger** [00:07:56] It's been a long week.

**Caren Braby** [00:07:56] And so the priority for me is to meet those external deadlines with an anticipated and steady process rather than trying to fit it into the Council process and so if we can establish what that QR letter response looks like and streamline that for the MPC regardless of whether it's in conjunction with a Council meeting, that process will continue. It will run parallel with the Council process if it's concurrent or it will be between Council meetings if it's not concurrent, and that's the design, intentional design. I think the next sticky part is B.1, and here I have said that the Council voice in the process is deemed necessary. And I think today we've heard a lot about workload. Are there opportunities that we wouldn't want to comment on? We've heard that the lead roles should be more clearly specified for times when there is a QR letter called for. I have not included in this a vision for who would make that decision but I propose here just verbally, and I would be happy to write that down or have Council discussion on this point, that Council leadership including the Executive Director, the Chair, the Vice Chair, the Co-Chairs of the MPC Committee, the marine planning lead for Council members, which up until this point recently has been myself, are part of the decision making process. Is this particular public comment opportunity a time when the Council chooses to initiate a letter, yes or no? I think there are some concerns about those opportunities being place-based in a particular State and so I would add to that list of individuals a State Rep from the State in which that issue is taking place to kind of bring that whole group together to make that call, and this would serve as a small executive committee if you will, to help make that decision, and that could be formalized. I think that I'll skip down to 'C' which is reiterating consistent policy statements and QR letters. This is really speaking to the need for the best scientific information before moving forward in marine planning issues that impact Council resources and that there are a lot of data out there. They may not be in their appropriate format or synthesized or analyzed appropriately for a particular process and the Council should be reiterating that statement and strongly encourage that the data for, that are available for these public processes go through a comprehensive synthesis analysis and vetting to feed into the public processes and the time that is needed to do that should be taken and that that principle should be part of our ongoing communication out on marine planning topics. And ultimately really that leads to a prioritization of quality and completeness of information that's being used by decision makers over expediency of those processes. I think there are a lot of elements in this motion that need additional Council discussion. I offer it as a way of focusing our discussion today rather than trying to truncate or prevent discussion and I see that this is going to be an ongoing discussion with the Council. This is, today is not going to be the end of this, but I think that we can really make some headway today in kind of clarifying the role and trying to really streamline the work that we're asking of the MPC and of the Council in responding to the variety of issues that are facing us. So, I thank you for indulging me and listening to my rationale and look forward to discussion on it.

**Marc Gorelnik** [00:12:55] Thank you Caren. Are there questions for the maker of the motion? John Ugoretz.

**John Ugoretz** [00:13:06] Thanks Mr. Chair, and thanks Caren for the motion. I know this is a complex one and you did a great job trying to get everything down. I think my question is involving that Section B and B.1. What you said I think is more consistent with my thoughts on this. When you were talking about B you said quick letter responses are the default approach when a letter is necessary or something to that effect, and I think that's an important part. I don't think the default approach of the MPC is simply to write quick letter responses for everything. And I think that's something we've been struggling with here. And so I guess my question is would you.....you mentioned this sort of small steering committee, would you agree that when an item comes up in between Council meetings where the Council can't direct the MPC to craft a letter, that it would be the MPC in coordination with the Executive Director, Council Chair and perhaps a representative of the State impacted to determine if the thing that's come up is a high enough priority for a letter response being needed?

**Caren Braby** [00:14:40] Yeah, thank you for the clarifying question, John. And yes, the... in 2.B the



default approach could be reworded default process. It's not the default decision that a QR letter response is initiated for every issue. And then B.1 gets at how you prioritize among public comment opportunities. And there it is, the small group. I think you listed everyone that was in my mind. Again, just to repeat, it's the MPC Co-Chairs, the Chair of the Council, the Vice Chair of the Council, the Executive Director, the Fish and Wildlife Rep from the State in which the issue is happening and the marine planning lead for the Council members.

**Marc Gorelnik** [00:15:37] John, did that answer your question or address your issue?

**John Ugoretz** [00:15:44] It did. I think I would probably want to voice an amendment to the motion to capture that because I don't think it's adequately covered here. And I do have an amendment if it's time for that.

**Marc Gorelnik** [00:16:04] Yeah, why don't we address that right now? Thank you.

**John Ugoretz** [00:16:08] Thanks. So, I'm going to have to be kind of jumping back and forth on screens here, but it's within the... and I would add to the text after MPC, 'When a letter has been deemed necessary by the MPC in coordination with the Executive Director comma Council Chair comma and State Wildlife Agency Representative for the State involved.

**Marc Gorelnik** [00:17:40] So, John, is that language accurate?

**John Ugoretz** [00:17:44] It is. Thank you.

**Marc Gorelnik** [00:17:45] Did you want to include Vice Chairs?

**John Ugoretz** [00:17:48] I, if I can speak to it. I left this somewhat more limited than the list that Caren mentioned. My assumption would be that if the Vice Chair is not... if the Chair is not available that the Vice Chair would take on that responsibility. Similarly, I put the MPC collectively in there. My assumption would be that if the full MPC can't be brought together to discuss it by email or some other method that the Chair and or Vice Chair of the MPC would make the decision. So, I'm leaving a little flexibility in here in language but making it clear that it's not just the MPC or just the Executive Director or one of these groups making the decision that a letter is necessary.

**Marc Gorelnik** [00:18:51] All right. Thank you. Is there a second on the amendment? Seconded by Corey Niles. Please speak to the amendment further if you deem necessary.

**John Ugoretz** [00:19:11] I'm on mute? I think I've described what I intended.

**Marc Gorelnik** [00:19:15] All right. Any questions for the maker of the motion to amend or any discussion? Caren Braby.

**Caren Braby** [00:19:26] Thank you Mr. Chair and thanks John for the amendment. I'm happy to vote for this amendment. I do want to have some discussion about the role of the Marine Planning Council member, but I'm prepared to vote for this amendment and then have that discussion.

**Marc Gorelnik** [00:19:45] All right, great. Any other discussion on the amendment? Not seeing any other hands I'll call the question on the amendment. All those in favor say 'aye'.

**Council** [00:19:58] Aye.

**Marc Gorelnik** [00:19:58] Opposed, no? Abstentions? The motion to amend passes unanimously. We're back to the motion, main motion as amended, and we'll continue. Caren Braby.

**Caren Braby** [00:20:16] Thank you. I think that John called for a discussion on this topic, and I would like to offer initiation of some discussion on the role that I've been playing for the Council as the Marine Planning Council member. And in that discussion if there is a need to further amend the motion, we can do that. But over time the role of the somewhat informal Marine Planning Council member has changed. It started in response to the federal regional planning body process where the Council recognized that we wanted to have a voice in that process and worked to have a seat there, and when the regional planning body was taken away through subsequent administration decisions, the West Coast Ocean Alliance resumed in that role. Different capacity, different authorities, but resumed in that role and I have maintained participation in that body as a representative of the PFMC. And the second role that I've played as a marine planning Council member representing this Council has been in coordination with BOEM on offshore wind specifically, and we've reported to the Council a number of times about pre-Council calls, coordinating with them about their presentations to the Council and conveying kind of needs and desires of engagement with BOEM as they were planning to come and engage with the Council. So those two roles still are valuable in my mind. I recommend that we continue to have somebody in that role that a Council member separate from the leadership team is available to participate in those activities and represent the needs of the Council. The regional West Coast Ocean Alliance in particular is comprised of a very different composition from the Council process and fisheries are not across the board expertise of that group and so it's a valuable perspective. With that I have served in that role for a number of years. I am happy continuing in that role. I am also happy considering somebody else for that role. I am not....I would welcome that discussion and consideration by the Council and what I want is for the Council to have someone that is prepared to participate and reflects the Council and is ready to take on that role and that they're effective in that role, and if that's me, great. If it's somebody else, that's great. And if somebody else wants a turn that's great. So, I'm really open. I just want to have clarity on my opinion that that role has been important and valuable.

**Marc Gorelnik** [00:23:33] Thank you Caren. John Ugoretz.

**John Ugoretz** [00:23:37] Thanks Mr. Chair, and thanks Caren. I agree that that role is not just important but probably critical and I think you've done an admirable job over the last several years filling that role. I think the Council should definitely have a Council member who is representing the Pacific Fishery Management Council at the West Coast Ocean Partners discussions and that should definitely continue. I don't think I agree that that individual should necessarily be the go-to for all things Marine planning that the council does and so I think, for example, if there is a discussion with BOEM about a particular Call Area or proposal that that individual could be involved but that the other States, depending on their interest in that process, must also be involved in the discussion. And so, you know, planning for those types of meetings with BOEM in particular needs to include not just the single individual designated to represent us on the West Coast Partnership, but also, you know, the other people that may not be that same individual. And similarly, you'll note, for example, that in my amendment to this motion I don't know that that individual is necessarily the right person to decide whether a letter should be written in all cases, and so I think we need to clarify that. I think there's places where the MPC is the right place to discuss things and then when the Council is being represented formally in an outside venue that we need to have a person designated.

**Marc Gorelnik** [00:25:48] Thank you John. Phil Anderson.

**Phil Anderson** [00:25:56] Thanks Mr. Chairman. So, I'm not sure I followed the entirety of that John. I will just say I first of all I think Caren's done, as you said, admirable job of taking that role on. I think she's extremely knowledgeable about issues and process and I have complete confidence in her

continuing to do that. On your... what I think I understood your second point was that if there is a venue in which that individual was going to represent the interest of the Council and the issue involved a particular, well it always, I suppose it always will, but or generally will involve a particular state. Let's say it involved California. We would expect our spokesperson, our representative to contact the state official for their designee letting them know of the venue and the issue and inviting them to accompany them to that venue to express the position if that's what it is of the Council or the perspective of the Council. I think that would be what I would, that I would expect of that person. I don't know that, I don't think this necessarily needs to be captured in the motion, but that's what I, that's kind of what my perspective is, what my view is, what my expectation would be of that individual.

**Marc Gorelnik** [00:28:29] John.

**John Ugoretz** [00:28:31] Thanks Mr. Chair, and thanks Phil. I think I agree with you 100 percent that I'm not saying have a different individual represent the Council in these formal venues so... You know currently we've got the West Coast Alliance. We should have a single person designated and definitely, as you describe, that individual should be reaching out to the other states as needed. The only thing that I'm saying in addition to that, it's not different from that, is that if Council Staff is organizing some kind of briefing call with BOEM or another agency on a specific topic outside of these formal venues, then I would have the individual state affected be involved in that call as opposed to just the designee to the West Coast Alliance after coordination with the state.

**Marc Gorelnik** [00:29:35] Phil.

**Phil Anderson** [00:29:37] Yeah, I agree with that John. I think that would be perfectly reasonable to do and frankly would be a significant omission if they didn't involve the affected state. But I would also just emphasize that I would want our designated spokesperson to be a part of that conversation regardless so that that person can stay informed about the activities, the issues, and what we might expect of that individual in a different forum. So that's a long-winded way of saying I agree with what the expectation would be in terms of involving the State Representative in that conversation between the executive team of our, of the Council.

**Marc Gorelnik** [00:30:44] Caren Braby.

**Caren Braby** [00:30:47] Yeah, thank you. And if I'm tracking the conversation right, I think that that means that the amendment to the motion needs to be expanded by one position, which is that the Marine Planning Representative as appointed by the Council is also part of this group.

**Marc Gorelnik** [00:31:09] Well, you know, I just... to interject... back under a prior administration we had a formal appointment to a body that doesn't exist anymore, right? Did we, I don't see in our representation in our roster representations to other forums that there is an appointment to the West Coast Partnership. Maybe that's an oversight, but you have been serving in that role, so I don't know if we need to formalize that or not. I don't think so. I think it's been fine the way it's been going. I think that John makes a point about having, if a California or a Washington issue pops up, making sure they're involved. Caren.

**Caren Braby** [00:32:10] Yeah, and I don't have any disagreement with that at all. And I think the amendment reflects that by saying a state wildlife agency representative is there. But to Phil's point it does not say that the person, if the Council chooses to continue having a marine planning Council member designee, formal or not, that that should be part of this motion. Do you wish to offer an amendment? I do.

**Marc Gorelnik** [00:32:43] Phil Anderson.

**Phil Anderson** [00:32:45] You can't amend your own motion.

**Caren Braby** [00:32:46] Okay. I welcome a friendly amendment.

**Marc Gorelnik** [00:33:00] And thank you for stepping in as a parliamentarian.

**Phil Anderson** [00:33:07] Well I hate to admit this, but I have Robert's Rules of Order up on my screen here. Could I just ask a question before I stick my foot in my mouth?

**Marc Gorelnik** [00:33:19] Yes, you may.

**Phil Anderson** [00:33:19] So under, under B is what we're talking about here. So, this is in with respect to when we have a quick response letter, it's the default approach and when a letter's been deemed necessary, we want to add to this list of individuals the marine planning... what... I mean what is the title? What would be the appropriate title or the addition there that would pick up on this appropriately? May I ask that question of Caren Mr. Chairman?

**Marc Gorelnik** [00:34:04] Yes, please.

**Phil Anderson** [00:34:05] Thank you.

**Caren Braby** [00:34:06] And thank you for that recognition. I would... I ask that Kerry go back and look at what that title is that is in the record somewhere. Michelle Culver, I think Marci Yaremko and I have all held that position if you will, that designation by the Council and so I don't recall what the title is.

**Marc Gorelnik** [00:34:34] I believe I have that here. Well, at least the formal appointment in terms of representatives to other forums was a designation to the West Coast Regional Planning Body. I'm not sure if there was another designation or appointment made, but I think for purposes of this motion we can simply put a title in and then deal with that on an ad hoc basis under membership appointments. How's that? Mr. Anderson.

**Phil Anderson** [00:00:00] You ready for this Sandra? I would move an amendment by adding, this is in B, the amendment pertains to B, you already know that but, so following Council Chair add Marine Planning Council Representative, and then it would go comma and State Wildlife Agency Representative for the State involved. So that's where it would be inserted is immediately after Council Chair.

**Marc Gorelnik** [00:01:05] All right Mr. Anderson. Is that language complete and accurate?

**Phil Anderson** [00:01:10] I hope so.

**Marc Gorelnik** [00:01:11] I hope so too. Is there a second? Seconded by Corey Niles. Please speak to your proposed amendment as necessary.

**Phil Anderson** [00:01:20] Thank you Mr. Chairman. I think this makes sure that we have our team of individuals that we're looking to be responsible for making decisions about marine planning issues, including quick response letters, that we have them all in the room when we're making these types of decisions.

**Marc Gorelnik** [00:01:47] Thank you. Any questions for the maker of the motion to amend or any discussion? John Ugoretz.

**John Ugoretz** [00:01:59] Thanks Mr. Chair, and thanks Phil for getting that in there. I had actually intentionally left that position out of my amendment. And my rationale was that I see there being two separate things going on here. There's the MPC that has a role in helping us generate comments and information about what's going on in marine planning. And then there's the formal Council designee to sit on specific bodies and current place, it's the offshore, whatever it's called, lost the link, the West Coast Ocean Alliance. I don't know that that individual needs to be involved in deciding whether a particular issue merits having a quick response letter. I do feel that representatives should be involved in any discussions with BOEM as Phil and I were just discussing before the amendment came on, but that was a separate topic then than this one. So, I'm not heartily opposed to this but just wanted to lay out there my rationale and thinking for why it was not included in my amendment.

**Marc Gorelnik** [00:03:24] Thank you John. Bob Dooley.

**Bob Dooley** [00:03:28] Thank you Mr. Chairman. This is just a quick comment here. I notice it says State Wildlife Agency Representative for the State involved. What if there's two or three states involved? And I just want to make sure that we're covering all of that, and maybe it does the way it says it but just pointing it out.

**Marc Gorelnik** [00:03:48] Yeah, so right now the discussions on the amendment, but I think that's referencing a particular issue in marine planning, for example an issue in Washington or California or Oregon where the Marine Planning Council Representative is not from one of those states.

**Bob Dooley** [00:04:08] So then it could be more than one state. Okay, fine. Thank you.

**Marc Gorelnik** [00:04:14] All right. Any other discussion on the motion to amend? Not seeing any. Corey Niles. I'm sorry.

**Corey Niles** [00:04:26] Thanks Mr. Chair. I'll just...I'll just brief...I'm going to speak now and reply to the subsequent votes, but yeah, we're... we've somewhat been on the sidelines in deference to the activities of the other states. We will be more active depending on what happens off Washington so I'm envisioning some scenarios about, you know, a state not wanting a letter to go forward against everyone else and how that resolves, but I'm at this point let's give this a go. It looks like a good approach, and it is, we've seen experiences the past year where this could of helped. So supportive of the concept and I'll stop there.

**Marc Gorelnik** [00:05:08] All right. Thank you. Is there any further discussion on the motion to amend? I'll call the question. All those in favor say 'aye'.

**Council** [00:05:17] Aye.

**Marc Gorelnik** [00:05:17] Opposed, no? Abstentions? The motion to amend passes unanimously. We're now back to the main motion as amended. Further discussion? Christa Svensson.

**Christa Svensson** [00:05:39] Yeah, thank you Mr. Chair. I really appreciate the motion. It is incredibly thorough, and I have not spoken much in terms of commentary about this issue, but I think we heard a tremendous amount today about the urgency and the importance from our committees and from the public, particularly industry. I can only imagine how much everybody has learned in this process. I continue to learn in the process and I'm not as close as Dr. Braby who's sitting next to me. And I've

thought over time, 'boy this is going to impact us economically and boy, this is going to impact us environmentally, and boy this is going to impact us culturally', similar to when we put dams in on the Columbia and we still talk about June hogs and Celilo and a lot of places where we don't have the access we did. But what I didn't think about prior today and what I am appreciative of the CPSAS in particular bringing up was how this is going to impact our fisheries with recruitment. And so much of the work that I did in terms of sales was looking at the recruitment of cold-water pink shrimp which we don't typically talk about here, but that is definitely something that I really wasn't thinking, 'boy, this could impact the spring transition in terms of will those shrimp come back'? Will our crab come back? And again appreciate Mr. Thevik coming in today and talking to us even if we are not managing crab fisheries. So, I really wanted to lend my support again on the urgency and the importance of this and in slowing down and getting things right. I also wanted to talk just for a moment on two of the points. One is that I'm fully supportive of reaffirming the intent of this particular committee. I'm appreciative of the work. 15 letters over the last year for rapid response is amazing. So are the reports that come out of your group. And I'm also on the second point really appreciative of putting in there for recording the public webinars. I think that that's important for those of us that miss meetings. There's a lot of meetings going on right now in a lot of venues, but I also think it's really important for new participants. People come into our fisheries. People come into interest about fishing in general or the ocean in general and they in many cases would like to go back and reading notes is very different than seeing or hearing what was said in those meetings. So, I am just wanting to say thank you for including that to allow people who didn't have the opportunity because they just didn't happen to be in the room or aware of the item, the ability to catch up. And with that I will close my remarks but thank you for such a thorough and thoughtful motion.

**Marc Gorelnik** [00:09:10] Corey Niles.

**Corey Niles** [00:09:13] Thanks. And so, I'm going to go smaller picture than Christa's, but very supportive of what she said there. But I'm reminded on Bob Dooley's question he brought up, you know, with a State Wildlife Agency Representative along the spirit of what Phil was saying about talking to the right people, we just we would point out that if this were Washington and it was a significant issue or that affected the tribal, coastal tribes, the UNAs, we would, I don't know if we need to say that formally here. I don't think so, but we would do that in the in the course of the business and reach out. And that this is also... and the Olympic Wind Project as an example of proposed project is what Bob's talking about. It's in a place that would be very important to Oregon's communities so, and then this is layered on top of the quick response approval process itself. So not suggesting amendment but just articulating on that was a good question by Bob but also you know brought up the tribes to us. You know we have sovereign governments within our own State so just wanted to put that of how we would approach this, you know when it arrives, arises. Excuse me. Thanks.

**Marc Gorelnik** [00:10:34] Joe.

**Joe Oatman** [00:10:41] Yeah, thanks Mr. Chair. Maybe as a follow-up to Corey's comments. I also had had a little bit of exchange with Merrick as well, just now. So, I did initially catch the potential need to include say a tribal representative for those, you know, instances where it might involve a tribal UNA or some other direct tribal impact or concern or issue. So, I think my initial, you know, perspective on this at this time is that, you know, we do have a tribal representative on the MPC. That individual I understand does coordinate with other tribes should something come up that might affect them and so that might be, you know, the default I think for the tribes is to try and have that individual understand that, you know, as things come up that they should be coordinating with the tribe at issue. So, I intend to have some additional follow-ups with the tribes to see, you know, whether, you know, that is adequate for this purpose and this framework approach that's been laid out for quick response letters.

**Marc Gorelnik** [00:12:21] Thank you Joe. Further discussion? Corey Ridings.

**Corey Ridings** [00:12:33] Thank you Mr. Chair. Thank you for this Caren. I plan to vote for this. I'm reading something in here and I just wanted to confirm with you, which is under 1.B it says the emphasis on offshore wind and aquaculture opportunity areas is reaffirmed. Mike Conroy told us today about some growing interest in other technologies in the ocean. I think of things like seabed mining or wave energy, and I think offshore wind has been a really bold example of how quickly yet how impactful issues can come up. I'm reading this, other places in the motion that there is the ability of this group to bring issues like that to the Council's attention, even with this emphasis on offshore wind and aquaculture. Am I reading that correctly?

**Marc Gorelnik** [00:13:38] Caren.

**Caren Braby** [00:13:40] That was my intent. We've heard that there needs to be some way for the MPC and for our advisory subpanels to figure out what the priorities of the Council are and that the reason that this committee was developed in the first place was because of Aquaculture Opportunity Areas and offshore wind processes spinning up and requests from NOAA and BOEM respectively of Council's time to help engage with them on those issues. This language doesn't preclude other issues from coming in there, but we've heard from the MPC that they don't have a lot of extra capacity lying around, and so I think we as a Council need to be clear on what is most important, but we need to give the MPC the latitude to say, 'hey you know last month it was offshore wind and Aquaculture Opportunity Areas, there's this new issue that's heating up', and bring that to our attention and we could, you know, the intent of this motion is that we would have the opportunity to reevaluate. But it is intentional that I wanted to kind of beg the question of the Council, are these still our highest priorities? Because if there are four issues at hand for the MPC and they can only do two or three, they need the confidence that they are doing the Council's will in picking the AOA and offshore wind issue to deal with.

**Marc Gorelnik** [00:15:18] Does that answer your question, Corey?

**Corey Ridings** [00:15:21] It does. Thank you.

**Marc Gorelnik** [00:15:23] All right. Any further discussion on this motion? All right I'm not seeing any hands. That's not to say someone hasn't raised one. I don't see it, but I'll 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. Caren, thank you very much. And Caren please go ahead.

**Caren Braby** [00:15:58] To get the, the conversation started a little bit more, I think that there's some questions to answer around the Marine Planning Council member role. And I ask the Chair and the Executive Director is that a discussion for here to then move forward to appointments or how would you like to deal with that?

**Marc Gorelnik** [00:16:25] I would like to continue making progress on the list of things we need to check off on this agenda item. In terms of appointments, I'm not sure. Or are you talking about membership appointments on the.....

**Caren Braby** [00:16:42] I'm talking about the Marine Planning Council member role and the questions that have been raised around that.

**Marc Gorelnik** [00:16:49] I think that appointment, well let me turn to Merrick. I have my view on that. It would be taken up under membership appointments, but which is a different agenda item.

**Merrick Burden** [00:16:59] Yes. Thank you Mr. Chairman. That's consistent with my thinking as well and that would give the rest of the Council Staff and I some time to refresh our memories on this particular appointment, for lack of a better word, and be better prepared tomorrow for this discussion.

**Marc Gorelnik** [00:17:18] John Ugoretz.

**John Ugoretz** [00:17:26] Thanks Mr. Chair. I just was going to voice some support. I don't see a reason to discontinue the role. I do think we should rename it so it's not specific to the one body that doesn't exist anymore. I think there was some good discussion between Caren and Phil and I that really pins down what that role should be and what it is not, and I think the motion that we just passed includes, you know, representation by that individual on the MPC discussion decisions about quick response letters. So, I agree it can come up under membership appointments. I just wanted to get out the feeling that I think the discussion we had about it and how it acts today should be considered then.

**Marc Gorelnik** [00:18:24] Excellent. Thank you. So, we have before us a number of additional items and I know that there's an additional motion so I will call on Dr. Caren Braby.

**Caren Braby** [00:18:37] Yeah, thank you. Again, in the interest of trying to move us forward Sandra has a second motion that I would be happy to offer at this time. I move that the Council approve the following proposed actions with the included guidance. 1: Finalize the Oregon Call Area Draft Letter with strong collaboration with MPC, HC, and Council Staff to address input from ABs and public comment. Final approval by QR process. 2: Create draft 2 of the policy guidance document. Consider comments from MPC, HC, and others raised thus far. Request review from EWG and EAS and bring back to Council in September 2022. This guidance document should be used as an OSW, Offshore Wind Specific document and it should be edited to provide support for the Council's rapid response to comment opportunities rather than as a reference document. 3: NOAA AOA's. Prepare QR letter for Council approval due July 22nd. 4: California Proposed Sale Notice. Prepare QR letter for Council approval due 8-1-2022. And 5: BOEM Fishery Mitigation Strategy Guidance. Track and anticipate future QR Letter Opportunities.

**Marc Gorelnik** [00:20:16] Thank you, Caren, for the motion. Is the language on the display accurate and complete? Question for the maker of the motion? You want to do it before we have our... before we second it. Okay. Go ahead.

**Brad Pettinger** [00:20:31] Thank you. Sorry, Caren, when you read it, you said support for the Council's rapid response. Would you want to add the for there to that?

**Caren Braby** [00:20:41] Yes please.

**Brad Pettinger** [00:20:41] Okay.

**Marc Gorelnik** [00:20:44] All right. We have a motion on the screen and it's accurate and complete per the maker of the motion and I'll look for a second? Seconded by Phil Anderson. Please speak to your motion.

**Caren Braby** [00:20:56] So these five items can move forward. The additional items that Kerry's teed up for us for Council discussion and decision making today and this is just affirming that these five activities should move forward and that we as a Council by voting for this motion would agree with



that path forward and give some of the guidance that was requested from the MPC on how that should happen so.

**Marc Gorelnik** [00:21:33] All right. Thank you very much. Questions for the maker of the motion? Discussion on the motion? Pete Hassemer.

**Pete Hassemer** [00:21:44] Thank you Mr. Chair. Not really discussion. I support this motion and thank Caren for tying this all together here in one motion. This is getting ahead of the vote, but I just want to highlight should this pass that under item number 2, I think it's important to take just a little bit of time before we close out this agenda item to provide some guidance on what that document would be that we want to see in September. Maybe just to be glib about it that be a little more specific about the rock we want to see at that time. Thank you.

**Marc Gorelnik** [00:22:23] And you're okay with that, doing that after this motion? Okay. Further discussion on the motion? All right I'll call the question. All those in favor say 'aye'.

**Council** [00:22:36] Aye.

**Marc Gorelnik** [00:22:36] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Caren for helping us make some progress here. I'm going to instantly go to Pete Hassemer.

**Pete Hassemer** [00:22:54] Thank you Mr. Chair. I want to express my appreciation to the group that put together this draft document I'm referencing. I should make sure it's attachment to the draft guidance document. We gave some pretty general direction in March to take two documents, meld them together and bring it back to us and we have that looking through it. I think it's a good start on where we want to be. We have some specific comments from both the Marine Planning Committee and the Habitat Committee. This motion, I appreciate the reference in there that we're really looking at an inward facing document, something to help us in the QR process. So, I'm not going to edit on the floor, but maybe provide some general observations relative to the comments we received. First of all, the Marine Planning Committee, their first comment offers a rewrite of the purpose of that statement. I appreciate that but as I read it, I think it's more of an outward facing purpose than what we're trying to achieve, so I just ask the group to look carefully at that. The purpose that's in our draft document is quite good. I would mention that the second, there's only two sentences there, the second sentence in that document I think could be deleted. It talks about guidance on expectations of other agencies, and I don't think that's meeting our purpose of an inward-looking document, but I could be wrong so just look carefully. The second section on there is objectives and both the Marine Planning Committee and the Habitat Committee had some comments relative to that. Also, earlier in our discussion on this entire topic we heard a statement from Joe Oatman about the tribal fisheries and the impacts to them. My suggestion here is going back again to the earlier part of our discussion early on, Phil had some made some excellent statements and if I could be so bold as to use his words, he referred to them as Phil's measuring sticks or goal posts for our responsibility. And I think in this document, again those were excellent words and I'm not going to try and repeat them here, so I only suggest go back, rewind the tape and listen to that and see if those statements better fit what we're trying to fit in this section of the document. Part of what he stated did talk about healthy fisheries and so in addition to what the statements he made, think about fishing communities and incorporating that language as necessary. If you need some guidance there, go back to our fishery ecosystem plan. We talk about healthy fishing communities. I offer that because these projects are very much site-based or place-based and their impacts are likely to be very localized, so we need to make sure that we focus also on the fishing communities. One other comment, when you read the comments from the MPC, I think they talk about references to recreational fisheries, that's important, but again we have commercial, we have recreational and we have tribal fisheries and Joe made some comments to that, so think about how you capture all of those fisheries.

And so again I'll just refer to the excellent words that we had from Phil earlier on that the remainder of the comments in both the MPC and the Habitat Committee I just suggest you look carefully at those. They seem to get into a lot of detail and specificity, and you gauge whether or not it's necessary in this guidance document to get that type of detail. What they identify there is very important to what we're doing, but with respect to a guidance document and the purpose, do we need all that detail and a prescriptive checklist or is it captured in other parts already, or can you more generally state that? So, thank you Mr. Chair. I think that completes my guidance on that.

**Marc Gorelnik** [00:27:45] All right. Thank you very much. Let me first see if there is any disagreement with the points that Pete raised? And then let me turn to our staff officer to make sure that those were captured?

**Kerry Griffin** [00:28:04] Thank you Mr. Chair, Mr. Hassemer. Yes, I madly wrote down Pete's words and think I captured the gist of what he was saying. You put several sort of themes in there but I think I got those, and we can touch bases afterwards if you want. You're right there are a lot of comments by now, either in writing or informally here on the floor, but I'm happy to work with you and the MPC and the Habitat Committee and the EWG and EAS on getting a new version of that document for Council review so I think I got that.

**Marc Gorelnik** [00:28:47] All right. Thanks. And as Pete mentioned, there's always the tape so. Is there further input on any of these actions before us? Is there anything.....oh Caren Braby.

**Caren Braby** [00:29:02] Just flagging. There was a suggestion from the MPC on scheduling this agenda item. I know that's a workload planning issue but just something that we should anticipate talking about tomorrow.

**Marc Gorelnik** [00:29:20] Indeed. Anything further for the good of this agenda item? All right, Mr. Griffin.

**Kerry Griffin** [00:29:33] All right. Thank you. That was long but that was good. I appreciate all the discussion and guidance. I think that the motions offered were very thoughtful and give us some clarity and some direction without turning the whole, you know, Marine Planning Committee process upside down. I think it'll help us, you know, sort of hone our skills as we move forward. We'll get to work on the several tasks at hand. The first one up is going to be the Oregon Call Areas letter, and I just want to flag that this is going to be a real short turnaround time now, so we'll get a, we'll get a version done, my goal is within a couple of days for a quick review round from the advisory body crew and then out to the Council as part of the QR process. So that would be probably early next week. I think that at least... is next Monday the 20th? Yeah, I think that's a holiday now at least in some or most states and so that's, that's a day lost there but anyway. Mostly I just wanted to flag that, please be ready Council members for you know probably maybe less than a one-week QR process but you've all seen it and you know you've seen the draft letter and you're pretty familiar with what's in there. So, that's coming next and then several other letters and meetings and whatnot. So, I guess that's all I have. I think you've accomplished your business for this agenda item.

**Marc Gorelnik** [00:31:16] All right. Thank you everyone.

#### 4. Fiscal Matters

**Brad Pettinger** [00:00:00] Our action is to consider the report and recommendations of the Budget Committee and I'll open the floor for discussion if any. Pete Hassemer.

**Pete Hassemer** [00:00:13] Thank you Mr. Vice Chair. I'd be prepared to make a motion, but I do not want to cut off any discussion that might occur so it's your call.

**Brad Pettinger** [00:00:27] Well, I'm not seeing any hands so that's probably the next step I think... so, and in line with how things are going this morning so...

**Pete Hassemer** [00:00:36] All right. Thank you Mr. Vice Chair. Then I'll make a motion. I move the Council adopt..... I'm just pausing here to if somebody is typing that to provide some time.....I move the Council adopt the report and recommendations of the Budget Committee. Agenda Item C.4.a, Supplemental Budget Committee Report, June 2022.

**Brad Pettinger** [00:01:11] Okay, Pete, is the language of the screen accurate?

**Pete Hassemer** [00:01:13] Yes.

**Brad Pettinger** [00:01:14] Very good. The second? Seconded by Heather Hall. Thank you Heather. Do you want to speak to your motion Pete?

**Pete Hassemer** [00:01:19] No. Thank everybody for participating in the process and having those discussions and we'll continue the work. Thanks.

**Brad Pettinger** [00:01:30] Okay. Discussion on the motion? Okay, I'm not see any hands there either. So, with that I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:01:50] Aye.

**Brad Pettinger** [00:01:51] Opposed? Abstentions? Motion passes unanimously. Thank you everyone. Thank you Merrick.

## 5. Legislative Matters

**Brad Pettinger** [00:00:00] That brings us to Council action, which is to review the information and give recommendations. So, I'm not seeing any hands there either. So, with that I'll go back to you, Mike.

**Virgil Moore** [00:00:14] Mr. Chairman, this is Virgil.

**Brad Pettinger** [00:00:18] Sorry for missing you, Virgil. Yes, please.

**Virgil Moore** [00:00:22] Just a quick question relative to process for the Council in reference to the Habitat Committee's report on the Recovering America's Wildlife Act. Is it appropriate or inappropriate at some point for the Council to take a position on legislation? That's simply my question at this point. Thank you.

**Brad Pettinger** [00:00:48] Chair Gorelnik.

**Marc Gorelnik** [00:00:51] Thank you for the question, Virgil. It is not appropriate for the Council to volunteer its position on federal legislation. We can, however, respond to congressional requests concerning legislation and their potential impact on matters that the Council deals with, but we're not in a position to offer our position on legislation. If we get a request for comment from a Congressional or Senate office, then it'll be taken up by the Legislative Committee and then brought to the Council.

**Virgil Moore** [00:01:38] Thank you.

**Brad Pettinger** [00:01:41] Thank you Chair Gorelnik and thank you Virgil. Okay Mike.

**Mike Burner** [00:01:47] Thank you Mr. Vice Chair. I believe that concludes this agenda. I will update the future meeting documents to reflect no Legislative Committee items. There's Phil. Sorry.

**Brad Pettinger** [00:01:56] Phil Anderson.

**Phil Anderson** [00:01:56] Thanks Mr. Vice Chair. It's just on the... in the Legislative Committee's report it talks about HR 6865 and concerns about the requirements that are contained in that piece of legislation relative to AIS for vessels 65 feet and greater. And, as you obviously noted in the Legislative Committee's report, there was concern amongst committee members with respect to the public availability of AIS information, particularly when vessels are engaged in their fishing operations. And I was in part because Congressman Don Young's interest and then understanding that it was introduced by Representative DeFazio, I'm just wondering what, if we know or whether we should seek to learn whether or not the North Pacific Council has provided any perspective or if we could find out what their, if they have a position or a concern relative to this aspect of this legislation what that might be? So, I'm just posing that as a question and so that in the event that this is still in play when we get together next time, we would have an understanding of whether or not there were concerns being expressed by the North Pacific Council or other Councils for that matter.

**Brad Pettinger** [00:04:03] Thank you Phil. Mike.

**Mike Burner** [00:04:07] I'm not aware of any other Councils that have taken this up, but I can certainly do some homework and find out before we meet again. Thank you.

**Brad Pettinger** [00:04:15] Okay, Mike, so now you can finish off.

**Mike Burner** [00:04:20] Okay. Thank you Mr. Vice Chair. I'm just saying that I will update our future meeting documents to reflect no Legislative Committee meeting in September, but I think we're done with this agenda item now. Thank you.

**Brad Pettinger** [00:04:29] Okay. Very good. Okay.

## 6. Approval of Council Meeting Records

**Marc Gorelnik** [00:00:00] So we have C.6, and we have before us the task of approving previous Council meeting records. And I will look to see if there is a motion or any discussion or any corrections to those meeting records. Pete Hassemer.

**Pete Hassemer** [00:00:20] Thank you Mr. Chair. I need to pull up a document here. Before we get started, typically we don't discuss this, but in looking through it to make sure we dot every I and cross every T, on page 7, the roll call, there are some errors there with respect to who was present online and who was present in-person. I think it would be appropriate, although it seems minor to correct that so it is as accurate as we can make that. And probably through the motion we could just designate that staff make those errors and publish an amended final meeting Minutes. Thank you.

**Marc Gorelnik** [00:01:10] To be clear, are you referring to the March or April?

**Pete Hassemer** [00:01:14] I am sorry. I am referring to the March meeting.

**Marc Gorelnik** [00:01:24] Thank you. Let me turn to staff. Mr. Burner, are you aware of the corrections that need to be made?

**Mike Burner** [00:01:37] I'm not aware of this specific one, but we can certainly go back to that record. It is a little tricky to keep track of who is online and who is in-person, but we will certainly revisit that and make that, make sure that's corrected before we finalize.

**Marc Gorelnik** [00:01:49] Okay. Pete.

**Pete Hassemer** [00:01:50] Yes. And again I, you know, I apologize for that. I know the staff works very hard on this, but March was the first time in a long time we were in-person. Many of us, some of us missed it and also in April so I'd just highlight that at this point. Thanks.

**Marc Gorelnik** [00:02:14] Butch Smith.

**Butch Smith** [00:02:18] I went to that page, and it clearly says present or online, it doesn't, doesn't distinguish, and I don't know if that's....if you saw that Peter. I'm all wet here but it doesn't distinct about who was, you know, it does either or and it lists the people that were present or online at the meeting the way I read that, but maybe I'm.....Ilwaco education is always suspect so if I missed something Pete I....but that's how I read it either. Thanks Mr. Chair.

**Marc Gorelnik** [00:02:57] Mr. Hassemer.

**Pete Hassemer** [00:02:59] Thanks Mr. Smith, Butch. I think you identified the easy correction there, is there are asterisks that try and indicate who was present online as opposed to in-person and if we just eliminate all the asterisks, we know who participated in the meeting.

**Marc Gorelnik** [00:03:24] Okay. Well, if there is a motion. If the motion expressly provides some discretion to Council Staff to make changes, I think that's a way we can proceed. So, Mr. Anderson.

**Phil Anderson** [00:03:52] Thanks Mr. Chairman. I think I have a motion if Sandra's reading my mind as she usually does. Thank you Sandra. I move the Council approve the Council meeting records as presented in Agenda Item C.6, Attachment 1, Draft Council Meeting Record, 265th session of the

Pacific Fishery Management Council March 8th through the 14th, 2022, noting it's electronic only. And item C.6, Attachment 2, Draft Council Meeting Record, 266th session of the Pacific Fishery Management Council April 7 through the 13th, 2022, again electronic only. And include the ability for staff to make corrections to the March 2022 meeting, page 7 roll call for online and in-person participants.

**Marc Gorelnik** [00:04:59] All right, thank you, Phil, for the motion. Is the language on the screen accurate and complete?

**Phil Anderson** [00:05:05] I would just add the word 'the' between 'include' and 'ability' and the last line there. Sandra thank you.

**Marc Gorelnik** [00:05:13] All right is there a second? Seconded by Pete Hassemer. Please speak to your motion.

**Phil Anderson** [00:05:19] I appreciate all the work that goes into maintaining our Council meeting record. It's an important piece of our work and I appreciate Mr. Hassemer pointing out that several corrections may be needed relative to the March '22 meeting record relative to who was at the meeting in-person versus online.

**Marc Gorelnik** [00:05:51] Thank you. Are there any questions for the maker of the motion or discussion on the motion? And not seeing any hands I'll call the question. All those in favor say 'aye'.

**Council** [00:06:03] Aye.

**Marc Gorelnik** [00:06:03] Opposed, no? Abstentions? Motion passes unanimously. Thank you Phil. So, I believe that concludes our action under Agenda Item C.6.

## 7. Membership Appointments and Council Operating Procedures

**Marc Gorelnik** [00:00:00] Well that concludes all of our reports and takes us to Council discussion and action. So, let's start with some discussion. And I know that Mr. Anderson indicated an interest in discussing the tribal report on the muse. I assume so. Let me first turn to Mr. Anderson to get us started.

**Phil Anderson** [00:00:27] Thank you Mr. Chairman. I want to spend just maybe a little bit of time on this topic. It's an important topic. I take to heart the perspectives that were conveyed by the Northwest Indian Fisheries Commission relative to the MEW and I think it warrants a little bit of thought about what to do in response to that perspective and view about the MEW and the future of the MEW. As we all know the Salmon Model Evaluation Workgroup is an advisory body to the Council. My understanding of their primary objectives include identify, analyze, present and review methodologies affecting salmon modeling. Facilitate technical dispute resolution over methodologies. Provide documentation and education of the FRAM model, the main model used to assess the impacts on chinook and coho salmon stocks in the PFMC forum, particularly off Washington and Oregon. And they serve as a conduit between the PFMC and the other entities involved in methodology review, certainly including the tribes and the two commissions. The MEW has one official meeting per year. I believe it usually occurs the first day of the April Council process and then other meetings are scheduled as needed to prepare for the October methodology review cycle. We have, you know, we've got a pretty broad representation in terms of the members and including members from Idaho, Oregon, Washington, NMFS, and the U.S. Fish and Wildlife Service as well as the Northwest Indian Fisheries Commission and the Columbia River Intertribal Fish Commission and the California Department of Fish and Wildlife. Those last three are currently vacant. I think from my vantage point, which may not have a 360-degree view, that most of the FRAM expertise on the MEW resides with John Kerry from National Marine Fisheries Service and Angelika Hagen-Breaux from WDFW. They're also both members of the Salmon Modeling Analytical Work Group. And due to the co-managerial nature of salmon management, the MEW members work closely with experts and stakeholders outside the MEW process to facilitate the production of materials for methodology review. Many of those materials are presented at the methodology review are created in collaboration with non-MEW members. Some of the materials are produced solely outside and by outside entities, and when MEW members are not the main analysts or presenters, MEW staff coordinate with those topic experts and act as a conduit for information and materials into the Council forum. You know of the topics and things that we've asked the MEW to do over time, one of them they have played an instrumental role in producing the online FRAM user model and the FRAM overview documentation. Both these documents were developed with significant contributions from the Salmon Modeling Analytical Workgroup. However, I believe those efforts were primarily led by Angelika Hagen-Breaux, who serves as the Chair of the MEW. So, I think, in looking ahead and considering the concerns that were conveyed by the Northwest Indian Fisheries Commission, you know, we need to think about the pros and cons of the MEW and at least a short list of those. You know, when I think about the pros of having a MEW, a group that their members elevate and prioritize issues of interest to the PFMC, as I mentioned they've served as an important conduit between PFMC and FRAM experts. They've been a small and committed workgroup that produces results with few PFMC resources added. I think the group considers issues affecting all the states including the PFMC process. And they're a dedicated forum for methodology review topic selection and we've certainly had a number of methodology issues come up within our salmon management process that I think they've contributed to. On the other side, I think that, you know, there's not enough MEW members with FRAM expertise and some of that is a result of the vacancies that we have. You know I'm very concerned about having such a group that lacks the tribal representation. And, as I mentioned, those two seats that are on there have been vacant and vacant for some time and we've received some explanation as to why, at least from the Northwest Indian Fisheries Commission they've left those positions vacant. I understand that the mission of the MEW can be vague and ambiguous, and I think that was one of the criticisms in



the, from the Northwest Indian Fisheries Commission. And there's difficulty in navigating stakeholders that are outside the MEW entities. And a lot of times the MEW needs to consult with those outside entities to create their products. And then there's just the scarcity of time and resources to fill the positions on the MEW. So, all that is to say that I think I can safely say that the viewpoint that was expressed by the Northwest Indian Fisheries Commission on the MEW came as a bit of a surprise, and that may be an understatement. I know at least the people from WDFW that are on the MEW and have participated on the MEW for a long time. And so, I would, you know, I think we need to give careful consideration to the perspectives that were brought forward by the tribes on the MEW and the future of the MEW. I would suggest that we stand down on trying to make any decisions to let some conversations take place between those entities, the Tribes and the States and the National Marine Fisheries Service, U.S. Fish and Wildlife Service, those folks that make up the MEW and look to them to come, hopefully come back to us with a perspective or perhaps a recommendation on the future of the MEW. But I don't... I think it's important that we leave some space for those conversations to occur and so that is my recommendation relative to having a Council response to the perspectives on the MEW that have been offered by the Northwest Indian Fisheries Commission. Thanks for giving me the time to walk through that.

**Marc Gorelnik** [00:09:47] Thank you very much. We'll stay on this topic and see if we can reach a Council consensus on how to address this. Any... well, we've heard from Phil. I think, personally, I think it's very reasonable does there need to be some offline discussions about this? And at some point, it can come back to the Council for a decision or not, but first we need to have those discussions. Is that... Pete Hassemer.

**Pete Hassemer** [00:10:26] Thanks Mr. Chair. I don't know what the process is to go forward. I certainly would defer to Phil on this and appreciate the comments he provided in the overview on that. I do believe it takes some thinking before we make a decision on this. One thing I saw in the letter, the viewpoints were maybe two divergent ways to approach this. The last paragraph in that letter talks about if the MEW were to continue, do this, but the prior paragraph talked about a different way of doing business in getting the review and what, I guess, piqued my interest there was that they referenced it as a better way of getting the information or scientifically defensible information we need. So, I can't judge whether or not that's true and I think that's where it's worth time to see if there is something better that the Council can do and whether that could be rolled into the MEW's responsibility. So, in short, again I think the pros and cons that Phil talked about with respect to this and taking a step back and giving it some thought, you know, how exactly we do that I don't know. But that's the way to go. Thank you.

**Marc Gorelnik** [00:12:03] Mr. Oatman.

**Joe Oatman** [00:12:08] Thank you Mr. Chair. And I do want to acknowledge the remarks and suggestion that Phil made as well as additional comments provided by Pete. So, I just want to convey that, you know, it's my understanding that, you know, this seat has been, the seat for the Northwest Fish Commission has been vacant for some time. I think it's, you know, taken some time for them to provide some, you know, explanation as to why that's the case and so I think they've laid out, you know, the issues for that in their report. And so, I think, you know, it's one that has been a concern as well as a challenge as to how best to, you know, operate within the Council process. I know they have the co-manager process that they work in, you know, from their perspective, you know, they think that the Model Evaluation Workgroup is one where, you know, could be redundant to, you know, their part of doing this type of work and so I think, you know, part of the intent here was to, you know, lay out, you know, the concerns that they have with respect to the Model Evaluation Workgroup and provide some suggestions on, you know, how we might rethink things from their perspective. And so, I do appreciate that, you know, getting some additional time to kind of think this through and have some additional

discussions as to, you know, what might be the best way to address this is a good one and I think they would respect that.

**Marc Gorelnik** [00:14:07] All right. Thank you. So, we'll not take any action at this time, but I don't know if this is something that during our next agenda item folks may want to agendize this for future discussion. Is there any further discussion on this topic? Mr. Anderson.

**Phil Anderson** [00:14:29] Thanks Mr. Chairman. I do know Kyle Adicks is online with us here. Chris Kern may be as well. And I just... I don't know if they... I'm sure if they had something to add they'd raise their hand, but I just wanted to note that they were, well I know, Kyle, at least is attending remotely and I didn't know if he had any other kinds of perspectives beyond what I had put on the table for consideration.

**Marc Gorelnik** [00:15:13] All right we'll give a moment to raise a hand if there are some thoughts to be offered at this time, but I'm not seeing a hand, so we'll take this up down the road. Further discussion ahead of any motions on this agenda item? I know that there are some. We've received a recommendation from staff that certain open seats be re-noticed. I don't think there should be any controversy about that, providing that guidance to staff. And I think we'll take up nominations and then.....well, some hands have gone up. On my list I have Marci and then Kyle.

**Marci Yaremko** [00:16:12] Yes. Thank you Mr. Chair. I'll defer to Kyle to wrap that topic up first. Thank you.

**Marc Gorelnik** [00:16:19] All right Kyle. Welcome.

**Kyle Adicks** [00:16:22] Thank you Mr. Chair. Apologies. Can you hear me okay?

**Marc Gorelnik** [00:16:25] Yes, we can.

**Kyle Adicks** [00:16:26] All right. I was struggling to find the raise hand buttons. Things that moved around a little in RingCentral I think since last I used it. I really didn't have anything to add to what Mr. Anderson said. I had some communication with Angelika, our MEW representative on her thoughts on the subject. And as Phil said I think we need some time to talk through it with the co-managers and the other states and figure out the best path forward. I think the MEW does play a very valuable role. If we need a little more structure to what they're doing then I'm all for that but as Phil said, I think we need a little more time to figure out the best path forward.

**Marc Gorelnik** [00:17:09] All right. Thank you Kyle. Marci, do you have something to add?

**Marci Yaremko** [00:17:18] Thank you Mr. Chair. I'm on a different topic. I heard you say that we were going to close this agenda item out and I wanted to take up the question of COP 23.

**Marc Gorelnik** [00:17:30] I think, let me see if there's anything further on the MEW. Okay. We have closed that action, that subject out. And please go ahead, Marci, on a further topic.

**Marci Yaremko** [00:17:43] Yeah. Thank you Mr. Chair. I believe we heard from the CPSMT that they had not had a chance to consider the EC's recommendations on amendment to COP 23. So, my question is I assume Council Staff has had an opportunity to think about the EC statement and maybe they might advise us on the path forward regarding COP 23?

**Marc Gorelnik** [00:18:18] All right. Well, I guess that's a consideration for the Council if we haven't

had adequate input from that advisory body. I was going to start with nominations and come back to COP 23, but let's deal with this now that it's been raised. What is the sense of the Council on COP 23 to defer until we've given that advisory body an opportunity to provide input? Or does a Council want to move ahead looking for some guidance from the Council? Mr. Wulff.

**Ryan Wulff** [00:18:53] I don't have....thank you Mr. Chair. I don't have guidance. But before we started the discussion, we heard a number of reports that have recommended additions to this or comments on it. So, I just wanted to throw out there for consideration if anyone has a motion or at least note if we are going to amend this and this is a very minor point, but in the second paragraph under general process if we are going to amend this COP it would help to remove the references to NMFS Southwest Region and turn that to NMFS West Coast Region. Thank you.

**Marc Gorelnik** [00:19:29] Fair enough. What is... Heather Hall?

**Heather Hall** [00:19:36] Thank you Chair Gorelnik. I'll just add to this discussion here. We....I think the recommendation from the EC on revising the COP makes sense as Marci's bringing up. I was unsure if we needed a motion to do that, but also the point that Marci mentioned that and that we heard from the Advisory Subpanel report that they really hadn't had time to consider it might allow us to take up this change to the COP at another meeting when they've had time to provide that input. So maybe not at this meeting but at a future meeting we could consider that change to the COP.

**Marc Gorelnik** [00:20:22] Yeah, I'm not aware of any....that these changes are time critical, but I may not be close enough to the issue. Is there a sense that there's a timing issue that we need to move forward with this at this meeting or whether can we defer this to a future meeting to give the advisory body an opportunity? Mr. Burner.

**Mike Burner** [00:20:43] Thank you Mr. Chair. I guess I'd just address a couple of things I just heard. I don't believe this is terribly urgent. On the other hand, I guess from my own perspective the comments we heard from the EC are in keeping with practices in some of our other COPs regarding the review of EFPs and from my perspective their comments are pretty squarely within the enforcement camp, if you will, in terms of input. I'm not sure if the Chair of the management team is still online and perhaps we could confer with them, but I guess in my mind coming into this agenda item it seemed reasonable to me to proceed with this addition to this COP at this session, but I defer to the Council on that.

**Marc Gorelnik** [00:21:34] I'm looking for a hand. A hand has gone up. Marci Yaremko.

**Marci Yaremko** [00:21:45] Thank you Mr. Chair. In light of that discussion and hearing there is no urgency, it might be worthwhile to see a revised marked up version of the proposed text of COP 23 that we can act on at the September meeting in light of the remarks from Mr. Wulff as well as the opportunity for MT review and recommendation.

**Marc Gorelnik** [00:22:18] Mr. Burner.

**Mike Burner** [00:22:20] Thank you Mr. Chair. Our CPS advisor just told me that it would be best if we had this in place by November, so I think that would be appropriate if we took another look at this at September that would not cause any timing issues. Thank you.

**Marc Gorelnik** [00:22:33] I was just noticing we don't have CPS on the agenda in September, but we do in November. So, is that acceptable to the Council to defer this to November? I want to see if there's any objection to doing that. Marci your hand is up.

**Marci Yaremko** [00:00:00] Yes. Thank you. You're right about the September not having CPS on the agenda but I believe we take this up under admin and membership appointments and COPs so I don't know if the fact that CPS teams aren't scheduled to meet that we couldn't take it up in September, but maybe Mr. Burner might clarify. Thanks.

**Marc Gorelnik** [00:00:31] Mr. Burner.

**Mike Burner** [00:00:32] Thank you Mr. Chair. Yes, it's my understanding that the CPS advisory bodies are planning a webinar just in advance of the September meeting, even though there's not coastal pelagic species items on there. Just discuss things such as this so they'll get a chance then to see the material.

**Marc Gorelnik** [00:00:44] All right. So, September, we'll do it in September since they're going to be meeting anyway in advance of the September meeting. So, is that okay with everyone? All right, good. So, we'll come back to COP 23 in September. So, I think with the... that was the only COP action item we had so we'll go to... see if there's any discussion in advance of motions on a number of appointments we need to make. And I'm not seeing any hands, so I think that this was as some of these were discussed in Closed Session and some not, let me just first say that I'm pleased to appoint Heather Hall as the Council representative to the International Pacific Halibut Commission Management Strategy Advisory Board. I want to thank you very much in advance for your service there on behalf of the Council. And now I'll look for a motion regarding COP 1. Mr. Anderson.

**Phil Anderson** [00:02:02] Yes, thank you Mr. Chairman. Thank you, Sandra, for reading my mind again. I move the Council suspend the provision of Council Operating Procedure 1 that states that the Chair may not serve more than two consecutive one-year terms.

**Marc Gorelnik** [00:02:25] All right. The language on the screen is accurate and complete?

**Phil Anderson** [00:02:28] Yes, Mr. Chairman, it is.

**Marc Gorelnik** [00:02:29] And I'll look for a second. Seconded by Heather Hall. Please speak to your motion.

**Phil Anderson** [00:02:39] Thank you Mr. Chairman. Putting this before the Council for consideration so that we can have flexibility in our consideration of electing our Council Chair and Vice Chair or Chairs, as the case may be when we get to that action. This does not necessarily mean that we will deviate from that procedure, but it does give us the flexibility to consider our situation, what's best for the Council in terms of a leadership perspective and so that's the reason I'm putting this before the Council for consideration.

**Marc Gorelnik** [00:03:27] Thank you very much. Is there any discussion on this motion? Not seeing any hands, I will call the question. All those in favor say 'aye'.

**Council** [00:03:36] Aye.

**Marc Gorelnik** [00:03:36] Opposed, no? Abstentions? Motion carries unanimously. Thank you Phil. Now we should turn to the election of our Council Chair and Vice Chair for the coming year. And Bob Dooley you have a motion for us?

**Bob Dooley** [00:04:04] I do Mr. Chairman. Thank you so much. I think....there it is. I move that Mr. Marc Gorelnik serve as Council Chair and Mr. Brad Pettinger and Mr. Pete Hassemmer serve as Council Vice Chairs for the August 11th, 2022 through the August 10, 2023 term.

**Marc Gorelnik** [00:04:31] All right. The language on the screen is accurate and complete?

**Bob Dooley** [00:04:34] Yes, it is.

**Marc Gorelnik** [00:04:35] And I'll look for a second. Seconded by Butch Smith. Please speak to your motion.

**Bob Dooley** [00:04:40] Thank you Mr. Chair. I bring this before the Council to suggest that we have gone through some very difficult times in the last few years. You recall March of 2020 in Rohnert Park that when Mr. Anderson was our Chair was the last time we... until March of 2022 that we had an in-person Council meeting. Mr. Gorelnik and Mr. Pettinger have done an outstanding job of leading us through those dark times and bringing us through to where we are now and as we saw this week, we may not be done with COVID. There's also the thought of bringing on a second Vice Chair. I think that we need stability in our Council leadership, and we've done a....and our existing leadership has done a great job. We've had some changes. We have a new Executive Director that came on in late last year. We have some changes. We're soliciting a new Deputy Director. I think our leadership needs continuity. I think we did and being able to extend another term would be very good in these times of when, in these transition times. I also look to last May when we were chosen to host the CCC meeting in Monterey in-person that did not happen. Those relationships are crucial to our operations and our relationships with other regions. Those in-person meetings have just resumed again. The relationships that are built in those are critical to being able to interact on a personal basis with other Councils in other regions and to share views and things and I think it's important that we have those. So, in that realm, I think we need to prepare for the future, and I think it's critical to have the next Vice Chair in the room as well for these. So, I would.....that's my rationale for supporting this. I think it gets us, moves us to next year when Idaho will assume the role of Vice Chair and Mr. Pettinger from Oregon will be the Chair. I think that with all the transition we have I think it's just it's logical to, to prepare ourselves for that and to be supportive of this so I offer that and I'll stop there and have comments. Thank you.

**Marc Gorelnik** [00:07:40] Thank you very much Bob. Any discussion on this motion? All right I'll call the question. All those in favor say 'aye'.

**Council** [00:07:51] Aye.

**Marc Gorelnik** [00:07:51] Opposed, no? Abstentions? The motion passes unanimously. Thank you. Now we'll turn to the tribal seat on the Habitat Committee and Mr. Oatman.

**Joe Oatman** [00:08:18] Thank you Mr. Chair. I move the Council appoint Miss Shannon Adams to the vacant Northwest or Columbia River Tribal representative position on the Habitat Committee.

**Marc Gorelnik** [00:08:33] Is the language on the screen is accurate and complete?

**Joe Oatman** [00:08:36] It is Mr. Chair.

**Marc Gorelnik** [00:08:37] I'll look for a second. Seconded by Phil Anderson. Please speak to your motion.

**Joe Oatman** [00:08:43] Thank you Mr. Chair. Thank you Phil. The Yakama Nation nominated Miss Adams to the Habitat Committee. The Yakima Nation is a tribe that has federally recognized fishing rights and are a management entity within the Council process. They are part of the United States versus

Oregon and the United States versus Washington federal court cases addressing Indian treaty fishing rights. I understand that the Yakima Nation fisheries program is probably the largest tribal program in the nation. They implement a large habitat restoration program with projects in certain areas of the Columbia River Basin and coordinate those efforts with other Tribal, State and Federal agencies including stakeholders. Miss Adams is an enrolled member of the Yakima Nation and is employed as the Habitat Section Coordinator in the tribe's fisheries program. She has over 20 years of experience in natural resources management and assist the tribe in its environmental stewardship efforts through various management, restoration, and resiliency projects. She currently Chairs the Upper Columbia River Recovery Board to help guide efforts to restore viable and sustainable populations of salmon, steelhead, and other at-risk species in that region. Given the experience and expertise of Miss Adams in the area of habitat restoration, the fisheries and co-management efforts of the Yakima Nation, I support this nomination of Miss Adams to fill the seat for the Northwest or Columbia River Tribal representative on the Habitat Committee. I do also want to acknowledge that we do have a letter from the Confederate Tribes of the Umatilla Indian Reservation in support of Miss Adams. And I also understand that the Warm Springs and the Nez Perce Tribes also support this nomination. Thank you Mr. Chair.

**Marc Gorelnik** [00:10:47] Thank you Joe. Are there any questions for Joe or any discussion on this motion? I'll call the question. All those in favor say 'aye'.

**Council** [00:10:58] Aye.

**Marc Gorelnik** [00:10:58] Opposed, no? Abstentions?

**Corey Ridings** [00:11:03] I abstain.

**Marc Gorelnik** [00:11:09] Who was that? Oh, Corey Ridings.

**Corey Ridings** [00:11:12] Corey Ridings.

**Marc Gorelnik** [00:11:12] Okay, Corey Ridings abstains. All right so the motion passes. Mr. Anderson.

**Phil Anderson** [00:11:19] Thank you Mr. Chairman. I wanted to just pause for a moment here and acknowledge the nomination from the Colville Tribes and Mr. Casey Baldwin. I've known Casey for a long time, and I've had a fair amount of experience dealing with the Colville Tribes, and they have an incredible natural resource department there and Casey is a very, very knowledgeable individual and I hope that the Colville Tribes will allow and I hope Casey will participate in the Habitat Committee's meetings. He brings a lot of value and I wanted to acknowledge that and just express my hope that Casey, even though he didn't get appointed to this position, will stay engaged and contribute to our Habitat Committee because I think he, and the Colville Tribes, can bring a lot of value from the Columbia River perspective. Thanks.

**Marc Gorelnik** [00:12:41] All right. Thank you Phil. We'll next move to the California Department of Fish and Wildlife position on the Habitat Committee. Ms. Yaremko.

**Marci Yaremko** [00:12:56] Yes, thank you Mr. Chair. I move the Council appoint Miss Corianna Flannery to the CDFW position on the Habitat Committee currently held by Mr. Eric Wilkins.

**Marc Gorelnik** [00:13:10] All right, thank you. Thank you Marci. Is the language on the screen accurate and complete?

**Marci Yaremko** [00:13:15] Yes, it is. Thank you.

**Marc Gorelnik** [00:13:16] And I'll look for a second. Seconded by Corey Ridings. Please speak to your motion.

**Marci Yaremko** [00:13:20] Yes, thank you Mr. Chair. We're very pleased to have Cori Flannery join us on the Habitat Committee. She had an opportunity to attend the HC meeting this week and participate. She's been following along with the activities of the HC now since the spring. She comes from our department's Habitat Conservation Program and focuses on project review. She's very familiar with a number of the projects that we've been tracking in the Habitat Committee and has been working in her role with CDFW to develop comments on proposals and just brings a whole wealth of knowledge and experience to the process. So, we expect a seamless transition and we're very happy to have Cori aboard. Thanks.

**Marc Gorelnik** [00:14:14] All right. Thank you Marci. Is there, are there any questions for Marci or any discussion on this motion? I'm not seeing any. I'll call the question. All those in favor say 'aye'.

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

**Marc Gorelnik** [00:14:24] Opposed, no? Abstentions? The motion passes unanimously. Marci, thank you for the motion. We'll next turn to the West Coast Region position on the Habitat Committee. Mr. Wulff.

**Ryan Wulff** [00:14:47] Thank you Mr. Chair. I have the motion. I move the Council appoint Mr. Eric Chavez to the vacant West Coast Region position on the Habitat Committee.

**Marc Gorelnik** [00:15:00] All right. Mr. Wulff, is the language on the screen accurate and complete?

**Ryan Wulff** [00:15:04] Yes, it is.

**Marc Gorelnik** [00:15:07] Let me see if there's a second. Seconded by Pete Hassemer. Please speak to your motion to confirm that he did not formally play third base for the Oakland Athletics?

**Ryan Wulff** [00:15:22] That is correct. This is a different Mr. Chavez, and he has worked in the West Coast Region for 20 years actually in a variety of roles which has resulted in his current position as the West Coast Region Essential Fish Habitat Coordinator. He is intimately familiar with the EFH provisions of the Magnuson Act, but he also has extensive experience with the ESA, with NEPA, and with the Fish and Wildlife Coordination Act and I'm extremely confident that Eric will effectively contribute to the Habitat Committee. And while I have the floor Mr. Chair, I would like to take a moment to thank Mr. John Stadler, who formerly held this position on the Habitat Committee, but also Miss Gretchen Hanshew, Mr. Matt Goldsworthy, and Mr. Brian Mew, all who did rotating terms as our acting EFH Coordinator and participated in the work of that committee, so I want to thank them as well.

**Marc Gorelnik** [00:16:16] All right. Thank you for the motion. 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** [00:16:27] Aye.

**Marc Gorelnik** [00:16:28] Opposed, no? Abstentions? The motion passes unanimously. Thank you

very much Ryan for the motion. We'll next turn to the vacant processor position on the Groundfish Advisory Subpanel. I'll turn to Council member Christa Svensson.

**Christa Svensson** [00:16:47] Thank you Mr. Chair. I move that Council appoint Mr. Mike Okoniewski to the vacant At-Large Processor position on the Groundfish Advisory Subpanel.

**Marc Gorelnik** [00:16:59] All right. Is the language on the screen accurate and complete?

**Christa Svensson** [00:17:02] It is.

**Marc Gorelnik** [00:17:03] And I'll look for a second. Seconded by Corey Ridings. Please speak to your motion.

**Christa Svensson** [00:17:10] Thank you. I'm pleased to nominate Mr. Okoniewski for the processing seat on the GAP. Mike, when I saw your nomination and realized you'd be on both the CPS and groundfish panels, my first thought was, 'wow, you're an August company.' One of my last conversations was with Pierre Marchand from Jessie's Ilwaco Fish was around the importance of being part of the Council process and that he had once served on both the CPSAS and the HMSAS at the same time. I can remember thinking, 'man I'm not sure how he did that', but I was so impressed. And I'm so impressed by your willingness to take up that same level of workload and really probably more because the GAP is here every meeting and extensively, particularly for West Coast processors. You've got an impressive skill set. Your willingness to engage with other people who have a variety of viewpoints. Your diligence in researching and doing the homework that comes with having this type of position. But mostly it's the fact that you're out there representing processors in the fishing industry at so many events and forums with a positive and professional approach, and that he's willing to bring that information back into the Council process. Mike does an incredible job representing the processing voice here on the West Coast and I look forward to hearing more about that from him at the Council on the specific subject of groundfish and this particular FMP but others as well.

**Marc Gorelnik** [00:18:53] All right. Thank you. Are there any questions for Christa or any discussion on this motion? Not seeing any I'll call the question. All those in favor say 'aye'.

**Council** [00:19:07] Aye.

**Marc Gorelnik** [00:19:07] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Christa, for the motion. And I notice Mike hasn't run away from the room, so thank you Mike. We have the matter of a couple of ad hoc committees that we've had on the books. We have the Ad Hoc Southern Oregon Northern California Coast Coho Workgroup and the Ad Hoc Sablefish Management and Trawl Allocation Attainment Committee, otherwise known as SaMTAAC. So, do we have a motion pertaining to those? Miss Yaremko.

**Marci Yaremko** [00:19:57] Yes. Thank you Mr. Chair. I move the Council decommission the Ad Hoc Southern Oregon Northern California Coast Coho Workgroup and the Ad Hoc Sablefish Management and Trawl Allocation Attainment Committee.

**Marc Gorelnik** [00:20:12] All right. And the language on the screen accurate and complete?

**Marci Yaremko** [00:20:16] Yes, it is.

**Marc Gorelnik** [00:20:17] All right. And I'll look for a second? Seconded by Phil Anderson. Please speak to your motion.



**Marci Yaremko** [00:20:23] Thank you Mr. Chair. These two groups served us very well in doing their work. They took on a task that was specific in nature and got busy and provided us both some technical work and some thoughts and recommendations, but their activities are complete in both of those venues, and it is time that we can decommission them. And if we need more work on either of these topics into the future, it would be appropriate to re-examine the objectives and duties and formation of those committees. So definitely time to have them stand down but we certainly appreciate their service. Thank you.

**Marc Gorelnik** [00:21:21] All right. Thank you for the motion. Are there any questions for the maker of the motion or discussion? Not seeing any hands I'll call the question. All those in favor say 'aye'.

**Council** [00:21:32] Aye.

**Marc Gorelnik** [00:21:32] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Marci, for the motion. So, I think that deals with all of the appointments we have and the motions that I'm aware of. And we discussed advertising the vacant positions. We've decided to defer discussion on the MEW. So, I don't know if we're done here, but we might be. Let me just before I call on Mr. Burner let me see if there's anything, any members around. Mr. Pete Hassemer.

**Pete Hassemer** [00:22:13] Thank you Mr. Chair. I just wanted to quickly express some appreciation to the Council here. It's an incredible honor to be considered for and selected to join the management team. It's an amazing amount of talent at the front table, those that we have there. It's quite a challenge I think to do that and as I think about it my doing my best is not enough, that I'm committed to striving to do better than my best to further the work of the Council. And so again I'm honored to join that team. Thank you.

**Marc Gorelnik** [00:22:58] Well thanks Pete. It'll be good to have you and there's absolutely no pressure so. Anything further for the good of the Council? And if not, I'll go to Mr. Burner to check in and see what I've forgotten.

**Mike Burner** [00:23:15] Thank you Mr. Chair. No, I believe we've completed your business. I'll just take this time to congratulate you and Mr. Pettinger and Mr. Hassemer on your elections. We will solicit those vacancies you mentioned and get that posted quickly for solicitation of nominations between now and the September meeting. I do appreciate the letter from the Northwest Indian Fisheries Commission and the comments around the table regarding the MEW. Just briefly, when I was Salmon Staff Officer, I, and the leadership of the MEW at that time, did sometimes struggle with their charge and their business so I did go back and look at the early documents back in 2003 when that group was formed and sort of the thoughts back when it was charged and so I think I'd welcome a discussion on that group and how it moves forward. Might suggest we look to the spring meetings when we have more of our salmon advisors around if the Council wanted to have a more detailed discussion of that, but I do think that's warranted and I appreciate that. We will add some of the thoughts around the table regarding COP 23. We'll add some of that text suggested by the EC. Make the correction that Mr. Wulff mentioned and get that in the briefing book for September and have our CPS Management Team look at that and report back under the administrative item then. So, appreciate all the work. That was quite a list of things to take care of. Thank you very much.

**Marc Gorelnik** [00:24:28] All right, thank you Mike.

## 8. Future Council Meeting Agenda and Workload Planning

**Marc Gorelnik** [00:00:00] So that concludes public comment. We've had all of our reports. It takes us to Council action here and oftentimes I just turn this over to our Executive Director to go through the both the Year-at-the-Glance and the September agenda. So, I think I'm inclined to do that here if that's okay with you.

**Merrick Burden** [00:00:27] Yes, happy to Mr. Chairman and Council members. Well let's see, let's start with the bigger picture here with the Year-at-a-Glance. Recap what we have coming up first in September. So, there's a variety of groundfish items, many of which are shaded. There was some public comment and some questions about several of these items. Questions, for instance, regarding Non-trawl Area Management and the workload associated with that. Questions regarding the Trawl Catch Share Program Review and having back-to-back meetings from September to November on that matter, as well as the amount of time that would be spent on that matter in September. Stock Definitions Update and Scoping, something that we've talked about this week and that has made its way onto the September Stock Assessment Plan Final. I covered that earlier this morning. We have a couple of other additional items that are new. The Western Regional Action Plan on Climate. That's something that was in your informational reports this week and that in communications with the Science Center, they've indicated they'd be happy to take comments from us following our September meeting so that's been added. We did strike the Recusal Policy Final. I understand from General Counsel that that is likely to take a year to come back and talk about the Recusal Policy Handbook that is under development. So, we'll be looking to put that several months out having not identified a month just yet, but that's been struck. And we've added the Marine Planning Update as a shaded item in September. A lot of this overlaps then with how we proceed throughout the next few meetings. I've already touched on some of those with regards to groundfish, but starting at the top at CPS, we do have Methodology Review which is shaded. Going through groundfish we do have, let's see, shaded items back-to-back meetings here on Electronic Monitoring, back-to-back meetings on the Trawl Catch Share Program Review. We have the Sablefish Gear Switching PPA. I would note there was some talk in the GAP report about pushing the Trawl Catch Share Program Review from November into March. I believe that was the GAP report anyway. Moving down to HMS, several items here. There's been some talk in our team reports, one about the Swordfish Management and Monitoring Plan and concerns over timing, time availability for that workload while we are doing the Drift Gillnet Hard Cap Analysis, so that, some talk about moving that from September. Looking at November, we then have the Drift Gillnet Hard Caps FPA scheduled. We spent some time talking about that this week. And then moving down through salmon we have a Methodology Review Preseason Management Schedule. Pacific halibut, we do have the matter of management moving over to the region more formally and those discussions would be taking place back-to-back from September to November. And then we again have a Marine Planning Update if you go all the way to the bottom. In March, we start to have blank space to fill out. Of course, March is a big salmon agenda item. Several issues on groundfish. We're aiming for instance for an Electronic Monitoring FPA, although that is shaded in March of course as there is an important whiting meeting. Let's see, and we as we look out, we see a few more things. Continuing to look at the Trawl Catch Share Program. We have some EFH on CPS scheduled. I would also note that there was talk in the HMS Management Team about EFH there as well and some available funding that I was unaware of until recently has made its way to the region evidently, although I look to Ryan to verify that. And let's see, I will stop there with the Year-at-a-Glance. Looking at the September meeting more specifically. There are a few things I've made note of as we've gone through management team and advisory subpanel presentations or sorry, losing my words here this morning, reports. So, let's see, a few matters. So, we would start off Thursday with several advisory bodies meeting. We've been envisioning, as I said earlier, that we would have the groundfish advisory bodies in person and the highly migratory advisory bodies in person. Several of those in addition to those two groundfish and two highly migratory bodies

we would start with the Habitat Committee, the STT, the SSC, Budget Committee and so forth. Things that are fairly typical. Starting off the formal session of the Council in September, we go through relatively routine items, Closed Session, Call to Order, et cetera. We do have starting at C.1, a matter that is Research and Data Needs. This is something we've had a contractor working on in the background here over the last few months and we would be prepared to bring forward that issue which concerns a new database and familiarizing everybody with that. We have several salmon matters. And again, the Pacific halibut matter as we're considering transition of management of that fishery formerly from the IPHC over to the region. Then on Saturday as we go through groundfish, several issues here, one is Workload and New Management Measures Update, which is something that is routinely scheduled for September. Electronic Monitoring, Fishery Impact Review Methodology and then Stock Definitions Update and Further Scoping. As I indicated earlier, the Science Center is prepared to come back and have a report to update us all on how things are going with, I'm sorry that's Stock Definitions not Stock Assessments. Stock Definitions is a matter that we spent some time debating here earlier this week and outlining a pathway forward, and at that time we, you all asked that this be brought back in September so we could keep making headway on what exactly it is we're dealing with here, having some work done in the background over the summer between Council Staff, NMFS Staff, State Agency Staff and trying to clarify a way forward is how I interpreted that, so that's been put on the agenda for Saturday. On Sunday we start the first of Non-Trawl Area Management Range of Alternatives and a PPA. That comes back on Monday with the idea being that that breakup of the agenda item allows for motions and some discussions to happen overnight and that that helps to make that motion making on that item efficient on that second day. Now we're at the Stock Assessment Plan, and here, as I indicated, the Science Center has indicated that they are ready to update all of us on how things are going on the stock assessment front, and that that may induce a discussion here about potentially charting a different pathway forward which may mean pausing stock assessment if things are not coming together well, but I don't want to put any words in anyone's mouth. And then we would start the Trawl Catch Share Program and Intersector Allocation Review, and then we've titled this as scoping. There was some talk in the GAP statement about shrinking this agenda item down from 3 hours and making it more precise. I will say I've had some similar thoughts. If we were to focus, for instance, on the Trawl Cost Efficiencies Project that NMFS recently received funding for, we could likely shrink that time estimate down if we really focused on that particular question. Let's see moving into Monday, we have the White Paper formerly known as Council and Process Efficiencies. This is something that the rest of the Council Staff and I have been working on. NMFS Staff have sent us some ideas. Several of you have sent us some ideas. We'll be bringing forward a White Paper, which I envision as the first step in a discussion about our operations moving forward and doing that efficiently and effectively. On ecosystems, we do have a Fishery Ecosystem Plan Initiative Update and final adoption of the initiative's appendix and the Western Regional Action Plan, which I touched on a few minutes ago. Groundfish we have several matters, again, coming back and making decisions then on the Non-Trawl Area Management late on Monday and then on Tuesday we get into several highly migratory species items starting off the NMFS report, International Management Activities, Final Recommendations on EFPs, Harvest Specifications Preliminary, and there is a matter of the Swordfish Management and Monitoring Plan which triggered some comment that you heard, potentially the timeliness of that and maybe pushing that off. And then Marine Planning, and as we heard there is a desire by several advisory bodies to have this on the agenda. Chairman Gorelnik asked a question about whether we could keep that really to 2 hours and you did hear some feedback from the Chair of the GAP and the Co-chair of the MPC about how we could structure that in a way that could keep that to an efficient amount of time. And then on the final day we have some several routine administrative matters. Let's see. The only other thing that comes to mind, Mr. Chairman, is we are, of course, still trying to figure out our way out of this COVID situation. We are not out of it as we learned this week and so we are, you know, trying to envision how to move forward in September given what we've learned here, given what we learned in March and April. And as I indicated earlier, we have thus far envisioned a scaled down meeting in-person, not quite as scaled down as we had in March, but having fewer advisory bodies in-person,

continuing to have the Council ballroom as a hybrid model like we have been doing. I think this is going quite well the way we have it set up here and having several of the other advisory bodies that you see scheduled, having them be remote. So that would be our proposal for that structure for you. I can't think of anything else to summarize at the moment Mr. Chairman, so I'll stop there. Happy to take any questions. Happy to also ask Mr. Burner if I've missed anything that he thinks is important to raise.

**Marc Gorelnik** [00:11:37] I'm not seeing any hands. I do now. Heather Hall.

**Heather Hall** [00:11:49] Thank you Chair Gorelnik. Just... are we moving into discussion here? Okay. I do have some thoughts, input and maybe a question on the groundfish items for September. I would just say I thought the GAP statement on the groundfish items captured some good recommendations and they actually look like they've been also captured on this Supplemental Attachment 4 so that looks really good to me. I wanted to support the GMT's recommendation to add the Descending Device Review onto the SSC's agenda. I think the GAP also asked for that too so I would appreciate that. I know that's really important information and folks are working hard on that. In terms of the Limited Entry Fixed Gear Follow-on Actions, we've been talking about it. I know there's interest in seeing that package go forward and I'm hoping that that is something that can be taken up under the Workload and New Management Measure Update. I just want to confirm that that's the place where we can take, that it doesn't need its own separate agenda item or anything like that. And I'll leave room for a follow-up here in just a sec. And then I wanted to talk about the Non-Trawl RCA Range of Alternatives and PPA regarding the alternative that is focused on Washington. I don't think that we will be ready. I can probably say that more confidently that we won't be ready to have... be... have anything be considered for range of alternative in September. We've talked quite a bit and I think going back to November about wanting the Washington alternative to be kept separate, to not hold back any of this action for Oregon and California. So just want to reiterate that. Allow the, those folks to look at the Oregon and Washington maps, I mean, excuse me, Oregon and California maps. We won't have any maps for review by September. We still have work to do with our stakeholders. We still have work to do meeting with our tribal co-managers on this issue. I expect that we'll follow-up on this but not in September, so I just wanted to add that here. I'll stop there. Thank you.

**Marc Gorelnik** [00:14:49] All right thanks. Executive Director Burden.

**Merrick Burden** [00:14:54] Just thank you Mr. Chairman and thank you Miss Hall for that guidance. Just a couple of follow-up questions. Could you please... first question is could you please elaborate on your suggestion that we put the limited energy fixed gear item under, I believe, it was agenda planning? That would be my first question. And then my second question is in regards to Washington's readiness under the non-trawl item. Do you have a proposal for when that would come back, would that be November or March when Washington would be ready?

**Heather Hall** [00:15:29] Thank you Merrick. I don't have a....an idea of when it would come back. I don't know that we would be able to bring something back in November, but March might be doable. We do need some more time to talk about that at home with folks but, yeah, I hadn't thought about, if not in September then when... but so sorry that may not be exactly what you're looking for. But on the Limited Entry Fixed Gear Follow-on Action, I suggested it be discussed under Workload and New Management Measure Update. Hopefully those were the words I said. That's what I meant.

**Marc Gorelnik** [00:16:26] Jessica Watson.

**Jessica Watson** [00:16:28] Thank you Mr. Chair. I want to say, like Heather talked about, you know, I support the consensus that we hear from the GAP and the GMT to add some of those shaded items like Electronic Monitoring to the agenda for September. And I also want to thank the GMT for all their

hard work and dedication, you know, really to provide Council with the best information available to make some of these policy decisions, and therefore I also support the recommendation that we ask the SSC to schedule a review at that September Council meeting of the descending device mortality rate work produced by the GMT so that we can have that information to inform inseason management as needed since we did hear from the public testimony support of that. We also heard in the GMT report there's this need for some current agenda items to be finalized before prioritizing other items given kind of that analyst workload limitations. So I think, I guess I would like a little bit more discussion about adding in that package into the Workload Prioritization and New Management Measures, given what we're hearing from the GMT's report stating that they may not be able to take on new items until items are kind of taken off the list or completed through FPA, so I'm not sure how that conversation would move forward on that new package.

**Marc Gorelnik** [00:18:00] Well, we always seem to be asking a lot of the GMT. Merrick, do you have a response?

**Merrick Burden** [00:18:08] Yes. Thank you Mr. Chairman. Well, I am, certainly as a former GMT alumni, I am sympathetic to these workload constraints, and I think they've gotten to be even more intense than they were 15 years ago. So, a couple of matters come to mind right away as I look at September and then throughout the year on groundfish matters. So, one is in particular the overlap of the Trawl Catch Share Program and the Sablefish Gear switching PPA that affects certainly Council staff, and then also asking the GMT to weigh in on both of those. Depending on how we structure it, it starts to get to be a lot. One thing that is coming to mind for me would be the following: so A, that we continue to make headway on Trawl Catch Share Program Review, but we start with something more narrow and we start by pursuing the work that NMFS recently got funded to look at the cost efficiency, look at cost efficiencies in the trawl program. We are making headway on securing a contractor, so that would add capacity to our midst for that work, and that we view that item rather narrowly as an update on our plan and how we intend to go forward. So that would be A. And then B would be to push the Trawl Catch Share Program from November into March and free up that amount of time so that we're not stacking the Sablefish Gear Switching PPA and the Trawl Program Review on top of one another. So that would be my first thought on those lines. I'm happy to entertain other thoughts but, yeah, that's my first response.

**Marc Gorelnik** [00:19:59] Jessica.

**Jessica Watson** [00:20:00] Through the Chair, thanks Merrick for those thoughts. And I would like to hear more too. It seems like what the GMT's also proposing is and what is needed in these cases is kind of that multi-year look for some of these required reviews, so as the Council and we see these items come forward, we can see but pushing off one item is actually going to impact items into the future. And one of my thoughts on that is acknowledging the GMT workload and that who would maybe be the best to ask to create one of these types of multi-year groundfish items at a glance? Would that be Council staff and that that could then be used in the future to lay out priorities and see how delaying or moving forward would impact future items.

**Marc Gorelnik** [00:20:47] Merrick.

**Merrick Burden** [00:20:47] Yes. Thank you Miss Watson. That is something that we do in house. We don't bring it here because it starts to get to be a lot to look at, at once. One example that Mr. Burner and I and Mr. Griffin were discussing earlier this week was a chart that would lay out all the EFH timelines, for instance, and those start to back up against one another, and there are a lot of items like that so program review type documents that we do need to take a multi-year look at. If the Council desires we could formalize that and put that in the briefing book so you're able to see the schedule and

as it, as it looks. I think we'd be happy to do that. But I would I guess want to consider how to bring that to this discussion because it starts to become overload at some point, right? But we can certainly make that available to you if you're interested.

**Jessica Watson** [00:21:42] Thank you.

**Marc Gorelnik** [00:21:44] Ryan Wulff.

**Ryan Wulff** [00:21:44] Thank you Mr. Chair. It sounds like we're focusing on September, so I'll do my comments on that for now. Starting with groundfish, I see the Groundfish Workload and New Management Measures item. It's characterized as an update, and I do think it's important for the Council to keep the option open to potentially adjust priorities within the scope of that. I think that's consistent with what we heard from us all regarding the fixed gear item. So again, not suggesting a wholesale prioritization exercise and just in September, just confirming the scope of this item doesn't preclude any changes and I think that's the case. Also support what's been already said about unshading the items that are shaded, and of course bringing forward the Stock Assessment Prioritization and the definitions. Regarding your comment, Merrick, on the Trawl Catch Share Program, I don't mind a narrow scope. I think it would be helpful to get some Council feedback on the cost a review will be doing, but I think we want to at least potentially have some ability to talk some process and schedule of how we will proceed with the overall review too, and I think that can be done even under a narrow scope. Shifting to HMS, I would support the management team's recommendation and actually share their concerns regarding their workload and everything that's on their plates between now and year's end. It's international meetings, Bluefin Strategy Work, Hard Caps, Buoy Gear EFPs, the Biennial Spex coming up in addition to those outstanding tasks that the Council has requested when we revisit Swordfish Monitoring Management Plan. So, I would support moving that to the Spring to allow them to focus on that rather large workload they have over the coming months. We haven't noted it, but we did have a discussion in hard caps about potentially having some additional, I would say the next iteration of Dr. Stohs' model that could be ready for the SSC review in September, so I would at least hope that if that is available that we could add that to the SSC's agenda in September pursuant to the discussion we had under hard caps. And then finally on salmon, we heard from the STT that there are a few updates they need to provide the Council to us in September both on the KOHM and on SONCC. I have spoken with my folks, both the Center and the Region, and we actually will not have a NMFS Report. We don't have anything now to report under so perhaps that agenda item could just be renamed to allow those STT updates, and I don't have a suggestion now but I'm happy to work with you Merrick and Council Staff on the best way to notice it. And that's all I have for September. So, I'll stop there.

**Marc Gorelnik** [00:24:52] Thank you. John Ugoretz.

**John Ugoretz** [00:00:00] Thanks Mr. Chair. I wanted to touch on that HMS item that Ryan mentioned that the team had commented on. We actually just unshaded Swordfish Management and Monitoring at our last meeting when we were discussing agenda planning and I think it's important that we keep it on there. We had had some prior discussions, and this is going back a few meetings about the plan and about what it would and wouldn't include and what we need to get there. I appreciate that the team's response this morning, because I was unclear what workload they thought they had for this plan and, frankly, the items they mention are so far past and out of what the Council is currently thinking in terms of HMS that I don't really see much value in those tasks anymore, and I would recommend that the team drop those tasks from their list. I think Swordfish Management and Monitoring at the September meeting should be a Council discussion and scoping about the plan and about what the next steps are for it and what it should and shouldn't include. The plan as it stands does not need a simple revision, but it needs a complete re-look and change and lots of new information, and I think that some Council discussion and scoping about that would be very valuable in September to then guide what happens in

March or later under HMS items. So, I'd strongly recommend keeping that there with that context in mind. We are not, at least I am not, anticipating any work from the Highly Migratory Species Management Team prior to that discussion because I think they need some direction before they do the work.

**Marc Gorelnik** [00:01:54] Thank you John. Christa Svensson.

**Christa Svensson** [00:01:58] Yeah.....

**Marc Gorelnik** [00:01:58] And then I'm going to come back to Merrick and see how we're doing capturing these thoughts.

**Christa Svensson** [00:02:05] Yeah, thank you Mr. Chair. I think it is important to keep Swordfish Monitoring and Management on the agenda. This is a topic that comes up over and over and over again. But I'm also in agreement with the 'hey I think we need to take a step back and have kind of that holistic, overarching conversation'. We heard that in Theresa's testimony this morning. We've certainly heard it from others within the HMS community on the commercial side and in some cases on the rec side, in addition to the environmental side of the pieces of the puzzle. And I think just taking the time to really think about the strategy, is it swordfish only? Is it HMS? What do we really want this plan to look like would be beneficial and that would be time that's well spent? So, I'll conclude my remarks there. Thank you.

**Marc Gorelnik** [00:03:09] Merrick....Ryan, then we'll go back to Merrick.

**Ryan Wulff** [00:03:13] Yeah thanks. I just want to just to weigh back in here based on the discussion that just happened. I'm okay with keeping it on with the context that was just discussed and with the clear understanding that no additional work will be done by the MT on this between now and then, but I am very uncomfortable and strongly oppose doing away with the tasks that the MT has been put forward on this. I completely disagree with that. It is, I think, especially looking at some of the import data and some of the, that were related in those tasks and what... and how that impacts our fishery, especially hearing some of the struggles we heard with the buoy gear fleet right now, I think it's critical to the swordfish discussion and I think it's also a little bit struggling with completely rescinding of Council action here on workload planning without any robust discussion about it so. So, I'm happy to keep the SMMP on. I do think those are important pieces, but I think Christa's right. It's probably good, is good to take a step back first and have some kind of broad 30,000-foot discussion and happy to do that in September. Thanks.

**Marc Gorelnik** [00:04:33] Phil Anderson.

**Phil Anderson** [00:04:35] Yeah, just before Merrick does his wrap up, I just had a quick comment on G.3 for the September meeting, the electronic monitoring piece. The GEMPAC/TAC group is....we've established a couple of subgroups that are working on video review protocols, timing, percentage of review, those kinds of things. And we have another one that's work... subgroup working on funding sole source versus third party and looking for mechanisms for industry to fund the program under the regulation. I would anticipate a report, an update be provided in September. I would be, I would recommend that we wouldn't need more than an hour for that. I mean, the update itself we can provide ahead of time. The verbalization of that update, I think will be a matter of 5 or 10 minutes or so. There may be some comment from the, in particular the GAP on the topics and the update, but so that's what I envision. We even talked to Brett a little bit about doing it within an informational report rather than agendizing it. But I think if you....if we keep it on there, I wouldn't see a need to use more than an hour for it. Thanks.

**Marc Gorelnik** [00:06:18] All right. Thank you. John Ugoretz your hand is up. Do you have another comment or question?

**John Ugoretz** [00:06:24] Sorry, that was remaining. I'll take it down.

**Marc Gorelnik** [00:06:26] All right. Thank you. All right, Mr. Burden. Corey?

**Corey Ridings** [00:06:36] Thanks Mr. Chair. While we're just wrapping up September here, I just wanted to put out that we heard from Mr. Sam Rauch earlier in the week about the Equity and Environmental Justice Draft Strategy and he noted that NMFS would be wanting to hear comments from us if we wanted to give them after that September meeting. So, I was going to propose adding that to the agenda.

**Marc Gorelnik** [00:07:07] I'm glad you remembered that from earlier in the meeting. Ryan, did you have?

**Ryan Wulff** [00:07:12] No, I was, I'm in line with Corey and I support adding that.

**Marc Gorelnik** [00:07:16] All right. Thank you very much. Mike Burner.

**Mike Burner** [00:07:23] Thank you Mr. Chair. If I could just step back to some comments from Miss Hall regarding workload. We have just some Council Staff question about the non-trawl action, particularly focused on the Washington alternatives. If I heard correctly that Washington is still working with constituents to finalize those alternatives. So, I guess the question from our staff, it's a heavy lift for us between now and September. Should we focus our analytical efforts on the Washington, or excuse me, the Oregon and California alternatives to that piece and just sit tight on the Washington alternatives at this point? Is that what we're hearing?

**Heather Hall** [00:07:56] That's exactly correct, Mike. Thank you for that and for making it clear. We want to be clear with the public that we're not, there's no expectation to come to September and look at any maps for Washington. So, focus on Oregon and California. Thank you.

**Mike Burner** [00:08:13] Thank you.

**Marc Gorelnik** [00:08:17] Corey Ridings.

**Corey Ridings** [00:08:19] Thanks Mr. Chair. I just wanted a brief comment here that we to respond to what we heard from Miss Labriola during public comment regarding Agenda Item H.1, Fishery Ecosystem Plan Initiative Update and Final Adoption of Initiatives Appendix. I'm just looking forward to seeing what the EWG brings back to the Council in collaboration with the EAS looking at a next couple of potential initiatives and that the Council is planning to review those initiatives and begin work on one of them, which I think is consistent with where the Council was in March. So just wanted to confirm that.

**Marc Gorelnik** [00:08:56] All right. Thank you. All right Mr. Burden.

**Merrick Burden** [00:09:05] Yes. Thank you Mr. Chairman. So, thank you all for your feedback. I do have a couple of items to make note of here that might trigger some extra discussion, I'm not sure. But let's see starting at the top, so I did note that Miss Ridings would like to add comments on the NOAA and Equity and Environmental Justice Strategy. I don't have a proposal right now for exactly where that would fit, but there are a couple of matters that we've chopped back an hour or more here or there, so I



believe we could find time for that on this agenda. Starting with Thursday, you all would like to add a few things to the SSC agenda. So, one is a review of the descending device and that that would come to the Council floor under inseason. There is also a desire to have the SSC review the latest Steve Stohs' modeling effort on drift gillnet hard caps if that is ready at that time. Moving into Friday, I made note that Mr. Wulff indicated that there would not be a NMFS Report under D.1 so I struck that. I believe that was D.1. Was that correct Mr. Wulff? Moving into Saturday, Miss Hall indicated that Limited Entry Fixed Gear Management Measure would go under the G.2 item. Mr. Anderson made note that under G.3 we should be able to cut that back to one hour rather than two and that that would be an update from the, our various GEM working groups. Moving into Sunday, we did have some discussion here about the State of Washington's readiness for that item, and there was just some recent clarification that this would mean staff would focus on Oregon and California. Washington may come back in March, but that is yet to be seen. We then had an exchange about the Trawl Catch Share Program Review and narrowing that. I made a proposal that we focus more specifically on the cost efficiencies project. Mr. Wulff requested that we continue to have a discussion of process and schedule in addition to that narrow scope. I think that can be accommodated. Let's see, moving into Tuesday, we spent some time talking about the Swordfish Management and Monitoring plan, and I believe where we landed was to keep this on the agenda but to have this more of a higher level, a scoping level quest or discussion on the part of the Council. And let's see if there's anything else. I would note that Mr. Ugoretz indicated early on in this agenda item that there may be some conflict with the EAS and EWG and the HMS and AS and HMSMT and some other advisory bodies. If the EIS and EWG is remote, I don't see a problem moving that to another day to avoid that conflict and having them give any report that they would give remotely as well on Monday. So, I think that can be addressed. Let me see here. And then Miss Watson and I did have an exchange about the GMT workload. I had proposed pushing the Trawl Catch Share Program Review scheduled now in November, pushing that back to March to alleviate some of that workload in addition to the narrowing of that item that I've already spoken to. So that is what I've captured Mr. Chairman, I'm happy to pause there and I see Mr. Burner has his hand up.

**Marc Gorelnik** [00:12:40] Mr. Burner.

**Mike Burner** [00:12:42] Thank you Mr. Chair. Just a point of clarification regarding the salmon business. I understand there won't be a NMFS Report, but I also heard Mr. Wulff speak to maybe if we needed a separate agenda item to speak to the modeling effort. We heard from Dr. O'Farrell that this week that we could use that half an hour for that. The way I'm looking at it we have a cumulative hour and a half there and I'll work with NMFS and our Council's....our SSC Staff to see what's the best way to structure those two agenda items to address that matter but thank you.

**Marc Gorelnik** [00:13:10] Jessica Watson.

**Jessica Watson** [00:13:12] Thank you Mr. Chair. I would just like to speak to the Marine Planning. So, C.3 that's shaded on the agenda for September. It seems like what we were hearing from the GAP as well as the MPC is that could potentially be more of an informational report and based on some of our discussions earlier under Marine Planning. So, I just wanted to highlight that that could be more informational.

**Marc Gorelnik** [00:13:38] Mr. Anderson.

**Phil Anderson** [00:13:39] Very small point, but just on the Electronic Monitoring, you'll receive an update from the GEMPAC/TAC slash TAC Committee. It won't be the subcommittees, but just.....

**Marc Gorelnik** [00:13:57] I'd like to touch on Marine Planning, and I appreciate that it may be more of an informational item, but once it appears on the agenda and with all the things going on over the

summer, you know that there will be considerable public comment, and I think at this meeting we easily had close to an hour of public comment in addition to roughly an hour presentation and that doesn't count advisory bodies and discussion. So, I think the two hours for Marine Planning, I just don't think it's realistic. I think it needs to be at least, even optimistically three, but preferably more time than that. It was four and a half hours at this meeting and scheduled for two. So, I don't know if you have....you know there's going to need to be some moving around of some of these items and typically we give Council Staff the discretion to do that. And if we provide that discretion I guess I would look to Council Staff to see if they have any....there's any, need any clarity on direction or to turn to the Council and see if there's any more direction. Mr. Burden.

**Merrick Burden** [00:15:38] Yes, thank you Mr. Chairman. And I would say that is consistent with practice is that we do not ask you to make motions here so that we can go back and massage this into shape. There are....as I'm looking here there are some things that we would need to consider moving around to fit in, but I believe we do have the available time and it's just a matter of Mr. Burner and I sitting down and mapping this out. I don't see any obstacles at the moment of fitting in what we've talked about.

**Marc Gorelnik** [00:16:10] Great.

**Merrick Burden** [00:16:10] I hope that is sufficient.

**Marc Gorelnik** [00:16:12] That's good news. So let me see, if you have no need for further direction, let me give the Council an opportunity. Marci Yaremko.

**Marci Yaremko** [00:16:26] Thank you Mr. Chair. Just on that last point about the flexibility of moving things around, completely support that and guess would just flag that right now it looks like we have both Saturday the 10th and Sunday the 11th as full groundfish days as slated and just wanting to note that those days where it's a full day of groundfish content, it's difficult to make sure we're coordinating with our staff and that there's adequate time to communicate. So just when you're finalizing the schedule and looking at moving things around, at least from my view it's helpful to have another subject matter in the mix on those days. Thank you.

**Marc Gorelnik** [00:17:20] All right. Mr. Wulff.

**Ryan Wulff** [00:17:25] Yeah, sorry for taking the floor again. Merrick, and I know you said this but there's some confusion among our folks. Can you just clarify which advisory bodies you were thinking in-person in September?

**Merrick Burden** [00:17:38] Yes. Thank you Mr. Wulff. I think it is important to clarify. So, at the moment we are envisioning in-person for HMS and groundfish, both of the HMS and both of the groundfish bodies. The others, aside from those that are staffed by Council members, of course the others would be remote.

**Marc Gorelnik** [00:17:59] Okay. Is there anything further for the good of the Council under this agenda item or anything else folks want to say? John Ugoretz.

**John Ugoretz** [00:18:11] Thanks Mr. Chair. I was sort of waiting for September to end, but the HMSMT made some recommendations on Year-at-a-Glance that affect November. We heard public comment on those regarding moving DGN Performance Metrics, making EFH an update and possibly not being ready for DGN Hard Caps. I just want to say that I'm fine with the performance metrics moving. I think their rationale was good and an update on EFH makes sense. With regard to hard caps,

I feel that we should keep this on the November agenda. It's been a long-standing Council desire to get this done. I think that if the analyses are complete by November that we can get to a final preferred alternative then and I hope we are striving towards that. If something comes up in September or November where we're not ready, we can address it at that time.

**Marc Gorelnik** [00:19:20] Thank you John. Merrick.

**Merrick Burden** [00:19:25] Thank you Mr. Chairman. Thank you Mr. Ugoretz. Just a couple of questions of clarification, just to make sure that we are of the same mind here. So, in terms of the Drift Gillnet Bycatch Performance Report, there was talk earlier of moving that to June 2023. And so, my first question is, is that your proposal at the moment? And then you referenced EFH, I believe the HMSMT had proposed that for November, and is that also your intention?

**John Ugoretz** [00:19:57] Thank you. Through the Chair. Thanks Merrick. Yes, I think the HMSMT made a good rationale for moving performance metrics to June 2023 and for providing just an update on EFH in November.

**Marc Gorelnik** [00:20:21] Okay. So, anything else for us for our September meeting or the Year-at-a-Glance? Jessica Watson.

**Jessica Watson** [00:20:31] Thank you Mr. Chair. I just wanted to state that given ODFW is currently in the process of recruiting for our permanent ODFW seat on the SSC, that ODFW appreciates the SSC continuing to engage with us about methodology reviews coming up and that have been discussed especially for our fishery independent hook-and-line surveys in those based on the commonalities between those and those in California.

**Marc Gorelnik** [00:20:59] Thank you. All right anything else? Mr. Wulff.

**Ryan Wulff** [00:21:05] Yeah, I'll be quick, since we're talking about the YAG. I'm fine with the suggestions made by Mr. Ugoretz. I do think we should talk again maybe in September of how hard caps is noticed in March and maybe not being pre-decisional that we would skip a PPA, but we can revisit that then. I'd also note that per the COP 2, we might want to add a potential final action on spex for HMS in March. Sometimes that happens. It would be shaded, and we would know more as we get there if we're going to need that additional meeting as the international scene unfolds. And then at some point we'll probably want to put the Non-Trawl RCA Final Action on here. I know the MT recommended in March. So maybe that could be shaded there. But again, we can have that discussion as we get closer in September. Thanks.

**Marc Gorelnik** [00:21:56] Thank you. Mr. Burden.

**Merrick Burden** [00:21:59] Thank you Mr. Chairman. And I apologize Mr. Wulff I was putting down my pen thinking we were done and so your comments caught me off guard a bit. Could you please recap? You said a PPA somewhere?

**Ryan Wulff** [00:22:10] No, I just said we can revisit how hard caps is noticed in November when we talk in September like the MT Report said. But I'm fine with what John suggested. The only thing I'd suggest was adding spex. Sometimes we have to carry on into March for final action per our COPs and depending on what happens with some of the international assessments, so that would be shaded in March.

**Merrick Burden** [00:22:35] Okay. Thank you.

**Marc Gorelnik** [00:22:38] Anything else on the...for September or the YAG? Anything else period? Mr. Pettinger.

**Brad Pettinger** [00:22:49] Thank you Chair Gorelnik. I'd just like to say that just great work by the staff and the advisory bodies and I mean we're done early most days and that just shows that people were, you know, getting things done and making things efficient and just congratulations to all those folks for all their hard work and to make it not a late day like we had during the virtual world. So anyway, job well done.

**Marc Gorelnik** [00:23:18] Great. Thanks. Thanks for acknowledging the staff, which is the reason why we get anything done. All right, if there's nothing further on this agenda item, there's one further item that we need to handle before we can leave. Mr. Hassemer.

**Pete Hassemer** [00:23:38] Thanks Mr. Chair. I move we adjourn.

**Marc Gorelnik** [00:23:40] Is there a second? Seconded by Butch Smith. All those in favor say 'aye'.

**Council** [00:23:45] Aye.

**Marc Gorelnik** [00:23:45] All right. Thanks everyone for a great meeting.

**Virgil Moore** [00:23:53] Thank you.

**Marc Gorelnik** [00:23:53] And I will see you all in September in Boise, Idaho.

## D. Coastal Pelagic Species Management

### 1. Central Subpopulation of Northern Anchovy Assessment and Harvest Specifications

**Brad Pettinger** [00:00:00] That will conclude public comment and take us to Council action. We do have a few things to act on so... as Jessi went over earlier. So... with that I'll open the floor for Council discussion. Briana.

**Briana Brady** [00:00:23] Thanks. Thanks Mr. Vice Chair. I just wanted to express my appreciation to the STAT for completing an Anchovy Stock Assessment in December of last year, and also to the STAR Panel for their review. Our advisory bodies reviewed the stock assessment at this June meeting and have provided recommendations on how to move forward with a new OFL and ABC based on the updated science. I support the values put forth by the SSC and the management team to adopt an OFL and an ABC and ACL that beat the catch limits for the central subpopulation of northern anchovy. And just wanted to put those initial thoughts out there. Thanks.

**Brad Pettinger** [00:01:12] Thank you Briana. Further discussion? Phil Anderson.

**Phil Anderson** [00:01:27] Thanks Mr. Vice Chair. Well first of all this is a, this moment we've long awaited for in terms of having a stock assessment on northern anchovies, the central subpopulation of northern anchovies. You know forage fish and the way this Council has addressed forage fish species and recognize the importance; we have a long history with that. I was kind of reflecting back on our, the Managing Our Nation's Fisheries number 3 that was held back in our nation's capital a few years back and forage fish was one of the main topics that was discussed at that forum, and it was really the pillar of the topic areas that I know I spoke to as being privileged to have an opportunity to be a part of the wrap-up panel. You know when we, when I look at our CPS FMP under harvest management, I'm just going to read a little excerpt from it. It says, "Conservative and ecologically driven management strategy, the Council has demonstrated a consistently conservative approach to CPS harvest management in response to their ecological role as forage and importance to the West Coast fisheries". It goes on to talk about that the FMP allows the Council to consider ecosystem needs when setting annual catch limits, targets, guidelines and then references what we did in developing the Harvest Control Rule for Pacific sardines. It's....I don't know if it's what....how to characterize the timing of our stock assessment for anchovies. We were in a pretty difficult time period with ocean conditions over a long period of time, and more recently we've seen some more favorable conditions that have resulted in some rebounds in species such as anchovies thankfully. The importance of anchovies in their overall context of forage species, I put them probably at the top of my list when I think about all the species of fisheries resources that depend on them as well as seabird populations... that and other species... marine mammal species. I can't hardly think of another forage species that's more important to our ecosystem. I'm looking at the...at the reports from the management team, the advisory panel that supports setting the ACL equal with the ABC. And then I'm looking at the catches in recent years. You know, I don't know exactly how to look at them, but I was adding up the two semesters for the last couple of years and we've been, you know, 6,000 tons or less in catches. And I think for me jumping from 25,000 up to 60,000 as an ACL is concerning to me. I don't believe that it's consistent with the policies and decisions that we've made previously in setting ACLs for important forage species such as anchovies below the ABC by some distance. I think there were some arguments brought forward in Oceana's letter that rang true with me in terms of needing to assess the effects of going above the level of the 25,000 metric tons that we've had in the past before we jump up to that, but it's counterintuitive to me from a forage fish species management perspective to set the ACL equal with the ABC, but particularly in recognizing our harvest management strategy that's articulated in the CPS FMP on 3.5.2.1 which references our rationale for how we treated sardines that like other harvest control rules

in the FMP favors maximizing... it doesn't, it favors maximizing biomass over maximizing catch. So I think we have an opportunity here with the increased populations to see some additional catches in our commercial fishery, but at the same time I would want to be more precautionary in recognition of the forage fish values in terms of setting the ACL at a level that's more consistent with recent values that we've used for that and in recognition that we don't have an evaluation of what it means to increase it by more than two times, a more than doubling of what it has been. So, I just wanted to put that out there in the event that as we talk about them in making the motion and adopt the harvest specifications. Thank you.

**Brad Pettinger** [00:08:00] Thank you Phil. Further discussion? Corey Ridings.

**Corey Ridings** [00:08:09] Thank you Mr. Vice Chair. I think I'll just mostly echo what Phil just said. He said it really eloquently, so I'll just sort of plus one that. I do not support setting the ACL equal to the ABC. Anchovy is an incredibly important stock and we're very fortunate at this moment and happy that we have more fish in the water, but it is critical to our ecosystem functioning. Anchovy are the most important forage fish for our seabirds due to diet switching that many seabirds do. I think that warrants additional precaution in line with policies of this Council before around all forage fish. The stock assessment, which I'm not adopting, also had large amounts of uncertainty in it. That was noted by the SSC, and I think that again warrants additional precaution in how we decide to approach the stock from a policy perspective. Also, the National Standard 1 guidelines around forage fish. These instruct us to again be more precautionary in how we think about our management of forage fish, and I think this is a really good example of when we need to recognize and take that precaution and not set the limit as high as it can possibly be set. So, I will stop there. Thanks.

**Brad Pettinger** [00:10:01] Thank you Corey. Michael Clark. Michael.

**Michael Clark** [00:10:07] Well thank you Mr. Vice Chair. I guess I just wanted to reiterate some of the comments that I heard from Phil and Corey. Anchovy, as they indicated, are certainly at the top of our list in terms of their importance as a forage species for seabirds and our other trust resources. Looking at the landings in recent years it does set an ACL equal to the ABC with this amount of uncertainty involved without additional analyses does seem to seem premature and certainly would want to support some increased opportunities for additional harvest as the... with the increased populations due to improving ocean conditions, but would certainly prefer to move a little bit more slowly and in a more precautionary manner than as proposed.

**Brad Pettinger** [00:10:57] Thank you Michael. Heather Hall.

**Heather Hall** [00:10:58] Thank you Vice Chair. I just want to express my appreciation for the work that the staff has done and the STAR Panel review and the fact that we're having a conversation about an anchovy assessment. I know it's been a long time coming so I'm glad that's the starting point for this discussion and appreciating the value of forage fish in this discussion as we think about where we set the OFL and ABC is important too, but just wanted to start with that appreciation for the science we have to inform our discussion today. Thanks.

**Brad Pettinger** [00:11:42] Thank you Heather. Anyone else? A motion? Briana.

**Briana Brady** [00:11:56] Thank you Mr. Vice Chair. I have a motion to put forward. If you could just give me a moment, please.

**Brad Pettinger** [00:12:07] Actually if you could just hold for a second before we go forward. Is Michael Clark's hand, he's above you actually. Michael is that a remnant from your earlier....?

**Michael Clark** [00:12:18] Yes Mr. Vice Chair. I apologize.

**Brad Pettinger** [00:12:20] Very good. Thank you. Okay proceed Briana.

**Briana Brady** [00:12:23] Thanks. I didn't receive confirmation from Council Staff that they received the motion, but I did just email Kris a second email so hopefully he can post what I sent him.

**Brad Pettinger** [00:12:42] Okay, I'm looking here and no confirmation yet, but just stand by. Oh. Just wait one second here. The ether is a little slow today but it's warming up. We're still working on it Briana so just stand by here. Okay Briana the motion is as on the screen so proceed.

**Briana Brady** [00:14:55] Thank you Mr. Vice Chair. Thank you Kris. If you could just make that 25 comma 000 metric tons, please. Thank you. So, the SSC, the full SSC reviewed this new anchovy benchmark assessment during this meeting and determined that the assessment represents the best available science for management. And although these catch limits are higher, well although I was going to propose that these catch limits, the ACL and ABC equal one another, and I was going to point out that this new ABC and ACL would have been 3 percent of the current biomass, just 3 percent and about 10 percent of the long term average biomass and that we have a 75 percent buffer in place, which reduces the OFL down to the ABC substantially. I heard the messaging from the Council members around the table and I'm going to propose that we keep the ACL at 25,000 metric tons. I realize that even if we had set the ACL and the ABC equal, that the fleet wouldn't have been able to make that, take advantage of that increase overnight. With that maybe we would have been able to see a shift in markets, but I think that's after the fact at this point and I guess I'm just wanting to say that I appreciate all the work that's been put into this and I'll leave it at that. Thank you.

**Brad Pettinger** [00:16:44] Okay Briana... just... I believe there's a motion here and I ask.... actually is what we see on the screen is that accurately reflect your intention for your motion?

**Briana Brady** [00:16:54] Yes.

**Brad Pettinger** [00:16:55] Okay. Looking for second? Seconded by Phil Anderson. Okay Briana, you need to speak further to your motion but....

**Briana Brady** [00:17:02] No, I don't. Thank you.

**Brad Pettinger** [00:17:03] Very good. Okay. Discussion on the motion? Caren Braby. Caren.

**Caren Braby** [00:17:08] Thank you. And thank you Briana for the motion. I haven't spoken yet, but I really appreciate the Council discussion on this topic and extend my appreciation to all of the work that's gone on to get us to this place in terms of the assessment, the STAR review, SSC's work and the management team and AS work yesterday. I think that Oregon's perspective on forage fish is a reflection of this discussion. We've brought in precautionary measures into state rule to elevate the importance of forage fish just like the Council has done, and so I think this is a great situation where we find ourselves with a framework, a stock assessment and a precautionary move forward. I think this is a good starting point for the ACL. I'm interested in other discussion, but just wanted to voice my general support around this approach and consideration of this ACL to start with at least today. Thanks.

**Brad Pettinger** [00:18:26] Thank you Caren. Phil.

**Phil Anderson** [00:18:26] Thanks Mr. Vice Chair. And I'll be quick. Just speaking in support of the motion. I also want to thank Briana for her listening and considering the discussion leading up to her

motion relative to ACL and her willingness to modify what she may have been proposing previously. So, thank you very much for that. I think, you know, as we go forward and we're, I think we're testing out our, our process here, which is why we put it in a COP that getting a process developed for how we go about setting in terms of a Harvest Control Rule and setting ACLs is an additional step we need to take. But I again just appreciate Briana's consideration of that and the motion and all of the work that everyone has done to get us to this point. Thanks.

**Brad Pettinger** [00:19:33] Thank you Phil. Heather.

**Heather Hall** [00:19:36] Thank you Vice Chair. Similarly, I'm just going to echo the comments that have been made. As I mentioned, feels like a good place to be with where we are with the science and the value we put on forage fish kind of all in alignment here, so I'll be supporting this motion. Thank you.

**Brad Pettinger** [00:19:59] Thank you Heather. Okay. Further discussion? If not....Bob Dooley. Bob.

**Bob Dooley** [00:20:11] Thank you Mr. Vice Chair. I just had one comment, and I really do appreciate all the thoughtful comments. I'm in support of this motion, but I noticed in the SSC Report that it said that the STAR Panel's understanding that summary 2021 AT survey report would be officially finalized by the time the assessment was adopted by the Council, but that was not the case, in part because it is being prepared by as a joint report with Mexico. Nevertheless, the assessment using the preliminary 2021 AT survey estimate remains the best scientific information available. And that just to kind of hearken back to some of the rockfish surveys that we had that had, you know, we thought we had the data and we went ahead and got to a place where it was deemed best science, scientific information available, but I was curious what the....if there was a detrimental effect by not having what they expected to have to analyze. The STAR Panel didn't...did not have what they thought they would have with the Mexican Joint Report. So I'm just pointing that out just to understand whether, I didn't hear anything about whether it was detrimental not to have it or if it was substituted and it was okay or anything, but it makes me think about the rockfish that we ought to have someplace in the middle to put the brakes on as a Council should the expectations of the information that we go forward with are not met and they could be detrimental. So, I just wanted to point that out. So, thank you. I will be supporting the motion.

**Brad Pettinger** [00:22:05] Thank you Bob. Okay, not seeing any hands I'm going to call for the question. So, all those in favor signify by saying 'aye'.

**Council** [00:22:19] Aye.

**Brad Pettinger** [00:22:19] Opposed, no? Abstentions? Okay motion passes unanimously. Thank you very much. that takes... I think that takes care of C.1 and I'll look to Jessi to close this out.

**Jessi Doeringhaus** [00:22:39] Yes, thank you Mr. Vice Chair. Yes, we'll....you...I'm assuming you have taken care of the Council action today through adoption of these harvest specifications. Taking that as you have adopted our first anchovy assessment in 25 years so we will work with NMFS Staff on these harvest specifications that you adopted in your motion.

**Brad Pettinger** [00:23:03] Wonderful. Thank you Jessi. And with that, before we go to D.2, we're going to go to lunch I think. And so good work everyone and we'll come back at 1 o'clock.



## 2. Stock Assessment Terms of Reference (TOR)

**Brad Pettinger** [00:00:00] That concludes public comment and brings us to Council action and so I'll look to you to open the floor for discussion. Caren.....let's pause here for second. Okay. All right.

**Caren Braby** [00:00:22] I actually have a question for NMFS on the workshops and the comments on EMSY whether you had anything to say in response to that about considering that as part of the workshop structure?

**Brad Pettinger** [00:00:37] Frank.

**Frank Lockhart** [00:00:41] So, excuse me. I am hoping that Dale is still on the phone to answer that one. So, Dale if you're there, unmute yourself and perhaps you can answer Caren's question about including EMSY in the workshops.

**Brad Pettinger** [00:01:01] Here's there.

**Dale Sweetnam** [00:01:01] Thank you Mr. Vice Chair and the Council. This is Dale Sweetnam from the Southwest Fishery Science Center. The Southwest Fishery Science Center does acknowledge that the reevaluation, the EMSY Temperature Control Rule is on our long-term priorities list. However, the same scientists that will be reviewing the AT survey and how it's incorporated into the model are the same ones that would do the reevaluation of the EMSY factor. It hasn't been looked at in at least five years now. It's mainly a workload issue. This item was discussed at the May 5th SSC subcommittee meeting, and the consensus was to delay the review until after the 2024 benchmark. Dr. Shester was involved in that discussion so it shouldn't be anything new or out of the ordinary, but it's mainly a workload issue. We have offered two workshops in the next year that will need to be evaluated as well, and a 80 day survey coming up at the end of the month in which all the people involved are in that as well. So, thank you very much.

**Brad Pettinger** [00:02:28] Thank you Dale. Further discussion? Motion? Briana.

**Briana Brady** [00:02:49] Thank you Mr. Vice Chair. I can put forward a motion if Kris or Sandra could put it up on the screen, please. Thank you. I move that the Council adopt the draft Terms of Reference for CPS stock assessments for public review.

**Brad Pettinger** [00:03:13] Thank you Briana. Is the language of the screen accurate?

**Briana Brady** [00:03:16] Yes.

**Brad Pettinger** [00:03:17] Very good. Looking for a second. Seconded by Marc Gorelnik. Please speak to your motion.

**Briana Brady** [00:03:25] Thank you. I think the SSC has done a good job with providing a draft Terms of Reference for the CPS stock assessments. And I think it's a good idea to provide the draft for public review with final adoption scheduled for November 2022.

**Brad Pettinger** [00:03:44] Okay. Thank you. Discussion on the motion? Okay, I'm not seeing any discussion. I think I'll call for the question then. So, all those in favor signify by saying 'aye'.

**Council** [00:04:03] Aye.

**Brad Pettinger** [00:04:03] Opposed? Abstentions? Motion passes unanimously. Thank you. All right. So, I see....I look at the....or our Council action is any additional guidance needed for this at all? Caren Braby.

**Caren Braby** [00:04:30] Do we need a motion Mr. Vice Chair on the workshops aspect, or is that just a notification and comment?

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

**Jessi Doerpinghaus** [00:04:40] Mr. Vice Chair. No, I don't....you don't need any kind of motion on the workshops. Those are already being planned between the Southwest Fishery Science Center and Council Staff.

**Brad Pettinger** [00:04:51] You good? Okay. Corey Niles.

**Corey Niles** [00:04:54] Yeah, thanks Mr. Vice Chair. Just quickly speaking, I think Frank or Ryan mentioned last time that this was not the ideal agenda item to maybe have this discussion on science priorities under, it's not labeled as such, but it sounds like there was a good discussion. You know we've been ask.....we've been hoping for years to have that discussion about workload and priorities and what to take up next in the SSC. And then thanks to the Science Center, thanks to NMFS for listening to our SSC and management teams, advisors. It sounds like there's a good plan. This, the question about EMSY I think we'll continue to have. Understand the workload considerations that Dale just shared that have no doubt that will keep.....will come up when workload allows. So again, thank you and it's nice to see what's happening.

**Brad Pettinger** [00:05:49] Thank you Corey. Anyone else? Okay I'll.....Jessi, I'll look to you for how we're doing here?

**Jessi Doerpinghaus** [00:06:00] Great. Thanks. Yep, we will.....you have adopted the Terms of Reference for public review, so we will get that cleaned up, read through and send that out for adoption in November. And then we will be working on those sardine workshops as described in the NMFS Report. And you have completed your action for today.

**Brad Pettinger** [00:06:20] Fantastic. Okay.

### 3. Essential Fish Habitat Review – Phase 2 Action Plan

**Brad Pettinger** [00:00:00] That concludes public comment and it takes us to Council action. Merrick.

**Merrick Burden** [00:00:05] Yes. Thank you Mr. Vice Chairman. This is a question perhaps for either the CPSMT or Kerry. It's a question regarding process and the timeline that's outlined at the end of the CPSMT report. The schedule tentative indicates that we here at this meeting adopt a Phase 2 Action Plan, and then jumping to April 2023 where we may adopt a preliminary preferred alternative. My question concerns what happens in between and when we identify the alternatives that the Council would specify and consider ahead of that PPA? I apologize if I missed that, but I hope my question makes some sense.

**Brad Pettinger** [00:00:55] Thank you Merrick.

**Kerry Griffin** [00:00:58] I'll take a shot at that. No, I don't think you missed anything. I think it would... the team didn't delineate exactly what would happen between now and April 2023 other than to say that we all have our marching orders and we've had a handful of meetings with the team and with the NMFS Region and the Southwest Center and so we'll begin, you know, the work that needs to be done. Two thoughts kind of... I thought you going to ask me something else about the suggestion of having a November check-in and maybe a CPSMT meeting with the Habitat Committee. You heard that in the Habitat Committee's report. That could potentially be a check-in with the Council as well. But more directly to your question Mr. Burner, I guess I hadn't thought about developing a suite of proposed alternatives before bringing them to, you know, at least tentatively at the April 2023 meeting. So, I guess I was thinking that that would be where we sort of roll them out publicly. But, you know, this is... there's more than one way to skin this cat, and again the schedule's tentative. So, I'm kind of looking at Jessi also here. She's avoiding my gaze. But yeah, you know, I mean... I think we're open to suggestions as far as, you know, if you wanted to see a preliminary indication of what kind of alternatives they're thinking, that could be put into the mix. Yeah, so and if anyone else has something to add, go for it.

**Brad Pettinger** [00:02:44] Okay. Thank you Kerry. Caren Braby.

**Caren Braby** [00:02:53] I have a question maybe that's on the other side of the timeline, which is between April and June and, you know, I've heard the timelines going to be movable somewhat as the work proceeds. Just wondering if that June timeline is realistic and maybe there's a PPA in April and check-in in June and something in September and I'm forgetting when CPS is scheduled on the annual calendar.

**Kerry Griffin** [00:03:27] Yeah. Thank you for the question. I think you're keen to identify that. It's a pretty short timeframe between April and June. It's a little bit aspirational I do agree. It could work if the, you know, if the analysis seems clean and good and we come up with, you know, a suite of alternatives that are pretty well embraced and understood. But, you know, if not then... then it might make more sense to give some more time if that's needed to move from PPAs to final preferred alternatives. So again, as Dr. Jacobson said, this timeline is very tentative and what I would guess is that by November, if not sooner, the team and the broader EFH Review Team will probably have a better sense of whether this is realistic and, yeah, so it might be, might be wise right now to bump that second, the FPA to September which we didn't want to get too far ahead of ourselves. But I think in any case maybe a November check-in is probably a good idea.

**Brad Pettinger** [00:04:48] Okay. Thank you Kerry. Caren. Further discussion? Okay. Kerry, so how

are we doing here as far as with that interchange or exchange?

**Kerry Griffin** [00:05:18] You know, I think you're doing well. I think it would... it'd be helpful to hear an affirmation by the Council of adopting the action plan. I don't know if it needs a motion, but it couldn't hurt if there aren't any other discussion questions.

**Brad Pettinger** [00:05:34] Okay. Caren.

**Caren Braby** [00:05:36] I'd be happy to offer a motion.

**Brad Pettinger** [00:05:39] I'd be happy to accept that.

**Caren Braby** [00:05:40] Excellent. And I haven't sent anything in, so I'll just do it. I move that the Council adopt the Phase 2 Action Plan as described in the CPSMT report with.....oh look at that.....with consideration of the additional scope suggested in the Habitat Committee and advisory subpanel reports.

**Brad Pettinger** [00:06:25] Okay, Caren is that language on the screen accurate?

**Caren Braby** [00:06:27] That is accurate. Thank you.

**Brad Pettinger** [00:06:28] Okay, wonderful. Looking for a second? Seconded by Bob Dooley. Thank you Bob. Caren, please speak your motion.

**Caren Braby** [00:06:37] Yeah, thank you. We've discussed this that both the timeline and the scope and the connection between this EFH process and the HMS process and I think the action plan is a good compilation of issues to move forward with and the team is anticipating working on that, and we should have them go forth and do good work like we know they will. The end.

**Brad Pettinger** [00:07:05] Wonderful. Thank you. Further discussion or any discussion on the motion? Okay, well that means....oh, Kerry.

**Kerry Griffin** [00:07:13] Thank you. I do have one more question. Maybe looking for a little more Council guidance. I don't know if it was implied in your motion or not, but there's this notion of a November check-in and the Habitat Committee suggested scheduling some time with the CPS Management Team at the November meeting. And Jesse also just reminded me that the CPSMT typically has a fall meeting on their own, and so that would be a chance for them to put in some legwork. So, I guess I wanted to see what the Council's thoughts were, if any, about a November check-in, that sort of thing.

**Brad Pettinger** [00:07:51] Maybe we should finish the motion and then maybe....

**Kerry Griffin** [00:07:55] Oh, I'm sorry...

**Brad Pettinger** [00:07:55] But thank you anyway. Okay. Discussion on the motion? Okay. Questions? All right. Well, I'm going to call for the question. So, all those in favor signify by saying 'aye'.

**Council** [00:08:10] Aye.

**Brad Pettinger** [00:08:10] Opposed? Abstentions? Motion passes unanimously. Thank you very much. And now back to the guidance.

**Kerry Griffin** [00:08:21] Sorry about that. For some reason I thought you already had passed that. So, I'll assume I don't have to restate my question. Mostly asking about November.

**Brad Pettinger** [00:08:34] Caren.

**Caren Braby** [00:08:34] I did not include that in my motion thinking we would cover it in workload planning, but that was the intent. I think that sounds like a reasonable approach to have a check-in in November and look forward to that discussion under C.8 as needed and discussion here. Thanks.

**Brad Pettinger** [00:08:54] Thank you Caren. Any other further guidance we want to offer up? Okay, Kerry, I'll go back to you.

**Kerry Griffin** [00:09:03] I think that completes your work for this agenda item. Thank you very much.

**Brad Pettinger** [00:09:08] Fantastic. Thank you everybody. Great work.

## **E. Habitat Issues**

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

**Marc Gorelnik** [00:00:00] So that concludes public comment and takes us to our Council action, which is to consider the comments and recommendations developed by the Habitat Committee. And there were two very specific recommendations there. So, let's see what the sense of the Council is here, what sort of discussion we want to have. Marci Yaremko.

**Marci Yaremko** [00:00:21] Thank you Mr. Chair. I'd just like to thank the Habitat Committee for their thoughtful recommendations and offering us a little bit of detail. I'd note that temperature control matters have come in front of the Council a number of times this spring and last year as well of course, this ongoing need to ensure adequate cold-water flow for a number of our target and listed stocks. So, I appreciate the HC prioritizing this activity and taking up the opportunity to offer some comments to other agencies. On the Humboldt Bay proposal, I think it's noteworthy that the Council has previously offered comment on this project back in 2015 so we would be following up from prior remarks, so I think we already have a track record of having interest in this topic and appreciate that the HC has offered to do some legwork when the revised EIR is released and then give them the discretion to determine if a letter is necessary. So, I appreciate them tracking this item. I think it is a priority. I'm also aware that at least within CDFW we do have capacity to assist with these two letters, both within our HC ranks and also beyond. I've had some discussion with our inland fishery management managers about their ability to aid us so that we have a quality work product. I am cognizant of the workload between the HC's obligations to aid with the content in the MPC subject matter area, but it sounds to me like they've had pretty detailed conversations about their ability to support letter writing efforts, both under the HC agenda items as well as in the MPC arena. So, I support the HC's recommendations and look forward to their work over summer.

**Marc Gorelnik** [00:03:03] Thank you Marci. It sounded to me that if it were the desire of the Council that they could prepare those letters for consideration at the next Council meeting rather than using the quick response. Marci.

**Marci Yaremko** [00:03:26] Yeah, thank you Mr. Chair. I think the goal is always to not use the quick response, but in the case of the Humboldt Bay Project, the timeline is uncertain and given there's quite a bit of time between now and our next meeting, the comment period deadline may not.....may require us to use a quick response.

**Marc Gorelnik** [00:03:51] Thank you. Further discussion? Do we want to provide guidance to the Habitat Committee based on their recommendations? Is there any objection to accepting the recommendations? I'm not seeing any. I don't think we need a motion, but certainly if anyone has any reservations about those recommendations, please speak up. I know it's early in the morning and people's engines haven't started going yet but, and I'm not seeing any hands. Let me just check online, and I'm not seeing a hand there either. So, the sense I get here is that we appreciate the Habitat Committee's Report and we accept their recommendations. With regard to the first recommendation we....it seems like the September meeting would be timely. With regard to the second recommendation after review of the draft EIS we'll....they'll consider drafting a letter that may need to use the quick response. All right. Anything else under the agenda item? All right Kerry.

**Kerry Griffin** [00:05:25] I think that's good guidance. I appreciate the discussion and the guidance to the Habitat Committee, and that concludes your work on this agenda item. Thank you.

**Marc Gorelnik** [00:05:33] All right. Thank you very much.

## F. Groundfish Management

### 1. National Marine Fisheries Service Report

**Marc Gorelnik** [00:00:00] That concludes all of our reports, and I don't believe we have any public comment. So that will take us to our Council action, which is to discuss the reports and to provide any guidance as appropriate. Is there any guidance? I'm not seeing any interest in further discussing this item although I don't want to foreclose it. Mr. Anderson.

**Phil Anderson** [00:00:37] Thanks Mr. Chairman. Well, I just wanted to express my appreciation to Dr. Hastie and the Science Centers for doing that, taking a look at what the potential impacts of placing wind energy farms in areas where our surveys collect valuable information that enable this Council to make wise decisions and to fulfill our objective of having healthy fisheries resources off the West Coast. I think this is a very, very important step. It's a very, very important piece of information that can be brought to bear on the decision making relative to placement, potential placement of wind energy farms. And we'll have an opportunity, of course, to talk about this further on Monday, and I'll have some other things to say at that time, but I think this is an example of a service, if you will, that National Marine Fisheries Service can provide the West Coast interests as we face the potential impacts of wind energy development on our fishing industry and our fish stocks. Thank you.

**Marc Gorelnik** [00:02:13] Thank you Phil. Pete Hassemer.

**Pete Hassemer** [00:02:21] Thank you Mr. Chair. I hope this doesn't seem a little off topic here. It is the NMFS Report on groundfish, but I wanted to use one of the Science Center slides there, the Pacific Hake Fisherman's Knowledge Workshop as a launching point to comment on a couple of...one other thing we didn't have an opportunity to comment on in our informational reports or the annual Whiting Cooperative Reports on performance for the prior year. They're in there because we just don't take the time to discuss them, but as I looked through those, that's part of the groundfish fishery, and if you look at the performance of those fisheries relative to what we're trying to achieve, high volume yield and the amount of bycatch and I've said this before and I'll say it again, I looked very closely at the salmon line items in there because that's of particular interest to me. If...I think if that were a private business, a stockholder or shareholder report and you looked at the performance in there, there'd be trophies and awards and bonuses given out because they were very successful fisheries. I'm not just highlighting that particular whiting fishery at this time, but that happens to be the reports there, and the reason I want to mention is the reason reports are in there is there is a federal regulation that they produce those reports of federal regulations. Citation is in the reports. We have to see those each year and they're very good reports, but we just for the sake of our business, we put them in the informational reports. To get back to the Science Center, the workshop they held, I know in the past I mentioned this once too, Netflix recently had this documentary 'Seaspiracy'. And again, I encourage you, if you haven't watched it to watch it. The bottom line in that documentary is that by 2048 our oceans are going to be empty because of what you might consider malevolent fisheries that is poorly managed and such, and there's been a lot of a number of rebuttals to that. And in....I'm a member of the American Fisheries Society, in the April issue of the fisheries magazine they produce was one such counter to that. And I want to read two sentences from that report that I think strongly relate to what we're doing. It says, "The reality is that local fishers, fishing cooperatives and fishing organizations generally demonstrate strong environmental ethics and stewardship. They also serve as a critical resource of local and traditional ecological knowledge and in some cases provide the only records of historical changes to stocks and environmental conditions". And there's a citation to back that up. So that statement is in there. And we heard about the workshop that the Science Center held with the hake, the whiting fisheries there to gain some of this environmental or to gain some of this knowledge. So, I compliment the Science Center for

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that and I encourage them to look, you know, continue to look broader to engage with fishing communities and fishing organizations to seek that type of information. I think it's very helpful to us. And lastly then the other report, I should mention I, you know, we're focused, I focused here on the whiting because that's the reports we had. That's the workshop that was held. But also the Annual Enforcement Report is in those informational reports and again, is a gauge for the recommendations we make to NOAA and the regulations put in place for these fisheries and then the enforcement side of it, I think it paints a very good picture for the West Coast here. You know, there are violations that occur, but as I read that there are some, in a couple of cases, there are some pretty stiff monetary penalties for violations, and I suspect that's a good disincentive to continue to fish cleanly in these fisheries. So, again I just want to take this opportunity because we don't do it anywhere else to recognize the efforts on the enforcement side. You know we don't recognize the efforts and the risks that they have to take on to do that work but provide this information back to us on how the fisheries are being prosecuted out there. So, thanks for the opportunity to just mention that.

**Marc Gorelnik** [00:07:37] Thank you very much Pete for those comments. Anything further? All right... thank you. Todd, how are we doing?

**Todd Phillips** [00:07:49] Yes. Excuse me. Yes, thank you Mr. Chair. You have heard both from the Region and the Science Center, as well as a report from the GAP. I believe that your discussion was appropriate, and I think that you have concluded this agenda item and addressed all the issues. Thank you.

**Marc Gorelnik** [00:08:06] All right. Thank you Todd.



## 2. Limited Entry Fixed Gear Catch Share Program Review

**Marc Gorelnik** [00:00:00] That concludes our reports and public comment. Takes us to Council action. This is final action and we've received fairly specific recommendations and not, and fairly consistent recommendations from the reports we've heard. So, let's have some discussion and then perhaps a motion if folks are, when folks are ready for that. Heather Hall.

**Heather Hall** [00:00:29] Good morning. Thank you Chair Gorelnik. I just want to start by thanking staff for putting together a very nice, streamlined program review document that we've had to work from. I know in March we recommended some additions to that program review document which have been confirmed are satisfactory by the SSC and others who made recommendations to those, and so I think we have a really good document to work from here. I know the overarching discussion has really been that the Limited Entry Fixed Gear Program has been meeting the goals and objectives of Amendment 14. It's required very few changes since it was last reviewed in 2014 and so it allowed for this narrow, focused look at the program. So, I just want to start there. I'll leave room for more discussion, but I do have a motion when the time is right.

**Marc Gorelnik** [00:01:40] Thank you Heather. Further discussion? Heather Hall.

**Heather Hall** [00:01:56] Thank you. Sandra, if you can put my motion up? Thank you. I move that the Council adopt the Limited Entry Fixed Gear Permit Stacking Program Review document as shown in Agenda Item F.2, Attachment 1, June 2022 as final. And within the motion, I offer the guidance but separate just to consider the Limited Entry Fixed Gear Program Review in 2026, which will hopefully allow the Council to complete the, that program review before initiating the catch share review.

**Marc Gorelnik** [00:02:50] All right. Thank you very much for the motion. Heather, is the language on the screen accurate and complete?

**Heather Hall** [00:02:55] Yes, it is.

**Marc Gorelnik** [00:02:55] All right. I look for a second. Seconded by Phil Anderson. Please speak to your motion.

**Heather Hall** [00:03:01] Thank you. As I started out with, the program review has been kept narrowly focused and streamlined. I think this action here is just adopting that as final. I do want to speak to the follow-on actions that the GAP has mentioned and that we heard Mr. Alverson speak to in public comment. I know I think it's important that while we had this streamlined look at the program itself, we recognized that some improvements to the fishery could be made by some of these recommendations. In March, we did put those on the groundfish workload prioritization list. I believe we did that as a package, but I'd also like to make sure it stays that way to create efficiency to the extent possible. I mean if some things are more logical to move forward that as appropriate, that's fine, just to make sure these fishery improvements do actually get implemented. And so, I hope we can have more discussion about that in September. I also want to express some support for the slinky pots that are proposed as follow-on action. I'm just noting that we've heard about their efficiencies in fisheries in Alaska. We know they have general benefits like reduced interactions with yelloweye rockfish and albatross and potentially depredation issues. So, I just want to speak in favor of that specific item. Thank you.

**Marc Gorelnik** [00:04:48] Thank you very much Heather. Are there questions for the maker of the motion? Any discussion on the motion? Keeley Kent.

**Keeley Kent** [00:04:58] Just a quick question. I believe this is correct, but in terms of nomenclature, the last part of your guidance before initiating the catch share review, you mean the trawl catch share review, yes?

**Heather Hall** [00:05:09] Thank you. Yes.

**Marc Gorelnik** [00:05:16] Christa Svensson.

**Christa Svensson** [00:05:16] Yeah, thank you Mr. Chair. I am appreciative of the motion and the ability of all of us to work together to streamline. And I am in support both of the motion of the guidance, but also of the need to keep all of these items together as we move forward. So just wanting to reiterate and add to the base of support for that.

**Marc Gorelnik** [00:05:46] Further discussion on the motion? I am not seeing any hands and if there's no further discussion it's appropriate to take a vote. So, I'll call the question. All those in favor say 'aye'.

**Council** [00:06:04] Aye.

**Marc Gorelnik** [00:06:04] Opposed, no? Abstentions? Motion passes unanimously. Heather, thank you very much for the motion. Is there further discussion or motion on this agenda item? All right, Jessi, how are we doing?

**Jessi Doerpinghaus** [00:06:38] You've done great. So, you have adopted the final review document, and so we'll get that posted to the Council website, which means that you have officially completed the LA Fixed Gear Program Review this time around and we will look to begin the next review in 2026.

**Marc Gorelnik** [00:06:55] All right. Thanks so much everyone. You did a great job on that 2-hour agenda item.

### 3. Stock Assessment Plan and Terms of Reference – Final Action

**Brad Pettinger** [00:00:00] We are finished with the reports and no public comment and so we'll go to Council action. So, I'll open the floor up for discussion on F.3. Corey Niles.

**Corey Niles** [00:00:20] Thanks Mr. Vice Chairman. Well, I was....if no one else had an opening, I was hoping to ask questions of Mr. DeVore, but I don't see him unless he's turned invisible, which I wouldn't see. But yeah, so I don't know if Mr. DeVore is available. If we could wait or if someone else has something else to go to first.

**Brad Pettinger** [00:00:45] Marci.

**Marci Yaremko** [00:00:45] Yeah, thank you Mr. Vice Chair. Thank you, Corey, for the spool up there. I think I'm interested in learning more about how we keep our options open. We are just going to be taking up our first taste of stock definitions later today and I do not want to make a decision here recommending making a final recommendation on stock assessments that would tie our hands in any way or preclude alternatives or even substantially influence alternatives that we might be considering in the next agenda item and on down the road. So, I certainly have some follow-up questions that maybe will help us drill down a little more about how we do that and how we provide recommendations on stock assessments that are complete, thorough, and clear and give that direction but yet don't affect decision making in the other agenda item today or down the road when we actually take up the plan amendment discussion. So particularly for copper rockfish it's noteworthy to me that there is broad agreement that a California, or assessments off California, full assessments north and south of Conception are doable. They're a priority. There's new information to be included. There is a, I think a widely shared willingness and even enthusiasm to take up this assessment in 2023. It's not lost on me that we had a 2013 assessment for copper rockfish that actually was quite favorable. I think it like 77 percent be unfished, so the 2021 results are certainly inconsistent with that. So, I know we're all looking forward to a new full look at the science on copper rockfish off California. So, we hear that recommendation loud and clear from the GMT, the SSC, the GAP, but then hearing this kind of confounding question about, well, what do we do about the stocks off Oregon and Washington? SSC strongly advises that we do stock assessments in the same year if we're looking to inform status determinations on a stock, you know, if we have a West Coast wide stock. So, I think that brings up the question of what do we recommend as alternatives for assessments off Oregon and Washington? If it's necessary, if it's truly necessary, if it's the type of assessment activity that could be conducted very simply given that they were just done. But I'm very sensitive to the question of is this a good use of assessment authors time and energy in light of a great number of priority species on the list needing attention. So, you know, this is a new wrinkle that just surfaced in the course of discussions over the last few days. I'm just looking for a path forward that doesn't tie our hands and that continues to allow us to recommend full assessment of copper rockfish off California as one of our top priorities. Thank you.

**Brad Pettinger** [00:05:13] Thank you Marci. Corey.

**Corey Niles** [00:05:20] Yeah, thanks Mr. Vice Chair and Marci led off with some of my same thoughts and thinking. I don't mean to skip to the.... as we do to the one issue that we have and don't want to recognize it. I think the GAP and GMT are... and the Science Centers and everyone have really thoroughly looked at all of these questions and are at a very similar.... are making the same recommendations on what to do. It's just this one issue about the copper rockfish that we're thinking about and as Marci nicely said that this issue of doing the stock definition discussion thoroughly based on the science et cetera et cetera and it's going to take time and how do we keep our options open while

that takes place while also having to do this copper rockfish assessment, which connects to another point I think's important. If this was the plan ten years ago, if a data moderate assessment were to come up overfished that we would really, it would be ideal to do a full assessment as soon as possible using all the possible data just to make sure that that result wasn't a false, false negative and cause draconian restrictions unnecessarily. So, agreeing with Marci that that is very smart policy and it looks like the depletion is coming from California and that's where limited resources should focus. But again, realizing that in the end this could be, you know, something that we could define, we can define the areas different after we've had a good conversation. So, I guess with that lead in John, before you got into the seat, had told the Vice Chair I had some Q&A for you as a heads up. So, yeah, on that train of thought Marci was on, you know, I think we're hearing some things from the SSC and the GMT that would benefit from a little more scrutiny and so, I think, in my mind until we have the stock definitions discussion and it shows otherwise that we should.....what we've been doing for the past, I don't know how many cycles, is based on science and has a lot of benefits and it's doing smaller area assessments, especially for the nearshore species. So I think we should stay that course and like we left in April with quillback and we're going to be revisiting again later this week, we just have a situa.....we have smaller area assessments that give us a signal on local depletion but then allow, we still have the stock, you know, there was some confusion, but, you know, let's it roll up to a coastwide stock. So, I guess, John my question for you is, I think I understand we don't want to go into the assessment, but, you know, it might be preferable from the assessment point of view or other indications that the 40 10 line at Cape Mendocino would be a better boundary than the 42 line at Oregon California. So, I see there is, there're options there that I don't think we understand, you know, what's ideal we hear from the SSC but what's, or what's preferable versus what's possible, and Marci.....the other factor being doing updates of Oregon and Washington just so soon after when the status looks okay, it would not be the best use of time. Yeah, so my question that I'm getting so.....yeah, reactions to any of that, all that stuff I just said but also what if we were to outline some of the thoughts Marci had and I'm trying to get to here. Others will speak too but if we could come back in September with a little more information on how we achieve that general goal of taking a look at that California area while maintaining some flexibility, get some more targeted advice from the Science Centers and everyone, would that have tradeoffs to the process? I think you get where I'm going so I'm going to stop talking and look forward to your reactions.

**Brad Pettinger** [00:09:29] John.

**John DeVore** [00:09:31] Thank you Mr. Vice Chair, Corey. Well, let's see... I mean, some of the feedback you really need from that question should be coming from the Science Centers and the SSC, but you know part of the question was can, could we solicit that feedback in September? One of the questions that I think should be posed at this meeting to the Science Centers is a final decision... let's say on the copper rockfish assessment in September. Will that cause a problem in their planning? So, I can't answer that. But at one point you said, if I'd heard you correctly or understood you correctly, that something about the 40 10 line being a better management boundary. I mean I don't... I wouldn't... I don't think anyone's made a judgment about that, or at least I haven't heard of a judgment about that and that's really a policy call that you're going to have to make under stock definitions, you know, exactly what these boundaries are. So, you know, I wouldn't say 40 10 is the ideal management boundary for copper. I wouldn't make that judgment at this stage with what I know. And... but I think some of the complication that you got from the SSC, and I don't want to speak completely for the SSC because there are probably some other considerations that go into their thinking, but you can play out a scenario where you do a California only assessment and then, you know, you've got the last year's assessments for Oregon and Washington for copper and ultimately you make a decision that the best boundary for copper rockfish is 40 10 for instance. If you have an assessment that's for California only without a model that shows what the status would be, you know, north and south of 40 10, I think that's one of the complicated and problematic issues that the SSC is talking about based on, you know, my understanding of their discussion yesterday on this so. But, you know, there are certainly other

considerations and it might be sage to if, I'm presuming that we still have Dr. Hastie on the line and I see Dr. Wetzel is in the audience, to get a sense from them about delaying a final decision on how... do a copper rockfish assessment until September, what the consequences of that are, whether that's a problem from their perspective? You know they're the proper people to ask that question to.

**Brad Pettinger** [00:12:12] Corey.

**Corey Niles** [00:12:15] That would be great to hear their input. Just to clarify, I was just using a hypothetical about the 40 10 line. I wasn't saying it was the better boundary, but I guess the.....on earth my assumption is I don't think we would be comfortable deciding that until after the stock definition discussions are complete. And I don't think, well who knows, but it doesn't seem a sure thing that we'll be comfortable deciding that kind of thing by the time the assessment has to be put together, so therefore my thought was staying the course in terms of having the three or four, or whatever it was, three or four areas including Washington and Oregon separate and then rolling it up to coastwide. You know I would my....my just, you know putting things out there for discussion is that the preference would be to keep, stay the course until we learn the course should be corrected after the stock definitions discussions happened. Yeah, I think the more pressing question that, as you said to the Science Centers would be what would be the implications for them if we ask for a little bit more information on how, what the flexibility was with copper rockfish for their planning purposes.

**Brad Pettinger** [00:13:31] Thank you Corey. Further discussion? Marci.

**Marci Yaremko** [00:13:40] Yes. Thank you Mr. Vice Chair. You know I think I am interested in hearing any other thoughts that we can hear today from the SSC. I heard a strong reluctance or, you know, the incorrectness of lumping assessments together that were not conducted in the same cycle. But I just want to make sure that there's been a thorough exploration of that and that they've turned over all the necessary rocks that we can't do some sort of proxy borrowing, something projection, relational relationship somehow that gets us some comfort with somehow combining the assessments across years. We had a brief discussion about that here around the table. I've heard what's been offered in the way of rationale, but I am just concerned, you know, once we're on this path and once we make a decision to only do a full in areas off California, and then we dig into stock definitions more and we learn that now we're stuck, I just don't want to be in that situation and if there's any other info.....any other analysis or evaluation that could be done that would allow some relationship to be developed between 2021 and 2023 assessments, I'd just be interested in hearing about that possibility.

**Brad Pettinger** [00:15:33] Thank you Marci. Troy.

**Troy Buell** [00:15:37] Yeah, thank you Mr. Vice Chair and thanks, Corey and Marci, for the comments. Largely, I agree with a lot of what you're saying in so far as I was pretty happy with the GMT list and the GAP list, and then we kind of got this thrown in our lap of, you know, the potential pre-decisional nature of going with only a California assessment for the stock definition issue, and I do think, you know, that is a concern. It's like Corey said, copper rockfish off Oregon, it's not a big conservation concern according to the last data moderate assessment that was done just, you know, recently, so it seems like a low priority from that regard to move an Oregon assessment into a full there. You know there is some additional data that could be explored, but not necessarily the same kind of data that you have off California for ROV surveys and things like that. They just, it does not show up as much in our ROV surveys and lander surveys that we've done. So, I also would be interested in hearing from the Science Centers about, you know, what the potential options are and also am not clear from the SSC question and answer about, you know, the potential to combine those 2021 assessments with the 2023 assessment and or, you know, data moderate assessments with full assessments that are even conducted in the same cycle or maybe an idea like that. So, I don't know if Dr. Hastie is on the line to address

some of these questions that we have?

**James Hastie** [00:17:17] I am.

**Troy Buell** [00:17:19] There he is.

**James Hastie** [00:17:25] Mr. Vice Chair, would you like me to respond to these at this time?

**Brad Pettinger** [00:17:29] Yeah, please. I didn't know if Troy was going to add to that so, but please.

**James Hastie** [00:17:34] Okay. Yeah, I think one of the challenges we all recognize is that it's very difficult to play out all the possible scenarios on the floor of the Council and so, I think, that we could certainly come back in September with an analytical document that would try to lay out a variety of different possibilities or strategies for assessing something that falls between just California only and some larger amount of the coast for copper rockfish and dealing with the stock definition alternatives as they might appear to be most likely by the September meeting or by the August briefing book deadline. I do... from the standpoint of when we'd be likely to start ramping up work on assessments, I don't think that delaying final decisions until September is a huge deal. We, obviously, for the... from the standpoint of the meeting that we're going to have in July on aging priorities and dealing with catch histories, we at least have the frame of reference well defined at this point, so I think that those discussions can go on fruitfully based on say the GMT recommendations as long as the Council doesn't have additional species that would want to be considered. The concern, or you know the one issue I can see at this point is if we were say to have to do copper on a coastwide basis, that would then likely take up a full panel and so we'd be, given our staffing we would likely have to revert to the option that would be more like option B in what I presented earlier where the grad student class would take on the petrale assessment that would be reviewed with canary, and instead of doing the length based data moderates with copper, that would just be a copper only panel. And so that, of course as we discussed this morning, would have some implications for how for aging.....of course the other possibility would be that we would put canary on hold for '23 and continue forward with the length based data moderates, which would not have the sort of aging workload and so there'd only be one species, canary that would have a heavier aging workload, and both of those then, since the class would be working on them, would get reviewed relatively earlier in that late May, early June timeframe.

**Brad Pettinger** [00:21:04] Okay.

**James Hastie** [00:21:04] But something would, you know, something would fall off if we had to do copper on coastwide basis, either the length-based data-moderates or canary.

**Brad Pettinger** [00:21:19] Okay. Thank you Jim. Are there any other questions for Jim since we had him on the line? Okay.

**Troy Buell** [00:21:32] A little follow-up yeah. Thank you Mr. Vice Chair, Dr. Hastie. I guess when one follow-up to that would, if you can answer, would doing....basically I don't want to call it necessarily update. I'm not sure there's such a thing as a data-moderate update, but just redoing the Oregon and Washington models as data-moderates, which I think would... would be pretty limited in terms of what new data would be considered or put into the models along with the California full, would that have the same kind of impact on the STAR Panel schedule?

**James Hastie** [00:22:03] That might be something that we could work around. I'd prefer to have a little more time to think about it, but I think that that is a possibility. We come back to the question though of... if the Council at some point later were leaning towards a 40 10 line rather than a state line at 42,

that we couldn't really just update last year's length-based data-moderate. We'd have to conduct a new one at least for Oregon and the area of California that was north of 40 10. And so... but I do think that at least laying out all of those possibilities and providing us with more time to think about the amount of work that would be involved with those, I suspect that even that would not be as heavy a lift as developing the original Oregon length-based model. So, I think though all of those kinds of possibilities should be on the table for finding ways of how can we meet our objectives for copper and be able to handle the whatever scenario might come up with respect to stock definitions and still attempt to minimize the amount of effort that we're having to deploy for that north of California.

**Troy Buell** [00:23:47] Thank you.

**Brad Pettinger** [00:23:49] Thank you Troy. Thank you Jim. Further discussion? Butch.

**Butch Smith** [00:23:57] Yeah, thank you Mr. Vice Chair. You know we heard a lot a testimony in the last few meetings on the hardships that this has brought upon people, and I agree with the previous speakers. I support that. I just know that this Council has always strived to do its best and I think, you know, because of COVID we might not been able to do that, not because we didn't want to but because of the circumstances we were under, and I certainly think that this is an important issue to take another swing at. It might be exactly what it showed, but it could be the other way where people that are going through really a lot of hardships and a lot of pain and suffering can be relieved. And I, for one, was a victim of the 1994 salmon closure, sit on the dock with a pregnant wife and a lot of bills to pay and I certainly know that our state fought for everything to see that we had a.....get a season but for conservation reasons that we didn't. And I think this is the same thing. If it's conservation reasons that we got to go and do what we got to do, that's great, but if we missed something I think it's a big enough issue it's well worth doing another stock assessment. So, I... sorry for a salmon guy getting involved in groundfish but... anyway I decided to jump in headfirst on this issue and I really am, I really support doing that. So, thank you Mr. Vice Chair.

**Brad Pettinger** [00:25:53] Thank you Butch. Marci.

**Marci Yaremko** [00:25:58] Thank you Mr. Vice Chair. I guess in synthesizing the response from Dr. Hastie, what I heard from him was an interest in affording the Science Center some flexibility in terms of copper rockfish and what is necessary in terms of assessment to be able to keep open that prospect of a west coastwide copper rockfish stock. So, I heard that there would be some thinking about this and reporting back, I think, is what I took away from that and that something would have to come off the list in the event that there was a determination that some assessment needed to be added for copper rockfish off Oregon and Washington. So, at least my thinking is, I think, they're understanding the quagmire and appreciating our intention and our desire, and I am certainly comfortable with giving them that degree of flexibility, and then also to report back to us. After further thinking about what might come off the list, if there's a need for something to come off the list, if it's better for the length-based data-moderate assessments or assessment or the canary rockfish full. So, I feel like there's more thinking to be done and more discussions to be had, but I'm optimistic that we can get there. I can't say enough how far these discussions have come since our preliminary lists were developed in March. What we have in front of us today looks different. There's been a lot of communications, a lot of outreach and a lot of coordination between agencies and looking at what's possible. So, I feel like more of that can continue over the next few months and that we might have more clarity in September about what the final list will look like, but I feel like we can move forward with what we've received back. Thank you.

**Brad Pettinger** [00:29:02] Thank you Marci. Keeley.

**Keeley Kent** [00:00:00] Thank you. And I want to thank Dr. Hastie for chiming back in with some

more answers. I think, you know, thinking about pushing off or perhaps revisiting some of this decision in September, I think, you know, the one piece that I would hope the Council would be prepared for in September if we're going to push off that decision, is some initial direction on stock definitions for copper, black rockfish as well. I think you've heard from the Science Center, and you've heard from us that, you know, they really need to know for the assessment structuring, you know, primarily if the Council's going to go with something like 40 10, something that would not work with how they've set up assessments already, that we need to know that sooner rather than later. And I know, you know, this is a really complex and challenging issue, but I do... and we'll talk about it more under F.4. I just want to hold on to that part of it and the copper part of things that potentially different years is slightly different, but black rockfish is also in the same boat where we need to know sooner rather than later whether or not we're looking at trying to maintain what we've had in regulation, which is three state-specific stocks, or for potentially looking at a coastwide, which you could roll up, or if there's some other iteration that would really change how that assessment needs to be structured. I think, you know, there's... we heard from the Science Center that they're, they would be prepared to come back in September, but I would hope that the Council would be ready to weigh in on that as well in September if we were going to hold that open.

**Brad Pettinger** [00:01:34] Thank you Keeley. Troy.

**Troy Buell** [00:01:40] Thanks Mr. Vice Chair, and thanks for that Keeley. I guess I just wanted to say that this whole conversation feels to me that we got the cart before the horse a little bit in some ways and that, you know, we heard from the SSC that our stock definitions should really be driving the stock assessment structure, but we're trying to decide on stock assessments and what areas they're being done for right now. So that's certainly challenging, and I guess, you know, just to note that it would be important that we have some, to make any kind of decision in September about what that even preliminary stock definition might be, we'll really need to get to work with a work group or however that may roll out under F.4, and I know that's for that discussion. But yeah, it's just it's pretty difficult to think about what those decisions may be in September until we learn more about what the options are and what those methods might be and what's available in terms of adding things back up together to a coastwide or a regional status determination from smaller area assessments.

**Brad Pettinger** [00:02:43] Thanks Troy. Corey.

**Corey Niles** [00:02:43] Yeah, just briefly, I think on Keeley's question, I already kind of gave one answer. But yes, in September we could be ready, but just to kind of restate more concisely what I would say is I'm looking for, not to phrase it in burden of proof language, but we've been on the course that we've been listening to science for a long time, and I think we would want to stay that course until we get an answer that we shouldn't be differently. So, for example, black rockfish we've been doing state by state and then if we want to say we're rolling it up coastwide but yeah... so yes, I think we could be ready. I think we have a basis for what we've been doing for a long time and I'm thinking that it's very rational. What we've been doing has benefits for understanding where local depletion is coming from et cetera, et cetera and that we've been on this doing these smaller area assessments for I don't know how many cycles now, but it's been based on the science, and it's been beneficial over just defaulting to coastwide. So back to the... so yeah, I think I agree with Troy's sentiment... it's cart before the horse, but I think we'll beating, we'll do a little bit of back and forth both ways. Horse, cart, cart, horse. But we could be ready for September. And yeah, I'm getting ready just to jump into F.4. It seems like. So, I'll stop there.

**Brad Pettinger** [00:04:12] Thanks Corey. Anyone else? Troy.

**Troy Buell** [00:04:28] Yes. The push button. Almost as bad as mute on the Zoom meeting. But I guess



moving on a little bit from the copper discussion if that seems to have played out a little bit here. I did have a few thoughts on... in particular the quillback rockfish and not doing it this assessment cycle but prioritizing it for 2025. Just to note that that does remain a priority for ODFW to get that assessed in a full assessment in 2025. I agree with that recommendation. But the primary thing we're looking at there is that has the potential, even though it's in a healthy status with the catch limits quite small, and it does have the potential to constrain fisheries for healthy stocks like black rockfish and lingcod. And, you know, we've already gone to non-retention of quillback rockfish in all our fisheries except for the trawl fishery through state rule. So, we're already managing under the results of that assessment. But it's...the jury is still kind of out on if that's going to be enough, if non-retention by itself will keep us under a quillback component OFL, which is our goal. And so, I would definitely want to keep that as a priority for 2025. I think we'll have some additional data that we'll be able to provide at that point. We do have age structures, but not a lot of them have been aged for quillback. Both the SSC and, I think in the assessment, it's apparent that some age and length data, particularly from smaller fish could be valuable and I think we could have some opportunities to collect that in the meantime and then explore some fishery dependent and independent abundance data that we have, some of which was included as appendices in the data moderate assessment, but obviously it wasn't incorporated directly into the assessment there. And so, I just wanted to make a few notes on our priority for quillback rockfish. Thank you.

**Brad Pettinger** [00:06:32] Thanks Troy. Okay. I don't see anymore hands is....are we ready for motion or do we have a motion out there? Marci.

**Marci Yaremko** [00:06:47] Yes. Thank you Mr. Vice Chair. I've been thinking about a motion here during this discussion. I'm hoping we might take a brief pause for a confab? Thank you. Oh 5 minutes would be great.

**Brad Pettinger** [00:07:05] Sure. That sounds good. So we'll take a pause of 5 minutes and come back here at 1:56. Whenever you're ready.....(BREAK) Okay, we are kind of back in session. The motion has been sent in and when it comes up, we'll start off here again so...

**Marci Yaremko** [00:07:59] Thank you Mr. Vice Chair. I move the final recommendations of species to be assessed in 2023 and preliminary recommendations for species to be assessed in 2025 as shown in Table 1 and Table 2 respectively of Agenda Item F.3.a, Supplemental GMT Report 1, June 2022, including the recommended assessment type full data-moderate or catch-only update in the recommended assessment areas. For the 2023 copper rockfish line item in Table 1 include a possibility of conducting a data-moderate assessment for this stock off Oregon and Washington, if needed, to maintain a full suite of alternatives on the matter of the copper rockfish stock definition. The Council shall consider information and analysis on this topic in September in order to inform a final Council recommendation on copper rockfish stock assessments and areas. And in the event such assessments are added to the list, an item or items would need to be removed from the 2023 stock assessment list as directed by the Council at that time. Additionally, adopt three Terms of Reference documents to guide the stock assessment process as described in the situation summary. Number 1, adopt the methodology review Terms of Reference and the TOR that guides the development of rebuilding analyses used to develop harvest specifications and rebuilding plans for overfishing and rebuilding species. And 3, adopt the draft TOR for the groundfish stock assessment process for 23-24 as final, which is agenda item F.3, Supplemental Revised Attachment 6.

**Brad Pettinger** [00:09:52] Thank you Marci. Is language on the screen accurate?

**Marci Yaremko** [00:09:56] Yes, with one minor edit if I may to include a number 2.

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

**Marci Yaremko** [00:10:03] In front of the.....

**Brad Pettinger** [00:10:09] Okay.

**Marci Yaremko** [00:10:18] There we go. Thank you. It's correct.

**Brad Pettinger** [00:10:30] Wonderful. Do we have a second? Seconded by Butch Smith. Thank you Butch. Marci, please speak to your motion.

**Marci Yaremko** [00:10:41] Thank you Mr. Vice Chair. I want to just thank everyone that participated in the discussion here today. I think we've made a lot of progress and talked through a path forward on copper rockfish that preserves our flexibility in the stock assessment item, but also clearly prioritizes the need to get that copper rockfish assessment off California underway as a very high priority, recognizing the significant conservation need to do a full assessment that evaluates the complete suite of available data to inform us on the status of the stock off California. So, we had a thorough discussion on copper. Troy spoke to quillback. I also want to speak to quillback and support the recommendation that this be on the list for 2025 and just to acknowledge that data collection efforts are underway in the State of California. Certainly appreciate a lot of work behind the scenes that has been going on, both by our partners at the Science Center and Pacific States to really beef up our collections of quillback rockfish in California's sport and commercial fisheries and our ability to process fishery independent data that's collected through other surveys is something that we'll be taking a look at over the next few years in hopes that we will have a better suite of information upon which to move forward with an assessment in 2025. Black rockfish, I certainly acknowledge that that's been a high priority need and focal point. Last assessment is now quite stale. Being in 2015 certainly is the number one rank in the NMFS scoring that we've been considering throughout this process. It's a key stock for recreational and commercial fisheries coastwide and the Oregon Department of Fish and Wildlife has done so much in terms of advancing the data and the knowledge on this particular stock, and I think we're all very interested in seeing their hard work culminate into this new West Coast-wide assessment. Certainly, appreciate all of the folks that have been talking about rougheye and blackspotted and the state of work on that species and what information will help ensure that our next assessment is as robust as it can be. I think we'll be... we've heard about the need for additional aging work to be done, and there would be significant benefit in putting this on the list for 2025 rather than 2023 in order to complete that aging work. I think that we've had some discussions about the data-moderate assessments, the shortspine, thornyhead and the difficulty with aging the stock, but how important it is that we get an assessment to update that sigma clock. And then with rex sole as a second data-moderate assessment that is on our list and would be another priority for data-moderate assessments. So again, I just really want to appreciate or acknowledge the work that the teams have put into this and the Science Centers over the past four months with starting with our initial list and really digging deep to see if our preliminary recommendations were on track and we were close. And anyway, with that, I'm pleased to offer this motion.

**Brad Pettinger** [00:15:17] Thank you Marci. Discussion on the motion? Corey.

**Corey Niles** [00:15:28] Thanks Mr. Vice Chair. Thanks Marci. I think you capture it really well. Again, I'll repeat the thanks I made during question and answer. Just the process has worked better and better each cycle thanks to the Science Center, GAP, GMT, Staff, everyone. But, yeah, I think Marci's really, really captured well the discussion we had. I think Dr. Hastie very much understood, and in our Q&A with us just during discussion what type of information we're looking for and I forget how he phrased the objective but, you know, looking at the objective of really addressing this. And the tradeoff you

talked about earlier what are in our minds of we want to address this conservation issue in California, you know, Butch spoke to that nicely, but while minimizing the, what we have to give up for the other assessments and I think Dr. Hastie said it really well and I'm just saying it less well and Marci's captured it here so very supportive and thank you for putting that together Marci.

**Brad Pettinger** [00:16:36] Thank you Corey. Further discussion? Phil Anderson.

**Phil Anderson** [00:16:41] Thanks Mr. Vice Chair, and thanks Marci for the motion. Very well done. In the interaction I had with Dr. Hastie relative to slide 9 where there were those two different options for panels and species, there was a discussion around the difference. One of the differences between the two being the additional six weeks it would be provided for aging for petrale and canary. I don't know that, I mean, I'm not looking to change the motion but just wanted to ask if there was anything in this motion that I'm missing that was directed at that issue?

**Brad Pettinger** [00:17:39] Marci.

**Marci Yaremko** [00:17:41] Thank you Mr. Vice Chair. Thank you, Phil, for the question. We did have some discussion about option A, option B, and what the trade-offs were and obviously allowing more time for aging is one pro on that side of the equation, but I don't think I have enough information to weigh in on the option A and B because there are pros and cons for both, and I kind of view those decisions as left best to our Science Centers in conjunction with Council Staff in terms of what, you know, trying to maximize flexibilities and efficiencies. I just, I didn't feel like it was worth us trying to weigh in on that topic at this time. Thanks.

**Brad Pettinger** [00:18:45] Thank you Phil. Bob Dooley.

**Bob Dooley** [00:18:52] Thank you Mr. Vice Chair. I assume we're now in discussion. We're not in questions on the motion, is that correct?

**Brad Pettinger** [00:19:02] We're at discussion on the motion.

**Bob Dooley** [00:19:03] Okay perfect. I want to reflect a little bit on what Marci was talking about this morning on a check-in in September, potentially November on this as we go forward. I think part of the problem where we find ourselves, particularly with copper, was we went into that assessment with an assumption that we had the data and then COVID got in the way and other issues and we ended up with what a lot of people think is not a good result and it's going to hurt people, and like Butch was talking about. So, I'd like to avoid that in the future, and I think by doing that, if we adopt stock assessments now and push them off the dock, the next time we see them we as a Council don't have anything to do about them. It's the SSCs purview and I'm not asking to make a decision on the validity of the stock, the results like the SSC talked about on page two of their report. I'm not looking for what the, you know, what the result might be. I would like a check-in to understand if there's something that's happened or something that we anticipated happening, like in to support these stock assessments, like aging, like all of those things that we've been talking about today that are going forward that are not done yet. And if you look around the room, there's still a few COVID masks around here and there's probably more coming. And I worry about we might not have the data we need to do a successful stock assessment and may have; it may not produce what... may not be what we intended. So it would be helpful I believe to have an informational check-in in September and November too, if possible, to just make sure that the assumptions that were made, and I heard some of those assumptions today that, yeah, we're doing aging and it's on the way to being done, but we don't know what the future brings here with our ability to continue doing that, that if it isn't what we assumed was being done to support the stock assessment and might end up with a totally adverse result that we as a Council have the ability to put the brakes on

before it gets out of our hands in the SSC and is deemed best available science, not best science, but best available. So, I worry about that. We've seen the result of it, and I support what Marci was thinking about this morning about doing that check-in and then proceeding. But it gives us at least some ability before we get to the point of no return next year to potentially react to that. So, I'll stop with that. Thank you.

**Brad Pettinger** [00:22:05] Thank you Bob. Further discussion? Keeley.

**Keeley Kent** [00:22:10] Thanks. On Mr. Dooley's point, I think there's a distinction to be made there between an informational report and then something that the Council would potentially weigh in on. I think we would be concerned about the latter and while I appreciate Mr. Dooley's comments about not being based on early results from the assessment, I think that's a real risk and a perception risk for us to consider. I think, you know, I've heard before from the Science Center that they would be willing to bring a report but be wary about trying to switch directions in November and that lost time on assessments. I trust that they would bring forward issues if there were major data discrepancies but would be really concerned about the perception of walking away from an assessment that's halfway done that indicates there's a problem that we don't want to deal with. So, I think that's really a fine line that I'd be worried about and we'd want to be really careful about how that was set up for September or November.

**Brad Pettinger** [00:23:15] Thank you Keeley. Okay further discussion? If none I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:23:29] Aye.

**Brad Pettinger** [00:23:29] Opposed? Abstentions? Motion passes unanimously. All right. Thank you very much. John, I'll look to you.

**John DeVore** [00:23:47] Thank you Mr. Vice Chair, Council members. Good job. You've accomplished the tasks under this agenda item. You've had a very thorough discussion on some of the uncertainties regarding stock definitions, especially with respect to copper rockfish. But we have a list of priority assessments for 2023 and one more process step in September to make before the list is final, but I didn't see any real scary things in the motion that indicated that that list could completely change. So, it's in September I think you'll have the ability to make some limited action regarding copper and perhaps another assessment given the way the discussion went. And you adopted the Terms of Reference as recommended by the SSC and other advisory bodies. So, with that you've accomplished the task.

**Brad Pettinger** [00:24:44] Very good. Thank you John. Great work everyone and there certainly was a lot of work that went into that.

#### 4. Stock Definitions – Scoping

**Brad Pettinger** [00:00:00] We're back and had a good discussion there in the sidebar to have a plan. So, with that I'll open up the Council floor for discussion. Keeley.

**Keeley Kent** [00:00:16] All right. The silence was hurting me. I just wanted to make a few general remarks, mostly things that have been covered and I recognize the well written scoping document that Council Staff and some folks from my staff worked together on... the great statements from the SSC and the GMT and the GAP. I think, you know, we acknowledge that the numerous challenges that are at issue here, a variety of different pieces that will come to play and how we look at this. I did want to bring us back up to the top which is that really at issue is defining stocks in need of conservation and management and this is the highest level of differentiation possible. And I want to remind the Council that, you know, there are a lot of tools, many of which we already use below that level of a stock, that can be used to zoom in on specific geographic areas or specific management concerns, things like sub-ACLs. And that really, you know, right now we need to focus on that highest level, the level at which we're making status determinations. Consistent with the SSC, the GAP statements, and the scoping document, we strongly recommend that the Council provide initial guidance on Stock Definitions for stocks that were assessed in 2021 and those that have been scheduled or prioritized for assessment in 2023 as a first go. We think these are really time sensitive and urgent definitions that we need the Council to make some decisions on. There's a lot of other issues here that are certainly important, but I think trying to be realistic about what can be accomplished in the first, accomplished in the same time thinking that that might be a phase-one type action and then some of these larger issues, especially a lot of the stock complex issues, may need a little bit more time for development. So, I will stop there. I just wanted to make some kind of introductory remarks, kind of where we are right now.

**Brad Pettinger** [00:02:17] Thank you Keeley. Anyone else? Troy Buell.

**Troy Buell** [00:02:24] Yeah thanks. This is a question I think for NMFS or maybe Council Staff, but just trying to make sure I understand what status quo here is and so going forward for those stocks that don't kind of get addressed in that short term timeline, which I understand is the January 1, 2025 kind of timeline having things ready by then, that anything that isn't addressed there defaults to a coastwide status determination and a stock complex status determination, but we can do management more specifically within those categories. Is that right?

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

**Keeley Kent** [00:03:05] Thanks. I think it's the same status quo as we are in right now for the 23-24 specifications, which is that we're not necessarily changing what's in regulation, which is different than what's in the FMP for some of the stocks. It's really come down to an issue where when we're trying to make status changes that it's become a major issue. For those other stocks that are not in a changing status position and ones that we're not going to assess for 2023 I think we're in a period of stasis, that things don't necessarily have to change and I think if a lot of those stocks aren't ones that we are changing, you know, if they're coastwide in regulation, we intend to keep them coastwide, then the bar of additional work is pretty low. Really, I think a good start on this action would be going through that list of species in the FMP, assessing which ones are coastwide, going to stay coastwide, don't need a lot more work, and then working from there on what are the ones that we actually do need to work on. So I think, you know, we don't have to start with all 90. We don't have to revisit all 90. It's really those ones that aren't coastwide, haven't been coastwide, need a status change that are the ones that we need to focus on.

**Troy Buell** [00:04:18] A quick, quick follow-up on that. So, for stocks that are on the assessment list that haven't traditionally had less than a coastwide assessment, any kind of area specific assessment, they might have a status change but we'd, NMFS would be able to make a determination on a coastwide basis for those stocks.

**Keeley Kent** [00:04:36] Thanks. I think it would be a different situation. The one we would face right now I don't, I would want to have a little further conversation before making a firm decision or firm statement back to you on that, but it is certainly different if we're talking about something that is coastwide, staying coastwide, and a status change is very different than what we've been dealing with on quillback.

**Troy Buell** [00:04:54] Thanks.

**Brad Pettinger** [00:04:54] Corey Niles.

**Corey Niles** [00:04:54] Yeah, thanks Mr. Vice Chair. And yeah, Keeley, may be coming at it from a slightly different angle than Troy, but, and this is where we're taking up tomorrow, but under....so how to state how to ask it....so if you, I can't even remember the timeline but it was sometime in the past fall where we, you highlighted this issue to us and, yes, we all realized that maybe the regulations in the FMP, the relationship wasn't clear, but had the Council been, figure that there was the time to do it and was consistent with the rationale, we could strongly recommended, for example that quillback, although having area-based assessments is, you know, given uncertainty a coastwide stock, we could have made that more clear as part of the action we'll be finally, we'll be making final recommendations on in this week, the spex action. So, you would have been willing to make the FMP amendment had we been ready to take it all on, but the Council said, "well, let us... this is complicated let's think about it a little bit more". So that's why we're kind of leaving it as is with maybe some different understandings of what status quo means. But to... so....I guess my specific question is we could have changed....you... if with the rationale and analysis there, we could have changed the FMP as part of the action we're recommending later this week, which if I had my agenda open, I would say which 'F' it was... F.6.

**Keeley Kent** [00:06:45] Thanks for the question, Mr. Niles. I think what....yeah, what you're asking if quillback stayed coastwide then we wouldn't necessarily have to reevaluate it. I think with quillback having been managed in a complex, it's probably fair to make sure that we're dotting those I's and crossing those T's. I think the piece that because it took so long for us to decide kind of what we were doing with quillback, one of the pieces that I think will come up as part of defining stock definitions is if we do continue to assess at a smaller scale than what the stock is, we need to be sure that we're getting all of the information of that rolled up stock assessment. I don't know that we fully got there with looking at quillback actually coastwide, you know, rather than just adding together the assessments for the purposes of defining our harvest specifications for the biennium. So that's the piece that I'm hedging on a little bit is that I don't know that we got that same picture of all of the same data points coastwide, rather than just kind of late in the game trying to decide that that was the different direction we're going to. So, I think maybe we could have gotten there, but I think with all of these challenges, and I certainly recognize the late, the lateness of us coming back to the Council with that change in what we were expecting did not help, but I think it would have been challenging to get there just with dealing with all of those issues at the same time.

**Brad Pettinger** [00:08:17] Okay, thank you Corey, Keeley. Further discussion? Okay, Keeley.

**Keeley Kent** [00:08:41] One other issue I know, you know, at this stage we're talking about planning. It is our general desire that as we look at the stock complex piece in particular that we really evaluate, you know, the evolution that has happened in our stock complex management. I think, you know, other

Councils have gone through similar processes, which is that a lot of these stock complexes were created before we are assessing any of these stocks, and I think it would be really good for us to be assessing whether or not the way that we're evaluating status for stocks that are going to remain in complexes is in line with National Standards and evaluating whether or not we should be evolving, along with the fact that we have started assessing a lot of these species and, you know, there's a decision point about whether they stay in a complex or not and if they're going to stay in a complex do we need to, you know, evolve our management of those complexes to make sure that they're working exactly how we need them to work. So, I think that's, you know, one of the pieces as we look at the stock complex part of it that I think, you know, none of this will be easy, but in particular I know that'll be a challenging issue, and so thinking through when we set up this process and plan, you know, do we do phases? Is that enough of its own issue that we separate out how we approach the plan for trying to figure that out. I think that's a piece for today that I'd be interested if there's thoughts about dealing with that in any different way.

**Brad Pettinger** [00:10:12] Okay, thanks Keeley. Anyone else? I'd ask John how we're doing but I think we all know right now so.

**John DeVore** [00:10:32] Well, thank you Mr. Vice Chair. I think we definitely need a little bit more guidance here. You know right now, you know, we've got some ideas about a work group being formed and whatnot and, you know, if you do want to follow that GMT recommendation to form a work group, then I believe you would really need a motion to do so and provide some guidance for that work group to begin, and then given that it's an ad hoc work group Chair Gorelnik could appoint members to that, so some guidance on the make up of that work group would be helpful as well beyond just the charge of the group. And some guidance on the priorities for, you know, at least the first blush or the first step in the workload that, you know, you would anticipate that group to take on would be helpful.

**Brad Pettinger** [00:11:35] Thank you John. Corey Niles.

**Corey Niles** [00:11:38] Thanks. Just to maybe articulate what's bouncing around in my mind a little. The GMT and the others put some really good thought into this and that if we just oversimplify the choice, maybe we have a work group or we have a workshop or some combination thereof. You know, I kinda like the thread of a workshop allows bigger... it's more inclusive at first and gives us a better idea of what a work group might first tackle and then who should be on that work group. So it's still, the scope is still somewhat unwieldy and so some more focused attention by a smaller group seems to be what's popping to mind now, yet and I think the only reason I would not be, you know, really strongly advocating we start with the workshop now is based on this morning I believe it was when we saw the NMFS report and the Science Center has laid out all the workshops that are going on in the rest of this year. That's the only reason I'm not strongly recommending, hey, let's get a planning team together, start with the workshop and then have a work group follow from there, but recognize the challenges and, yeah, we just need more scientists more, more folks is the common theme here. But just again, those are the ideas bouncing around in my head. A work group will eventually be needed to actually dig into the work, and I think, yeah, the GMT had a lot of good outlines here. I just had to think a little more. A little more planning on exactly what to do. There's... it could be, the scope could be huge and, you know, Keeley's brought up some really good points about, you know, from the stock complexes to in the fishery, need of conservation management. So, if we just get a group together without even a more clear charge, which I don't think I would be capable of at this moment, it could get really unwieldy fast. So yeah, again, just articulating the messy thoughts that are in my mind more than suggesting a way forward at this moment but could be collecting some thoughts here quickly.

**Brad Pettinger** [00:13:55] Okay, thanks Corey. Troy.

**Troy Buell** [00:13:56] Yeah, thanks Mr. Vice Chair. Also, kind of struggling with what the scope of the work group should be. I mean we just heard that we, you know, NMFS is not really sure if it should include species that are coastwide defined but might have a change in status because we don't know if that would, you know, be something they could make a status determination on or not. I guess, you know, personally I think that a focused work group might be a way to go with kind of an at least initial membership as suggested by the GMT in their report. I think that we could ask the, the Council Chair to make appointments to the work group and additional expertise could kind of be brought in to that group if it doesn't cover the scope of what they need to talk about. But I do think that, I don't know, struggling to really define what their charge should be and their scope should be right now and it's also then awkward to talk about forming a work group without telling them what to do. So those are just some of my thoughts as I sit here now.

**Brad Pettinger** [00:15:14] Thank you Troy. Marci.

**Marci Yaremko** [00:15:18] Yeah, the more I hear and think about this, the colder my feet get. I want to echo Corey's remarks on the workshop concept that originally, I kind of thought was a good idea that we'd all get together and talk this through in a little more detail with the right or with all experts and be all inclusive and just have an initial vetting on where this needs to go. But then folks have cautioned that the plate is full on workshops through the fall, and that is certainly true. And it would also be, I think, difficult to come back from such a workshop with, you know, any more clarity than what we have right now about where to go. So then that puts me from the all-inclusive side of the spectrum over to look at the other side of the spectrum about, okay, how do we make progress and get some clarity and a path forward with a small group of folks? And I'm not hearing any consensus on who that small group of folks is. And I think there are some that are obvious and then some less obvious and I think I'm struggling with, as Brad was asking, what it would be that we would define as the objectives and duties of such a committee and an indication of the duration of the committee. I'm not at all equipped to do that right now. I feel like we need some more percolation on this and refinement and thinking. I'm, I'll say this, I'm encouraged with some of the dialogue that has occurred offline between agencies and Science Center folks on what we need to do to accomplish the objective that, and I think, you know, there are a lot of different thoughts out there. I mean here we see quite divergent recommendations. One is to establish a purpose and need, the GMT's talking about that. And then you see the SSC recommending that the GMT go off and work on a productivity and susceptibility analysis. So that just suggests to me that maybe we would do better to ask the National Marine Fisheries Service to give us a little more clarity in the direction. I know that when this landed in our lap back in... what November? I think it definitely caught me with deer in headlights and as Corey described, I think our immediate gut reaction was to say, okay let's think about this in a more detailed and lengthy process that doesn't attempt to achieve the needed objective in the 23-24 specifications process. So, we all agreed, yes, let's pause. Let's give ourselves the space to think through this a little better but I'm not sure if in doing that we've made the task more difficult for ourselves. So, you know, then hearing today that, you know, maybe the approach is that we keep the stocks west coastwide, except for the few exceptions where there's clear science indicating that there is a need not to do that. And I think I'm interested in that, talking about that more and really hearing work and identifying where those clear cases are, where there's a need. And my hope would be that that would be phase one of this or the phase that we would do to meet the requests that's come to us from National Marine Fisheries Service. So I guess, you know, my summing it all up I'm certainly not ready to make a motion to establish an ad hoc group myself just because I'm unclear exactly what the group would be tasked with doing and how we would comprise that committee. Thanks.

**Brad Pettinger** [00:20:27] Corey.

**Corey Niles** [00:20:33] First time I forgot to press the button at this meeting. But thanks Marci for



those thoughts. Yeah, I think we're really close to having... we have some really good ideas about the work group. I'm sharing some of the same thoughts as Marci, but going back to my... well, I wish we could do a workshop but no one's available. I'm also wondering, you know, who is available for a work group. So, what I'm seeing is more need for those type conversa.....obviously we have GMT, CORE, we have talked about, you know GAF and some NGOs involvement, but the agency staff is kind of up in the air, you know, from all agencies. So I'm wondering, I know some quick side conversations and how we've done it in the past what, this would be an ad hoc group if we were to establish one. What discretion the Chair and Executive Director would have to get a small group together. Figure out who's available, you know, with the intent of getting a work group together. And I think, I just think job number one is going to be what, you know, what can be accomplished over these timelines and what really needs to be accomplished over these timelines because on that Cope et al paper that Ben Enticknap mentioned, I was one of the authors of that, but probably just because Jason Cope was nice and put all of us on it in alphabetical order. I'm at the GMT at the time, but that thing was a huge, a huge effort and I don't know that's not what I would spend my time on updating. It was a great exercise but just as an example of wow, that would, if we were to take up that as a task that is, and the stock complexes, as Keeley mentioned and others, that these are all huge tasks. So, job number one is going to be let's get a manageable scope and plan even more. We have a really good start here but more as needed. So, to circle back to what I'm trying to say is, you know, what kind of discretion could we have to look at these staff availabilities from the Science Centers and elsewhere and the agencies advise the Executive Director and the Chair on establishing the work group. You know, sometime in the summer would be, you know, we always say this summer which like it's very long, but between now and September would be a goal.

**Brad Pettinger** [00:23:05] Thank you Corey. Keeley.

**Keeley Kent** [00:23:10] Thanks. So just a question to you, Corey, on your statements. Now would you see the definitions for quillback, copper and black rockfish being part of that or being addressed separately, more quickly?

**Corey Niles** [00:23:27] Well, I think that's the question for the of scope but, yeah, I would presume so. But, you know, that's the, you know, yeah if, like again there's a lot of good thoughts out there. I'm not able to articulate them but, yeah, if that's going to be the priority, that would be more of a manageable scope then all the ideas that are out there. But I think the idea would be and I would, if I didn't say it, NMFS would have to be part of that small group advising the Chair to say what the staff and the staffing could be and what the scope could be and we could get to a purpose and need objectives like the GMT's telling us it needed a little more specifically with a little more time and information on staff. So long way of answering your question, I would presume so but that would be part of the conversation. And I would hope you would be in on those conversations of course.

**Brad Pettinger** [00:24:31] Director Burden.

**Merrick Burden** [00:24:31] Thank you Mr. Vice Chairman. Just listening to the conversation here and trying to think about how to help us make some progress on this item. I don't think there's any question that we need to make some progress. The question is probably one of time and when we're ready to do so. So, Corey, I think you're starting to answer a question that was in my mind but I'll still pose it, and that is perhaps it would be beneficial to pause this item and come back to it later this week, let it percolate. I think what you're describing, Corey, is bring it back in September, which would be a second item. But what I'm gathering is that we're not quite there and that a little bit of time would be helpful. And so, the question for you all is at this meeting or at a subsequent meeting?

**Brad Pettinger** [00:25:29] Phil.

**Phil Anderson** [00:25:33] I don't....thanks Mr. Vice Chair. I don't know whether my thoughts are going to be helpful or not, but I find myself in the same place that Marci is and maybe a lot of other people. Cold feet in terms of trying to define where exactly where it is we're going here. So, I came up with a different label for the group that I'm thinking about. It's a think tank and that we get...and that small group that I would leave to the discretion of the, either the Executive Director and the Chair and Vice Chair, but I'm thinking of a small group that can help us map out where we're going here, particularly in the short term with the species that we need to make some decisions on one way or the other in the near term. And I was thinking about having that small group come back in at the September meeting with a recommendation as to a path forward. And that could be a workgroup, it could be a workshop or, you know, I don't know what, it could be either one of those or something else. But in terms of, okay, here's what we need to do in the near term. Here are the species we need to focus on in the near term, and here's a path forward to make progress on that. And that's, but I... and maybe we can, maybe the right, if the right people were to get together sometime this week before we adjourn, they could come back with that, but I think that would be a tall order. But my thinking is you need some, you need a rep from the States, from National Marine Fisheries Service, and I'm not saying just one, but get the right set of expertise to come and brainstorm this thing a little bit more so that they can bring something back to us that is more concrete in terms of a recommendation in terms of how we're going to move forward and over what timeline, with a focus on the species that we need an answer to in the near term.

**Brad Pettinger** [00:28:24] Thank you Phil. Anyone else? John.

**John DeVore** [00:28:24] I'm going to take a bit of a bold step here and share a couple of thoughts. I won't get too far down that road and certainly you can yank my leash if you think I'm going a little too far. But as far as the purpose and need is concerned, I don't think that would be too hard to prepare a draft purpose and need for the next time the Council meets for your consideration for adoption. I mean it would be something to the effect we need to find stocks in the FMP so that NMFS can make status determinations and, you know, it'd be a little bit more than that but, you know, I mean it's status determinations that include how they decide whether a stock is subject to overfishing or not, and that becomes a little bit more complicated when you get into the complexes, and I view that as a challenge going forward but not an insurmountable one. Another kind of broad recommendation that I think, I believe all the advisors made was to update that productivity and susceptibility analysis. I was also on that list of folks who did that list or did that analysis back in 2009 and in subsequent conversations and, you know, and it's not just from me, I mean others have to weigh in on this, but my impression is that the main focus there would be updating those susceptibility scores, recognizing that the fishery has changed since 2009. For one, we're getting more access to shelf stocks. I think you'll see under Agenda Item F.6 there's some recommendations to start reducing pressure in nearshore areas in response to the copper and quillback assessment results from last year and that sort of thing. But that clearly speaks to... and the SSC speaks to it in their statement that clearly indicates that the susceptibility is, has changed since 2009. And that susceptibility, just to be clear, is all about how the, the fishery interacts with, you know, these stocks and since fisheries changed dramatically since then, that's going to be the bigger lift. And I remember from that original PSA analysis, which I think we can build on for sure, is there were a select few people that did it. Jason Cope did an awful lot. He helped to invent the methodology, but he also really... he and his colleagues at the Science Center did the productivity scoring. And it was really the GMT's charge to work on the susceptibility scores and a few people took the initial shot and then there was an extensive review, not just by the GMT, it was by the GAP and everyone else. It was a public thing. I don't view that as huge, as big a lift as it was in 2009 because we're not starting from scratch. And I think it would be helpful in this process, and this is where I'm taking a bit of a bold step, if we started work on that this summer and didn't wait till a subsequent meeting to at least get that ball rolling, not that it would be completed, but at least to get a product that people could really start to review and evaluate and look at and make recommendations on. And I think that a select group of people that certainly would include some GMT and GAP representation, and I

personally didn't have a problem with the GMT list when I saw their, what their recommended composition was for that work group. But you could even take a select bit of that list to at least get started on that part of it and then expand as needed, you know, and I can't speculate what will be needed as this unfolds. I mean I can... but I mean I don't know how useful that would be. So, it might be helpful to do that but that's certainly your call.

**Brad Pettinger** [00:33:05] Thanks John. Corey.

**Corey Niles** [00:00:00] Thanks Mr. Chair. I guess I just have a difference in view or missing it, John. But I don't...this is not the time or place to get into it I don't think. But I like Phil's suggestion. But it begs the question and it begs the question every time we use it to prioritize stock assessments is that it doesn't answer the question of what the right area....the PSA is a coastwide stock look, you know, we got into just whenever that was about, you know, when we rank importance of black rockfish for example, it doesn't treat differences between Oregon and Washington or California, for example. So it's not getting... the more important questions in my mind are local depletion and our ability to assess that versus, you know, a coastline overfished thing and the PSA doesn't get at that. But my point is that's... I would have asked the SSC more strongly about their thoughts on that, but I think, for example the more important thing is to get at what.....this is my phrase not theirs, what was short shrifted this past fall, which was....it was the criteria we use on things like stock delineation, genetics, adult movement, larval dispersal, so on so forth, so that to me is where you start with the science and, you know, and in public testimony Ben got really kind of the heart of it I think too of it gets back to what does overfishing mean versus what is local depletion and, yeah, differences in views and I think we're not quite there and the PSA is the last place I would start, which is maybe I'm being, you know, unreasonable but there's still are differences in views out there and backing up to what I said, I think, Phil's idea, yeah, maybe this week would be possible, but it's probably better to wait for the next Council meeting.

**Brad Pettinger** [00:01:48] Thank you Corey. Okay. I don't see anybody else talking here so, John, do we have guidance? Corey.

**Corey Niles** [00:02:15] Yeah just to back. I think before Phil weighed in, I think Merrick had a specific question of me, but I think Phil answered it and so just Merrick you were... I don't know if you're still on that train of thought, but yeah, again, I think the answer to Merrick's question that Phil gave was the one I would give. We could try to talk more by the end of this meeting, probably better to in the next month or so do it but I don't know if you had any reactions to that, what Phil said Merrick, but you did ask me a question. I didn't answer directly back to you, but Phil gave a better answer.

**Brad Pettinger** [00:02:48] Merrick.

**Merrick Burden** [00:02:50] Yeah, thank you Mr. Vice Chairman and thank you Mr. Niles. As I'm sitting here listening to the discussion, I think everyone's converging on September as a time to bring this back, but it does raise some questions. You know you pull on one thread and a lot of other things start coming with it and so this item relates very closely to our stock assessment schedule. And so, I guess, I would turn to John or maybe there's someone online that can help us think through if we start to delay this effort how does that affect and overlap with the stock assessment schedule and does that jeopardize our ability to get to where we need to go in time for the 2025 spex? I'm just trying to think down the road here about the implications of pausing this until September. John, I don't know if you have an answer to that, but that's what's on my mind and I think everyone would benefit from that understanding.

**John DeVore** [00:03:45] Yeah, thank you Merrick. It's on my mind too and that's the reason that I have some concerns about at least delaying initial work on this because, you know, as you saw from....heard

from the region, you've heard from our advisory bodies getting an initial indication this fall of the stock definitions that you're leaning towards for those stocks that are going to be assessed next year is a big concern, and you heard quite loudly from Dr. Hastie and others that they really need that to be able to prepare their stock assessments to align with the direction you're wanting to go with the stock definition for those particular stocks. And so, I'm concerned that if we don't at least start getting some analysis that will be helpful or start getting a group together that we may not be able to do that well. But you know, this again that's....I'm not going to substitute my judgment to those, to the judgment of folks around the table here but that is a big concern. My timing concern is making sure that we have enough information on the table to... so that you can comfortably give that, you know, give that preliminary decision to the National Marine Fisheries Service so that we don't end up repeating the situation we had with our 2021 assessments. And again, you know, as you heard from Keeley earlier and from quite a few others, that those stocks that were assessed last year should probably be on that first phase priority too. So, I mean I'm not trying to indicate that the 2023 stock assessments are more important than the 2021, but the fact is that, you know, we are going to really start getting into that this fall or the National Marine Fisheries Service is, the Science Centers, and so they need that direction. They request that and I'm worried about kicking the can down the road and not getting to that point in a timely fashion. So that, I share that concern about delay, at least the initial work. And so, whatever it takes to get to a point where you're comfortable to make a decision on those stocks by this fall so that you can give that advice to the Science Centers, I think that would be really important.

**Brad Pettinger** [00:06:33] Corey.

**Corey Niles** [00:06:38] Thanks Mr. Vice Chair. Well, I'm not.....I wouldn't call what we're suggesting kicking the can. It's having a discussion about agency staffing availability that could very well result in a recommendation to the Chair and Vice Chair to establish an ad hoc group. So, I think we just....and maybe I'm thinking about a little differently than everyone else, but that's to get it....the kicking the can down the road is the metaphor, but I'm kicking down a messy, just heading down a messy road is what I'm worried about. So, I think these conversations I have in mind would, could have a prospect of forming a work group. If not, you know, at the Chair's discretion, I guess, it would be if not this summer, you know, at September. So, I would just object to saying it would kick the can down the road. It would help us understand better what these timelines are, what the near-term needs are. I still don't hear agreement on what those near versus short-term long-term agreement is. Like I said, I still think we need to have a framework type discussion of the SSC says of what, how do you delineate a stock. Again, yeah, not kicking the can down the road. Having a small group, I think, is as Phil said to with the agencies that have the staffing and expertise getting together making a recommendation to the Chairs and Executive Director who also has staffing about how we do this in an organized fashion, not kicking the can down the road. And we heard about some of the threads already in the last agenda item about what do we really need to know in November for the copper, so we're going to get smarter about this when Dr. Hastie and colleagues bring back the analytical document that was asked for in our last agenda item. And I think similar to Marci, what she's saying about the default that we're using now is going to work, you know, until we see some more scientific evidence that it doesn't. She said it better than me, but that was, that's kind of the gist. And I'm going to.....I think that's a productive way forward, not tearing threads or kicking cans.

**Brad Pettinger** [00:09:00] Troy.

**Troy Buell** [00:09:00] Yeah thanks Mr. Vice Chair. So, I think I'm....a follow-up on that Corey. So just a clarifying question. Are you intending in the thoughts that you're having right now to leave the door open to having an ad hoc group formed before September? Because I also, you know, have concerns with... like... I know I'm not ready to make the stock definition decisions as I sit here today so, you know, having the Council have more information to make those kind of initial at least guidance to the

stock assessment authors, it seems like waiting until September might pretty late in the process for that. So, I just want to clarify if you're intending to kind of leave that possibility open to have a work group actually start before September.

**Brad Pettinger** [00:09:46] Corey.

**Corey Niles** [00:09:46] Thanks Mr. Vice Chair. I don't have a definitive... yes, I would leave the door open, but I was trying to just get the discussion going with the staff on whether we thought that was possible. I think Mr. Anderson said it was more likely that it wouldn't happen until September. I think there's a possibility it could happen before. Yes, leaving the door open but was looking for other thoughts on that.

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

**John DeVore** [00:10:19] And again I'll maybe take a bold step. If it would be helpful, I think, maybe if you gave the Executive Director and Council Chair a little guidance about at least starting that conversation. And you know we always have a coordination call with the National Marine Fisheries Service directly after these Council meetings and we could start talking to some of the principals about a plan going forward, and even in the event that you do schedule stock definitions on the September agenda for instance, which my hip shot advice is that might not be a bad idea, you might want to do it then. We could start to talk about what kinds of analyses, what kinds of information we could bring for the September meeting to get you a little bit further down the road to at least initially meet that objective that Dr. Hastie talked about of giving some, an indication of those stocks to be assessed next year so that we can at least get that, those assessments started right away. And you did talk a little bit under F.3 that you wanted to have some time on the September agenda to resolve the copper rockfish issue. So perhaps with that flexibility we can start talking, you know, with others and get a better idea of what to do and even start to work on some analysis that we communally believe would be helpful for your initial decisions on this FMP amendment in September.

**Brad Pettinger** [00:12:10] Merrick.

**Merrick Burden** [00:12:12] Thank you Mr. Vice Chairman. And then teeing up off of what John said and maybe what Phil was suggesting 10 minutes ago, I'm just being slow. But our office has worked quite effectively with the region and the Science Center in trying to flesh out this effort here over the last few months and what it is and, you know, there's... saw a good working relationship in some of the documents that are in the briefing book and those came together so I would feel comfortable. Of course obligating Council Staff to keep working on this and trying to address some of the concerns that you've been raising, Corey and Marci, about the lack of clarity, and I would look to my colleague, Keeley Kent, here to see if NMFS would be willing to work with us to keep trying to flesh this out and make some headway so we don't get too far behind without getting out in front of you, but helping you to get some clarity, make the progress that we need to make. In September, maybe we'd be in a position of establishing that more technical group that would flesh this out in more detail. So, if you're following, I guess, that's what I would offer this body for some summer time effort.

**Brad Pettinger** [00:13:28] Phil.

**Phil Anderson** [00:13:31] I never like walking out on thin ice but I'm going to. I'm pretty sure I'll fall through so. It'll give you something to talk about this afternoon at the party. And I may not, I may....again I may not be thinking about this right so I apologize if I'm wasting air time. But we have a couple of stocks that we need to make some decisions on for this stock assessment cycle and those are the most immediate concern. We have some other stocks that were scheduled in 2025 or beyond

that we probably want to make some decisions on too, but we don't need to get at that right now. We can't take this big... you know we can't do it all at once nor should we. So, my suggestion was not to preclude any work that could be done between now and September and November so that we have the information in front of us to make that, the decision on the stocks that are right in front of us right now that we need to make decisions on. What I was hearing and reading was trying to build a process by which we could address the larger set of stocks over time and we're struggling with trying to figure out how to do that, and I'm suggesting that we aren't going to figure that out today. We've got a lot of good thinking that's gone into it. And I, and in my view is that we're going to have to look at all that good thinking, take the good pieces that we think and fit them together and put together ourselves a process by which to make these determinations as we go down the road, whether that's, again whether it's a workshop as part of it or work group as part of it or whatever, you know, that's yet to be decided and I was thinking that a small, smaller group of people that have that requisite expertise and good thinking could take all of this good information that we've got up to this point in time and come back with a recommendation for us as to how to move forward. But in the meantime, we still, we're under a bit of a crunch here, at least in... and this is again me being out on some thin ice relative to copper, relative to black rockfish in particular for this cycle, and we have to make some decisions there. So if there is some additional work that needs to be done, which I think there is, to help us make that decision, let's make....and I don't know how to characterize what that work is, but I know there are people in this room and there's people online that are listening that do know what that is, and I'm saying let's give them the green light to continue to do that work. Put this piece on the agenda in September. Focus on two pieces, the piece that we need to make some decisions on in the near term and a process by which we're going to use in the longer term, where we have more time to more arguably thoughtfully work our way through the balance of the issues that come with this. That's how I'm thinking about this. Again, I could have this all wrong, but that's what I would... you know if I'm anywhere close to right or I'm somewhere in line that let's make sure that the work gets done to do that further analysis and bring that information forward, put ourselves in a position of making... I guess we have until November to make the decision. Is that correct? Or we could have as long as that, but we'd be able to look at that information on those couple of stocks that we've got to make decisions on soon. Give us time to think about that. Make that decision in November and in the mean... and then in the interim we can build a process by which to do the rest of them as appropriate and as needed.

**Brad Pettinger** [00:18:04] Corey.

**Corey Niles** [00:18:05] Yeah. Thanks Mr. Vice Chair. Just a quick follow-up, which will if you're on thin ice, that's the good skating. But just... I think that's what we're going to see as Mr. DeVore said in September already, if assuming the Science Centers, Dr. Hastie said he could do is pull together that document focusing primarily on copper rockfish. That's one example which then leads to, I think, what Phil's saying about having a process for the rest. But I guess I'm, I'm not seeing clearly as you do. Do you have a common set of principles that apply to a lot of species, or do you focus species by species and end up being different? It's probably going to be a combination of the two. But yeah, the point I would make, yes, it's already coming back at September with some more information, and that's very much what Phil's articulation is possible, and work is going to be done this summer and getting some folks thinking about this summer on how to really take up the process. That's going to happen and it's going to be... not going to happen today. But, yeah, I think we are already, from our last agenda item going to have some really good information that's going to help.

**Brad Pettinger** [00:19:19] Butch.

**Butch Smith** [00:19:22] Well, thank you Mr. Vice Chair. As Switzerland here, I kind of see we're going around in circles here quite a bit and we're kind of sometimes saying the same thing and Phil had just an absolute amazing idea, but I think Executive Director Burden had a great idea in taking a time out

and let's collect our thoughts and maybe come back later in this process and see if we can get any closer, and if we can't nothing's lost. But we've sat here for quite a good time, and I think when the States could get together on the side and discuss this and cuss this and maybe NOAA and Johnny D. over there could maybe work something further out than trying to do it on the fly, have some more time to think about it. So that would be my suggestion. I don't think that would hurt this process at all if we came back a couple of days later and said, hey, this is what we came up or no we're still where we're at right now. That's just my suggestion or we can stay here another couple of hours talking.

**Brad Pettinger** [00:20:30] Keeley.

**Keeley Kent** [00:20:35] Thanks. I did want to kind of shift this conversation a little bit just on the one piece that I'm hoping we can walk away today with. We had heard previously from the Science Center that there is a window of opportunity of their stock assessors before they really shift into that work. I think that that window is starting now and I would like from my perspective and, you know, see what the Council thinks, to ask the Science Center for the folks that have availability that they could start gathering as much species specific information on stock structure that they could, that, you know, whatever direction we end up, if we end up with a work group that, you know, we'll be, we'll want that scientific information and that could be collected now while we still kind of figure out the plan and the process. I think it would be good if the Council agrees that we want to ask for that, that they could be working on that, and we don't lose time on that window that those folks might have to be engaged at this front end of this process.

**Brad Pettinger** [00:21:35] Thank you Keeley. Corey.

**Corey Niles** [00:21:38] Thanks Mr. Vice Chair. I would say that's the exact type of conversation we think we could have. And if Mr. Smith is telling us we could do it off the floor and come back at on day last and report back that, yes, that's exactly what I was hoping to hear about. Meaning by staffing, like who is going to be available? We're hearing that this is a busy time. Who's going to be available? What can they do? So, yes, if that is the possibility, and apologies for missing it in terms of that being in our reports and all, I mean that's what an exact example of what I was thinking we could talk about a little bit more off the floor and come back. But sounds like a great idea hearing it now.

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

**Marci Yaremko** [00:22:24] Yeah, thank you. I won't repeat anything I've said on this topic already. It all still stands, but I appreciate Keeley raising that point of utilizing these stock assessors in the brief window of time that they have. And that's exactly what I was hoping would take place in these offline discussions between agencies to advance the thinking and to talk about what we really need to, I think, refine our objectives and bring something back in front of the Council that's a little more discreet. So, I just want to support your recommendation and I think that should advance us quite a bit in preparation for September. Thank you.

**Brad Pettinger** [00:23:14] Thank you Marci. So, we're talking about is suspending this item here and come back later in the week? John.

**John DeVore** [00:23:28] You know not to force a decision on that last point, but I thought that the guidance that Phil offered was very helpful. I agree he characterized the short-term timing issues that I had very well, and from my perspective I think that the biggest of the stocks that are to be assessed in 2023 are on that list. I agree that copper rockfish and black rockfish are probably the most challenging. The others have been managed coastwide for a long time and I don't see that as a hard decision to make even early on. So, I don't think you are on very thin ice there, Phil. I think that's the kind of guidance

that I would judge to be very helpful, and it would at least allow some, and the other guidance we received on from Keeley and whatnot, to at least get started on work that, you know, in the judgment of I and others who will collaborate with, probably will help on some of these initial decisions this fall.

**Brad Pettinger** [00:24:43] Okay Phil.

**Phil Anderson** [00:24:43] Yeah, I mean I would answer Keeley's question with a loud yes. Nothing precludes, in fact I would encourage the States and NMFS to get together and have those offline conversations that we just talked about. If we need to come... if we need to table this and come back and revisit it again before the week, our meeting weeks out, okay. I'm not sure what else we're going to add to it, but I think we ought to... I think... well we've got kind of a plan here so to speak and it'll move us forward, put us in a position, I think, in September that we hoped we would be. But, I mean I'm not... if people want to come back and talk about it again I'll try to remember what I said so I can say it again.

**Brad Pettinger** [00:25:47] So maybe if I.....John, maybe you can just kind of summarize what Phil said and what ties with Keeley so we maybe have a plan out of this and see if everybody can agree with that? So, if you could.

**John DeVore** [00:26:09] Yeah, thank you Mr. Vice Chair. So what I heard is that there was sort of the green light to start these conversations with NMFS Staff, Science Center folks and others that we routinely collaborate with to at least immediately provide some information that will help you make a decision perhaps as early as September on those stocks that are going to be assessed next year so that we cannot be faced with a decision of making an ad hoc discussion or getting an assessment that doesn't align with what the Council's decision on stock definitions ultimately will be. So, I think that that's good guidance and I think that we can, you know, have those discussions amongst a broader group that we routinely collaborate with immediately after these, the Council meeting and even start to work on some analysis that, you know, we think will be helpful for presumably a September decision. I know that, you know, whether that gets on the September agenda will be made later in the meeting on the last day. So... but I, unless you think there's some benefit of, you know, us having these conversations this weekend, probably not. I don't know because we're not going to be able to contact everybody that we probably need to. I think that that's enough guidance for us to get started. I really do and so I don't know that you need to keep this open at this meeting.

**Brad Pettinger** [00:27:55] Talking with Director Burden that's pretty tight here so it'd be kind of hard to do to do it right so, but I mean does anybody have any disagreement with going forward with what we just heard? Troy.

**Troy Buell** [00:28:10] Thanks. Not really disagreement, but just hoping for a little bit of clarification on who's leading this effort and would it, you know, this small group that's doing the planning, would they also be trying to come up with like the purpose and need and things like that? And I think I heard it would be including advice on the process, maybe membership of an ad hoc group down the road, things like that.

**Brad Pettinger** [00:28:38] John.

**John DeVore** [00:28:41] Regarding the purpose and need statement, I think what would be a more efficient way to go would be for, you know, Council Staff and West Coast Region Staff to propose a, you know, a straw man or a draft purpose and need statement for the next time this comes on the agenda this fall and then everyone can evaluate that and make a recommendation. And I think that that might be a.....I don't think that that's too tall a lift and I think that we could as part of a September or November



action, depending on when it makes it on the Council's agenda, we could adopt a purpose and need statement if, you know, we collaborate specifically Council and West Coast Region Staff. And I think that that could be a product that could be in the advanced briefing book and people could evaluate and we could get to a point where you could adopt that. And it's certainly the first step in an FMP amendment, yes.

**Troy Buell** [00:29:51] Yeah. Thank you for clarifying.

**Brad Pettinger** [00:29:55] Thank you Troy. Phil.

**Phil Anderson** [00:29:56] So the addition, or what I didn't hear in John's response in terms of the who in the small group is I want to make sure the states are involved in that, have the opportunity to be involved in that smaller discussion. It's not just Council Staff and NMFS. That's an important piece. As far as who's leading it, I'm looking to our Executive Director and have the Council Staff lead the organization in terms of pulling the group together to have that conversation.

**Brad Pettinger** [00:30:38] Thank you. Anybody else? So, we have some guidance established here. Okay. All right. Well John, back to you.

**John DeVore** [00:30:57] Well thank you. I don't know that I need to go back through it all, but I do appreciate the extra time to have that discussion because I think that'll really be helpful in the long run. So, I'd say at this stage you've completed this agenda item.

**Brad Pettinger** [00:31:12] Okay. Well thanks everyone. It's a tough one. So, we have a lot of work ahead of us. And with that I will hand this gavel back to our Chairman and let him finish the day out.

## 5. Sablefish Gear Switching

**Marc Gorelnik** [00:00:00] Well, we have this agenda item set for tomorrow, but maybe before we recess the agenda item we can have an opportunity for Council members to address any questions or seek any clarification from Council Staff or maybe put out some initial thoughts, keeping in mind that we'll have our more lengthy discussion and motion practice tomorrow. Phil Anderson.

**Phil Anderson** [00:00:33] Thanks Mr. Chairman. I guess my question is for Dr. Seger and Miss Doerpinghaus. One of the points of emphasis, at least that I took away from your introduction of where we are, and I think you know it was also picked up in the GMT report, is the importance of making substantial progress relative to the analysis over the summer so that we can be in a position to stay on track with our schedule of making a decision and further refining that decision in September. And then looking ahead I think it is to April for an FPA. You've posed a number of questions to all of us, the committee, the public, the committees, the Council that I interpreted as needing to be answered in order to put to you and your colleagues in a place where you can make that progress on the analysis that will put us in a position to make an informed decision in September. So I want to check to make sure that, you know, I think there were 15 questions but... and I think there were maybe a couple of them as the discussion ensued both here as well as in the GAP and in the GMT that either, while that may have taken on a little bit different flavor in terms of the importance of answering those in a final way at this meeting, so it would be good to know what those are. I think some of the discussion around the collective versus individual is an example of one of those perhaps. So, I want to make sure that, you know, that I understand correctly that getting those key questions answered is imperative in order for us to stay on schedule. And that there was, I think there, it was certainly expressed in the GMT report pretty directly, that if we don't stay on track here and we don't get the kind of, make the kind of progress between now and September, that there's a risk that it could be delayed for some period of time because it will begin to conflict with some other kind of obligatory mandatory things that we need to do. So, the import.... again, just emphasizing and ensuring that I have clarity and the Council has clarity on the importance of getting answers to these questions. So, I had one other thought, but maybe if I could ask for Dr. Seger and Miss Doerpinghaus's thoughts on that and make sure that I have that right so we have an understanding of that.....oh... I know what the other one was. I think between the different perspectives that were offered in the GAP report, that there is three, potentially three additional alternatives that are being suggested that we add to the ones that we currently have. And I also understood from your presentation, and I think in some of the written material that you provided, that adding additional alternatives here could be problematic. Maybe could is, maybe should be would in terms of getting the analysis completed to the point where we can make that informed decision in September, and obviously you've had an opportunity to hear some of the specifics of those three alternatives and any feedback you might be able to give us on your thoughts about the degree to which that would complicate your ability to complete the analytical work over the timeframe that we have would also be helpful so we don't end up walking out of here with a workload that is simply not achievable and thereby would put us in a bad position in September.

**Marc Gorelnik** [00:05:55] Dr. Seger.

**Jim Seger** [00:05:59] Thank you Mr. Chairman, Mr. Anderson. I'll start by talking about the questions part of that, and then I'll turn to Miss Doerpinghaus here for talking about some of the implications of new alternatives for the analysis. With respect to the questions, I think we need most of them answered. You were asking about kind of that maybe there were a couple that were less important. You know the big one is the collective versus individual approach, which covers the first 6 questions. I think that does need to be resolved. Those do need to be resolved in order to move forward. Then we had 3 other in association with Alternative 1. We had 3 other questions that were pretty minor and one of them was

just a calculation, and I apologize in some ways for even bringing that to you because it's something we probably could have handled and anyway, so questions 7, 8 and 9... number 7 was the trust NGO question. Pretty straightforward. 8 was the one about this calculation thing that's also very straightforward. 9 was the modification of the quota share control limit and the annual vessel quota pound limit. That was the one I said that, yeah, we could walk out of here without that and still stay on track. However, you do have a consensus recommendation between the GAP and the GMT on that to work with. Then with respect to the Alternative 2 questions. Let's see the first one, yeah, we do need to resolve the circumvention issue and if and how you want to handle that. That's question 10. We do need to take care of the one too many, many... too many questions. That's questions 11 and 12. And then the 3 issues that are on slide 50, you're looking at those other issues to consider. The MP should be addressed. The partial year issue for the allocation needs to be addressed and then, and then the final one there, number 15 on whether you specify for the non-endorsed trawl permits, if that's specified as 10,000 pounds or a percentage or the lesser of kind of a thing. That one could slide. I don't think that would have a major implication on things... with respect to the need to stay on schedule. So right now, the Council's expected to pick up with the next trawl sector review. You pick that up in the September for a first meeting. We don't necessarily need to pick up the trawl alloc....excuse me we don't necessarily need to pick up the heavy lift on that right away. I mean you could wait, you know, to pick up the heavy lift on that until sometime in maybe the early part of the next year. And the point I'm making there is that... so this is scheduled to next come for the Council in November. We need to get everything together by early October for that November meeting. If for some reason this gets delayed and because of the workload or other things we aren't able to move on it until next March, essentially, we would then have to delay the heavy lift on the Trawl Catch Share Program Review until sometime after we complete all of the work on this. So, you could kind of get it started but we wouldn't be able to do a lot of work on it until we complete the gear switching part of that. And I'll let Miss Doerpinghaus talk about that as well as that point. That's fine. I understand what you mean on that GAP question.

**Jessi Doerpinghaus** [00:09:45] Thanks. Yeah, I guess in terms of adding alternatives. So, the ones related to the quota pound alternative that are kind of this similar in nature to the SaMTAAC Alternative 1, we do have some underlying past analysis to help inform that. That being said, we are on a crunch timeline and so adding in any kind of alternative is, definitely raises concerns on my end outside of just being able to analyze the two alternatives in front of us and get to the level of impact analysis that I think everybody is wanting to see on who might be affected, which ports might be affected, and that level of detail to be able to take and potentially select a PPA in November. So, I guess we'll say that in terms of adding a new alternative. And then, you know, the degree to which there's options and suboptions of that alternative of course you can multiply that impact. There was a couple of suggestions in the GAP report and, you know, I think when we initially came into this meeting it was like really needing to pick this whole individual or collective and kind of go with it, and I know the GAP mentioned in their report that they were recommending the individual approach, but would like some information on the collective approach. I've done a minor bit of digging because I've had some time this meeting and I think that there, we could bring that type of analysis back for November of how people might be impacted. I've only really looked at gear switching entities, but not gone any farther than that to look at the IFQ participation option, for example, with the bottom trawl impacts. So, I think we could manage to get into some discussion around the collective versus individual because I do know that that may or may not impact certain corporations or businesses or things like that and having that in front of you would help with the decision. But I do think it would be important to establish the answers to the collective questions so that we could truly evaluate, here's what an individual approach looks like, here's what the collective approach looks like because we can't have it still be open ended. Hopefully that answers some, and Jim has more to add.

**Jim Seger** [00:12:33] I've got the button pushed. It says green, I think. Yeah, there we go. So as the GAP was working on this individual and collective approach there were some questions and some a

little bit of uncertainty. And so we told the GAP is that, and based on their discussion sounded like they were kind of like 90 percent certain they wanted to go with the individual approach, and we said one of the things we could do is move ahead with the individual approach, move full force ahead with the analysis on the individual approach, but also bring back, because we need to document this anyway, the contrast between the individual and the collective approach. And that's what on their report and the summary responses, the second paragraph where it says, "additionally, the GAP would like to see a high-level analysis that further indicates how the individual approach varies from their collective approach". That's what that was about. So our plan is to go ahead and bring that contrast back just to confirm that if you go with the individual approach here, just to confirm that that was the right and there's not some big surprise, like 'oh my gosh this performs in a totally different way', and the understanding was that if we did bring it back and there would be, and there was a surprise, then we would have to regroup and possibly change direction at that point. But in general, there was comfort with the individual approach with the understanding they'd have a chance to just check it out and make sure.

**Marc Gorelnik** [00:14:02] Go ahead Phil.

**Phil Anderson** [00:14:05] Thanks. Thanks very much for those responses. And one of the reasons I was probing a bit on this collective versus individual is I saw and read and heard what the GAP was recommending as you reflected on the individual, and then when I was asking and how their businesses were put together, I got a different, I got an answer that didn't make sense with that choice. I got an answer that, well there's a number of different partnerships between family members or there's LLCs, there's corporations that own and there was a lot of similarities, at least initially thought between on the trawl side versus the fixed gear side in terms of how the ownerships were structured. And it wasn't.....it didn't make sense to me that then you would pick the individual. So I totally....I understand why they would want to have an opportunity, why we should all maybe to the extent we can maintain the opportunity to look at both of those to make sure we're picking one that fits the way that these are, businesses are organized so.....

**Jim Seger** [00:15:33] Mr. Chairman? My understanding from their discussion and I understand how it was described here, is that while there are differences in the way, for example that the quota share ownership is organized versus the way they organize their, the ownership of a vessel, so maybe one is an LLC and the other is a corporation or a partnership, that even though there are differences there between how the families may organize themselves that the owners, when you go below the surface on the LLC and below the surface in the partnership, you still have the same individuals involved on both sides. That's my understanding of their discussion and how they reached the comfort. So that has that diversity you're talking about but at the individual level there's the commonality and that's what we, part of what we then explore. And then I think the point Miss Doerpinghaus is making was that if we are going to explore the collective approach as described here, that we would kind of need to know how to look at it. We do have the recommendations of the GAP here that we could just simply follow in this preliminary analysis to bring that back to you. Yeah.

**Phil Anderson** [00:16:45] Thanks. Thanks Mr. Chairman.

**Marc Gorelnik** [00:16:49] Further....Keeley Kent.

**Keeley Kent** [00:16:50] Thank you. I have another question for Council Staff. And I'm looking at this action, the Council's really looking at developing a mechanism for how the privilege for gear switching is allocated. But another comparison point based on how Alts. 1 and 2 are structured right now is how we recognize what the investment, independence and gear switching is. And I'm wondering from your perspective would it be feasible, like reasonable, reasonably feasible to look at a common set of

qualification criteria between Alternatives 1 and 2 so that when we come back to this the next time we're really seeing a clear comparison between those mechanisms so we can really evaluate the benefits and costs rather than being a little bit set up to look at apples and oranges between the different qualification criteria?

**Jessi Doerpinghaus** [00:17:46] Mr. Chair. Miss Kent. So analytically that makes a lot of sense. That being said, it does, again, I hate the like broken record here, workload does increase because we still have to work through the... yeah, I can establish, you know, who gets qualified under x, y, z qualification alternative, but then actually figuring out how that is impacted under Alternative 1 versus Alternative 2 is a very different type of discussion to have because one, you're granting it to....you're affecting the quota shareholder and the other one you're affecting a vessel or a permit limit. So, there is definite benefits in the analytical being able to compare them, but I mean that does add complexity in terms of the analysis to have the same set of qualifying requirements, if that makes sense?

**Marc Gorelnik** [00:18:46] Go ahead.

**Keeley Kent** [00:18:52] Yes, that does make sense. I guess the one follow-up I would ask is, you know, thinking about, thinking globally about benefits and costs that we'll look at the benefits and costs of the individuals that do or do not receive privileges. The benefits and costs of the fishery as a whole to coastal communities, net benefit to the nation that they'll be... there's a variety of levels that will look at that. I certainly understand what you're saying about from the individual level. I don't know if your answer changes at all, but I'm trying to think about those other levels of effects that we'll be trying to pull out.

**Jim Seger** [00:19:28] Mr. Chairman, Miss Kent. In terms, you know, at the individual level a lot of the impact comes through the first initial allocation, right? And then as the program runs over time, the impact is really sort of the different ways the program is set up, whether it's a quota share, gear specific quota share versus a permit, and I think and I'd like to get Miss Doerpinghaus's opinion on this as well, I think that that over the long haul those, the way the program actually functions, you'll get a good contrast on that without needing to have the qualification alternatives be compared, but the qualification alternatives you get that apples and oranges on that, that short term initial impacts at the individual level.

**Marc Gorelnik** [00:20:28] Corey.

**Corey Niles** [00:20:32] Thanks Mr. Chair. Back on the topic that Phil was after. We put the WDFW report out there. We heard the GAP responses. I think I'm not seeing a high level of comprehension and understanding of all the scenarios and wanting to hedge bets, as they said, and I agree. But I guess I haven't changed my mind too much from what's in the WDFW report. And so, I'm not wanting to stay here too much longer, but I'm not totally grasping what the difference between what you're looking for in terms of, if we were to say, just kind of flip it around from the GAP, start with the entity, don't look at the individuals underlying it unless you see an unfairness situation. Bring those back. What else do you need to know to take it that way? But I don't think it matters too much. Like you said, you're going to compare and contrast them. But I do continue to think the collective approach is simple and just here's we see people are just overwhelmed with those details and everyone's looking for something simpler. But just to put it in context, I continue to think we're talking maybe 1 or 2 percent of the businesses, maybe I would be surprised if 5 percent are going to be influenced by these scenarios. And the big policy questions, as it got to with Lori Steele, are still the two sets of gear switching participation criteria, the IFQ participation criteria, those are the two main questions. So, looking from responses, I mean am I wrong in thinking that I understand the hypotheticals you're putting forward about why these are important, but again am I wrong in thinking that these are really only influencing....going to,

expected to influence a handful of the participants?

**Marc Gorelnik** [00:22:19] Jim.

**Jim Seger** [00:22:21] Mr. Chairman. Mr. Niles. Yeah, it may influence only a handful. And I'll again turn to Miss Doerpinghaus here for a confirmation. However, as I indicated, we need to have things well specified in order for the Council to get informed comment about the impacts. This Council has taken actions and done things out of concern about the impacts on just a few people and sometimes gone back to actions and redone them because of an impact on a few people that they found was inequitable. So, you know keeping in mind that if we don't take a look at how those folks are impacted, we may end up being back here. And so that's a risk to take there. With respect to an entity approach, I think we need some more guidance. You and I have had some discussions about this, but I think we need some more guidance on how you look at the entity level without considering who the underlying owners are. And, you know, unless you're tracking a name or something like that, and maybe that's something you and I can talk further about, that that's one of the challenges you know. Anyway. Thank you.

**Marc Gorelnik** [00:23:50] Go ahead Corey.

**Corey Niles** [00:23:52] Just a quick response. Yeah, we, we're still not on the same page about what the approaches mean and my fault just as much so. But yes, I'd love to hear more offline how we can tailor the guidance better.

**Marc Gorelnik** [00:24:10] Is there further questions of staff in order to clarify the issues before us, or because I'm sure we'll spend the evening thinking about it, and we'll come back tomorrow and complete the agenda item. But is there any initial discussion folks want to have just to sort of put some issues out there that for folks to think about so we can have a more productive discussion tomorrow? I want to give everyone a chance here before we change agenda items. All right. I think that we'll recess this agenda item until tomorrow. Thanks everyone.

**Marc Gorelnik** [00:00:00] Last on this agenda item we had all the reports and public comment and some queries of Council Staff. So, I'm going to go to Council Staff now, Jim and Jessi, and see if they want to, you know, give us a...tell us where we're sitting right now and then we'll get started with Council discussion and some action.

**Jim Seger** [00:00:26] Thank you Mr. Chairman. Good afternoon, Council members. Right, we... yesterday you had your presentations on the background. Over the last day or so there's been some good discussions and I think you're ready to move forward into your action, which includes both providing guidance on the range of alternatives as well as any comments or guidance on the plans for any analysis that we presented to you.

**Marc Gorelnik** [00:00:48] All right. Thanks for that. Well, who wants to get us started? Brad and then Jessica.

**Brad Pettinger** [00:01:05] Ah, thank you Chair Gorelnik. I thought I'd just clarify some comments that were made in public comment. Some maybe historical revision that was going on that the trawl fishery basically has taken fish away from the fixed gear sector. And I think there's a little bit of context because the fixed gear sector has daily trip limits, the open access they've got the tier. When the salmon fishery collapsed in the early eighties, whenever a lot of those folks went into a fishery, which was the work for them, that was the fixed gear sablefish fishery. Went from very few boats, at least where I'm at, very few boats fished black cod and over a period of years, the number of that fleet grew and during limited entry, I think almost, maybe a couple hundred permits or something like that was issued to folks while...

it might of been maybe 50 boats or less the entire coast. So, the amount of fish that went to those vessels was diluted. When limited entry happened, about 9 or 10 percent of the quota I believe went to, was going to go the moonie....there was, the moonies had a fleet of black cod boats, black cod pot boats back in the day, but they never claimed or applied for their quota, and that fish, my understanding is that fish went into and created the open access black cod fishery which we have today. So that did not go to the....which obviously didn't go into the tier fishery. Also, there was the tribal allocation... was done I think in the early nineties, something like that, which came off the top which took fish from everybody. So anyway I just wanted to kind of clarify that it wasn't... the trawlers didn't necessarily take fish away from the gear, the fixed gear sector. It also talked about we don't need to do, address the gear switching because there's lots of fish quotas, big year classes, you know, there's plenty of fish to go around. From my perspective there is a lot of fish around and unfortunately, I think the stock assessment is basically chasing the tail of what's actually happened in the water. My brother and I have two vessels and we get about 3 percent, I guess with A&P pounds in there, which comes out to about 200,000 pounds, which is pretty high for someone who has fishes, you know, one half percent. I know over a hundred thousand pounds is quite a bit for an allocation in this fishery. My boat is out of black cod already this year. I've never seen as much black cod in my entire history of fishing the groundfish fishery and that's probably we're talking 40 years now. I believe I've had 20,000 trips of black cod and that wasn't because they're grinding on black cod, it's just because there's a lot of fish. So it is an issue that we're dealing with and if the... if we didn't have COVID, if the market was better with the black cod up and down the coast like it was it would be... the black cod fishery or the trawl, bottom trawl fishery would be curtailed greatly. Anyway, I just I'd just throw it out there as far as it I think there's real need here. We need to address it and make it work as best we can and with parameters like we've been talking about. So, I'll stop there.

**Marc Gorelnik** [00:04:50] All right. Thank you. Jessica.

**Jessica Watson** [00:04:54] Thank you Mr. Chair. And thanks Brad for some of that history for me. I appreciate it. My question where I want to kind of get some potential discussion is really focused towards the analysts. We heard in public testimony and in the GAP report the request for an analysis of the range of alternatives of zero or 5 to 29 percent limits for gear switching, and I just was wondering if I could hear from the analysts to remind us the different analyses that have been done exploring these ranges within the current range of alternatives at this point. Thank you.

**Jessi Doerpinghaus** [00:05:38] Mr. Chair. Miss Watson. Yes, so in terms of previous analyses, when the Council was determining looking at what level of gear switching that you all wanted to consider in defining the alternatives, we looked at zero, 12, 20 and 29 percent I believe if I'm recalling correctly, or 30 percent, something like that. So, we have historically looked at that level of gear switching, including that 0 percent boundary last year in that extensive level analysis. In terms of the 5 percent, that is coming from one of the old....the SaMTAAC Alternative 3 was based on owning a vessel that had fished the 30,000 pounds in at least three years and owned quota share as of and since the control date, which is currently a qualification of Alternative 2, and that's the amount of quota share that we, about the amount of quota share that we believe is owned by those qualifiers. So that 5 percent level is part of the analysis and has been analyzed before in terms of what that may look like in the scope of that alternative.

**Jessica Watson** [00:06:56] Thank you.

**Marc Gorelnik** [00:06:59] Further discussion on this agenda item? Christa Svensson.

**Christa Svensson** [00:07:07] Yeah, thank you Mr. Chair. I just want to reflect for a moment on the fact that we have actually found some common ground, which I wasn't too sure that we would find any.

There are certainly a lot of people that are very entrenched, whether they are in favor of gear switching, in favor of some gear switching, or not in favor of any gear switching. I think that it is remarkable that we had a collective group of people come together to work on putting forward a proposal through the public, that would be the Ocean B proposal. That was not only fixed gear people. I will admit I sat in a lot of meetings working through people with where they thought common ground was, and that really led to the discussion, including the GAP proposal, that we have been talking about and buzzing about for the last 24 to 48 hours. So, I do think that it is important to recognize them. I think that it is encouraging. I was very encouraged to hear the processors on the large-scale cutting flats say, 'hey, this quota pound idea might be workable'. I think that it is worth pursuing. But I also think that people's willingness to engage as we move forward will need to include those people, the people that have brought things forward, the people that are really struggling to continue to bring things forward to this Council and just wanting to extend my appreciation for people willing to put themselves out there. That includes the Eder family. I appreciated your testimony and the need for sensitivity. And I also just want to acknowledge I appreciate the Oregon delegation. I know Jeff Lackey brought up the quota pounds would come up probably two years ago on the trawl side and I was really glad to hear that and was appreciative. So just wanting to express my appreciation for everybody in industry that is willing to kind of sit down at the table around that particular piece and we'll see how the rest of it goes, but hopefully we'll find a path forward. Thank you.

**Marc Gorelnik** [00:09:43] Thank you very much Christa. Phil Anderson.

**Phil Anderson** [00:09:52] Thanks Mr. Chair. I'll have some additional comments when we get to the action part of our deliberations here this afternoon. A little bit of a repeat I guess of some of the things that Christa said, but I think we started this in 2017. It was originally brought out as an issue during the, I think it was called the Santa Rosa Workshops, where we were really beginning to take a first look at how the catch share program is working and identify places where maybe it wasn't working as well or wasn't working as intended, and that set us down this path that we've been on and we've had a number of different groups attempt to tackle this issue and bring us something forward and to one degree or another they've had a measure, a little bit of success and probably more failure than success, and I've been a part of some of those. And so, you know getting to this point I really appreciate the, in particular Dr. Seger and Miss Doerpinghaus and the work that they have done and we... I think sometimes we blame them for the complexity when we're the ones that created the complex alternatives, and then we turned it over to them and asked them to explain it to us. And then we criticized them when we didn't understand how they were explaining what we had created. So... and so I just really appreciate the perseverance that they have had and their willingness to work with us as we've gone down this path. And I thought it was really notable, and I think others have referenced it, that there were this list of questions that were produced that needed to be answered, and the fact that the GAP got together and brought us a consensus on how to answer those questions was pretty, pretty remarkable and a real credit to how that group works together, even when they have markedly different perspectives on what the appropriate outcome is. So, I just wanted to acknowledge that work and I know there's a lot of others, as Christa said, that aren't necessarily a part of our appointed family that have invested a lot of time and effort and brought us ideas along the way as well so that's all I have for right now. I'll have a few other thoughts here in a little bit.

**Marc Gorelnik** [00:13:01] Thank you Phil. Bob Dooley.

**Bob Dooley** [00:13:08] Thank you Mr. Chairman. And, Phil, thanks for the comments. Christa good comments as well. I, like Phil, been involved with this since inception, I think, the Santa Rosa meetings. The first hints that something was awry and then the community outreach meetings where it came to light even more just prior to the initiation of the five-year review. A member of the Community Advisory Board originally that kind of tackled with this to begin with and then split out to the



SamTAAC, a member that as both industry before I was on the Council and then ended up in a Council seat representing California. So, you know, and it's been a long road and it doesn't mean that people haven't tried. There are a lot of options. I think we started out with 23, I think, and narrowed it down to 2, well 3 with status quo, and Council encouraged people to come out of their corners and negotiate and it's taken a long time, but I think we're moving that direction. And the task at hand now is to maybe simplify, and I really credit Jessi and Jim for leading us through the weeds here and trying to get more clarity and more simplicity into this. So, I think we heard some good suggestions from the GAP and along the way here, and I think we're moving in the right direction. I think we're looking toward an end. I'm, I am, I see people working together to try to get there, which is a big change, you know, from where we started. It took years for people to come out of their corners and just so once again I see this is a main component of a five-year review that we identified way, way back when and it's been a long journey to get this far. A lot of work left to do. A lot of hard decisions to make. But I see this as an important step in clearing the, getting clarity and getting to a place where we actually can see how to work this because as involved as I've been into it, I've been struggling to understand a lot of the complexity. So, I'll stop there but I'm optimistic. Thank you.

**Marc Gorelnik** [00:15:46] Thank you Bob. I know that we'll have more discussion when it comes time for motions, but let's continue to have some discussion here. Christa.

**Christa Svensson** [00:15:56] Yeah, thank you Mr. Chair. I, just in terms of thinking about voting and reflecting, the people that do the outreach to me that are again in favor of some level of gear switching, some of that is, 'hey, we want No Action'. A lot of it is, 'hey, we see a need for freezing the footprint and this Council has agreed on 29 percent'. A lot of people can live with that. Some people would like to see less than that, but in general they have been willing to kind of come to the table and at least consider for the range of alternatives, conversion dates. I have kind of put that out as an email to a number of people. I really haven't heard any conversation around where people are today on that particular issue, but I think it would be very informative to me to hear kind of where people's thoughts are about including that for analysis. I understand people may not want to see a conversion date moving forward. But again, I think in terms of the, the stakeholders that brought forward the idea at this meeting surrounding quota pounds that we have a lot of industry interest on, it would be very helpful and beneficial for me to hear where people are sitting on that particular topic for analysis purposes only. Not saying moving forward. Thank you.

**Marc Gorelnik** [00:17:28] All right. Oh, Mr. Smith. I was looking to see if anyone was online. I have to go to my computer to look at that.

**Butch Smith** [00:17:46] That's all right. Thank you Mr. Chairman. You know, not only thank the Council Staff and Jim and Jessi and I always give Jessi a bad time about getting the crayons out so I can understand it. A lot of complications in this whole deal and when I came on the Council that was the first thing I got to do was gear switching. But, you know, I want to throw a big compliment out to the industries, the different sectors, because no matter who called or who emailed me or who, you know, tried to convince me on what was good and what was bad and educate me, they were all very respectful. All really passionate but really respectful on what stance, whatever their position was, and that's a great tribute to a great industry that's very important to this, our coastal communities up and down this West Coast and I think that's very admirable and I want to thank them, whatever, you know, whatever we decide or however we vote, but I think it's worth giving a shout out to the industry leaders in the industry that reached out to at least me and I'm sure they, others was showed the great respect on what their position and what their passion was. So anyway, I just wanted to let the other Council members know and thank them and this fishery is important to our coastal communities. Thank you.

**Marc Gorelnik** [00:19:21] All right. Thank you Butch. I didn't see any other hands, but I know we'll

have a discussion when there are motions so if anyone wants to move the ball in that fashion, I'm ready to do that. Mr. Anderson.

**Phil Anderson** [00:19:38] I would request a 15-minute break before we do that.

**Marc Gorelnik** [00:19:42] That's more than appropriate. So, we'll take a break here and after when we come back, if there's any conversation people want to have and then we'll go to motions. So, I have 2:16. We'll come back at 2:30.....(BREAK)..... and we're getting ready for some motions on F.5, but let me look around. I don't want to cut off any discussion. Let's see if I see any hands. All right. I'm not seeing any hands for any further discussion. Let me just go to the computer. No hands there either so let's see who wants to go first. Corey, you have... go ahead.

**Corey Ridings** [00:20:42] I have a... thank you Mr. Chair. I have a motion if the Council is ready.

**Marc Gorelnik** [00:20:47] All right.

**Corey Ridings** [00:20:52] I move to instruct staff to discontinue work on this action.

**Marc Gorelnik** [00:21:01] Let's get that up on the screen so everyone can see that. Give Sandra a chance here. Is that language on the screen accurate and complete?

**Corey Ridings** [00:21:25] Yes it is. Thank you.

**Marc Gorelnik** [00:21:27] All right. I'll look for a second. Seconded by Christa Svensson. Please speak to your motion.

**Corey Ridings** [00:21:37] Thank you. Before I get too into this, I want to acknowledge the incredible amount of work that has gone into this. Folks spoke earlier on this agenda item about the number of meetings, discussions, the collaboration that has gone into thinking through this and that does not go unnoticed by myself, that there has been a lot of work and a lot of thinking, a lot of energy and resources put into this also by Council Staff in developing the various analysis that we've had a chance to look at so far. I, in reviewing this action and reviewing the available history and documentation, I have yet to see that any of the options we're looking at really fit the purpose and need here. This Council has spoken on a number of agenda items about the need for flexibility in our fisheries. This is especially so given climate change, other environmental impacts as well as things like COVID. Flexibility is very important for all of our fisheries to be able to adapt and move. That was an initial part of this program and I think that that part of the program is working. I want to support the ability for new entrants into our fisheries. By limiting this we are limiting the ability of allowing new entrants into the fishery and as a priority for me. We've also heard under other agenda items about the importance for our fisheries, or portfolio fishing. We heard that from our public testimony, the importance of being able to move between fisheries, to be able to trade and keep that flexibility for an individual. Also thinking about the investments that were made at the onset of this program. People made different sorts of investments at that time, substantial amounts of money and planning for their business with the understanding that this was how it was going to be moving forward. Part of that decision that the Council made then and that folks subsequently made was that the market was going to have to play out, that that was part of this and that's what's happened. I want to thank Mr. Niles for bringing up National Standard 4 and also for WDFW providing an excellent report in advance of this meeting. I appreciate what he spoke to earlier about the benefits outweighing the costs, or it's a bit of a shorthand, but it's what I take from it. Right now, I see no or very little evidence that the benefits of any of the existing options will provide benefits that outweigh the status quo. Finally, I'll mention the conservation benefits. Being able to catch fish with different types of gear types can have conservation benefits. We also see different economic

benefits coming from fixed gear sablefish. So, I am going to stop there. Thanks very much.

**Marc Gorelnik** [00:25:08] All right. Thank you for that Corey. I'd like to ask NOAA General Counsel just to ensure that this motion falls within the scope of this agenda item.

**Rose Stanley** [00:25:21] Thank you Mr. Chair. Yes, I believe that because the action that was noticed was consideration of a range of alternatives and the Council is not taking either PPA or final action that this would be acceptable to instruct staff to discontinue work.

**Marc Gorelnik** [00:25:40] Okay. Questions for maker of the motion? Jessica Watson.

**Jessica Watson** [00:25:47] Thank you Mr. Chair. Thanks Miss Ridings. Can you please speak to why are you proposing to discontinue work on this action before the analysis is completed, which contains a No Action Alternative?

**Corey Ridings** [00:26:02] Thank you Jessica. I, there's been a tremendous amount of energy put into this. And it was made clear when Jesse and Jim were talking yesterday about what would be needed to continue analysis on this, that it would take a tremendous amount of effort through the summer to be able to continue working on this. We know that there are many things that need attention and I think that that attention is worth spending in other places.

**Marc Gorelnik** [00:26:35] Further questions for the maker of the motion or discussion on the motion? Christa Svensson.

**Christa Svensson** [00:26:43] Yeah, thank you Mr. Chair. I'm going to lend support for Corey on this particular motion, partially because the reasons that she outlined were all of the reasons that I have expressed or stakeholders have expressed in terms of concern, and I believe the State of California has also outlined many of those concerns. But the other reason that I am going to support Corey on her motion is the fact that the Council has changed since we implemented the SaMTAAC and we keep hearing, or the GAP or Santa Rosa, and we continue to hear those of us that were not eligible because we were not seated on the Council about all of the history. And it seems often, I guess I will phrase it, that our voices are not being heard and perhaps this is what it's going to take for people to become a bit more inclusive in terms of what their response is when any of us at the table that haven't been an appointee to SaMTAAC or any other group who have expressed interest, who are extremely concerned about having a viable, vibrant and valuable trawl fishery, you know, that we have the ability to express what it is that we're concerned about, and for those reasons, Corey, I appreciate you bringing forward this motion and I will be speaking, excuse me, supportive of it. Thank you.

**Marc Gorelnik** [00:28:25] Corey Niles.

**Corey Niles** [00:28:28] Thanks Mr. Chair. And thanks Corey. I certainly understand the perspective you're bringing forward, and no others have shared this view from your state and respecting what Christa put forth there in reference to the WDFW report. And yes, some of us have been involved in this longer than others. What, you know, that WDFW report was advance of the meeting was alive. It was the moments before the meeting put it out there, you know, maybe not articulating words as well as possible, but going back to September what this Council was trying to do was take the hard work of the SaMTAAC, which I'm, I didn't make every meeting, but I was paying attention to the analysis, and every point of view that I've heard expressed at this meeting was thoughtfully considered by the folks on the SaMTAAC. And I'm going to say that this meeting was pretty... I understand the value to the analysts in getting the... into us next steps at making the analysis more streamlined. But it struck me we spent 99 percent of the time not talking about the policy issues. As we had in a public comment our policy issues line up like should we limit gear switching? If yes, should we use a quota-based approach

or a permit based approach? And then from down....taking the, you know, down the line from those, we have some questions to answer. We didn't talk about that at all at this meeting. We talked about some details that are going to help streamline that at the next steps. So, if fully... yes, respecting those are willing to stop now, but I think the... and the question those putting forward certain ideas who and clear about no action, we understand why people prefer no action. Why people prefer action. Agree at this point it's an uncertain proposition of whether the benefits are going to outweigh the costs. When Brad spoke at the beginning, going back to history that, yeah, we intend certain things and then other things happen and that's part of the WDFW report that I was getting at is, you know, I'm personally surprised at how much gear switching happened, but at this point it's almost beside the point. In order to correct it there has to be someone showing that the benefits of doing that are going to outweigh the costs. And going back to what I was trying to... and that's where we in September, that's why we propose these two alternatives, because it frames up that question in the analysis in a way that's going to let us have the discussion and at the highest level this Council does. It really expressed the... I really appreciated the expression of it by.... names are escaping me, but the attorney on public testimony yesterday how he took on a different view of benefits and costs. And I think as Jessica's question got to, we're just about to get some more information, not just because it's only doing this for 15 years that I think.... November is just around the corner, but there's more that we haven't framed up the debate full yet and that's going to happen, and I'm going to see a really hopefully constructive back and forth based on the best available information on whether the benefits of acting do outweigh the disadvantages we are causing people. So yeah, I appreciate you putting those thoughts out here, but it would be premature to support this at this time.

**Marc Gorelnik** [00:32:24] Phil Anderson. Oh wait, pardon me. Marci went, and then Phil Anderson.

**Marci Yaremko** [00:32:30] Thank you Mr. Chair. Thank you, Corey, for the motion. I have many of the same thoughts that I've had on this topic for a good long while, but I will say that I've done a lot of listening this meeting, and we had some very good discussion in our delegation on the work that folks have been doing over the past few months to try to reach agreement and come up with something that's streamlined and clear and understandable and those efforts are significant and much appreciated. One big concern that I've had that really became clear with the list of questions posed by Jim and Jessi, it isn't even possible right now for everyone, all the potentially affected individuals, to effectively evaluate what the benefits or the consequences of this action might be to them because there were so many unanswered questions and what ifs and how do we treat this and that's not a comfortable place to be. And given where we are right now after so many years, if we don't have a little more certainty and clarity than that, you just have to take a step back and question, what are we doing and does it make sense? And are we going to get on a clear pathway forward from here? If the alternatives and the iterations of alternatives and the streamlinings and each of the changeups that happens with the alternatives continues to just create a different suite of winners and losers just each a little bit differently, I'm not sure that that really is logically tied to our purported goal here. Bob Eder's testimony is weighing on me very heavily. It just doesn't seem to make sense to me that we would propose a plan that would require his operation to purchase or lease quota pounds just to do what he can currently do with his own shares. When the program was implemented, the Council, NMFS, partners, everyone was quick to point out both the conservation benefits of the program that allowed conversion to non-trawl gear and also the financial benefits that may come from delivering sablefish taken with non-trawl gear at a higher price. Bob and others believed in the dream that we portrayed with this program and they paid to acquire trawl permits and associated quota that would come with it. Bob and others diversified the IQ sector when they entered into it. There was a willing buyer and a willing seller. We've seen folks follow their own unique business plans with the flexibility that the program affords them. We've heard from many of them this week, Paul Kujala, Kevin Dunn, Jeff Lackey, Travis Hunter, they all have their own unique business plan and they've all adapted and changed to fit their own unique set of circumstances. That's what we said we wanted. A fleet that could adapt and respond to local prevailing circumstances. I

appreciate Lori Steele's remarks to review the presentation she provided the Council in September. I did that. She identified a number of important goals. A goal of year-round processing. A goal of year-round employment opportunities for processors. That year-round nature of processing would create infrastructure stability, which would also lend itself to more opportunities in other fisheries. I am 100 percent behind those goals, but it is difficult, really difficult to see any concrete proof or even any convincing information or evidence that limiting gear switching will help achieve those goals. And as time passes on this agenda item, been a lot of time, there appears to be less and less evidence that sablefish is limiting the trawlers' ability to access dover sole or other flatfish, and yet there seems to be more and more evidence that the costs are likely to mount if we continue. If the need was so strong to limit gear switching, why haven't we been considering the quickest, easiest, cheapest and least harmful way to do that? Which would be a simple closure of the use or of the gear of non-trawl gear once 29 percent of the northern sablefish quota is taken with fixed gear in a year. I feel it's really time to deeply consider Jim Seger's admonishment to us at the beginning of this agenda item, that the challenge here is to achieve the bulk of this action before we commence the next trawl rationalization program review. Too many unanswered questions remain, including many identified on Jim and Jessi's list. There doesn't appear to be a clear or clean pathway forward and I continue to believe the right decision is no action. I just want to think back. I've offered testimony on this a number of times, but it just seems to me that we need to remember that you don't create, it's hard to foresee building up your own business by disadvantaging other businesses that might be your competitors. I want nothing more to see the fleet and our processing capacity succeed and grow. Cost, I think we've talked about cost a number of times and we've heard concerns with cost recovery and if there's enough money in the cost recovery dollars to cover this program along with other programs and needs that we see for this limited entry sector. Litigation, I'm concerned that we haven't given adequate thought to the prospect of litigation. I am still concerned that circumstances will change with stock status. We're doing a petrale assessment this next cycle, what if, what if dover sole or petrale becomes overfished and we've assigned sablefish shares to only being taken with trawl gear. Why wouldn't we want trawlers to be able to use or lease out potentially all of that sablefish share for use with fixed gear in order to continue to harvest what is usually one of our most valuable West Coast stocks. I think I'll end there, but again I continue to support the no action alternative. Thank you.

**Marc Gorelnik** [00:41:12] Thank you Marci. Phil.

**Phil Anderson** [00:00:00] Thank you Mr. Chairman. I wasn't expecting to debate whether we were going to continue our work on gear switching or not at this meeting but here we are. This issue was, as I mentioned in my prior comments, brought to us by industry. It wasn't one that the managers came up with. It wasn't the one, wasn't one that National Marine Fisheries came up with it. Industry brought this to our attention as a problem, and I will grant you that not everyone in the industry thought it was a problem, but the identification of the problem was brought forward by the trawl fishery. And let us remember that we are talking about the trawl fishery here and we are talking about the allocation that we have made between fixed gear and the trawl fishery. We already did that. Matter of fact we've done it a couple of times. So that's what we're talking about. I'm just going to say this. What concerns me the most about this motion is that it completely, in my view, completely undermines our public process and the expectation that the public had of us at this meeting relative to this issue. No, we heard no, we virtually heard no one comment about whether or not to pursue the analysis because that wasn't the question before us. And while I respect NOAA General Counsel's legal opinion that this is, this action, this motion is within the scope of the agenda item, I don't think it's within the scope of what the public thought or what I thought. So we have a couple of different....we have had one specific opportunity to decide whether or not we are going to pursue this issue and that was agendized, I believe, in June of 2020 when the SaMTAAC brought their final report to this Council, one of the questions that we considered and it was on, it was on the agenda was whether or not we were going to pursue this issue any further, and this Council with the members that were present at that day decided to pursue, to

continue pursuing looking at this issue further analyzing options, further refining options. So, we made that, in my view, we made that decision and this motion backtracks on that commitment that this Council made at that time. We, as I think Jessica pointed out, our next opportunity will be in September when we have an opportunity to select a PPA. Among those alternatives of course is status quo, and I think it would be perfectly reasonable that if we picked status quo in September, that a follow-up motion would be to instruct staff to discontinue work on this action, but this is not the time to consider this in my view, and I think it would cast a big shadow on this Council in a very negative way among all of the people who have contributed to our thinking about this issue. That's all. Thanks.

**Marc Gorelnik** [00:04:32] Thank you Phil. Further discussion on the motion? Pete Hassemer.

**Pete Hassemer** [00:04:41] Thank you Mr. Chair. It's given me a little time to reflect here on what we're doing. I was trying to gather some thoughts for a general discussion earlier what I was thinking on this. I understand the rationale behind the motion, the explanation of the need for it. Unfortunately, and with all due respect, I will not be supporting the motion. My thinking on this topic over the last few days is as we've engaged in it and in my preparation for this meeting has been to focus very hard on the purpose and need and also the set of principles that the SaMTAAC was working under and looking at that purpose and need of where we're trying to go to make sure that gear switching is not impeding attainment in the trawl fishery while considering impacts on current operations. I applaud the analysts for what they gave us and the questions they brought before us and I think that helped to focus my vision on where we want to be with this, what we're trying to achieve, and is it consistent with that purpose and need? Will it provide information to us that allows us to make a decision and select a pathway? Within those alternatives there is still the No Action and at some point, I am not committing to any one alternative over the other. But again, as I look through this, yesterday I spent some time looking through the groundfish scorecard on the Apex Report for 2021, and there were a lot of fish left in the ocean that could have been harvested in a trawl fishery and in some other fisheries, but I looked at that and I remember from very early in our SaMTAAC proceedings the discussion about the trawl fishery is the mechanism or the infrastructure for getting a lot, harvesting a lot of fish in a sustainable manner and putting them into the markets and they have constraints and have not been able to achieve that in recent years. At the same time, I see great value in having some gear switching opportunity in there. It brings value to the fishery and so the package we have I think is getting very close to finding this intersection between considering the impacts on current operations and investments but finding a way to limit gear switching to some level that allows the trawl fishery to rebuild, gives them the opportunity to rebuild those markets. So at this point in time, I'm interested in further analysis and possibly some refinement of these alternatives to make sure they're focused on achieving what we've laid out in the purpose and need and I am convinced at this point in time that there is something positive in there that will help us to meet that purpose and need and provide some opportunity to the trawl fishery to rebuild its markets. There are questions about is this the right time to do it? I don't know if, you know, the response is it's never the right time or it's always the right time. I think because of the nature, the magnitude of the issue, how it's been brought forward, we need to proceed with action on that. Thank you.

**Marc Gorelnik** [00:09:28] Thank you Pete. Further discussion on the motion? Brad Pettinger, and then we'll come back to Corey Ridings.

**Brad Pettinger** [00:09:36] Yeah, thank you Chair Gorelnik. Yeah, I wasn't expecting this. I'm disappointed that it's come up at this point. People talk about investments who want to protect their investments. I think if you put a spreadsheet and you could talk about investments in the trawl fleet and the processors that supported it, the investments we're talking about a drop in the bucket. We're going through this process and part of the problem, no, not part of the problem, but one of the reasons we're....this is going so slow and so messy is because we're concerned about those investments. Your

worst-case scenario is to throw out there is what we're going to do. We haven't done anything yet. I saw the GAP statement and people interpret it as far as that Option 3. I listen to Bob talk. Never in my wildest dreams would I have went where he was...the straw man he was thrown out there to be. This fishery has been through hell the last 20 years. You know we've lost almost all our processing capacity. I mean we're just barely hanging on. And do you think people are going to invest in processing if you going to.....if you're going to just stop right now? Because eventually, as people retire, people die, the family sells off the quota share. Who do you think's going to buy it if you can gear switch it? It's going to go to the fixed gear. I mean why have sectors? I mean let's open the sectors for whiting. You know where it's going to go to? All of it to the CPs because they're the most efficient and they make the most money off of it. Is that what we're here for? We have an obligation to our coastal communities and the people depend on that to make a wise decision and we're getting there. We're just not there yet. So, I'm going to vote no on this and I hope everybody else does too. And I'll stop there.

**Marc Gorelnik** [00:12:04] All right, thank you Brad. Corey Ridings.

**Corey Ridings** [00:12:08] Thanks Mr. Chair. Thanks for all the comments on this. I want to specifically address something Phil said, and that was that this potentially undermines the public process. And I wanted to be very clear that that is not my intent with this motion. That the public process or casting a negative shadow on the Council is not at all my intent or how I see this. We heard from multiple members of the public that No Action is preferred or that they were agnostic about it. So that is where this came from. I just wanted to throw that out and also thank Brad for his comments. Leave it at that.

**Marc Gorelnik** [00:13:00] Butch Smith.

**Butch Smith** [00:13:05] Thank you Miss Ridings, and this is, you know no disrespect to the maker of the motion or who seconded. Not at all. I think this motion would be very warranted in September after we see the analysis, but I do think that we do owe our constituents, the public, at least to see those analysis so we can make a qualified decision on all the work that's been done to this point. I do not have the history in this process, this particular process, gear switching, but I've come to learn there's issues that need to be or tried to be fixed, now whether whatever we choose to move forward for analysis does that or not I still think that we owe it to everyone in the process to see where it's at and before we make a decision. So, you know, I think this motion in my opinion, like I said no disrespect, is just three months premature. And I respect both of you, but I will have to not, I cannot support the motion at this time. You know maybe three months from now it'll be a yes. So anyway, thank you Mr. Chair.

**Marc Gorelnik** [00:14:46] All right. Thank you very much Butch Smith. Jessica Watson followed by Christa Svensson.

**Jessica Watson** [00:14:49] Thank you Mr. Chair. I want to echo some of my fellow Council members thoughts with no disrespect to the makers of the motion and the second, but what I heard from the GAP report and public testimony was really a need for more information for people to decide where they fall out within these alternatives. No Action being one of those. So, like Mr. Niles stated previously, I feel this is premature at this time and I will be wanting to look closer and considering all of the information that comes out of the analysis before making a decision. So respectfully I will not be supporting this motion.

**Marc Gorelnik** [00:15:34] Thank you. Christa Svensson.

**Christa Svensson** [00:15:36] Yeah. Thank you Mr. Chair. I am appreciative of everybody's comments around the table and I, like Corey, am meaning absolutely no disrespect in supporting her in making this motion nor is my intent to circumvent the public or stop the process, but I do think that we needed

to have this conversation and I do think that it is important that as we move forward, which I fully expect that we will be outvoted, I do think that it is important that we continue to bring those voices forward. I mentioned it earlier with regard to hearing about quota pounds and industry getting behind that, I think that that is important and I think that however this vote turns out, I am definitely keeping an open mind in terms of what that range of analysis may be, but I do think that it is important that this motion came forward today so that we could have a conversation and all really get on the same place as opposed to thinking we knew where each other were.

**Marc Gorelnik** [00:16:54] Further discussion on the motion? Bob Dooley.

**Bob Dooley** [00:17:01] Thank you Mr. Chairman. A lot of what I would say has been said but I will say more. We've been down this path for a while and I thought we were really making some progress here. This is a surprise. A real surprise. Didn't expect it. However, being a California resident for my entire life, California used to have a vibrant trawl fishery before the disaster, before the stock crash. All our infrastructure nearly is gone. The fish are there. We've done an excellent job of rebuilding the fish. There are fish in California. I'm a member of the Monterey Bay Fisheries Trust whose... our goal is to anchor some of this fish, so it doesn't just leave. The problem is not the fish. The problem is the infrastructure. I thought we were on the right path. We're moving, making progress toward rebuilding that on our coast. California used to... all reports catch half of the trawl fish on the entire coast. It's just a mere shadow of that now. We've heard from our processors far and wide that groundfish is what makes, what makes the wheel turn. It's what keeps the plants in business. That's why they can buy sablefish. That's why they can buy, you know, they can buy crab and they can buy shrimp and they can buy salmon, it's because you've got the ground, the groundfish to support those plants and those people in those communities. I thought we were on the path to that. COVID came, knocked us back, but there's interest in this fishery. I respect Mr. Anderson and Mr. Pettinger's comments about this as a trawl fishery. We... my goal has always... has been to rebuild our trawl fishery in this sector. We had comments that gear switching was done for conservation issues. That's partially true, but I was back there during the TICK committee. That's not what, that was not the impetus of this. The impetus was at the time dover was crashing. Dover was going on the downhill trajectory, and I remember Tommy Ancona and what's his name, Marion Larkin, talking about we got to get this fish out of the water. We're going to be left with this quota sitting in the water if we can't figure another way to get it out. gear switching was intended for trawlers. I had no idea, and I don't know anybody who did and I was participating that ever conceived of a sector switcher doing this. It's a big, it was one of the top things in the first five year review and to stop this now before we see the end of the tunnel, that we've put a lot of work on this and we heard a lot of testimony from people for it and against it that wanted to hear clarity on these issues that we were here at this meeting to bring clarity to, to answer questions, not to decide on whether the program is valid or not. That's the future. That's the next steps. I am... I can't support this at all. I think it's really premature. I think we do a disservice to the thousands of hours that our industry and our Council and our staff has put into trying to come to grips with this and figure a way through this. I think we were there as far as getting clarity to where we can make those decisions in the end, but to stop now, I can't even remotely support that, and no disrespect, but I can't remotely support that. I just... and I'll be voting no on that. Thank you.

**Marc Gorelnik** [00:21:29] All right. Thank you Bob. Is there any further discussion on the motion? Not seeing any hands I'll call the question. All those in favor say 'aye'.

**Council** [00:21:41] Aye.

**Marc Gorelnik** [00:21:41] Opposed, no?

**Council** [00:21:41] No.



**Marc Gorelnik** [00:21:41] The 'No's' have it. Does anyone demand a roll call vote?

**Keeley Kent** [00:21:53] I'm abstaining.

**Marc Gorelnik** [00:21:55] Who's abstaining? Oh, NMFS is, Keeley's abstaining. And was there a request for a roll call vote? Merrick. We'll do a roll call to capture the 'No's'. So please proceed.

**Merrick Burden** [00:22:13] Okay. Thank you Mr. Chairman and Council members. I'm reading from voting sheet 1. Agenda Item F.5. Motion made by Corey Ridings and seconded by Christa Svensson. Butch Smith.

**Butch Smith** [00:22:27] No.

**Merrick Burden** [00:22:29] Phil Anderson.

**Phil Anderson** [00:22:31] No.

**Merrick Burden** [00:22:32] Virgil Moore.

**Virgil Moore** [00:22:34] No.

**Merrick Burden** [00:22:36] Keeley Kent.

**Keeley Kent** [00:22:38] Abstain.

**Merrick Burden** [00:22:41] Brad Pettinger.

**Brad Pettinger** [00:22:42] No.

**Merrick Burden** [00:22:45] Jessica Watson.

**Jessica Watson** [00:22:47] No.

**Merrick Burden** [00:22:49] Corey Ridings.

**Corey Ridings** [00:22:51] Yes.

**Merrick Burden** [00:22:53] Pete Hassemer.

**Pete Hassemer** [00:22:55] No.

**Merrick Burden** [00:22:57] Joe Oatman.

**Joe Oatman** [00:22:59] No.

**Merrick Burden** [00:23:01] Marci Yaremko.

**Marci Yaremko** [00:23:02] Yes.

**Merrick Burden** [00:23:06] Corey Niles.

**Corey Niles** [00:23:10] No.

**Merrick Burden** [00:23:12] Christa Svensson.

**Christa Svensson** [00:23:13] Yes.

**Merrick Burden** [00:23:15] Bob Dooley.

**Bob Dooley** [00:23:16] No.

**Merrick Burden** [00:23:19] Marc Gorelnik.

**Marc Gorelnik** [00:23:20] Does not vote as Chair.

**Merrick Burden** [00:23:24] That's right. Motion fails.

**Marc Gorelnik** [00:23:27] All right. Thank you. So, we are proceeding with this agenda item per the description in the agenda and let's see if there is further, another motion to get us moving forward. Phil Anderson.

**Phil Anderson** [00:23:52] Thank you Mr. Chairman. I do have a motion to offer, and I believe that Sandra has it and therefore I believe it will show up on the screen very soon.

**Marc Gorelnik** [00:24:16] Like magic.

**Phil Anderson** [00:24:17] Yes. I move that the Council advance the consideration of limiting gear switching in the limited entry trawl fishery and confirm the following guidance and intent relative to the questions raised in F.5, Attachment 3 specific to Alternative 1, which is represented in F.5, Attachment 2 and add a new alternative as described below. Alternative 1. Gear Specific Quota Share Guidance. And I'm walking through these with referencing the questions that were asked of us by staff. 1. With respect to classifying quota share owners as gear switching participants, what degree of linkage between quota share account owners and vessel owners should be required? Where linkages exist? How much of the quota share in the account should be converted based on that linkage? Guidance is: Focus on using the individual approach while maintaining the flexibility to use the collective approach depending on the outcome of the analysis. 2. On what date should the linkage between a quota share account and vessel owner be evaluated? The guidance is: Use the control date. 3. If a collective approach is taken and linkages are evaluated based on some date in the past, e.g., for example the control date. What happens if a group splits up prior to implementation? Guidance: Only the partner that has had a history of owning a gear switching vessel would retain that status. 4. Fourth question. How might the individual collective approach and linkage date requirements be applied with respect to the individual quota participant option that requires bottom trawl landings within two years prior to implementation, and, if a collective approach is taken, how would the conversion caps be applied if an ownership group breaks up prior to implementation? Guidance is: Use the individual approach, and if that approach were used then the other questions would not be needed to be addressed. 5. If a collective approach is taken, how would the conversion caps be applied if an ownership group breaks up prior to implementation? Guidance: If a collective approach is taken and the group breaks up prior to implementation, have a cap proportional to their share of ownership of quota share as of the control day. 6th question. Under the collective approach, how is quota share owned outside the ownership group treated? Guidance: Under the collective approach, the quota share owned outside the group would not qualify for group classification status. Question 7. Application of criteria to trust non-governmental organizations and

governments. Guidance: Apply the same as if as they would be applied to all other quota share owners. Question 8. Application of formulas relying on share of ownership when ownership shares on record do not add to 100 percent. Guidance: Calculate based on reported percent of ownership. Question 9. Modification of quota share control and annual vessel quota pound limits to take into account the division of northern sablefish allocation into two pools. Guidance: Apply existing accumulation limits only at the aggregate northern sablefish level. Note: which is in other words, maintain the aggregate northern sablefish quota control limit to 3 percent and quota pound use limit 4.5 percent as recommended by the GAP and GMT and do not apply adjustments to convert those into gear specific limits. On to the new alternative. Include as a new alternative a variation on Alternative 1 in which the resulting distribution of trawl only and any gear quota is done at the annual quota pound issuance step rather than permanently converting quota share. All other provisions of Alternative 1 would remain the same. Last. Staff discretion: In addition to this guidance, the intent is to provide Council Staff with the leeway to modify the language of the alternatives to reflect the intent stated. That completes my motion.

**Marc Gorelnik** [00:29:50] Thank you very much for the motion. Is the language on the screen accurate and complete?

**Phil Anderson** [00:29:55] Yes, it is.

**Marc Gorelnik** [00:29:56] I'll look for a second. Seconded by Bob Dooley. Please speak to your motion.

**Phil Anderson** [00:30:03] Thank you Mr. Chairman. I think we recognize, and we've certainly been encouraged by our staff that of the importance of making progress at this meeting and I believe providing the guidance with respect to the questions that were posed is an important step to making that.....to achieving that progress. There's an important....it's important to provide guidance that is clear and addresses the concerns of our analysts that they have requested of us. I believe it would be a disservice to them if we did anything that was contrary to that request. We need to control our insatiable appetite for complicating or adding to what we have without a strong justification. We need to keep in the forefront of our mind the Purpose and Need Statement and ensure that refinements are consistent and address the problems identified in that statement. I just wanted to call your attention to a couple of excerpts out of the Purpose and Need Statement. First, is participants engaging in gear switching and using northern sablefish quota that might otherwise be used in trawl gears. This may lead to uncertainty in trawl access to sablefish thereby affecting the development of markets and infrastructure. The other excerpt is that I wanted to make note of is that the purpose of this action would be to keep northern sablefish gear switching from impeding the attainment of Northern IFQ allocations with trawl gear while considering impacts on current operations and investments. Those two pieces in my mind are very consistent with the principles that were developed within the SaMTAAC process and were provided to this Council, and I think those two excerpts speak to the reason that it's important for us to fully analyze this issue before making a determination on whether limiting gear switching or the use of non-trawl gear to harvest trawl sablefish is warranted. I'll try to quickly just run through these points, and I would note that the responses to these questions that were posed that are suggested or recommended in the motion are consistent with those that were recommended to us by the GAP and also are consistent with recommendations that came out of the GMT. The first one. I know we were probably looking for a one or the other on this would be ideal and that is between the individual and the collective approach. I think during the discussion both at the GAP meeting and in listening to testimony here and in listening to the GAP's report, there's still some clarity that needs to be determined relative to how the current structure of various ownerships would be treated if we went solely with the individual versus the collective. So, the idea here is that the, I guess if there is a... that the individual is the preferred approach if it makes sense, but we want to make sure that we fully take a look at the collective approach so that we don't inadvertently disadvantage a business organization in a manner

that we didn't intend. On the second question, the use of the control date. Of course, we've used control dates in the past. I do recall in developing the limited entry program that it took a long time to develop. I think the control date was back in 2004 if I remember right or something like that, and we didn't take our action until 2011 and that was in part the basis for a lawsuit that we prevailed on. But I do think, you know, we need... I believe that if we're going to set a control date which thereby just lets people know that things like catch history that are accumulated after the control date may not be considered as in they might not be considered when developing the program, and so I do think it's important to stick with the control date. On the third one. It's just trying to be fair here in terms of ensuring that the person who brought that catch, that catch history into a partnership is the one that retains it if the partnership dissolves. Four and five are kind of in a way a little bit similar but number four, as I mentioned, using the individual approach would result in those other questions which are specific to the collective approach don't need to be answered. You know, I think, the idea of a pro-rata approach and if that were to happen under that collective approach would likely be the way we would go. But again, this is consistent with the GAP and so I chose to just use the individual approach here. Number five was a specific question relative to the collective approach and which is why I think the GAP provided an answer, at least one of the reasons, and that is reflected here. And again, it uses that idea of being proportional to, that the cap is proportional to their share of the ownership of a quota share as of a control date. The sex, excuse me, the sixth one under the collective approach, how is quota share owned outside the ownership group? And just wanted to be clear about that, that under the collective approach the quota share owned outside the group would not qualify for the group classification status. Number seven just speaks to those other types of entities that may own quota share and that we would treat them the same as we do the other types of entities. The eighth one was a little bit confusing to me, so I had to get an explanation from our analyst, and apparently there are situations where if you have less than 2 percent and they don't apply, therefore there's some instances where you don't, it doesn't add up to 100 percent. And then the last question there, the modification of quota share control and annual vessel quota pounds is to take into account how.....is to take into account the division into the two pools and just want to make sure that we're, in this we're being clear that we're maintaining the current limits, quota share limits and use limits. Now, with respect to the new alternative, several of my colleagues around the table have suggested that we consider an alternative that matches up with the balance of what's in Alternative 1 that would use quota pounds rather than converting the quota shares. I was convinced by their arguments that that would be a good thing for us to look at. I did confer with the analysts to see whether this was a inordinate burden. I think they said no. I'll let them speak for themselves. But if they had said yes, I probably would not have included it, but I think... and there are others around the table that can speak more eloquently to their belief that there would be advantages in doing this at the quota pound level and we can hear from them. And then finally, just under the staff discretion, I just wanted to make sure that we were clear and giving them that flexibility. I know they will use that flexibility wisely. They won't be looking to change our intent but instead if there is certain language in the alternatives that need, might be modified a bit to ensure that it reflects our intent, that they be free to do that, and I would also expect that if they did that, they would point those places out when we get the results of the analysis in September. So, Mr. Chairman that completes my rationale for offering this motion to the Council.

**Marc Gorelnik** [00:00:00] All right, thank you very much for the motion. Let's see if there are any questions for the maker of the motion. And if there are no questions let's see if there is any discussion on the motion. Bob Dooley.

**Bob Dooley** [00:00:19] Thank you Mr. Chairman and thank you, Phil, for such a clear and concise motion. I agree with every word of it. I think you've captured and answered all the questions that staff needs to on this end of it anyhow, Alternative 1 to continue their work and I think that was a very important component of this. As to the new alternative, I'm really happy that that was included. And as you said I think it was vetted very well with staff and I have the same understanding as you that it's not

reinventing the wheel or anything. It should fit in there and it shouldn't cause a lot of extra, extra work. As far as my view on that, I think it could actually streamline it better. If we could get to actually quota pounds rather than quota share and may eliminate a lot of the analysis that, or the lot of who owns what because it'll be in quota pounds and that seemed to be a way to make this process a little more streamlined, a little more clear for people to understand and I think it also by breaking it out of the quota share category it makes it non-sellable and out of the lease...it puts it, it keeps it in the lease part of it rather than as an asset, and I think that's important because it could subvert wherever we end up at the end if we do establish a limit on this. So, I'm pleased that that's there and I'm glad that we made those determinations and I'm glad, I'm really more pleased that you included it in your motion because I wouldn't wanted to make it separately, so I appreciate that. Staff direction, I think that that's... I trust the staff that they will stay in the, you know, in the spirit of what's offered here. But we, you know there's always something to make decisions about and to leave that to their discretion that to a certain extent is good. So, I will be supporting this motion and I thank you for it.

**Marc Gorelnik** [00:02:52] All right thank you Bob. Any further discussion on this motion? Christa Svensson.

**Christa Svensson** [00:02:59] Yeah, thank you Mr. Chair. And thank you, Phil, for the motion. I am very appreciative of the thought, the effort and all of the consideration that you put into it. I'm extremely appreciative of the additional alternative that you've put in to focus on quota pounds, and I am appreciative of the approach that the Council is taking in moving forward. That being said I will be voting no on this motion and all other alternatives. A large part of that is through the conversation this week and I am so appreciative of industry coming together on items that they can come together on, but I mentioned earlier in this afternoon's conversation I really needed some clarity around conversion dates and the response was silence. We had a 15-minute break after that and the only person that talked to me about gear switching was Miss Riding, which I will also say influenced my decision to support her motion. I think it is really important as we move forward to fold all of these items in, but the fact that we have a large group of stakeholders that brought forward a proposal where parts and pieces have been picked up but were not willing to consider even including in the analysis conversion dates from the read of the room and the people that I've spoken to in the margins I think is unfortunate and that is the reason that I will be voting no, part and parcel because it took a lot to convince most of those stakeholders to find a compromise position and a lot of that hinged around that conversion date. So, I appreciate the thought. Again, I'm very supportive of quota pounds. The majority of people that I've spoken to are supportive of 29 percent as livable. I'm not saying that's their favorite position, and I think that all of them are open to talking in the future and really trying to find a path forward, but we've heard pretty consistently from a number of those members throughout this process this week that their preference is No Action. And my experience this week indicates to me that No Action for today is, is the right decision in representing them. So, thank you.

**Marc Gorelnik** [00:05:53] Thank you Christa. Further discussion on the motion? Corey.

**Corey Niles** [00:06:01] Thanks Mr. Chair. And thanks Phil for the for the excellent motion. Just a couple of quick thoughts on Christa's comments. I guess, so I'll have to respectfully disagree that the conversion date wasn't thoroughly considered but I don't need to talk much about that. On this new alternative I think this is not the way I would go, but I would recognize that in September we did switch to the quota share perspective without much focus on the difference between the way the SaMTAAC was considering it on the quota pounds, so I fully understand why people are, still have differences in views. But Bob, I don't... we don't need to get into this now, but I will be surprised if there's any more simplicity in tracking ownership by doing this. I think the only difference that we'll end up seeing is the one that Brad has mentioned a couple of times now in terms of it will affect the long-term investment or the ability of gear switcher's that hold quota share to perhaps sell it. And so, I'm, yeah... I'm again

wanting to see this analysis, but I don't know why a fixed gear business would support that as less disruptive. But, yeah, main point is I understand why that was an area that wasn't analyzed thoroughly, excuse me, and I think on those questions on the individual versus collective approach, what I take most comfort in is that it looks at both ways. I don't think there was strong understanding among the Council discussions on the difference, but so we should be looking at two. There's one small part that I'm a little nervous for on the GAP favoring if a partnership breaks up the person with the history will be recognized but the other partner won't, and I won't get into too much why, but we just don't really know what into that partnership, but the bottom line is I think if that comes out as being unfair, and we're really only talking about the period of time between now and whenever this conversion would happen, the implementation initial allocation will happen, so I have no doubt that if the analysts, if they see some issues about fairness will raise it at the next step. So, backing up to the beginning, I thank you, Phil, for putting all those thoughts together. I believe this keeps us on track. Oh, one last thought. I'm still...I was hearing the thoughts about in public testimony about looking at a 5 percent and a 29 percent. I'm still not... while 29 percent might be a fine overall target, I'm not positive that that's the right amount of quota share that you would create because some of it's going to definitely be trawled no matter what, so any... I did hear the 5 percent, I think that is outside of the reasonable range of alternatives at this point. From the NEPA perspective it's beyond the purpose and need of disrupting those who invested in quota share to fish it with fixed gear. That said, I think we're going to have a lot better information and, Phil and Butch, the one disagreement I'll have with you both is they're coming back in November, not September. So, in November we will have more information to see really what that means to folks and what's fair and equitable but gone on longer here than I meant to. Really thank you, Phil, for putting this together and, yeah, thanks to the analysts, but I think you got a lot more work ahead just maybe less than before we clarified this. Thank you.

**Marc Gorelnik** [00:09:51] All right, thank you Corey. Is there any further discussion? Peter Hassemer.

**Pete Hassemer** [00:09:56] Thanks Mr. Chair. Thanks, Phil, for the motion. I support that. I don't suggest any changes to it. I'm appreciative that you captured the ability to analyze a split occurring at the quota pound level rather than quota share. I do have maybe just a question for the analysts, something that Corey said on the 5 to 29 percent that I want to make sure wouldn't be necessary to add in here by amendment or maybe through a separate motion, and it relates to the range we heard in public comment. On Alternative 2 there was discussion about analyzing a 5 to 29 or 10 to 29 percent range and there was the suggestion in the GAP report to do the same for Alternative 1 that that was just limited to 29 percent. And when we kicked this discussion off, Ms. Watson, Jessica asked a question, I think, for clarification about Alternative 2 and the range that was analyzed and although it isn't explicitly stated, I think in the alternative language itself the response was, yes, this analysis is capturing a range of gear switching levels. And so, my question for the analyst, does that apply to Alternative 1 also? The way our analysis is structured without explicitly stating some other level of gear switching, does the analysis provide information to us on the impacts or effects of gear switching at levels less than 29 percent... if, if that makes sense?

**Jim Seger** [00:11:59] Mr. Chairman, with respect to the adequacy of the range, I'd like to ask Miss Keeley Kent if she would like to comment on that and then expand as needed.

**Keeley Kent** [00:12:11] Thanks. So, the sufficiency on the range of alternatives we see that as a policy determination that should be made by the Council collectively based on the impact analysis and the purpose and need. There's no bright line standard by which to evaluate whether a particular amount of gear switched landings or a number of eligible permits for gear switching are sufficient to meet the purpose and need or to ensure fair and equitable allocations. And I'm really in looking at and thinking about, you know, reasonable alternatives, I think there's some questions that, you know, you can think about as you're evaluating them. You know, one is does the alternative meet the objectives and fulfill

the underlying need for the action? Is it technically and economically practical or feasible? And does it make common sense?

**Marc Gorelnik** [00:13:01] All right does that respond? Pete, do you have what you need?

**Pete Hassemer** [00:13:08] I'm not sure and I'd like to hear maybe either Jim or Jessi too about that. Just what actually is captured in what we have in the way the motion is stated right now. As I said, it's somehow implied or built into Alternative 2 already. Does it carry over to Alternative 1? Are we being informed about other ranges without explicitly stating it?

**Marc Gorelnik** [00:13:44] Jessi.

**Jessi Doerpinghaus** [00:13:45] Mr. Chair. Mr. Hassemer. So, in....like we discussed so the range of 5 is definitely included in Alternative 2 and so we'll get a sense to look at what that means for the fishery over the long term in terms of having a 5 percent potentially like lower bound. But I also think if you recall back to Jim's presentation and our analysis outline, one of the big things that we're discussing is this, the different scenarios and that we've previously discussed, as I mentioned to Miss Watson that we've looked at zero, 10, 20 and 29 or 30 percent, I forget what we looked at the first time. We looked at a wide range of gear switching levels and the potential impacts to the trawl fishery under whether gear switching is constraining and whether it's not constraining. So, a lot of that analysis would actually be brought into our document in terms of those assessments. So, while it might not be explicitly within the Alternative 1 description, we do have a lot of those impacts considered within the broader context of the problem. And then in terms of Alternative 1, you're... as it stated right now, you know, you're capped at 1.8 million or 29 percent of the allocation being any gear quota share, but obviously there's a lot of things to consider in terms of are quota pounds based on the potential new addition? But that's not also saying that all 29 percent of that quota share or quota pounds could even be swept up and gathered by all the participants because there is going to be that to take into account because it's going to be spread across the 130 60 quota share counts that we have and so, you know, what that looks like as well. Hopefully that helps answer your question.

**Pete Hassemer** [00:15:42] Okay. Yes, that helps.

**Marc Gorelnik** [00:15:47] All right. Is there further discussion on this motion? Jessica Watson.

**Jessica Watson** [00:15:52] Thank you Mr. Chair. I just want to say that I appreciate the addition of the quota pounds under this alternative as it really speaks to what I heard from the GAP and the public testimony, yet still maintaining that overarching direction of the Council to acknowledge that investment in gear switchers with significant past participation. And I believe that this would standardize the qualification options under this alternative and allow the opportunity to compare this policy decision of allocation at the quota share versus quota pound level, hopefully making that comparison in the analysis easier to understand. Thank you.

**Marc Gorelnik** [00:16:33] Anything further? Not seeing any other hands, I will call the question. All those in favor say 'aye'.

**Council** [00:16:44] Aye.

**Marc Gorelnik** [00:16:44] Opposed, no?

**Christa Svensson** [00:16:48] No.

**Corey Ridings** [00:16:48] No.

**Marc Gorelnik** [00:16:51] No's from Christa and Corey. Is that correct? All right. And abstentions?

**Marci Yaremko** [00:16:59] Yes.

**Marc Gorelnik** [00:17:00] Marci Yaremko abstains. The motion passes. Thank you Phil. There are additional motions on this agenda item. Jessica.

**Jessica Watson** [00:17:12] Thank you Mr. Chair. I'll give Sandra a moment to bring it up. Thank you. I move the Council confirm the following statements of intent regarding the requested provisions on which Council guidance is needed in F.5, Attachment 3 for the gear switching range of alternatives and request that the staff analyze Alternative 2 according to this intent. And this number... numbering follows that in that guidance document. Starting with number 10: Prevent potential circumvention of qualification criteria and add provisions stated in the SaMTAAC report, Page A-8 for exceptions that should be applied for certain circumstances of quota share account expiration and vessel replacement. For number 11: No double counting in complex ownership situations. In number 12: In complex ownership situations allow the involved owners to decide how to distribute credit for quota share accounts. For number 13: Gear switching limits based on quota share should be adjusted to take into account adaptive management program AMP quota pounds, distributions and add a safeguard statement that states, "Nothing in these provisions should be construed or implemented in a fashion that allows the gear switching endorsement limit to exceed the annual vessel quota pound limit". Number 14: partial years should be included or excluded based on whichever gives the individual an improved gear switching limit. Number 15: Non-endorsed trawl permits be specified as the lesser of X percentage of 10,000 pounds. In addition, the Council requests Council Staff's split Alternative 2 based on the qualifying options of vessel or permit to reduce the complexity and confusion for the analysis.

**Marc Gorelnik** [00:19:37] Jessica, is the language on the screen accurate and complete?

**Jessica Watson** [00:19:40] It is.

**Marc Gorelnik** [00:19:40] And I'll look for a second. Seconded by Corey Niles. Please speak to your motion.

**Jessica Watson** [00:19:47] So this motion is in line with the direction of the guidance received in the Supplemental GAP report, which represents in my mind some consensus from the trawl and fixed gear representatives on the responses to these staff questions covered in this motion. In addition to this guidance, similar to the guidance that was just put forward in the Alternative 1 motion, the intent is to provide Council Staff with the leeway to modify the language of the alternatives to reflect the intended... to reflect the intent stated as justification. I also want to express that my motion is meant to speak to the intent of the maker of the motion when providing this guidance to Council Staff on the development of the analysis. And speaking to that does not mean that this is an alternative that I think is preferable, just more wanting to make sure that that intent moves forward. So, with regards... I also just want to state because I'm speaking to this that I want to make sure that we have everything on the table to consider with regards to information for the analysis to make the best policy decision using the best available information and provide individual participants the most opportunity to understand how this will impact their businesses...with regards to the individual questions and my intent. So, for question 10, which stated out is how might the qualification criteria be adjusted to prevent potential circumvention? The intent of the original motion was not to allow circumvention of the qualifying criteria through the acquisition of qualifying permit or vessel by entities that own quota share as of the control date. Therefore, the qualification Options 2 and 3, the requirement that ownership of the quota share and vessel or permit as of and since the control date should be applied to eliminate this potential



circumvention and the potential number of qualifiers to increase by the formation of new groups. And that is why with this... regards to this issue, a vessel that is potentially lost or upgraded or a quota share account that expires before implementation, the provisions stated in the SaMTAAC report speaks to the exceptions that should be applied. These requirements state that there should be continuity of at least 50 percent of the ownership interest is needed in order for the replacement vessel or quota share account to be substituted for the originally owned vessel or quota share account without loss of qualifying opportunity. For Question 11, how will the endorsement limits be determined in situations where there are one too many or many, too many relationships between the qualifying permit or vessel and the quota share account? Regardless there should just be no double counting. For the second and third endorsement options under Alternative 2 the following guidance should be applied to determine the distribution of the endorsement limits among the permits where there are multiple relationships between permits and accounts. So, for determining endorsement limits that are based at least in part on quota share ownership, an entity should receive credit for all of the quota share in that account that they partially own. This would be similar to what was proposed for Alternative 1 for determining endorsement limits, and I am proposing Council Staff to focus on using this individual approach while maintaining that high level analysis of that collective approach that was suggested in the GAP report. To address the issue raised that the language of the Alternative 2 could double count where entities that have one quota share account and multiple permits, or vessels would be provided with a gear switching limit for each qualified permitted vessel or vessel. This is not the intent of the motion as it was originally proposed to allow for this double counting. To address this issue in the aforementioned situation, the credit toward the gear switching may be split among permit quota share accounts and quota share owners could be given the choice of how the quota share based credit is split among the permits. For situations where individuals share the ownership of both vessels and quota share accounts, the individuals would have to jointly direct NMFS on how to distribute the resulting gear switching limits among those endorsed permits. For question 12, how should gear switching limits be determined where there is a single quota share account and multiple linked qualifying permits or vessels? The owner or owners of each qualifying permit or vessel would have to direct NMFS on how to distribute the resulting gear switching limits among the endorsed permits. With regards to questions 13 through 14, which fall under those other Alternative 2 issues to consider, question 13 states should the gear switching limit formulas based on the quota share be adjusted to take into account adaptive management program quota pound distributions? The intent is to ensure that a quota share owner... that gear switchers is able to gear switch all of its quota pounds for the quota share it owns. Therefore, the limit should be set to the percent of quota pounds, including the AMP distributions, which would be equivalent to the quota share owned, for example 1.1 times the quota share percentage. For question 14, should there be an adjustment to gear switching limit formulas based on gear switching history to take into account a partial year? A provision to the gear switching limit formula is based on gear switching history should include a statement that a potential year should be included or excluded based on whichever gives the individual an improved allocation. I understand based on the preliminary analysis that there are only a few individuals that this would affect but... would be affected by this provision and that overall changes in the amounts allocated for these limits based on this change would be quite small in terms of the impacts on the total amount of gear switching that would be allowed. For question 5, should the limits for vessels gear switching with non-endorsed trawl permits be specified as a fixed amount or a percentage? A provision should be included that the limits for vessels gear switching with non-endorsed trawl permits be specified as the lesser of X percentage of 10,000 pounds. The value for that percentage could be based on 10,000 pounds divided by the average trawl sablefish allocation used for the baseline. Lastly, I would like to speak to my justification for splitting this alternative into separate portions. The intent here is not to change the alternative but to separate it out based on that qualifying asset of a vessel or permit, given all of the complications that seem to be in the analysis by combining them and what I am speaking to here having to use the term permit and vessel together, because if we split them out it wouldn't change. I connect, as you can tell, to the challenge we have heard in public testimony and on the Council floor in discussion on the challenge of understanding the materials that have been presented

to us and the alternative options and suboptions that are outlined under this agenda item. And I echo comments commending the GAP for coming to a consensus to address these questions and appreciate and acknowledge that industry on both sides for reaching out on their viewpoints on these to me as well. And I hope... I also commend Council Staff on their presentation, their detailed reports and analysis outlined under this agenda item. And that being said, I hope as this analysis moves forward that staff take the opportunity to continue to do a great job of trying to clarify this for us all so that we can understand the policy decisions that we are being asked to make.

**Marc Gorelnik** [00:28:16] All right. Thank you for the motion. Questions for the maker of the motion? Is there discussion on the motion? All right I'm not seeing any hands so I will call the question. All those in favor say 'aye'.

**Council** [00:28:44] Aye.

**Marc Gorelnik** [00:28:44] Opposed, no?

**Corey Ridings** [00:28:48] No.

**Virgil Moore** [00:28:51] Aye.

**Marc Gorelnik** [00:28:51] No vote was from Christa Svensson. Abstentions? Okay, Marci abstains and, Corey, were you also a no vote? Okay. So, we have no votes from Christa and Corey and an abstention from Marci Yaremko. The motion is carried. Thank you for the motion. Is there, are there any, is there any additional, are there any additional motions to be offered or is there any further discussion? Mr., Dr. Seger.

**Jim Seger** [00:29:40] Thank you Mr. Chairman and Council members. And thanks for the thorough consideration under this motion. So, what you've done here today is you have voted to advance your consideration of this issue. We've provided a complete and clear set of guidance on Alternative 1 and 2...(PAUSE)...Sorry. Okay, in Alternative's 1 and 2 as well as a new alternative, a version of Alternative 1 that would use quota pounds rather than quota shares. We also have direction for simplicity and clarity to split Alternative 2 into two alternatives, one based on vessel qualifier, and one based on the permit qualifier. And I heard direction that staff has some discretion to modify language within the, that reflects the intent of the motion.

**Marc Gorelnik** [00:30:41] All right. Phil Anderson.

**Phil Anderson** [00:30:44] Thanks Mr. Chair. I got a question for Dr. Seger if I might?

**Marc Gorelnik** [00:30:47] Please.

**Phil Anderson** [00:30:50] Hi Jim. How are you doing? In the GMT's report there was some discussion about the base period and I just wondered if you could kind of give us a sense of what, if anything, might be done in terms of looking at different base periods?

**Jim Seger** [00:31:11] Yeah, thank you Mr. Chairman. So, I was kind of jumping the gun here just a bit in terms of the second part of your direction here was to provide any guidance on the analysis. You did have a GMT report and an SSC report addressing this issue of a base period that would be used for analysis. The GMT on the first page, third paragraph, they recommend use.....well, first of all the SSC recommended using some different years rather than a single average from a base period, and then the GMT took that a step further recommending 3 years, 2013, 2019 and 2021 absent any other direction

from the Council. We would use those years unless in our examination of the years there turned out to be a better year that would contrast and illustrate something that we felt was more important.

**Marc Gorelnik** [00:32:08] Any further questions of staff or discussion on this agenda item? Corey Niles.

**Corey Niles** [00:32:16] Thanks Mr. Chair. And I just would confirm with Dr. Seger what I, thinking back to yesterday during Q&A that those approaches, which seem great to me are just the starting point and you will use, I would want to say scenario-based thinking in a very precise way, but you'll think about what might happen beyond those, what we saw in those particular years as well.

**Jim Seger** [00:32:38] Yes, thank you Mr. Chairman. Mr. Niles. Yes, that's exactly right. These are the starting points for looking at the impacts and then we look at, more likely qualitatively, but we look at how things might vary under different conditions where we can spot them, that there would be a substantial difference in the performance of an alternative.

**Marc Gorelnik** [00:33:01] All right. Is there anything further on this agenda item? All right. And what do you think? Are we done here?

**Jim Seger** [00:33:15] I think we are now done, and again I really appreciate all the, a lot of hard work went into this over the last few days in particular and I appreciate all the attention that was given to it.

**Marc Gorelnik** [00:33:25] Well it wasn't necessarily easy, but we got it done. Many thanks to staff and Council members and we have completed Agenda Item F.5 and I guess this topic will come back to us in September. That will it conclude. Wait, I'm sorry. There's.....

**Jim Seger** [00:33:44] Actually that...if I may Mr. Chairman, that coincides with the tap on the shoulder I just got from my co-staff member here on this. And this will be coming back to you, hopefully, with the full analysis in November. We have added a few things here. We don't think that that will create any problems getting back to November but there is a chance that it will and if it does, we will report to that to you at your September meeting under workload planning so you can take that into account.

**Marc Gorelnik** [00:34:15] All right. Very good. Thank you for the clarification.

## 6. Exempted Fishing Permits, Harvest Specifications, and Management Measures for 2023-2024 Fisheries – Final Action

**Brad Pettinger** [00:00:00] Okay, that concludes public comment. We're going to finish this up on Monday but as we did earlier today with gear switching, I'll give some time to have some Council discussion. Marci.

**Marci Yaremko** [00:00:13] Yeah. Thank you Mr. Vice Chair. Just if I may I'd just offer a few remarks before we leave here today in response. Okay.

**Brad Pettinger** [00:00:29] I thought we might...I'd ask the Council if they'd like to have a break before we get into discussion or you just want to just finish it up right now. I don't know how long it's going to take. I thought I'd just ask so I'm not seeing...okay, so we're to Council discussion, please.

**Marci Yaremko** [00:00:49] Okay. Thank you Mr. Vice-Chair. I just want to not only acknowledge the remarks from the speakers here today under this agenda item that have brought us so much input on the development of the FPA alternatives for recreational fisheries off California. But I want to follow-up for a second on some of the remarks made by Phil Anderson and our commitment moving forward after we leave actions here this week. As we know we have to make FPA recommendations here in June for measures that take effect in January. However, we've made so many dramatic changes beginning in January of 2022, and as many of you have noted in your testimony, we are just beginning to see the results of the bag limit reductions as well as the results of your voluntary efforts to avoid the species of concern. So, what we can commit to today and Donna brought this up and I'm really glad she did in her testimony, inseason is a wonderful tool that the Council has to react and respond to the best and newest information that we have in hand on catches and how those catches match up with the projections that we made. And as you've heard in the CDFW report here today, we have pretty substantial uncertainty in our projections because we are making so many big changes. So, as you will hear in our inseason report later this week on the progress that we've made and the changes that we've instituted in our inseason tracking, what we can certainly do is, you know, we will be consulting with agencies as we proceed through the season on the progress of our fisheries. I know many of you are looking for relief and I can just promise you that the Council does respond in as timely a manner as it can to new information, and, you know, we will be doing that at least five meetings a year. So, in any case June is just, you know, one step down the road but we will have other, you know, this is not the end of the discussion. So, again, I just want to thank you for working with us and we will continue to do that on the sidelines. So, thank you again.

**Brad Pettinger** [00:03:48] Thank you Marci. Anyone else? Bob Dooley.

**Bob Dooley** [00:03:57] Thank you Mr. Vice Chair. I just had a observation comment that this week in general, but particularly this agenda item, we've seen a collaborative spirit come through and industry working hand-in-hand with the States and the Agency and everyone involved to get a better result. You guys all know I'm neck deep in MREP and many of the people you saw today has gone through that program and we're seeing more and more people hit the road running here and being very contributory to the process. I really burst with pride because of that. It's a good thing and the biggest thing I think that we're getting out of it is trust. We're learning to understand each other. We're learning to work together, that we're partners in getting good results. But I'm also, I was excited to hear about some of the data collection, that collaborative work that might be happening to help inform some of the stocks that we don't know so much about. So, I just wanted to make that comment. So, thank you.

**Brad Pettinger** [00:05:16] Thank you Bob. Okay further discussion? Phil Anderson.

**Phil Anderson** [00:05:23] I had a question for Marci. The....and I... well I know you'll know the answer, the, what I think is some pretty extraordinary efforts being made by the industry in your state to respond to the copper rockfish crisis I'll call it and the use, and the voluntary use, or at least I don't think, I'm not sure what your regulations are, but in terms of using descending devices and, you know, the sophistication of those descending devices has really matured over the years and being able to set depth release points. And I understood that there was a reference, I think it was when Jaime testified, about work being done to look at what the release mortality rates are, given that I don't think we have those yet for copper rockfish. And so, my question is can you, do you know what work is going on to look at that question for that species? Is that... I hope I'm not asking an unfair question.

**Brad Pettinger** [00:06:50] Marci.

**Marci Yaremko** [00:06:51] Thank you Mr. Vice Chair. Thank you, Phil, for the question. I can tell you that our GMT and others in a subgroup have been working to revise our depth dependent mortality rates. I thought we might hear an update on that this meeting. Let me.....September? Okay. With the idea being that that is a, that calculation, that work that's being done is something that's kind of baked into the catch estimation process done by each of the States. But what the plan is, is once those rates are brought back, I think, do they go through SSC review? So, it is work that's ongoing. We had hoped to have it done by June. I'm hearing September but I will tell you that the plan is to apply the new rates that are in progress to all monthly estimates for 2022. So, I think we recognize that the state of the science is much better than when the GMT and I guess it was probably Rec Tech that had a look at this. It's been some time that's passed and there is new science. I can't tell you exactly what the science is on copper rockfish, but that is certainly a commitment that our staff have made in collaboration also with our State partners from other agencies and National Marine Fisheries Service to bring all that new work together. So, it's a critical part of the plan.

**Phil Anderson** [00:08:39] Great. Thanks very much for that response.

**Brad Pettinger** [00:08:42] Thank you Marci. Thank you Phil. Further discussion? Okay, well with that I'll look to Todd to see how we're doing here.

**Todd Phillips** [00:09:00] Yes. Thank you Mr. Vice Chair. So, the Council has heard from all the groups giving reports. You have heard public testimony and had a little bit of discussion here. I think that sets us up quite well for Monday and completing this particular agenda item. Thank you.

**Brad Pettinger** [00:09:15] Thank you Todd.....(BREAK FOR THE DAY).....Good morning, everyone. We are at F.6. We've heard the reports. We've had our public comment and so with that I'll open the floor for discussion. So, who'd like to start us off?

**Todd Phillips** [00:09:43] My apologies Mr. Vice Chair. Good morning, Council. Yes, as you mentioned there Mr. Vice Chair, we went through all the reports. We heard public comment and now we are set for Council discussion as well as addressing the various actions that are under this agenda item. Yes. Thank you.

**Brad Pettinger** [00:10:01] Thank you Todd. Okay. We go to a short recess. Just joking. Jessica Watson.

**Jessica Watson** [00:10:19] Thank you Mr. Vice Chair. I just want to start off this discussion by acknowledging all the work and preparation that has set us up for this considering this action here this morning. We have a number of GMT reports and CDFW reports and lots of reports in general from NMFS and all of the different agencies, and so I just really want to acknowledge that and thank the GMT for the item, Action Item Checklist, that really helps me keep on top of all of the moving pieces

within this item so I just want to acknowledge that. Thank you.

**Brad Pettinger** [00:10:56] Thank you Jessica. I would like the knowledge that this is John DeVore's last spex cycle and he's been through many of them and thank you, John, for being there all these years and your wise counsel so... okay. Heather Hall.

**Heather Hall** [00:11:21] Thank you Vice Chair Pettinger. I want to echo what Jessica said about the good work of the GMT, the SSC, the GAP, the good input from stakeholders as we work through harvest specifications. Starting last fall we did, took a lot of action in April with a lot of really helpful input and I think that's going to help us with our action today.

**Brad Pettinger** [00:11:57] Thank you Heather. Okay, well since we don't see any more discussion, I would say has anybody have any motions planned? Well, that's going to be odd if we.....Todd did you have something?

**Todd Phillips** [00:12:33] I'm sorry. No Mr. Vice Chair. I guess I'm just fidgeting over here, and it looked like I was saying something.

**Brad Pettinger** [00:12:38] All right.

**John DeVore** [00:12:42] I think we're just waiting for motions to come through cyberspace here Mr. Vice Chair.

**Brad Pettinger** [00:12:47] Actually I'll tell you... who is sitting in the California seat? CDFW? I don't see....is Marci on?

**Merrick Burden** [00:12:54] Marci Yaremko's online.

**Brad Pettinger** [00:12:56] Okay. Okay. Very good. Sorry Marci. Okay. Okay we'll pause for a little bit here so if someone would give me the high sign when they're ready so.....(BREAK)....Okay, I guess motions are being set so we're in standby until that comes through. And Marci, is it possible to get a mic check to make sure you're ready to go?

**Marci Yaremko** [00:13:38] Yes. Can you hear me?

**Brad Pettinger** [00:13:42] We can.

**Marci Yaremko** [00:13:44] Excellent.

**Brad Pettinger** [00:13:45] Okay.

**Marci Yaremko** [00:13:45] Good morning.

**Brad Pettinger** [00:13:46] Good morning. Okay.

**Marci Yaremko** [00:13:51] And Sandra, I believe you have a CDFW motion?

**Brad Pettinger** [00:13:56] She's nodding your head yes so...

**Marci Yaremko** [00:14:02] All righty. I'm not seeing it on the screen.

**Brad Pettinger** [00:14:19] Well they're working on it so...

**Marci Yaremko** [00:14:23] Okay.

**Brad Pettinger** [00:14:23] Yeah. Is that hers? Okay.

**Marci Yaremko** [00:14:40] All righty. I move that for Item 1, the harvest specifications, adopt the following: For quillback rockfish off California: Option 2, ABCs greater than ACL SPR harvest rate of .55 and a P Star of .45. For copper rockfish off California adopt the No Action Alternative, which is to apply the default harvest control rule 40 10 adjustment to each assessment area ABC. Then moving to Item 2, which is area management of the Action Item Checklist, replace the language of the GMT recommendation with the following, "Adopt the following proposed updated waypoints and modifications described in F.4.a, Supplemental CDFW Report 5, April 2022 and E.5.a, Supplemental CDFW Report 1, November 2021 as recommended to address CDFW enforcement requests, better align coordinates with the depth contours as suggested by industry, and to eliminate crossovers. Do not include new proposed waypoints around islands, banks and high spots within the Cowcod Conservation Areas from E.5.a, Supplemental CDFW 1, November 2021, which will be considered in the Non-Trawl Management Measures Agenda Item.

**Brad Pettinger** [00:16:19] Okay, thank you Marci. Is the language on the screen accurate?

**Marci Yaremko** [00:16:24] Yes, it is. Thank you.

**Brad Pettinger** [00:16:25] Very good. Thank you. Looking for second? Seconded by Chair Gorelnik. Please speak to your motion Marci.

**Marci Yaremko** [00:16:33] Yeah, thank you. Item 1, these were carryover harvest specifications that we could not bring to finality at the April meeting. These are the last two bits of the specifications that needed addressing. We left the April meeting with some questions about how we best calculate the ACL contributions to the minor nearshore complexes north and south of 40 10. So, a fair amount of work was done by GMT and Science Center staff to examine the right application of the calculations, those are described thoroughly in the GMT report as well as the supplemental attachment from NMFS outlining corrections that were made since the April meeting. So, by finalizing these specifications, again it allows us to finalize the minor nearshore ACLs north and south. Moving to Item 2. The area management item. There have been a number of waypoint modifications that have been proposed by CDFW going all the way back to November 2021. We've proposed these waypoint modifications to accomplish a number of objectives. The department collects them over the biennium from industry, from enforcement and elsewhere to propose cleanups to the waypoints in the biennial specifications process. There's a little bit of confusion in the sense that in the report we brought in November of 2021 we also proposed adding a number of waypoints around islands and high spots in the Cowcod Conservation Areas, and we're still proposing those modifications but now they rightfully fit in our non-trawl area management agenda item that is being taken up in a different timeline. But when we had submitted that report originally it wasn't clear whether those waypoint adjustments would be included in the spex or in the package that would include the cowcod area repeal. So, the motion is just aimed to clarify that for the specifications we're only proposing the adoption of waypoints needed to address enforcement concerns and the industry requests for areas outside the Cowcod Conservation Areas and to eliminate crossovers of existing waypoints. Thank you.

**Brad Pettinger** [00:20:00] Thank you Marci. Questions for the motion maker? Discussion on the motion? Todd.

**Todd Phillips** [00:20:11] Yes, thank you Mr. Vice Chair. Miss Yaremko, I just wanted to confirm that in your motion here for copper rockfish that you are also acknowledging that the corrections to the estimated apportionment for that particular species in California north and south of 40 10 is, I guess, meant or is part of that language?

**Marci Yaremko** [00:20:32] Yes. Thank you. I just didn't have the attachment number handy, but I did speak to the correction that was prepared and submitted in the briefing book and the GMT's recommendation here does pick up that correction. So, this item reflects the GMT's recommendation fully.

**Todd Phillips** [00:20:58] Thank you very much Miss Yaremko. I appreciate that answer.

**Brad Pettinger** [00:21:03] Okay, thank you Todd. Okay, I don't see any hands so I'm going to call for the motion here. All those in favor signify by saying 'aye'.

**Council** [00:21:13] Aye.

**Brad Pettinger** [00:21:13] Opposed? Abstentions? Motion passed unanimously. Okay, thank you Marci. All right. Should have another one up here shortly. Oh, Heather Hall.

**Heather Hall** [00:21:40] Thank you Vice Chair Pettinger. I do have a motion for this agenda item. I'm hoping Sandra has it. Thank you Sandra. I move that the Council adopt the five exempted fishing permits included under agenda item F.6, June 2022, Attachments 4 through 8. And except for action items 1 and 2, the bolded recommendations summarized by the GMT in Agenda Item F.6.a, Supplemental GMT Report 3, Appendix 2 as the final preferred alternatives for 2023 and 2024. These recommendations include adopting the EFPs with their associated set-asides, the set-asides for treaty fisheries, and the final preferred alternatives for management measures which includes allocations, set-asides, trip limits, bag limits and seasons.

**Brad Pettinger** [00:22:59] Okay, thank you Heather. Is the language accurate on the screen?

**Heather Hall** [00:23:01] Yes.

**Brad Pettinger** [00:23:01] Very good. Looking for a second. Seconded by Butch Smith. Thank you Butch. Speak your motion Heather please.

**Heather Hall** [00:23:11] So as I mentioned at the start of this agenda item, many of these actions included in this motion adopt the PPA as the FPA. We heard from the GMT, the GAP, the SSC, the public in April that provided very strong rationale for taking those actions and I... so I won't go into those in too much detail. I will say that, you know, specific to canary, we talked about that a little bit when this agenda item was on the floor on Saturday. I know we took a close look at canary rockfish relative to the two-year trawl, non-trawl allocations. WDFW also provided a report in March that provided more detail on what that attainment looks like for the Washington recreational fishery. In looking ahead to 2023 and 2024, we expect to see continued increase in canary catch but it still seems unlikely that the non-trawl sector will exceed the non-trawl allocation, and we expect that the chance of exceeding the canary rockfish ACL will remain low and so for that reason aren't proposing any formal changes to those allocations for 2023 and 2024. This action does include the two-year trawl and non-trawl allocations, Amendment 21 allocations, harvest guidelines and State shares for stocks in a complex. I want to speak to action item 12f and the amendment to extend the primary sablefish season date from October 31 to December 31. We think this is an action that was identified by the fixed gear program review. It's moving forward through the spex package. This will help the fixed gear primary



tier participants achieve their sablefish attainment overall, provide economic benefits to that sector and fishing communities. Action item 12f, which is the amendment to correct the FMP language for Block Area Closures is included in this action. This just aligns the definition of Block Area Closures and federal regulations. Relative to action item 12j, the Block Area Closures for groundfish mitigation, the GMT followed up with their complete analysis under this agenda item at this meeting. This allows both midwater and bottom trawl gears to be used for the purposes of groundfish mitigation. I note the input from the GAP still highlights that the voluntary industry actions are a very inefficient way to respond to incidental catch of non-target species including spiny dogfish, and so appreciate that that tool will be in place as well. This motion does include the recommendation for the Washington recreational fishery, which includes bag limits, seasons, et cetera. This also just adopts the PPA that we brought forward in April as the FPA. It includes no retention for copper, quillback, and vermilion rockfish in the months of May, June, and July. I think that covers the issues I wanted to talk about in this. Thank you.

**Brad Pettinger** [00:27:39] Jessica.

**Jessica Watson** [00:27:41] Thank you Mr. Vice Chair. I would just like to add some justification around some of the other items in this motion.

**Brad Pettinger** [00:27:51] Okay.

**Jessica Watson** [00:27:51] Thank you. So, under this for action item 12e, non-bottom contact hook-and-line gear allowance in the non-trawl RCA. The GMT was recommending revising the proposal to include new gear definitions as outlined in the NMFS Report 1 from June, which adds that specificity that was discussed in April 2022 at the Council meeting in the gear definition and I appreciate the inclusion of these specifications based on the feedback from the EC, the GAP, and EFP Directors. This motion also includes action item 17 which is the Oregon recreational. And the GMT here again is recommending adopting the PPA as the FPA for Oregon recreational groundfish fishery for the 2023 2024 seasons as outlined in our ODFW report from April of 2022. ODFW is recommending the federal regulations for 2023 2024 Oregon recreational groundfish fishery remain the same as 2022 2023 with the exception of allowing that long leader gear fishing with all depth halibut fishing that would otherwise be legal groundfish with all depth halibut, including sablefish, Pacific cod and other flatfish. So just as a reminder for 2023 and 2024, ODFW would be recommending allowing that additional opportunity for anglers participating in the all depth halibut fishery. Analysis of this long leader gear fishery indicated that additional effort would not be expected, nor would there be additional impacts to yelloweye rockfish, chinook salmon, or coho and no new trips would be occurring, or no new trips would be occurring and would just have more opportunities on the trips they're already taking. And at ODFW we will be working with our enforcement partners to set up those regulations so that they can be enforced. And while the federal regulations being recommended as FPA here are the same as the previous cycle, ODFW intends to continue to manage the recreational fishery more precautionary via state regulations. In our Oregon Administrative Rules this could include lower bag limits, subbag limits, depth restrictions. The state process is able to react in a timely manner to what is happening inseason in the fishery and allowing for the fishery to stay within harvest limits as well as maximizing those opportunities for anglers.

**Brad Pettinger** [00:30:26] Thank you Jessica. Todd.

**Todd Phillips** [00:30:28] Yes, thank you Mr. Vice Chair. This question goes to Miss Hall, and it might be answered by Miss Yaremko here shortly. But as the Council will recall, Dan Platt offered, I guess he would like to extend his particular EFP, and he offered that acknowledgment during his public testimony, but it was not submitted in writing. So, this extension was for north of 40 10 and as well as south of 40 or 34 27 so if the Council could acknowledge that that is also part of this particular motion

it would be a good idea. Thank you.

**Brad Pettinger** [00:31:07] Heather.

**Heather Hall** [00:31:08] Thank you. Yes, it is.

**Brad Pettinger** [00:31:09] Okay. Very good.

**Todd Phillips** [00:31:11] Thank you Mr. Vice Chair. Thank you Miss Hall.

**Brad Pettinger** [00:31:13] Thank you Todd. Okay. Discussion? Phil Anderson.

**Phil Anderson** [00:31:21] Thanks Mr. Vice Chair. I just wanted to speak to the aspect of the motion dealing with shortbelly rockfish. The action builds on the Council's previous actions to increase protection for shortbelly rockfish, recognizing the importance the species has in the health of the California Current ecosystem. Shortbelly rockfish are found in waters extending from Baja, California to British Columbia. They are one of the most abundant rockfishes in the California Current ecosystem and are a key forage fish for many fish, birds, and marine mammal species. The action, the need for the action here is to formalize within the groundfish FMP language that requires the Council to review shortbelly rockfish mortality if the annual fishery related mortality is projected to meet or exceed 2,000 metric tons. Since 2011, total annual mortality of shortbelly rockfish in the West Coast fisheries has ranged between 7 and 667 metric tons so don't anticipate the 2,000 metric ton threshold to be a burden on fisheries that have incidental catches of shortbelly rockfish. The FMP amendment would also support the Council's recent action to designate shortbelly rockfish in our ecosystem component species within the West Coast Groundfish Fishery Management Plan, recognizing its importance as forage in the California Current ecosystem. I think this action is a prudent one and it is proactive in protecting an important forage fish species. I want to emphasize there is no immediate concern relative to the establishment of a directed fishery on shortbelly rockfish, and that the existing trawl fishery that catches shortbelly rockfish as bycatch has proactively taken actions voluntarily to avoid the species and has been very responsive to the Council's concern regarding avoidance of the species. Thank you, Mr. Chairman, for allowing me to speak to the rationale for that component of the motion.

**Brad Pettinger** [00:33:50] Thank you Phil. Further discussion? Joe Oatman.

**Joe Oatman** [00:33:55] Thank you Mr. Vice Chair, and I'd like to say thanks to Heather for the motion. I would like to provide the following comments in support of the treaty set-asides portion under this motion. The Council supported the draft tribal set-asides as shown in item E.5.a, Supplemental Tribal Report 2, November 2021 in November and adopted it as their PPA in April. The Coastal Tribes have requested no further adjustments to set-asides, harvest guidelines, and allocations after the initial request at the November Council meeting. Tribal set-asides, harvest guidelines, and allocations are consistent with the set-asides requested for the 2021 to 2022 biennium with the exception of Pacific Ocean perch and darkblotched rockfish. The requested changes from the current biennium are adjustment from 9.2 metric tons to 130 metric tons for Pacific Ocean perch and .2 metric tons to 5 metric tons for darkblotched rockfish. Both of these changes are not expected to have adverse effects to non-treaty fisheries, but will provide additional opportunity within the tribal fisheries. Thank you.

**Brad Pettinger** [00:35:21] Thank you Joe. Okay. Further discussion? All right. I'm going to call for the question. All those in favor signify by saying 'aye'.

**Council** [00:35:33] Aye.

**Brad Pettinger** [00:35:33] Opposed? Abstentions? Motion passes unanimously. Thank you. I believe we have one more motion. Okay. There we go.

**Heather Hall** [00:35:54] Thank you. Thank you Sandra. I move that the Council adopt the recommended changes and corrections to the Pacific Groundfish Fishery Management Plan as described in agenda item F.6, Attachment 9, June 2022.

**Brad Pettinger** [00:36:12] Thank you Heather. Is the language accurate on the screen?

**Heather Hall** [00:36:14] Yes, it is.

**Brad Pettinger** [00:36:15] Okay. Thank you. Second? Seconded by Phil Anderson. Thank you Phil. Please speak to your motion.

**Heather Hall** [00:36:21] Thank you. This is pretty straightforward. I think the motion here just makes sure that those corrections to the FMP are made. There's some corrections but there's also some language in there that adopts the motion and the actions that were just taken under the previous motions. Thank you.

**Brad Pettinger** [00:36:43] Wonderful. Okay. Discussion on the motion or questions for the motion maker? Seeing none I'm going to call for the question on that one too so... All right. All those in the favor signify by saying 'aye'.

**Council** [00:36:58] Aye.

**Brad Pettinger** [00:36:58] Opposed? Abstentions? Motion passes unanimously. Thank you very much. Any other further motions to be made? Okay Todd, I'll.....this is the fastest 4 hours ever but how are we doing?

**Todd Phillips** [00:37:22] Yes, thank you Mr. Vice Chair. Looking at this particular agenda item you have obviously heard all the reports, yes, a couple of days ago as well as public testimony. You have had three motions here that have, in my opinion adequately addressed all of the action items under this agenda item. I would look obviously to my NMFS counterparts in my staff counterparts if they have any questions or no? So, I would say, at least based on what I've seen, this has been a really efficient spex item. I appreciate that. Yes sir.

**Brad Pettinger** [00:37:55] But we can't close it out yet. I'm sorry I missed Marci's hand up. So just pause that.

**Todd Phillips** [00:37:59] Ah yes. I will pause. Yes sir.

**Brad Pettinger** [00:37:59] Marci.

**Marci Yaremko** [00:38:02] Thank you. I apologize. I had a technical difficulty there and I wasn't able to speak to the motions that Heather brought but I just wanted to chime in if I might just for a minute to say, you know, regarding the Emley/Platt EFP and the expanded range extension, I'm not sure if you covered this since I flipped out there, but regarding the use of trip limits for those participants that will be engaging in the EFP north of 40 10 to the Oregon Washington border and that they would be managed to the yelloweye non-trawl commercial ACT that that work took place this week to develop that plan so that we didn't need to deal with set-asides for that EFP in a way that would keep things on track. I just want to thank everyone that came together and came up with that plan. And also speaking

to the range extension south of Point Conception, those set-asides do exist for south of 40 10 so they're available for new participants that might engage in activities south of Conception. We're excited about this. We think that testing the use of bait using the already authorized gear is going to give us some really good scientific information to help inform us as to whether the gear can be fished with bait, which might be more effective at catching fish than just from flies or jigs and so we look forward to the work. We want to thank Dan Platt for requesting continuation of the EFP and the modifications and I know that there are a number of new interested participants that are willing to give this a try. So, I just want to thank Council Staff and NMFS for their hard work behind the scenes on this since April. It was kind of a late breaking development once we realized that the 12e item, which is again such a landmark event that we're finally getting the Emley/Platt EFP, the original EFP, the original gear configurations into regulation. So, I just want to acknowledge that and appreciate the work that's gone on and I really think we're going to learn a lot from the ongoing study. Thank you.

**Brad Pettinger** [00:41:04] Thank you Marci. Todd.

**Todd Phillips** [00:41:08] Yes, thank you Mr. Vice Chair. I believe now that this agenda item has been adequately addressed, and if I may I would really on behalf of staff and the National Marine Fisheries Service Team that worked on this particular item, I'd like to acknowledge the GMT, who had largely never met in person throughout this entire process but yet we're able to deliver a, in my opinion, a stellar product for the Council to review. So, thank you Mr. Vice Chair.

**Brad Pettinger** [00:41:35] Thank you Todd. Yeah, the spex cycles are always tough and it just went so smoothly here on the final day here of this item. It just shows you just all the good work that was put into that so thanks to everyone involved. Just a.....and it was pretty tough, especially tough for some folks. So okay, with that, that'll take care of F.6.

## 7. Inseason Adjustments – Final Action

No transcript for this agenda item.

## **G. Highly Migratory Species Management**

### 1. National Marine Fisheries Service Report

No transcript for this agenda item.

## 2. International Management Activities

**Marc Gorelnik** [00:00:00] Well that completes public comment and takes us to Council action, which is to discuss the reports and provide guidance as appropriate. We did receive some very specific recommendations from the AS, so we do have opportunities to comment here so let's see what sort of advice we want to provide. Christa.

**Christa Svensson** [00:00:29] Sure. I'm appreciative of really all of the work that has gone into all of the meetings, all of the stakeholder participation and engagement, the opportunities from NMFS to provide public comment and specifically to designate this meeting as an opportunity to provide comment, and I think we heard some of that throughout the meeting this week. But also moving forward I'm in favor or I'm supportive of moving forward with the recommendations from the HMSAS. I think it's important that they put ideas out there and I would like to pick those up. I don't know that we need a motion for that but I definitely am lending support for adopting those recommendations and moving with them, so interested in hearing what about other people's thoughts on that but, too, if there does need to be some sort of motion it would be a pretty basic one, but if somebody else doesn't have something but that would be my general thoughts surrounding this item.

**Marc Gorelnik** [00:01:44] All right. Thanks for that Christa. Let's see what additional thoughts we have around the table. Ryan. Oh, I'm sorry Dr. Braby.

**Caren Braby** [00:01:53] Yeah, I'll offer general support for picking up the recommendations in the AS report. I just kind of falling back to the two key stocks that we've heard about this morning and continue to be really important stocks for the Council, it's just so encouraging to hear about the rebuilding progress in Pacific bluefin. Remarkable that that stock is as resilient as it is apparently demonstrating to be, so I just wanted to kind of provide a collective cheer that that's happening and appreciate the reports on that. Obviously, there's uncertainty about what that timeline will ultimately look like, but glad that we're in that situation and really encourage NMFS and our international partners to be ready for moving into more a maintenance situation with that stock. And wanted to reflect on the MSE process in particular and encourage development of that tool, specifically that's in support of the NMFS reports as well as the AS report, but I'm just you know underscoring that and look forward to hearing how that moves forward. On albacore, I also feel really encouraged that there's kind of collective international agreement to work together on proposals on how to move forward with that and just feel encouraged on that and I think the only questions that I have relative to that work is around this issue of additional engagement and would love to hear from NMFS today about, you know, what you read in the AS's suggestions on that front and if that's consistent with next steps that you're already planning and thinking about. So, I'll stop there.

**Marc Gorelnik** [00:03:57] Thank you. Corey Niles.

**Corey Niles** [00:04:02] Yeah, thanks Mr. Chair and thanks Caren. Just briefly before NMFS responds I would have the same overall thoughts and I'm also looking to what the team is pointing out in the report and what this resolution would look like compared to say how we would manage petrale sole and there's some real questions there about how, I think, people with looking to the science will react to some of these proposals so.... But yeah, I would, I'm hearing from the AS. This is a good thing we're asking for it, but the question about the engagement, and I'm always uncertain on thin ice, as you say, about how to best advise the U.S. Delegation in international forums so general thoughts very similar to Caren's and, yeah, I just wanted to add before Ryan responded.

**Marc Gorelnik** [00:04:59] Thank you Corey. All right well I guess I've heard general support for the

AS recommendations. Ryan.

**Ryan Wulff** [00:05:19] Yeah, I did want to respond just before you started to sum up. I was just pausing to see if there were any other comments so I can respond all at once.

**Marc Gorelnik** [00:05:26] Go for it.

**Ryan Wulff** [00:05:29] But, yeah, thank you. I want to thank the, the AS and the MT for their, all of the content in their reports and MT noted, you know, while I share Dr. Braby's collective cheer regarding of the bluefin, we also note that there is some uncertainty, right, and we do have to pay attention on the recruitment side and start to shift either way towards these thinking of the long-term strategy so... but I'm hopeful for that and this has been a good discussion and will help us continue those and we will continue again with our advisory bodies and the various other delegations as we start to work on bluefin. When it comes to albacore, I fully hear the concerns from the AS. I think they've raised some good points. I would reiterate again that the proposal before you is not necessarily a U.S. proposal, that we are saying this is what we want. This is reflective of just what we have heard from not just the U.S., but from other countries that are interested and so it's a collated draft to start to get feedback on, so I think based on that and the time that we still have, we have already begun working since we heard some of these concerns over this week trying to start to think how we might modify text, how we might address this in a way that is satisfactory and still allow for at least some of the key components of the harvest strategy that there seems to be some consensus on to move forward on, but yet allow for maybe softer text on the control rule side or some other solution that would still allow that engagement in those other stakeholder discussions in a satisfactory manner from their perspective, which of course we could revisit in an iterative fashion. These proposals can always be modified like they noted in a future date to add on or to augment or to get more specific on things like control rules as we have those discussions and are ready for those internationally and not everything does need to be done at this year's meeting, but I'm glad that there is at least a consensus to get some core components of a harvest strategy out there and the discussions here have been helpful. And then to your point, Corey, this is all helpful feedback from the U.S. Delegation. You know the Council meetings here, we do have our General Advisory Committee on June 29th, so for those that still want to be engaged there is public comment there. That's, I know it's only a little over two weeks away, but we will have a number of discussions with our, with those other international delegations between here and now, so a revised version of this proposal will be shown to that advisory committee on that day, so that's another chance for engagement, not just for those on the committee but members of the public at that meeting. So that's my general overarching response. I think this has been really helpful and good guidance and we plan to take this all into account as we continue to move forward furthering both of these efforts.

**Marc Gorelnik** [00:08:28] Thank you Ryan. Let's see if there are any other comments from around the table. And so maybe I'll ask Kit to sum up. We see a hand. Corey Niles.

**Corey Niles** [00:08:46] Yeah. Thanks Mr. Chair. I'll keep my response brief. Thank you Ryan. I guess reiterating what the AS and others are saying. I guess I would have expected... I understand the timing is not under your control, I would've expected more time and more attention on the Councils for the via advisory bodies on these and the science and NSC bringing forth a little bit more. The ideal, I'm talk speaking of ideal that that's not going to work this time, but I think we would like to treat it more like we would a harvest control rule decision of our own and that would be providing more time and the science to be deliberated a little bit more. You know, I know we've had opportunity before to look at it, but aligned with the discussion item I think my preference would have been to really have spent some extensive time on this. But we are where we are, and I hear what you're saying so we'll be looking for those opportunities to provide feedback.



**Marc Gorelnik** [00:09:47] All right. Anything further before I go to Kit? All right Kit.

**Kit Dahl** [00:09:59] Thank you Mr. Chair. Well, yeah, I think you've provided some recommendations here, essentially endorsing the contents of the HMS Advisory Subpanel report. I think that NMFS took that in, and we'll be considering those comments in terms of further development of that harvest strategy for North Pacific albacore. And I believe just the general endorsement of the idea of moving forward expeditiously on the development of a harvest strategy for Pacific bluefin in the joint working group forum and understanding that we collectively internationally, however you want to look at it, are somewhat under the gun to look at a management framework for a stock that could be considered perhaps rebuilt or at least achieving the rebuilding target that was set internationally in the very near future. So, and Ryan mentioned these continuing opportunities for input from stakeholders leading up to the IATTC meeting and their intention to consider working with their international parties, partners on the development of this resolution for submission and consideration at the IATTC annual meeting.

**Marc Gorelnik** [00:11:31] All right, thank you Kit. Are there any final words from around the Council table? And if there are not, I will pass the gavel to Vice Chair Brad Pettinger, who I think will give us a break.

### 3. Exempted Fishing Permits

**Brad Pettinger** [00:00:00] I think that concludes our public comments so takes us to Council action. So, I'll open the floor up for discussion. Corey Ridings.

**Corey Ridings** [00:00:17] Thanks Mr. Vice Chair. This is actually a question for NMFS, so I thought I'd start us off here. While the AS noted the pending authorization of buoy gear may be completed by this year, we heard a similar confusion in the California delegation this morning as well as during public comment. And it said last year it was targeting issuance of the first LE permits for the summer of 2023. Can you give us a quick status update?

**Lyle Enriquez** [00:00:45] Yes. Thank you Mr. Vice Chair. Thank you Corey. Yeah, we have heard some comments today about deep-set buoy gear authorization as being delayed beyond 2022 and I'd like to clarify that's not our expectation. We've been working with California on getting the data streams ready so we can, you know, issue permits according to the qualification tiers, and we do expect a final rule to be issued this calendar year in 2022, and it will take some time for the limited entry permit process to play out. And we still expect limited entry permits to be issued in 2023. Thank you.

**Brad Pettinger** [00:01:20] Thank you Corey. Thank you Lyle. John Ugoretz.

**John Ugoretz** [00:01:26] Yeah, thanks Mr. Vice Chair. And I think Corey set us off on the right foot as far as I'm concerned. I've got comments sort of on two sides, one about the original deep-set buoy configurations, and then one about the other EFP requests that do something new. And with regard to the ones looking to fish the original deep-set buoy gear configuration, I do think there's rationale to move forward with approval. We have collected significant data on catch and bycatch in deep-set buoy gear and that prompted us to move forward with recommending a fishery, but there's still questions and we heard them today even regarding crowding and gear conflicts and other information that additional deep-set buoy gear EFPs could help answer. And while those additional EFPs may only have a brief period to fish prior to fishery authorization, once a fishery is authorized there is still the opportunity for anyone to fish deep-set buoy gear north of Point Conception in the open access fishery once authorized and so providing an opportunity for EFP fishing prior to that gives individuals a chance to gain necessary experience and prepare to fish once the fishery is authorized. And then also it gives some difference in the tier for where they would qualify for a limited entry permit south of Conception. So, for all those reasons, talking specifically to the original deep-set buoy gear configuration, I think there's reason enough to move forward at this point.

**Brad Pettinger** [00:03:12] Okay. Thank you John. Further discussion? John.

**John Ugoretz** [00:03:25] Yeah, I just was waiting to see if there was more discussion about the original configuration but if not, I do have additional comments on the other types of EFP requests.

**Brad Pettinger** [00:03:39] Please.

**John Ugoretz** [00:03:40] I think that the, the management team and Enforcement Consultants and Advisory Subpanel have all raised important points about these various requests. I think the management team's laid out a path forward that's consistent with house practice and, you know, needing careful review of these modified requests in a two-meeting process. I think the... I agree with the environmental consultant comments regarding gear marking at night and notification of lost gear and the use of GPS locators for additional pieces beyond ten. I think those are all things that we can discuss and flesh out between now and September and make final recommendations in September. I also think

there's definite merit in the Advisory Subpanel recommendation for some EFPs to be limited outside the Southern California bight and outside the islands. I'm not certain if that should be applied across the board. Uh oh, I just got a weird noise. Can you still hear me?

**Brad Pettinger** [00:04:47] We can.

**John Ugoretz** [00:04:48] Okay. Thanks. I don't know if that limitation would apply to all EFP requests or just some of them, and I think it's something that we can discuss and analyze for September. I am interested in collecting more data on different configurations that might provide a greater economic return. And I do still have concerns and so I think proceeding cautiously is important. I don't want to move too far beyond the current configuration, even before it's authorized, trying new things, so I think the management team's suggestion of limiting testing to 15 pieces makes sense. It appears to have some support from the public comment we've heard. I don't think we should move beyond the footprint for non-linked buoy gear at this time. I want to see how well people can tend 15 pieces inside the existing footprint before taking that next step. And then importantly I think that for any of these new configurations, I think, we should really make it clear that we have an intent for 100 percent observer coverage for a large number of sets with at least the first 10 trips observed similar to the way we treated buoy gear when it was first being examined. So, I think that really could get us to where we need to be for September if we consider all those things.

**Brad Pettinger** [00:06:28] Okay. Thanks. Thanks John. Caren Braby.

**Caren Braby** [00:06:33] Thank you Mr. Vice Chair. I just wanted to support. I tried to get in there on standard buoy gear. I support moving forward with approval of those generally and I think that we haven't flagged before this time that we would be, you know, not considering such EFPs and so I feel like we want to honor those requests as well as the rationale that's been raised by other Council members on the information that we'll get from those standard buoy gear configurations make a lot of sense as we're transitioning to authorization. So, I feel comfortable with that pool of applications moving forward as well as the additional considerations and analysis that we might ask for and expect in September for the non-standard applications. So, I think we have....we're in a good spot on these EFPs generally to move forward with those two pools. So that's all. Thanks.

**Brad Pettinger** [00:07:43] Thanks Caren. Further discussion? Christa Svensson.

**Christa Svensson** [00:07:49] Thank you Mr. Vice Chair. I'm in general agreement with Dr. Braby. I think it's prudent to move forward with two separate pools, but I do think looking at the EFPs and the participants who have asked to engage in those with the standard that may have a short time frame, it's important to be inclusive. We've got a number of very young applicants and I look to that as the future and want to encourage them to continue participating in our fisheries. So again, supportive of that path and approach.

**Brad Pettinger** [00:08:30] Thank you Christa. All right. Further discussion? Motion? John Ugoretz.

**John Ugoretz** [00:08:43] Yeah, thanks. I do have a motion if you're ready for it.

**Brad Pettinger** [00:08:48] We are.

**John Ugoretz** [00:08:50] If it could be put up on the screen. Thanks. I move that the Council approve the proposed EFPs in Attachments G.3.1 through G.3.4. G.3.7, G.3.9, G.3.13 and G.3.14 and request that NMFS issue those EFPs as possible under existing ESA consultation. I also move that the following EFP requests move forward with modifications recommended below for final Council consideration at

the September 2022 meeting and request that NMFS provide the information necessary for the HMSMT to evaluate whether existing EFP holders requesting new EFPs have been in compliance with logbook and annual report requirements as specified in their EFP terms and conditions and report back at the September 2022 meeting. Attachment 5, that should read Attachment 5. No 's'. Remove requested fishing within state waters. Attachment 6, Limit total pieces of gear to 15 and footprint to that approved under other, for other DSBG fishing 5 nautical mile footprint. Attachment 8, as requested without modification. Attachment 10, remove the proposal to add time before and after sunrise and sunset. Attachment 11, limit total pieces of gear to 15. And attachment 12 as requested without modification.

**Brad Pettinger** [00:10:21] Thank you John. Is the language on the screen accurate?

**John Ugoretz** [00:10:25] Yes, it is. Looking for a second?

**Brad Pettinger** [00:10:28] Seconded by Caren Braby. Please speak to your motion.

**John Ugoretz** [00:10:33] Thanks Mr. Vice Chair. In addition to the things that I said in my comments, you'll note that my motion includes a recommendation to look into compliance for existing EFP holders. I think it's very important to note that EFPs are issued in order to gain information and data and while we've heard potentially of some EFP participants not submitting logbooks or annual reports in a timely manner, we don't actually have in front of us data to know whether these particular EFP requesters have complied and I would not be inclined to issue a new EFP for additional types of fishing to someone who hadn't been providing the data they were supposed to provide in their original EFP. I think my modifications are consistent with what we've heard from the various advisory bodies. I'll note that for Attachment 10 I'm suggesting removing the proposal to add time before and after sunrise and sunset. I think that is also consistent with the management teams report. But importantly, the Council considered the timeframe of fishing for deep-set buoy gear very carefully in our discussions about EFPs in the past and I think, you know, between enforcement concerns and biological concerns we're just not ready to make this a day and night fishery but we are testing whether it could be separately day and night, sort of two separate types of gear. So, I don't want to conflate those issues at this point.

**Brad Pettinger** [00:12:30] Okay. Thank you John. Discussion on the motion? Chair Gorelnik.

**Marc Gorelnik** [00:12:38] Thank you Vice Chair Pettinger. I've got a question for the maker of the motion and perhaps I'm just missing something. The AS had recommended a geographic limitation for the expanded deep-set buoy gear. I think that's 6 and 12. Is that incorporated into your motion or... and if not, why?

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

**John Ugoretz** [00:13:11] Yeah thanks. Through the Vice Chair. Thanks for the question. It's not specifically included in my motion. It's also not specifically excluded, I think, from our deliberations and consideration in September. I think, as I noted in my floor comments, there may be merit for some of these proposals to limit where they fish and I'm definitely willing to hear more about that and any analysis that the team can provide. I don't know that it needs to be specifically in the motion in order for us to then consider that in September.

**Marc Gorelnik** [00:13:49] All right. Thank you very much.

**Brad Pettinger** [00:13:51] Thank you Marc. Caren Braby.

**Caren Braby** [00:13:55] Thank you Mr. Vice Chair and thanks John for the motion. I do want to come

back to the Council discussion on any guidance to NMFS on EFP issuance and allowance of use of those EFPs into the next year and just wanted to acknowledge that this motion and my support of it is with the idea that there is utility in having a short term EFP even if it's not for the full two year duration. And again, support NMFS providing the, you know, maximum amount of time that's consistent with EFP and issuance of the permits of the limited entry fishery to maximize that time and minimize disruption to EFP holders. So, I'll state it again here in Council discussion on this motion because that's in my mind as I'm thinking about voting on this.

**Brad Pettinger** [00:14:59] Thank you Caren. Oh, Kit, you have your.....

**Kit Dahl** [00:15:03] Thanks Mr. Vice Chair. I was just wondering, so there's the perhaps slightly separate question of a recommendation on reissuance of EFPs to those individuals that have EFPs in 2022 in addition to any new EFPs that would get issued under the application submitted, and I just wanted to clarify whether Dr. Braby's comments encompass, excuse me, encompass those existing EFP holders and reissuance of their EFP's next, for next year?

**Caren Braby** [00:15:50] Through the Vice Chair, my intent would be for all the EFP holders, not just the new ones that we're considering here today. That is my view on this.

**Brad Pettinger** [00:16:00] Lyle.

**Lyle Enriquez** [00:16:02] Thank you Mr. Vice Chair. Caren, you did mention, you know, short term EFP issuance, and normally these EFPs are recommended for up to two years. NMFS issues them for one year and then renews them for a second year. So, I would think for these new ones, rather than just issuing for one year, our timeline for the final rule is the end of this year and it could take up to a year to get those limited entry permits out, and just to avoid, I mean, just in case of a slight delay beyond the end of 2023, I think these could be recommended for two years just so we have that flexibility in case there's a delay. Thank you.

**Brad Pettinger** [00:16:42] Thank you, Lyle, for that clarification. Bob Dooley.

**Bob Dooley** [00:16:47] Thank you Mr. Vice Chair. I see there's a difference in some of these EFPs that are testing new approaches that... my understanding is that a new approach would not be included in the gear authorization of deep-set buoy gear, and it seems like there's utility in gathering data with these new approaches if they're....so I guess my question is, would all of the EFPs stop when the gear is authorized or would we continue on with these new approaches to get that data throughout the full term of an EFP? And I don't know if that's even been considered, but it just occurred to me that, you know, I would assume going forward that we're going to have changes or improvements to or different approaches to how this gear is operated and used that may not fit within the core definition, and if that's the case we probably would need EFPs to ground truth that. So, since we have some that are different and potentially being approved here, should we consider them being on a different track? Thank you.

**Brad Pettinger** [00:18:14] Is that a question for anyone in particular?

**Bob Dooley** [00:18:17] For whoever thinks they can answer it, I guess. It could be the maker of the motion or it could be.....

**Brad Pettinger** [00:18:22] John. I didn't see your hand. Sorry.

**John Ugoretz** [00:18:24] Yeah, thanks Mr. Vice Chair. And speaking to Mr. Enriquez and Caren's comments, I agree that past Council decisions with regard to reissuing existing EFPs should be followed

and that these new EFPs for what I'll call the traditional deep-set buoy gear configuration would be, you know, until such a time that there is a, a fishery authorized. With regard to Mr. Dooley's comment and question. My understanding is that EFPs exempt the user from something that is currently not authorized, and so for all of these ones that would not be authorized in the new fishery, they would continue as EFPs because they are for activities that are not authorized. So, to separate it simply, the first paragraph is things that would go away once there is an authorized fishery and the second paragraph in bullet is things that would continue as EFPs for their duration and be considered for renewal after their first timeframe.

**Brad Pettinger** [00:19:47] Okay. Thank you John. Okay, further discussion? And if not, I'll call for the motion. Okay. All those in favor signify by saying 'aye'.

**Council** [00:20:02] Aye.

**Brad Pettinger** [00:20:02] Opposed? Abstentions? Did someone say no online?

**Virgil Moore** [00:20:17] That was me saying something late. I vote aye.

**Brad Pettinger** [00:20:20] All right. Very good Virgil. Okay, so the motion passes unanimously and thank you. Kit, we'll turn to you to.....

**Kit Dahl** [00:20:34] Thank you Mr. Vice Chair. I think you've completed your work here. The motion that was just adopted provides pretty clear guidance on the path forward so as indicated there the applications for the use of the existing configurations for deep-set buoy gear the Council has recommended issuance at this meeting. No further action need be taken on that. However, for the 7 applications, or however many it is that entail variations on deep-set buoy gear outside of the currently used configuration, the Council will come back in September for a final consideration on issuance of those. There's some requests for more information from the applicants and from the management team to facilitate decision making in September. So, we'll look forward to gathering that information and coming back in September.

**Brad Pettinger** [00:21:43] Very good Kit. Thank you. Great work everyone.

#### 4. Drift Gillnet Fishery Hard Caps

**Brad Pettinger** [00:00:00] So that will take us to Council action and so with that I'll open the floor for discussion or not. I'm sorry. John Ugoretz. Sorry John. I had it on the attendee list here, so I didn't see your hand.

**John Ugoretz** [00:00:29] Thanks Mr. Vice Chair. I think we're at a phase here where we've got a partial analysis of a couple of the alternatives in our range of alternatives. I think that obviously we can't choose between that range of alternatives right now because we can't compare them equally and I don't feel that we need to do that right now. I do feel like the team has made great strides in their analyses and I appreciate their hard work on this. It is a complicated topic and as we heard from Dr. Stohs a complicated analysis. I hope that the analyses moving forward and can be pared down to those that are absolutely necessary for us to make a decision on a final preferred alternative and to not unnecessarily complicate things with analyses that don't provide distinction between the alternatives and, hopefully, that the team has gained some perspective based on this first round of analysis that can help them decide which pieces of it make the most sense moving forward. I do think we do need to continue on our path to establish hard caps. It is a decision that the Council has repeatedly reinforced from our first recommendation to NMFS to the follow-up after NMFS was unable to implement the recommendation we had made and so I don't think we can take it much farther today, but I do feel like we've got it on our agenda. We will look forward to the complete analyses and we can take this up again in November.

**Brad Pettinger** [00:02:25] Okay. Thank you John. Further discussion? Caren Braby.

**Caren Braby** [00:02:34] Yeah, I feel like I don't have much to add. I also appreciate the work that's gone into this and the complexity of it and our varied understanding of where we are right now. I think it will be clearer with a summer of analysis and SSC review and will set us up for better decision making in November. And I also understand the need to move forward on this as hard as this topic is for this Council and for California and the fishermen that are involved, and everyone involved. This is a tough issue, but I feel like we need to move forward as well. So, I don't have anything more to offer. I don't think we can pull any analyses out but trust the team to do the best to streamline this as best they can, give us the best decision-making set of alternatives and options this fall.

**Brad Pettinger** [00:03:51] Thank you Caren. Anyone else? Corey Niles.

**Corey Niles** [00:04:01] Thanks Mr. Vice Chair and thanks Caren and John. I think I'm largely of the same mind. I just, I think, I'm going to react to a couple of things Gary said. First, this analysis as I think came up in question and answer was Dr. Stohs. There's a question of whether these incentives would work or not and I hear what Gary's saying and I think that is a question for further analysis and, yeah, and I've told Gary this in the hall and said this on the floor before but in sticking up for this fishery, as he put it, I think if the hard caps had been left in place that's exactly what we would be doing. When they were disapproved, society reacted and that wasn't us. So, these hard caps are not in our mind a way to phase this fishery out. They were a way that this Council could say that we've done our job in incentivizing to ensure that the fishery is doing everything practicable to minimize bycatch and that's what our duty is but, yeah, I think I won't add any more to that, but that's just the view and, yeah, Phil said it very nicely. Appreciate Gary's perspectives but that I guess we still view what we are trying to....we are trying to stick up for this fishery and do our duty as a Council.

**Brad Pettinger** [00:05:24] Thank you Corey. Anyone else? Ryan Wulff.

**Ryan Wulff** [00:05:29] Yeah thanks, and I appreciate the discussion and the testimony we heard as

well, and I agree with the comments that have been made. I did just want to have at least one clarification as it related to workload on the record, so folks were aware of it. While I appreciated the optimism from Dr. Stohs, I would note that really is kind of referencing some more of the coding of the model and the write up and presentation of the methodology that could go to the SSC and I'm glad there's been some endorsement of that. I think it would be helpful to have some review before we have any Council discussion on analyses, but just didn't want to lose the perspective that that's some of the technical work that needs to be done. We also need to then roll that up into an interpretation and to documentation and there were some legitimate points raised by the Enforcement Consultants and others that just from an implementation perspective that I think NMFS will be looking into in between now and the next time that we come back to discuss this as well. Again, I'm optimistic that that will still meet the current timeline but just wanted folks to be aware that those were other components to the workload between now and then. Thanks.

**Brad Pettinger** [00:06:35] Thank you Ryan. Okay, with that... Kit have we completed our mission here on F.6?

**Kit Dahl** [00:06:51] Thank you Mr. Vice Chair. Well, yes, you have. I think obviously there's a recognition that there is this need for this additional analysis before the Council can really make a decision in terms of the way forward. It's clear that you want to, you know continue with the range of alternatives that you adopted in November and the team will proceed accordingly. I did hear, you know, a comment from John Ugoretz about really kind of focusing on what needs to be done to get an analysis before the Council. I also heard, you know, there is this interest in are there ways to understand what effect the individual vessels closures might be in terms of incentives and Steve Stohs, Dr. Stohs suggested some, you know, ways to get at that. I guess I would just say in that regard that, you know, at the Council's pleasure to allow the management team to kind of make some decisions around prioritizing analysis with, you know, the overall objective of getting sufficient analysis before you in November for you to make a decision with those additional components, you know, is sort of would be nice to have before the Council if it can be done but, you know, have some scope, as you know the.....as the analysis is being worked on to prioritize so that, you know, it's not an all or nothing situation when we come to November. So, I guess that's my main thought there based on your discussion today.

**Brad Pettinger** [00:08:56] Okay. So, with that I think we're done here on G.4.