

**COUNCIL MEETING RECORD**  
**267<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**June 8-14, 2022**  
Hilton Vancouver Hotel  
301 West Sixth Street, Vancouver, WA 98660

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## INTRODUCTION

This document contains or identifies the various elements, documents, and sources comprising the complete and official record of Council meeting discussions and actions. In addition to the Meeting Summary, which follows this introductory section (see #7 below), it includes information or references that serve as the functional detailed minutes for this Council meeting as required by §302(i)(2)(E) of the Magnuson-Stevens Act. The full record is maintained at the Council office, is available on the Council website (<http://www.pcouncil.org/>) or upon request from the Council office, and consists of the following:

1. **Meeting Notice and Proposed Agenda** – These documents are available on the Council Website prior to and following each meeting at <http://www.pcouncil.org/>.
2. **Attendance Records** – These documents are available for the Council meeting and each advisory body meeting by request from the Council office.
3. **All Documents, Reports, and Presentations for Council Consideration** – These items include (1) all documents produced or received for the meeting briefing book, validated by a label assigned by the Council Secretariat and distributed to Council Members; (2) written public comments received at the Council meeting in accordance with agenda labeling requirements; and (3) electronic material or handout materials used in presentations to Council Members during the open session. They are available from links in the Meeting Summary of this document or at <https://www.pcouncil.org/council-meetings/previous-meetings/>.
4. **Council Decisions Summary Document** – This document is distributed shortly after each Council meeting. It provides very brief descriptions of most key Council decisions and is available at <https://www.pcouncil.org/council-meetings/previous-meetings/> and also provided by agenda item in the Meeting Summary of this document.
5. **Draft or Final Decision Documents Finalized after the Council Meeting** – Documents such as Environmental Impact Statements or Environmental Assessments are available on the Council website as they are completed.
6. **Gavel-to-Gavel Audio Recordings and Summary Transcripts** – These recordings contain the testimony, presentations, discussions, and actions occurring at the meeting and are labeled by date and time (e.g., 04-11-15am1) and have been annotated as to the time on the recording for the start of each agenda line item to help facilitate review. For additional reference, verbatim transcripts of Council Actions are available on the Council website. The recordings and transcripts may be accessed from the links contained within the Meeting Summary of this document or at <https://www.pcouncil.org/council-meetings/previous-meetings/>.
7. **Meeting Summary** (immediately follows this section) – The Meeting Summary lists, in agenda item order, the briefing book documents, reports, presentations, and Council motions and actions, including a brief summary from the Council Decisions Summary Document for each agenda item. It constitutes the meeting record formally approved by the Council. The agenda heading for each agenda item, and most listed documents, serve as internet links to the actual briefing book documents. Internet links in brackets (e.g., [[mp3: 11-11-14pm1 @01:21:15](#)]) refer to the audio recording and elapsed time on the recording at which the agenda item was initiated. Links to the audio recordings are annotated by agenda item and may also be accessed at <https://www.pcouncil.org/council-meetings/previous-meetings/>.
8. **Voting Log** – The voting log lists, in Agenda order, the summarized Council motions and actions for each agenda item that took place during the meeting.

## MEETING SUMMARY

### A. Call to Order

#### 1. Opening Remarks – Marc Gorelnik, Chair

Mr. Marc Gorelnik, Council Chair, called the 267<sup>th</sup> meeting of the Pacific Fishery Management Council (Council) to order at 9:00 a.m. on Thursday, June 9, 2022. A closed session was held before this open session to discuss litigation and personnel matters.

#### 2. Roll Call – Merrick Burden

National Marine Fisheries Service: Mr. Frank Lockhart, designee  
Mr. Ryan Wulff, designee  
Ms. Kelly Ames, designee  
Ms. Keeley Kent, designee  
Mr. Lyle Enriquez, designee  
Mr. Josh Lindsay, designee  
Washington State Official: Mr. Kyle Adicks, designee  
Ms. Heather Hall, designee  
Mr. Corey Niles, designee  
Washington Obligatory: Mr. Butch Smith  
Oregon State Official: Dr. Caren Braby, designee  
Ms. Jessica Watson, designee  
Mr. Troy Buell, designee  
Oregon Obligatory: Ms. Christa Svensson  
California State Official: Ms. Marci Yaremko, designee  
Mr. John Ugoretz, designee  
Ms. Briana Braby, designee  
California Obligatory: Ms. Corey Ridings  
Idaho State Official: Mr. Virgil Moore, designee  
Idaho Obligatory: Mr. Pete Hassemer  
Tribal Official: Mr. Joseph Oatman  
At-Large: Mr. Phil Anderson  
Mr. Robert Dooley  
Mr. Brad Pettinger, Vice-Chair  
Mr. Marc Gorelnik, Chair  
U.S. Coast Guard: LCDR Brett Ettinger, nonvoting designee  
LT Lelea Lingo, nonvoting designee  
Mr. Chris German, nonvoting designee  
U.S. Fish and Wildlife Service: Mr. Mike Clark, nonvoting designee  
Dr. Kyle Hanson, nonvoting designee  
Dr. Benjamin Cross, nonvoting designee  
Mr. Roger Root, nonvoting designee

#### Absent from the Meeting:

Alaska State Official: Ms. Dani Evenson, nonvoting designee  
Mr. Bill Templin, nonvoting designee

Pacific States Marine Fisheries

Commission: Dr. David Hanson, Parliamentarian, nonvoting designee  
U.S. State Department: Mr. David Hogan, nonvoting designee

**3. Executive Director’s Report – Merrick Burden**

**4. Agenda – Marc Gorelnik**

**a. Council Action: Approve Agenda**

**Motion 1:** Council approve the Council Meeting agenda as printed in Agenda Item A.4, June 8-14, 2022.

Phil Anderson/Heather Hall (Motion 1 carried unanimously)

**B. Open Comment Period**

**1. Comments on Non-Agenda Items - Merrick Burden**

**a. Reports and Comments of Management Entities and Advisory Bodies**

**b. Public Comment**

**c. Council Discussion and Comments, as Appropriate**

**C. Administrative Matters**

**1. Council Coordination Committee Meeting Report – Merrick Burden**

**a. Reports and Comments of Management Entities and Advisory Bodies**

**b. Public Comment**

**c. Council Action: Consider Report on the Council Coordination Committee**

**Staff Summary:** The Council heard a report on the [May 2022 meeting of the Council Coordination Committee](#). That report included several matters ranging in scope from FY 2022 and 2023 financial information, updates on legislation relevant to U.S. fisheries management, and additional matters of interest concerning management of U.S. fisheries. These additional matters included climate change, management strategy evaluation, alignment between the Magnuson-Stevens Fishery Conservation and Management Act and the Endangered Species Act, the America the Beautiful Initiative, Equity and Environmental Justice, and more. The Council did not take any action after hearing this report.

**2. Financial Disclosure and Recusal Policy - Merrick Burden**

**a. Report of the National Oceanic and Atmospheric Administration,  
Office of General Counsel - Maggie Smith**

**b. Reports and Comments of Management Entities and Advisory Bodies**

**c. Public Comment**

**d. Council Action: Review National Marine Fisheries Service Policy and Procedural Directives on Disclosure and Recusal and Provide Preliminary Comments**

**Staff Summary:** The Council received the first annual briefing on the matter of financial disclosure and recusal from NOAA General Counsel and heard plans for the development of a Regional Recusal Determination Procedure handbook that will be developed over the coming months.

**3. Marine Planning - Kerry Griffin**

**a. Reports and Comments of Management Entities and Advisory Bodies**

**b. Public Comment**

**c. Council Action: Approve Final Recommendations on Oregon Call Areas, Review and Adopt the Draft Policy Guidance Document, and Develop Comments on the Aquaculture Opportunity Areas Programmatic Environmental Impact Statement**

**Motion 16:** Council

1. Reaffirm intent and scope of the MPC committee at this 1-year anniversary of this ad hoc committee:
  - a. Elevate fishing community voices in emerging marine planning issues, especially for public processes
  - b. Play a key role in the Council process to identify priority issues for Council engagement in marine planning, with emphasis on offshore wind (OSW) and aquaculture opportunity areas (AOA's); the emphasis on OSW and AOA's 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 1 recorded public webinar, weeks prior to each Council meeting to
    - i. identify high-priority comment opportunities for QR letter response;
    - ii. discuss substance of QR letter comments (for fisheries concerns/issues);
    - iii. catalog past/future marine planning activities (meetings, letters of interest, etc.);
    - iv. 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
    - i. Are high priority when an issue has high potential to impact the Council's resources (fisheries, communities, EFH/habitat, research surveys, etc.) 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.



- ii. 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.
- iii. After MPC and HC complete a draft, should be finalized with an additional coordination opportunity with advisory subpanels should occur via MPC members (HMSAS, CPSAS, GAP, SAS, 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:
  - i. 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 data sets for purposes of that specific planning process.
    - 1. Prioritize quality and completeness of information over expediency.

Caren Braby/Christa Svensson

**Amendment 1:** in Section 2b after “MPC” add “when a letter has been deemed necessary by the MPC in coordination with the Executive Director, Council Chair, and state wildlife agency representative from the state involved”.

John Ugoretz/Corey Niles (Amendment 1 carried unanimously)

Amendment 1a: After “Council Chair” include Marine Planning Council Representative” to Amendment 1.

Phil Anderson/Corey Niles (Amendment 1a carried unanimously)  
(Motion 16, as amended, carried unanimously)

**Motion 17:** 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 AB’s 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 OSW-specific 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 7/22/2022.
4. California Proposed Sale Notice – prepare QR letter for Council approval. Due 8/1/2022.
5. BOEM fishery mitigation strategy guidance – track and anticipate future QR letter opportunities.

Caren Braby/Phil Anderson (Motion 17 carried unanimously)

**Staff Summary:** The Council directed the Marine Planning Committee (MPC) to work with the Habitat Committee as appropriate, to continue developing comment letters on the Oregon Call Areas Notice, the California Proposed Sale Notice, National Oceanic and Atmospheric Administration Aquaculture Opportunity Areas, and the Bureau of Ocean Energy Management fishery mitigation guidance draft document. The Council also directed staff to develop a new draft

policy/guidance document for the September Council meeting, taking into consideration the input received during the June Council meeting, as well as soliciting comments from the Ecosystem Workgroup and the Ecosystem Advisory Subpanel. Information and links to these documents and comment opportunities are contained in the MPC's [supplemental report](#).

#### **4. Fiscal Matters – Merrick Burden**

- a. Report of the Budget Committee - Pete Hassemer**
- b. Reports and Comments of Management Entities and Advisory Bodies**
- c. Public Comment**
- d. Council Action: Consider Budget Committee Report and Recommendations**

**Motion 15:** Council adopt the report and recommendations of the Budget Committee (Agenda Item C.4.a, Supplemental Budget Committee Report, June 2022).

Pete Hassemer/Heather Hall (Motion 15 carried unanimously)

**Staff Summary:** The Council adopted a 2022 calendar year budget of \$5,798,871 and requested the Committee to review two preliminary provisional budgets for CY 2023 at its September Meeting. The Council also recommended the committee have a special meeting in October to discuss strategic development of future budgets.

#### **5. Legislative Matters - Mike Burner**

- a. Report of the Legislative Committee - Dave Hanson**
- b. Reports and Comments of Management Entities and Advisory Bodies**
- c. Public Comment**
- d. Council Action: Consider Legislative Committee Report and Recommendations**

**Staff Summary:** None

#### **6. Approval of Council Meeting Records - Marc Gorelnik**

- a. Council Action: Approve Previous Council Meeting Records**

**Motion 14:** 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 8-14, 2022 (Electronic Only) and
- Agenda Item C.6, Attachment 2: Draft Council Meeting Record: 266th Session of the Pacific Fishery Management Council, April 7-13, 2022 (Electronic Only)

Also include the ability for staff to make corrections to the March 2022 meeting, page 7, roll call for online and in-person participants.

Phil Anderson/Pete Hassemer (Motion 14 carried unanimously)

**7. Membership Appointments and Council Operating Procedures - Mike Burner**

**a. Reports and Comments of Management Entities and Advisory Bodies**

**b. Public Comment**

**c. Council Action: Consider Appointments to Council Committees and Advisory Bodies; Consider Changes to Council Operating Procedures**

**Motion 18:** Council suspend the provision of Council Operating Procedure 1 that states that the Chair may not serve more than two consecutive one-year terms.

Phil Anderson/Heather Hall (Motion 18 carried unanimously)

**Motion 19:** Mr. Marc Gorelnik serve as Council Chair and Mr. Brad Pettinger and Mr. Pete Hassemer serve as Council Vice-Chairs for the August 11, 2022-August 10, 2023 term.

Bob Dooley/Butch Smith (Motion 19 carried unanimously)

**Motion 20:** Council appoint Ms. Shannon Adams to the vacant Northwest or Columbia River Tribal Representative position on the Habitat Committee.

Joe Oatman/Phil Anderson (Motion 20 carried, Ms. Ridings abstained)

**Motion 21:** Council appoint Ms. Corianna Flannery to the CDFW position on the Habitat Committee currently held by Mr. Eric Wilkins.

Marci Yaremko/Corey Ridings (Motion 21 carried unanimously)

**Motion 22:** Council appoint Mr. Eric Chavez to the vacant West Coast Region position on the Habitat Committee.

Ryan Wulff/Pete Hassemer (Motion 22 carried unanimously)

**Motion 23:** Council appoint Mr. Mike Okoniewski to the vacant At-Large Processor position on the Groundfish Advisory Subpanel.

Christa Svensson/Corey Ridings (Motion 23 carried unanimously)

**Motion 24:** Council decommission the Ad Hoc Southern Oregon Northern California Coast Coho Workgroup and the Ad Hoc Sablefish Management and Trawl Allocation Attainment Committee.

Marci Yaremko/Phil Anderson (Motion 24 carried unanimously)

**Staff Summary:** The Council suspended the provision of Council Operating Procedure 1 that states that the Chair may not serve more than two consecutive one-year terms and elected Mr. Mr. Marc Gorelnik as Council Chair and Mr. Brad Pettinger and Mr. Pete Hassemer as Council Vice-Chairs for the August 11, 2022 – August 10, 2023 term.

The Council made the following Advisory Body Appointments:

- Ms. Shannon Adams was appointed to the vacant Northwest or Columbia River Tribal Representative position on the Habitat Committee.

- Ms. Corianna Flannery was appointed to the California Department of Fish and Wildlife position on the Habitat Committee currently held by Mr. Eric Wilkins.
- Mr. Eric Chavez was appointed to the vacant West Coast Region position on the Habitat Committee.
- Mr. Mike Okoniewski was appointed to the vacant At-Large Processor position on the Groundfish Advisory Subpanel.

The Council decommissioned the Ad Hoc Southern Oregon Northern California Coast Coho Workgroup and the Ad Hoc Sablefish Management and Trawl Allocation Attainment Committee and expressed appreciation for the work these groups contributed to the Council process.

Regarding proposed revisions to Council Operating Procedure 23 regarding protocols for consideration of exempted fishing permits for coastal pelagic species fisheries, the Enforcement Consultants recommended inclusion of language regarding violation history checks of applicants, and the Council directed Council Staff to incorporate the language and publish revised drafts for additional review by the CPS advisors and the public. The Council is scheduled to consider final adoption in September.

The Council directed Council Staff to solicit nominations for the following vacancies for Council consideration at the September meeting:

- Coastal Pelagic Species Advisory Subpanel – Washington Commercial Position
- Salmon Advisory Subpanel – Washington Charter Operator
- Habitat Committee – Sport Fishery Representative
- Scientific and Statistical Committee – At-Large Position

Additional information and instructions for submitting an electronic nomination will be posted to the [Council's Advisory Body Vacancy web page](#).

## **8. Future Council Meeting Agenda and Workload Planning - Merrick Burden**

- a. Reports and Comments of Management Entities and Advisory Bodies**
- b. Public Comment**
- c. Council Discussion and Guidance on Future Meeting Agenda and Workload Planning**

**Staff Summary:** The Council received a [report from the Salmon Technical Team \(STT\)](#) regarding plans to evaluate effort forecast performance and consider ways to improve the accuracy of effort projections produced by the Klamath Ocean Harvest Model (KOHM). The STT will evaluate effort forecast performance in the KOHM and will explore using shorter time series/more recent data to improve forecast performance. The STT concluded that such changes would not require a methodology review. The STT will report back to the Council on their progress in refining KOHM effort predictions at the September meeting.

## D. Coastal Pelagic Species Management

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

#### a. Reports and Comments of Management Entities and Advisory Bodies

#### b. Public Comment

#### c. Council Action: Adopt the Assessment and Harvest Specifications, As Appropriate

**Motion 2:** Council to adopt the following for the central subpopulation for northern anchovy:

- Overfishing limit: 243,779 mt
- Allowable biological catch: 60,945 mt
- Annual catch limit: 25,000 Metric tons

Briana Braby/Phil Anderson (Motion 2 carried unanimously)

**Staff Summary:** The Council adopted a benchmark assessment for the Central Subpopulation for Northern Anchovy (CSNA) and utilized the Council Operating Procedure (COP) 9 framework and flowchart for periodically evaluating harvest reference points for CSNA. The Council adopted the following harvest specifications for CSNA:

Overfishing Limit	243,779 mt
Acceptable Biological Catch	60,945 mt
Annual Catch Limit	25,000 mt

Based on the COP 9 framework, the Council is next scheduled to review the status and harvest specifications for CSNA in 2024.

### 2. Stock Assessment Terms of Reference (TOR) - Jessi Doerpinghaus

#### a. Reports and Comments of Management Entities and Advisory Bodies

#### b. Public Comment

#### c. Council Action: Adopt Preliminary Stock Assessment TOR for Public Review and Provide Guidance as Needed

**Motion 3:** Council adopt the draft terms of reference for CPS stock assessments for public review. Briana Brady/Marc Gorelnik (Motion 3 carried unanimously)

**Staff Summary:** The Council adopted the [CPS stock assessment TOR for 2023-2024](#) for public review and is expected to finalize the TOR at the November 2022 Council meeting. Additionally,

the Council received an update from the National Marine Fisheries Service Southwest Fisheries Science Center on [proposed workshops](#) related to Pacific sardine stock structure and methodology review.

### **3. Essential Fish Habitat Review – Phase 2 Action Plan - Kerry Griffin**

#### **a. Reports and Comments of Management Entities and Advisory Bodies**

#### **b. Public Comment**

#### **c. Council Action: Adopt the Phase 2 Action Plan and Provide Guidance**

**Motion 4:** Council adopt the Phase 2 Action Plan as detailed in Agenda Item D.3.a, CPSMT Report 1 with consideration of the additional scope suggested in the HC and advisory subpanel reports. Caren Braby/Bob Dooley (Motion 4 carried unanimously)

**Staff Summary:** The Council adopted the essential fish habitat (EFH) [Phase 2 Action Plan](#) and instructed the Coastal Pelagic Species Management Team (CPSMT) to consider recommendations from the [Habitat Committee](#) and the [CPS Advisory Subpanel](#). These recommendations address non-fishing impacts and associated conservation recommendations, consideration of Habitat Areas of Particular Concern, and consideration of the dynamic nature of CPS habitat. The Council also supported a joint CPSMT-HC meeting in November 2022 to discuss the EFH review. At the November 2022 Council meeting, the CPSMT will provide a recommended schedule and timeline for completing the EFH review, under the Future Council Meeting and Workload Planning agenda item.

## **E. Habitat Issues**

### **1. Current Habitat Issues - Kerry Griffin**

#### **a. Report of the Habitat Committee - Correigh Greene**

#### **b. Reports and Comments of Management Entities and Advisory Bodies**

#### **c. Public Comment**

#### **d. Council Action: Consider Habitat Committee Report and Recommendations**

**Staff Summary:** The Habitat Committee provided a [report](#) summarizing several issues including California water crisis concerns and a proposed Humboldt Bay oyster mariculture project. The Council directed the HC to develop letters on the California Central Valley Project water salmon temperature thresholds for the September Briefing Book, and a letter to the Humboldt Bay Harbor District on the Humboldt Bay Mariculture Intertidal Pre-Permitting Project draft Environmental Impact Review. That draft letter will either be in the September 2022 Briefing Book or will be completed via the Quick Response procedure, depending on timing of the public notice and associated comment period.

## **F. Groundfish Management**

### **1. National Marine Fisheries Service Report - Todd Phillips**

- a. Regulatory Activities**
- b. Fisheries Science Center Activities**
- c. Reports and Comments of Management Entities and Advisory Bodies**
- d. Public Comment**
- e. Council Discussion and Guidance, as Appropriate**

**Staff Summary:** None

### **2. Limited Entry Fixed Gear Catch Share Program Review - Jessi Doeringhaus/Jim Seger**

- a. Reports and Comments of Management Entities and Advisory Bodies**
- b. Public Comment**
- c. Council Action: Adopt a Final Program Review Document**

**Motion 5:** 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.

Heather Hall/Phil Anderson (Motion 5 carried unanimously)

**Staff Summary:** The Council adopted the [Limited Entry Fixed Gear Catch Share Program review document](#) as final, completing the program review. Additionally, the Council proposed beginning the next program review in 2026.

### **3. Stock Assessment Plan and Terms of Reference – Final Action - John DeVore**

- a. Reports and Comments of Management Entities and Advisory Bodies**
- b. Public Comment**
- c. Council Action: Adopt a Schedule and Final List of Groundfish Stocks for Assessment in 2023 and Final TORs; Refine the Preliminary List of Stocks for 2025 Assessments**

**Motion 6:** Council adopt 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), and 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: 1) adopt the Methodology Review Terms of Reference (TOR) and 2) the TOR that guides the development of rebuilding analyses used to develop harvest specifications and rebuilding plans for overfished and rebuilding species; and 3) adopt the Draft TOR for the Groundfish Stock Assessment Process for 2023-2024 as final (Agenda item F.3, Supplemental Revised Attachment 6).

Marci Yaremko/Butch Smith (Motion 6 carried unanimously)

**Staff Summary:** The Council adopted a near final list of groundfish stocks to be assessed in 2023 as follows:

- Full assessments: black rockfish (all areas), copper rockfish (California areas), petrale sole, and canary rockfish;
- Data-moderate assessments: shortspine thornyhead and rex sole; and
- Catch-only projection updates: cowcod south of 40° 10' N. lat., widow rockfish, and yelloweye rockfish.

The Scientific and Statistical Committee (SSC) recommended in their [report](#) consideration for assessing copper rockfish in all West Coast areas in the event the ultimate decision in the Fishery Management Plan (FMP) amendment to define stocks in the FMP delineates copper rockfish stocks in a manner that differs from state boundaries (see next agenda item). The Northwest Fisheries Science Center informed the Council one stock assessment would have to come off the list to add additional copper rockfish area models. The Council is scheduled to make that decision in September.

The Council adopted a preliminary list of stock assessment priorities for 2025 as follows:

- Full assessments: aurora rockfish, canary rockfish, China rockfish, Pacific spiny dogfish, quillback rockfish, rougheye/blackspotted rockfishes, sablefish, yelloweye rockfish (full or update assessment), and yellowtail rockfish.

The Council also adopted three Terms of Reference recommended by the Scientific and Statistical Committee, including one guiding [development of groundfish rebuilding analyses](#), one guiding [review of new proposed methodologies informing management of groundfish and coastal pelagic species](#), and one guiding [groundfish stock assessment reviews](#).

New 2023 groundfish stock assessments and methodologies that are Scientific and Statistical Committee-endorsed and adopted by the Council will inform groundfish management in 2025 and beyond.



#### 4. Stock Definitions – Scoping - John DeVore

- a. Reports and Comments of Management Entities and Advisory Bodies
- b. Public Comment
- c. **Council Action: Scope a Potential Fishery Management Plan Amendment Regarding the Definition of Stocks and Stock Complexes in Need of Conservation and Management; Provide Guidance on a Schedule and Future Work**

**Staff Summary:** The Council was briefed on the need to define stocks in the Fishery Management Plan (FMP) to enable NMFS to make stock status determinations. A [scoping document](#) provided some considerations for this FMP amendment. The Council gave staff the flexibility to collaborate with NMFS and the states to do some initial analyses to inform further consideration of an FMP amendment to define stocks in September.

#### 5. Sablefish Gear Switching - Jim Seger/Jessi Doerpinghaus

- a. Reports and Comments of Management Entities and Advisory Bodies
- b. Public Comment
- c. **Council Action: Consider Refinement to Alternatives Adopted for Analysis at the September 2021 Meeting and Provide Guidance on Analysis, As Needed**

**Motion 8:** Council to instruct staff to discontinue work on this action.

Corey Ridings/Christa Svensson (Motion 8 failed – Ms. Ridings, Ms. Svensson, Ms. Yaremko voted yes, Ms. Kent abstained)

**Motion 9:** 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 (F.5, Attachment 2) and add a new alternative as described below.

**Alternative 1:** Gear Specific Quota Share Guidance (in bold)

1. *With respect to classifying QS owners as Gear Switching Participants, what degree of linkage between QS account owners and vessel owners should be required? Where linkages exist, how much of the QS in the account should be converted based on that linkage? **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 QS account owner and vessel owner be evaluated? **Use the Control Date.***
3. *If a collective approach is taken and linkages are valuated based on some date in the past (e.g., the control date), what happens if a group splits up prior to implementation? **Only the partner that has had a history of owning a gear switching vessel would retain that status.***
4. *How might the individual/collective approach and linkage date requirements be applied with respect to the Individual Fishing Quota (IFQ) Participant option that requires a bottom trawl landing within two years prior to implementation? If a collective approach is*

taken, how would the conversion caps be applied if an ownership group breaks up prior to implementation? **Use the individual approach.**

5. If a collective approach is taken, how would the conversion caps be applied if an ownership group breaks up prior to implementation? **If a collective approach is taken and the group breaks up prior to implementation, have a cap proportional to their share of ownership of QS as of the control date.**
6. Under the collective approach, how is QS owned outside the ownership group treated? **Under the collective approach, the QS owned outside the group would not qualify for group classification status.**
7. Application of criteria to trusts, non-governmental organizations (NGO)s, and governments. Apply same as they would be applied to all other QS owners.
8. Application of formulas relying on share of ownership when ownership shares on record do not add to 100 percent. Calculate based on reported percent of ownership.
9. Modification of QS control and annual vessel quota pounds (QP) limits to take into account the division of the northern sablefish allocation into two pools. Apply existing accumulation limits only at the aggregate northern sablefish level, i.e., maintain the aggregate northern sablefish QS control limit (3 percent) and QP use limit (4.5 percent), as recommended by the GAP and GMT and do not apply adjustments to convert those into gear-specific limits.

**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.

**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.

Phil Anderson/Bob Dooley (Motion 9 carried, Ms. Svensson, Ms. Ridings voted no, Ms. Yaremko abstained)

**Motion 10:** Council confirm the following statements of intent regarding the requested provisions on which Council guidance is needed ([E.5, Attachment 3](#)) for the gear switching range of alternatives and request that staff analyze alternative 2 according to this intent:

- 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.
- 11 – No double counting in complex ownership situations.
- 12 – In complex ownership situations allow the involved owners to decide how to distribute credit for Quota Share (QS) accounts.
- 13 – Gear switching limits based on QS should be adjusted to take into account Adaptive Management Program (AMP) Quota Pound (QP) 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 QP limit”.
- 14 – Partial years should be included or excluded based on whichever gives the individual an improved gear switching limit.
- 15 – Non-endorsed trawl permits be specified as “the lesser of X percentage and 10,000 lbs”.

In addition, the Council requests that Council staff split alternative 2 based on the qualifying options of vessel or permit to reduce complexity and confusion for the analysis. Jessica Watson/Corey Niles (Motion 10 carried, Ms. Svensson, Ms. Ridings voted no, Ms. Yaremko abstained)

**Staff Summary:** The Council continued its process of considering a limitation on the use of non-trawl gear to catch northern sablefish in the trawl individual fishing quota fishery (sablefish gear switching), and provided guidance to refine its existing action alternatives: Alternative 1, gear-specific northern sablefish quota shares (QS, any-gear and trawl-only); and Alternative 2, gear switching endorsements for trawl limited entry permits. Additionally, it directed the creation of a new action alternative that would be similar to Alternative 1 but with gear-specific quota pounds instead of gear-specific QS. Finally, it directed that Alternative 2 be split into two alternatives, parallel in all their provisions but one with a qualifier based on permit history and the other with a qualifier based on vessel history. As is standard, no action continues to be an alternative.

**6. Exempted Fishing Permits, Harvest Specifications, and Management Measures for 2023-2024 Fisheries – Final Action - Todd Phillips/John DeVore/Jim Seger**

**a. Reports and Comments of Management Entities and Advisory Bodies**

**b. Public Comment**

**c. Council Action: Adopt Final Exempted Fishing Permit Recommendations and Final Preferred Harvest Specifications and Management Measures for 2023-2024 Fisheries**

**Motion 11:** Council adopt the following:

- For Item 1 (Harvest Specifications):
  - For quillback rockfish off California, Option 2 -  $ACL < ABC$ ,  $SPR 0.55$  &  $P^* 0.45$
  - 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
- For Item 2 (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 arounds islands, banks, and high spots within the Cowcod Conservation Areas (CCAs) from E.5.a, Supplemental CDFW Report 1, November 2021, which will be considered in the Non-Trawl Management Measures Agenda Item.

Marci Yaremko/Marc Gorelnik (Motion 11 carried unanimously)

**Motion 12:** Council adopt the five Exempted Fishing Permits (EFPs) 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.

Heather Hall/Butch Smith (Motion 12 carried unanimously)

**Motion 13:** 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.

Heather Hall/Phil Anderson (Motion 13 carried unanimously)

### **Staff Summary:**

#### **Specifications**

The Council adopted quillback rockfish harvest Alternative 1 specifications (annual catch limit (ACL) < acceptable biological catch (ABC); spawning potential ratio 0.55; P\* 0.45; 2023 statewide ACL = 1.76 mt; 2024 statewide ACL = 1.93 mt) as their final preferred alternative (FPA) to inform the contribution of California quillback rockfish to the north and south of 40° 10' N. lat. Nearshore Rockfish complexes. The Council adopted the No Action harvest control rule (HCR) for copper rockfish that would apply the default 40-10 adjustment to each assessment area ABC, which includes the corrected apportionment values as described in [F.6, Attachment 3, June 2022](#) and supported by the [SSC](#) as their FPA.

#### **Exempted Fishing Permits (EFP)**

The Council recommended that five EFPs be implemented by NMFS for the 2023-2024 biennium. These include: [Yellowtail Rockfish Jig Fishing off California](#), [Monterey Bay Regional EFP Targeting Chilipepper Rockfish](#), [Year-Round Coastwide Midwater Trawling for Rockfish](#), [CDFW Recreational Cowcod Sampling in California](#), and [WDFW Enhanced Yelloweye Recreational Fishery Biological Sampling](#). Additionally, the Council endorsed enhancing the [Yellowtail Rockfish Jig Fishing off California EFP](#) and [Monterey Bay Regional EFP Targeting Chilipepper Rockfish](#) to include natural bait. The Council also recommended the [Yellowtail Rockfish Jig Fishing off California EFP](#) expand the geographic range of the EFP to include areas between 40° 10' N. lat. and the Washington/Oregon border and between 34° 27' N. lat. to the California/Mexico border as described in [Supplemental REVISED GAP Report 1](#).

#### **Management Measures**

The Council adopted their preliminary preferred alternative (PPA) as the FPA for routine management measures in the 2023 and 2024 groundfish fisheries (detailed in Appendix 2 of the [Supplemental REVISED GMT Report 3](#)). The Council adopted updates to the Groundfish Fishery Management Plan that would support the items in this action ([F.6, Attachment 9](#)).

The Council adopted updates to Rockfish Conservation Area (RCA) waypoints as described in [F.4.a, Supplemental CDFW Report 5, April 2022](#) and [E.5.a, Supplemental CDFW Report 1, November 2021](#) that will address CDFW enforcement requests, better align coordinates with the depth contours as suggested by industry, and to eliminate crossovers. The Council specifically stated that these updates do not include new proposed waypoints arounds islands, banks, and high spots within the Cowcod Conservation Areas (CCAs) from [E.5.a, Supplemental CDFW Report 1, November 2021](#), which will be considered in the Non-Trawl Management Measures action.

The routine management measures for the 2023-2024 biennium include increases to the [Tribal set-asides](#) for darkblotched rockfish and Pacific ocean perch, removal of the 50 mt annual catch target for cowcod south of 40° 10' N. lat. Additionally, the Council reviewed [Supplemental GMT Report 2](#) which describes annual catch targets (ACT) for copper rockfish and quillback rockfish in the Exclusive Economic Zone off of California. The Council adopted ACTs for both species to be set equal to their annual catch limit (ACL) contribution to the Nearshore Rockfish Complex. If the ACT for these species is exceeded, or projected to be exceeded, the Council will determine if mitigation measures are needed to reduce catch as part of a future Inseason Adjustments agenda item.

Harvest guidelines/state shares for stocks in a complex as well as the biennial and Amendment 21 allocations were not changed for the 2023-2024 biennium. The Council adopted the No Action commercial non-trawl open access (OA) and limited entry fixed gear (LEFG) trip limits for all species except for quillback rockfish and copper rockfish in the EEZ off of California. The trip limits for these species will be set at 75 lbs. per two months between 42° – 40° 10' N. lat. within the 2,000 lbs. per 2 months Minor Nearshore Rockfish limit and 75 lbs. per two months south of 40° 10' N. lat. within the 2,000 lbs. per 2 months Deeper Nearshore Rockfish limit. Further, the Council adopted the OA sablefish north of 36° trip limits Option 1: 2,000 lbs. per week, not to exceed 4,000 lbs. / 2 months (removing the 600 lbs. daily trip limit).

The Council adopted the recreational management measures recommended by the [California Department of Fish and Wildlife](#), the [Oregon Department of Fish and Wildlife](#), and the [Washington Department of Fish and Wildlife](#).

The Council adopted a suite of new management measures including an amendment to the FMP ([F.6, Attachment 9](#)). This amendment formalizes a 2,000 mt threshold for shortbelly rockfish bycatch that would trigger Council review of the fishery. The Council recommended changes to management of the Non-Trawl Rockfish Conservation Area (NT RCA). This measure will allow commercial non-trawl vessels to access the NT RCA and fish within its boundaries with specific gear types.

The Council adopted an extension of the primary sablefish season from October 31 to December 31 and, in conjunction with this measure, they recommended that the incidental Pacific halibut closure be the date specified by the International Pacific Halibut Commission, or until the quota is taken for this fishery.

The Council adopted two California recreational fishery measures which would allow the Council to consider a range of bag limit changes to quillback rockfish, copper rockfish, and vermilion

rockfish if necessary. The second measure would allow a modification to the use of Rockfish Conservation Areas (RCA) for recreational fishery, whereby an RCA could be used to close areas shoreward of a depth boundary; previously an RCA could only be set seaward of a boundary depth.

The Council also adopted changes to the use of block area closures (BAC) for the trawl fishery. BACs will be applicable to bottom trawl gear off Washington and midwater trawl gear off Washington, Oregon, and California to mitigate groundfish bycatch, if necessary. Additionally, the Council adopted corrected FMP language for BAC that would support this measure ([F.6, Attachment 9](#)).

## **7. Inseason Adjustments – Final Action - Todd Phillips**

- a. Reports and Comments of Management Entities and Advisory Bodies**
- b. Public Comment**
- c. Council Action: Adopt Final Inseason Adjustments for 2022, as Necessary, to Achieve but Not Exceed Annual Catch Limits and Other Management Objectives**

**Staff Summary:** The Council did not receive or recommend any inseason adjustments to groundfish fisheries at this meeting.

## **G. Highly Migratory Species Management**

### **1. National Marine Fisheries Service Report - Kit Dahl**

- a. Regulatory Activities - Lyle Enriquez**
- b. Fisheries Science Center Activities**
- c. Reports and Comments of Management Entities and Advisory Bodies**
- d. Public Comment**
- e. Council Action: Council Discussion and Guidance, as Appropriate**

**Staff Summary:** None

### **2. International Management Activities - Kit Dahl**

- a. Reports and Comments of Management Entities and Advisory Bodies**
- b. Public Comment**
- c. Council Action: Provide Recommendations on U.S. Positions at Upcoming Meetings and Other Forums, as Appropriate**

**Staff Summary:** The Council endorsed the [recommendations of its Highly Migratory Species Advisory Panel](#) on harvest strategies for Pacific bluefin tuna and North Pacific albacore tuna.

Recommendations for U.S. actions at the upcoming July 11-13 meeting of the Inter-American Tropical Tuna Commission-Western and Central Pacific Fisheries Commission Northern Commission Joint Working Group on Pacific Bluefin Tuna Management:

- Oppose catch limit increases this year, if proposed.
- If increases are agreed to, ensure that, with a high probability, they do not result in overfishing and that the U.S. receives an equitable allocation of any catch limit increases.
- Submit a proposal to the Joint Working Group for development of a harvest strategy that would include mechanisms to carry out a management strategy evaluation.
- Include in any such harvest strategy proposal appropriate management objectives that are consistent with measures agreed to by U.S. stakeholders that stem from NMFS-sponsored stakeholder workshops. In particular, include those aimed at maintaining the stock at levels that can achieve maximum sustainable yield.

Recommendations for revisions to the U.S. [draft proposal on a North Pacific albacore harvest strategy](#) (as an Inter-American Tropical Tuna Commission Resolution):

- Revise the beginning of paragraph 1 to read, “A harvest strategy shall be adopted for all fisheries which harvest North Pacific albacore in the Convention Area.”
- For the purpose of implementing management measures, develop definitions to distinguish between fisheries (or vessels) that target North Pacific albacore and those that catch North Pacific albacore but are not targeting them.
- At paragraph 1(a)(iv) add language that there should be a low probability of management changes resulting in a 30 percent or greater decrease between consecutive assessment periods (consistent with the performance indicator described in the management strategy evaluation).
- Defer inclusion of harvest control rules (paragraph 1(f)) until further consultations with stakeholders can be completed.

### **3. Exempted Fishing Permits - Kit Dahl**

#### **a. Reports and Comments of Management Entities and Advisory Bodies**

#### **b. Public Comment**

#### **c. Council Action: Preliminary Review of Exempted Fishing Permit Applications**

**Motion 7:** Council approve the proposed EFPs in attachments G3-1 through G3-4, G3-7, G3-9, G3-13, and G3-14 and request that NMFS issue those EFPs as possible under existing ESA consultation.

Also, 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: remove requested fishing within State Waters
- Attachment 6: limit total pieces of gear to 15 and footprint to that approved for other DSBG fishing (5 nm 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
- Attachment 12: as requested without modification

John Ugoretz/Caren Braby (Motion 7 carried unanimously)

**Staff Summary:** The Council approved the following exempted fishing permit (EFP) applications for immediate issuance by NMFS:

- J. Bateman ([Attachment 1](#))
- R. & F. Devoe ([Attachment 2](#))
- S. Fukushima ([Attachment 3](#))
- G. Gershman, et al ([Attachment 4](#))
- R & M. Hupp ([Attachment 7](#))
- M. Mandato ([Attachment 9](#))
- M. Rippo ([Attachment 13](#))
- J. Souza ([Attachment 14](#))

The Council will take final action on the following EFP applications at its September 2022 meeting, with recommended modifications described below:

- G. Harold ([Attachment 5](#)): Remove requested fishing within state waters
- G. Honings ([Attachment 6](#)): Limit total pieces of gear to 15 and the current 5 nm footprint
- K. Jacobs & T. Gomez ([Attachment 8](#))
- S. Mintz ([Attachment 10](#)): Remove the proposal to add time before and after sunrise and sunset
- N. Perez ([Attachment 11](#)): Limit total pieces of gear to 15
- Pflieger Institute of Environmental Research (PIER) ([Attachment 12](#))

The Council also requested that NMFS provide the information necessary for the HMSMT to evaluate whether existing EFP holders requesting new EFPs (all of the above except for G. Harold) have been in compliance with logbook and annual report requirements, as specified in their EFP terms and conditions. The HMSMT will then report back on any compliance issues at the September 2022 meeting.

#### **4. Drift Gillnet Fishery Hard Caps - Kit Dahl**

##### **a. Reports and Comments of Management Entities and Advisory Bodies**



**b. Public Comment**

**c. Council Action: Adopt a Range of Alternatives and Preliminary Preferred Alternative, as Appropriate**

**Staff Summary:** The Council provided guidance on the completion of the analysis of the range of alternatives so that the Council may choose its final preferred alternative at the November 2022 meeting.

**INFORMATIONAL REPORTS**

[Informational Report 1](#): Pacific Whiting Conservation Cooperative Amendment 20 Catcher/Processor Cooperative Annual Report 2021

[Informational Report 2](#): Whiting Mothership Cooperative – An Amendment 20 Mothership Catcher Vessel Cooperative Annual Report on the 2021 Pacific Whiting Fishery (*Electronic Only*)

[Informational Report 3](#): Shorebased Whiting Cooperative – Salmon Mitigation Plan Postseason Report on the 2021 Pacific Whiting Fishery

[Informational Report 4](#): Equity and Environmental Justice Strategy (*Electronic Only*)

[Informational Report 5](#): DRAFT Western Regional Action Plan to Implement the NOAA Fisheries Climate Science Strategy in 2022 – 2024 (Electronic Only)

[Informational Report 6](#): FY21 Annual Enforcement Report to the Pacific Fishery Management Council West Coast Enforcement Division

**VOTING LOG**

**Motion 1:** Council approve the Council Meeting agenda as printed in [Agenda Item A.4, June 8-14, 2022](#).

Phil Anderson/Heather Hall (Motion 1 carried unanimously)

**Motion 2:** Council to adopt the following for the central subpopulation for northern anchovy:

- Overfishing limit: 243,779 mt
- Allowable biological catch: 60,945 mt
- Annual catch limit: 25,000 Metric tons

Briana Braby/Phil Anderson (Motion 2 carried unanimously)

**Motion 3:** Council adopt the [draft terms of reference for CPS stock assessments](#) for public review.

Briana Brady/Marc Gorelnik (Motion 3 carried unanimously)

**Motion 4:** Council adopt the Phase 2 Action Plan as detailed in [Agenda Item D.3.a, CPSMT Report 1](#) with consideration of the additional scope suggested in the [HC](#) and [advisory subpanel](#) reports.

Caren Braby/Bob Dooley (Motion 4 carried unanimously)

**Motion 5:** 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.

Heather Hall/Phil Anderson (Motion 5 carried unanimously)

**Motion 6:** Council adopt 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), and 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](#): 1) adopt the Methodology Review Terms of Reference (TOR) and 2) the TOR that guides the development of rebuilding analyses used to develop harvest specifications and rebuilding plans for overfished and rebuilding species; and 3) adopt the Draft TOR for the Groundfish Stock Assessment Process for 2023-2024 as final ([Agenda Item F.3, Supplemental Revised Attachment 6](#)).

Marci Yaremko/Butch Smith (Motion 6 carried unanimously)

**Motion 7:** Council approve the proposed EFPs in attachments [G3-1](#), [G3-2](#), [G3-3](#), [G3-4](#), [G3-7](#), [G3-9](#), [G3-13](#), and [G3-14](#) and request that NMFS issue those EFPs as possible under existing ESA consultation.

Also, 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](#): remove requested fishing within State Waters
- [Attachment 6](#): limit total pieces of gear to 15 and footprint to that approved for other DSBG fishing (5 nm 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
- [Attachment 12](#): as requested without modification

John Ugoretz/Caren Braby (Motion 7 carried unanimously)

**Motion 8:** Council to instruct staff to discontinue work on this action.

Corey Ridings/Christa Svensson (Motion 8 failed, Ms. Ridings, Ms. Svensson, Ms. Yaremko voted yes, Ms. Kent abstained)

**Motion 9:** 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 ([F.5, Attachment 2](#)) and add a new alternative as described below.

**Alternative 1:** Gear Specific Quota Share Guidance (in bold)

1. *With respect to classifying QS owners as Gear Switching Participants, what degree of linkage between QS account owners and vessel owners should be required? Where linkages exist, how much of the QS in the account should be converted based on that linkage? **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 QS account owner and vessel owner be evaluated? **Use the Control Date.***
3. *If a collective approach is taken and linkages are valued based on some date in the past (e.g., the control date), what happens if a group splits up prior to implementation? **Only the partner that has had a history of owning a gear switching vessel would retain that status.***
4. *How might the individual/collective approach and linkage date requirements be applied with respect to the Individual Fishing Quota (IFQ) Participant option that requires a bottom trawl landing within two years prior to implementation? If a collective approach is taken, how would the conversion caps be applied if an ownership group breaks up prior to implementation? **Use the individual approach.***
5. *If a collective approach is taken, how would the conversion caps be applied if an ownership group breaks up prior to implementation? **If a collective approach is taken and the group breaks up prior to implementation, have a cap proportional to their share of ownership of QS as of the control date.***
6. *Under the collective approach, how is QS owned outside the ownership group treated? **Under the collective approach, the QS owned outside the group would not qualify for group classification status.***
7. *Application of criteria to trusts, non-governmental organizations (NGO)s, and governments. Apply same as they would be applied to all other QS owners.*
8. *Application of formulas relying on share of ownership when ownership shares on record do not add to 100 percent. Calculate based on reported percent of ownership.*
9. *Modification of QS control and annual vessel quota pounds (QP) limits to take into account the division of the northern sablefish allocation into two pools. Apply existing accumulation limits only at the aggregate northern sablefish level, i.e., maintain the aggregate northern sablefish QS control limit (3 percent) and QP use limit (4.5 percent), as recommended by the GAP and GMT and do not apply adjustments to convert those into gear-specific limits.*

**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.

**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.

Phil Anderson/Bob Dooley (Motion 9 carried, Ms. Svensson, Ms. Ridings voted no, Ms. Yaremko abstained)

**Motion 10:** Council confirm the following statements of intent regarding the requested provisions on which Council guidance is needed ([F.5, Attachment 3](#)) for the gear switching range of alternatives and request that staff analyze alternative 2 according to this intent:

- 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.
- 11 – No double counting in complex ownership situations.
- 12 – In complex ownership situations allow the involved owners to decide how to distribute credit for Quota Share (QS) accounts.
- 13 – Gear switching limits based on QS should be adjusted to take into account Adaptive Management Program (AMP) Quota Pound (QP) 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 QP limit”.
- 14 – Partial years should be included or excluded based on whichever gives the individual an improved gear switching limit.
- 15 – Non-endorsed trawl permits be specified as “the lesser of X percentage and 10,000 lbs.”. In addition, the Council requests that Council staff split alternative 2 based on the qualifying options of vessel or permit to reduce complexity and confusion for the analysis.

Jessica Watson/Corey Niles (Motion 10 carried, Ms. Svensson, Ms. Ridings voted no, Ms. Yaremko abstained)

**Motion 11:** Council adopt the following:

- For Item 1 (Harvest Specifications):
  - For quillback rockfish off California, Option 2 -  $ACL < ABC$ ,  $SPR 0.55$  &  $P^* 0.45$
  - 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
- For Item 2 (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 arounds islands, banks, and high spots within the Cowcod Conservation Areas (CCAs) from [E.5.a, Supplemental CDFW Report 1, November 2021](#), which will be considered in the Non-Trawl Management Measures Agenda Item.

Marci Yaremko/Marc Gorelnik (Motion 11 carried unanimously)

**Motion 12:** Council adopt the five Exempted Fishing Permits (EFPs) 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.

Heather Hall/Butch Smith (Motion 12 carried unanimously)

**Motion 13:** 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](#).

Heather Hall/Phil Anderson (Motion 13 carried unanimously)

**Motion 14:** 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 8-14, 2022 (Electronic Only) and
- [Agenda Item C.6, Attachment 2](#): Draft Council Meeting Record: 266th Session of the Pacific Fishery Management Council, April 7-13, 2022 (Electronic Only)

Also include the ability for staff to make corrections to the March 2022 meeting, page 7, roll call for online and in-person participants.

Phil Anderson/Pete Hassemer (Motion 14 carried unanimously)

**Motion 15:** Council adopt the report and recommendations of the Budget Committee ([Agenda Item C.4.a, Supplemental Budget Committee Report, June 2022](#))

Pete Hassemer/Heather Hall (Motion 15 carried unanimously)

**Motion 16:** Council

1. Reaffirm intent and scope of the MPC committee at this 1-year anniversary of this ad hoc committee:
  - a. Elevate fishing community voices in emerging marine planning issues, especially for public processes
  - b. Play a key role in the Council process to identify priority issues for Council engagement in marine planning, with emphasis on offshore wind (OSW) and aquaculture opportunity areas (AOA's); the emphasis on OSW and AOA's 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 1 recorded public webinar, weeks prior to each council meeting to
    - i. identify high-priority comment opportunities for QR letter response;
    - ii. discuss substance of QR letter comments (for fisheries concerns/issues);
    - iii. catalog past/future marine planning activities (meetings, letters of interest, etc.);
    - iv. 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 when a letter has been deemed necessary by the MPC in coordination with the Executive Director, Council Chair, Marine Planning Council representative and state wildlife agency representative for the state involved (decoupled from Council floor time) and
    - i. Are high priority when an issue has high potential to impact the Council's resources (fisheries, communities, EFH/habitat, research surveys, etc.) 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.

- ii. 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.
- iii. After MPC and HC complete a draft, should be finalized with an additional coordination opportunity with advisory subpanels should occur via MPC members (HMSAS, CPSAS, GAP, SAS, 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:

- i. 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 data sets for purposes of that specific planning process.
  - a. Prioritize quality and completeness of information over expediency.

Caren Braby/Christa Svensson (Motion 16, as amended, carried unanimously)

**Motion 17:** 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 AB's 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 OSW-specific 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 7/22/2022.
4. California Proposed Sale Notice – prepare QR letter for Council approval. Due 8/1/2022.
5. BOEM fishery mitigation strategy guidance – track and anticipate future QR letter opportunities.

Caren Braby/Phil Anderson (Motion 17 carried unanimously)

**Motion 18:** Council suspend the provision of Council Operating Procedure 1 that states that the Chair may not serve more than two consecutive one-year terms.

Phil Anderson/Heather Hall (Motion 18 carried unanimously)

**Motion 19:** Mr. Marc Gorelnik serve as Council Chair and Mr. Brad Pettinger and Mr. Pete Hassemer serve as Council Vice-Chairs for the August 11, 2022-August 10, 2023 term.

Bob Dooley/Butch Smith (Motion 19 carried unanimously)

**Motion 20:** Council appoint Ms. Shannon Adams to the vacant Northwest or Columbia River Tribal Representative position on the Habitat Committee.

Joe Oatman/Phil Anderson (Motion 20 carried, Ms. Ridings abstained)

**Motion 21:** Council appoint Ms. Corianna Flannery to the CDFW position on the Habitat Committee currently held by Mr. Eric Wilkins.  
Marcy Yaremko/Corey Ridings (Motion 21 carried unanimously)

**Motion 22:** Council appoint Mr. Eric Chavez to the vacant West Coast Region position on the Habitat Committee.  
Ryan Wulff/Pete Hassemer (Motion 22 carried unanimously)

**Motion 23:** Council appoint Mr. Mike Okoniewski to the vacant at-large processor position on the Groundfish Advisory Subpanel.  
Christa Svensson/Corey Ridings (Motion 23 carried unanimously)

**Motion 24:** Council decommission the Ad Hoc Southern Oregon Northern California Coast Coho Workgroup and the Ad Hoc Sablefish Management and Trawl Allocation Attainment Committee.  
Marcy Yaremko/Phil Anderson (Motion 24 carried unanimously)

**ADJOURN**

The Council meeting adjourned on Tuesday, June 14, 2022 at 11:48 a.m.



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Marc Gorelnik  
Council Chair

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October 3, 2022  
Date