

DRAFT COUNCIL MEETING RECORD
269th Session of the
Pacific Fishery Management Council
November 2-8, 2022
Hyatt Regency Orange County
11999 Harbor Blvd, Garden Grove, CA 92840

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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 269th meeting of the Pacific Fishery Management Council (Council) to order at 9:00 a.m. on November 3, 2022. A closed session was held before this open session to discuss litigation and personnel matters.

2. Roll Call – Merrick Burden

Council Members present during the meeting week:

National Marine Fisheries Service:	Dr. Scott Rumsey Mr. Frank Lockhart, designee Mr. Ryan Wulff, designee Ms. Maggie Sommer, designee Ms. Keeley Kent, designee Ms. Susan Bishop, designee Mr. Lyle Enriquez, designee Mr. Josh Lindsay, designee
Alaska State Official:	Ms. Dani Evenson, 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. John North, designee
Oregon Obligatory:	Ms. Christa Svensson
California State Official:	Ms. Marci Yaremko, designee Ms. Caroline McKnight, 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
Pacific States Marine Fisheries Commission:	Mr. Barry Thom, Parliamentarian, nonvoting
U.S. Coast Guard:	LCDR Brett Ettinger, nonvoting designee LT Lelea Lingo, nonvoting designee
U.S. Fish and Wildlife Service:	Mr. Mike Clark, nonvoting designee Dr. Kyle Hanson, nonvoting designee Dr. Benjamin Cross, nonvoting designee

U.S. State Department:

Mr. John Netto, nonvoting designee
Mr. Roger Root, nonvoting designee
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, November 2022.

Virgil Moore/Bob Dooley (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 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 Meeting

Staff Summary: None

2. National Marine Fisheries Service National Policy for Saltwater Recreational Fisheries - Kelly Ames

a. Report of the National Marine Fisheries Service - Russell Dunn

b. Reports and Comments of Management Entities and Advisory Bodies

c. Public Comment

d. Council Action: Review National Marine Fisheries Service National Saltwater Recreational Fisheries Policy and Provide Comments

Staff Summary: The Council reviewed the [2015 National Policy for Saltwater Recreational Fisheries](#) (Policy) and the [discussion guide](#) that emerged from the [2022 National Saltwater Recreational Fisheries Summit](#). Council discussion focused on Principles 5 and 6, which emphasize the importance of scientifically sound information and the value of communication and

engagement of the recreational community in science and management. The Council comments to National Marine Fisheries Service (NMFS) on the Policy will incorporate the recommendations from the [Groundfish Advisory Subpanel](#) and also include considerations for addressing climate change. The Council recommended NMFS update the Policy to acknowledge the challenges associated with competing ocean uses and the importance of marine spatial planning to provide access to quality recreational fishing opportunities. The public can also submit comments on the Policy to NMFS via a [public comment portal](#) which is open through December 31, 2022.

3. Legislative Matters - Merrick Burden

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

4. Chumash Heritage National Marine Sanctuary Designation - Kerry Griffin

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Consider the Sanctuary Designation and Provide Recommendations on the Need for Fishery Regulations

Staff Summary: The Council considered a request from the Office of the National Marine Sanctuaries (ONMS) to develop any fishing regulations the Council deems necessary to implement the proposed [Chumash](#) Heritage National Marine Sanctuary (See [correspondence](#) between ONMS and the Council). Council members did not identify any new fishing regulations that would be necessary, recognizing that all current Federal fishing regulations, including habitat protections, will remain in place if the proposed sanctuary is designated. Council members expressed their appreciation for the ONMS's ongoing communication and efforts to keep the Council apprised of U.S. West Coast ONMS activities, management plan reviews, and scientific research initiatives.

5. National Marine Fisheries Service Accomplishments and Priorities - Kelly Ames

a. West Coast Region Report - Scott Rumsey

b. Fisheries Science Center Reports - Kevin Werner & Kristen Koch

c. Reports and Comments of Management Entities and Advisory Bodies

d. Public Comment

- e. **Council Action: Consider 2022 Accomplishments and 2023 Priorities and Provide Comments, As Necessary**

Staff Summary: None

6. Marine Planning - Kerry Griffin

- a. **Reports and Comments of Management Entities and Advisory Bodies**
- b. **Public Comment**
- c. **Council Action: Consider Marine Planning Committee Report and Provide Guidance**

Staff Summary: The Council received presentations from Bureau of Ocean Energy Management (BOEM) representatives and from the Director of the West Coast Oceans Alliance (WCOA). The Council endorsed a December 1, 2022 Marine Planning Committee meeting with the purpose of learning more detailed information regarding data inputs, submodels, and weighting factors related to the National Centers for Coast Ocean Science spatial suitability modeling. After the December 1 meeting, the Marine Planning Committee should determine the need to convey comments to BOEM, which would be in the form of a Quick Response Process comment letter.

The Council expressed a desire to engage more formally with the WCOA, and asked the Executive Director and Council staff to communicate with WCOA over the winter and to include consideration of a more formal arrangement with WCOA under the March Membership Appointments and Council Operating Procedure agenda item.

7. Fiscal Matters - Patricia Crouse

- 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 24: Council adopt the report and recommendations of the Budget Committee (Agenda Item C.7.a, Supplemental Budget Committee Report 1, November 2022).

Phil Anderson/Virgil Moore (Motion 24 carried unanimously)

Staff Summary: The Council adopted a 2023 Provisional Budget of \$6,041,021 and recommended a Budget Committee meeting in April or June as appropriate. The Council also recommended a meeting in 2023 to consider future budget planning alongside the Council Efficiencies topic.

8. Approval of Council Meeting Record - Marc Gorelnik

a. Council Action: Approve Previous Council Meeting Record

Motion 25: Council approve the Council meeting record as presented in Agenda Item C.8, Attachment 1: Draft Council Meeting Record: 268th Session of the Pacific Fishery Management Council, September 6-14, 2022 (*Electronic Only*).

Phil Anderson/Bob Dooley (Motion 25 carried unanimously)

9. Membership Appointments and Council Operating Procedures - Kelly Ames

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 26: Council appoint Mr. Steve Sohlstrom to the Washington Charter Boat Operator position on the Salmon Advisory Subpanel formerly held by Mr. Michael Sawin.

Phil Anderson/Butch Smith (Motion 26 carried unanimously)

Motion 27: Council appoint Dr. Christopher Free to a vacant At-Large position on the Scientific and Statistical Committee.

Corey Ridings/Virgil Moore (Motion 27 carried unanimously)

Motion 28: Council appoint Ms. Lynn Massey to the West Coast Region position on the Groundfish Management Team formerly held by Mr. Daniel Studt.

Ryan Wulff/Marci Yaremko (Motion 28 carried unanimously)

Motion 29: Council appoint Mr. James Phillips to the California Department of Fish and Wildlife position on the Groundfish Management Team formerly held by Ms. Caroline McKnight.

Marci Yaremko/Bob Dooley (Motion 29 carried unanimously)

Motion 30: Council adopt the changes as identified in Agenda Item C.9, Attachment 1 with the following change, in the last sentence under “New Member Orientation” change it to read “In addition, new members will attend at least one Council Chair’s briefing during their first year of service on the Council in coordination with the Executive Director”.

Pete Hassemer/Bob Dooley (Motion 30 carried unanimously)

Staff Summary: The Council made the following Advisory Body appointments

- Dr. Christopher Free to an At-Large position on the Scientific and Statistical Committee
- Mr. Steve Sohlstrom to the Washington Charter Boat Operator position on the Salmon Advisory Subpanel
- Ms. Lynn Massey to a West Coast Region position on the Groundfish Management Team, replacing Mr. Daniel Studt
- Mr. James Phillips to the California Department of Fish and Wildlife position on the Groundfish Management Team, replacing Ms. Caroline McKnight

The Council directed staff to solicit nominations for the Washington Commercial position on the Coastal Pelagic Species Advisory Subpanel and the Washington Charter Boat Operator position on the Groundfish Advisory Subpanel.

The Council adopted modifications to Council Operating Procedure (COP) 1 – *General Council Meeting Operations* that provide flexibility regarding the number of terms allowed for Council Officers and require new Council members to attend at least one Chair’s briefing during their first year of service.

10. 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: None

D. Salmon Management

1. National Marine Fisheries Service Report - Robin Ehlke

- a. Regulatory Activities - Susan Bishop**
- b. Reports and Comments of Management Entities and Advisory Bodies**
- c. Public Comment**
- d. Council Action: Council Discussion and Guidance, as Appropriate**

Staff Summary: None

2. Final Methodology Review - Robin Ehlke

- a. Reports and Comments of Management Entities and Advisory Bodies**
- b. Public Comment**
- c. Council Action: Adopt Final Methodology Changes for 2023 and Beyond, and Discuss Model Improvements**

Motion 2: Council adopt an updated Chinook abundance threshold for Southern Resident Killer Whale management measures based on improvements made to the models originally used to develop the threshold and consistent with section 6.6.8 of the Pacific Coast Salmon Fishery Management Plan. The threshold is based on pre-fishing Chinook salmon abundance in the

north of Cape Falcon area, and the updated value is 623,000, as presented in Agenda Item D.2.a, Supplemental STT Report 2, dated 11/2/2022.

Kyle Adicks/Phil Anderson (Motion 2 carried unanimously)

Motion 3: Council adopt the recommendation that the Sacramento Index forecast be expressed as the median rather than the mean beginning in 2023, as described in item 4 of Agenda Item D.2.a, Supplemental STT Report 1, November 2022.

Marci Yaremko/Marc Gorelnik (Motion 3 carried unanimously)

Staff Summary: The Council adopted a change in the method used to determine the Sacramento Index (SI) forecast. Beginning in 2023 the SI forecast will be expressed as the median, rather than as the mean. The change is based on recommendations in reports from the [Salmon Technical Team](#) (STT) and the [Science and Statistical Committee](#) (SSC) and detailed in the [material](#) provided for the 2022 Salmon Methodology Review.

The Council approved an adjustment to the data ranges used to forecast effort in commercial and recreational salmon fisheries south of Cape Falcon, OR, as recommended by the STT and provided in their [report](#) to the Council.

The Council adopted a change to the Chinook abundance threshold that is used as a management measure to address the effect of Council-area ocean salmon fisheries on the Chinook salmon prey base of Southern Resident Killer Whales that was implemented under Amendment 21 of the Pacific Coast Salmon Fishery Management Plan (FMP). The change was informed by a technical review of recent updates to models, and the STT provided a [report](#) to aid the Council in determining the appropriate numerical value of the threshold. The threshold continues to be based on the arithmetic mean of the seven years identified in section 6.6.8 of the Salmon FMP representing pre-fishing Chinook salmon abundance in the area North of Cape Falcon (1994-1996, 1998-2000, and 2007). The updated Chinook abundance threshold is 623,000 Chinook.

3. 2023 Preseason Management Schedule - Robin Ehlke

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt Final 2023 Preseason Management Schedule

Staff Summary: The Council approved the 2023 salmon management schedule including the tentative dates for public hearings. The venue for the salmon public hearing in California was changed from Eureka to Santa Rosa. The Council acknowledged the schedule and venues are tentative and changes may occur due to COVID-19 concerns.

E. Pacific Halibut Management

1. 2023 Catch Sharing Plan and Annual Regulations – Final Action - Robin Ehlke

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt Final 2023 Catch Sharing Plan and Annual Regulation Changes

Motion 4: Council adopt the proposed season structure, season dates, and proposed changes to the Catch Sharing Plan for 2023 as described in [Agenda Item E.1.a, Supplemental WDFW Report 1, November 2022](#) including adding Tuesday, May 30 to the proposed season dates for Marine Area 2.

Heather Hall/Butch Smith (Motion 4 carried unanimously)

Motion 5: Council adopt the recommended changes to the Pacific Halibut Catch Sharing Plan for the 2023 Fishery as outlined in Agenda Item E.1.a, Supplemental ODFW Report 1.

Jessica Watson/Christa Svensson (Motion 5 carried unanimously)

Staff Summary: The Council adopted changes to the Catch Sharing Plan (CSP) and 2023 annual fishing regulations consistent with the recommendations on recreational fisheries provided by [Oregon Department of Fish and Wildlife](#) (ODFW) and [Washington Department of Fish and Wildlife](#) (WDFW). The WDFW recommendation included adding Tuesday, May 30 to the proposed season dates for the South Coast subarea (Marine Area 2).

2. 2023 Commercial-Directed Fishery Regulations – Final Action - Robin Ehlke

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt Final 2023 Non-Tribal Commercial-Directed Halibut Fishery Regulations for NMFS Implementation

Motion 6: Council adopt a season structure for the directed commercial fishery in 2023 that would be a series of three-day openings, beginning at 8 a.m. on the fourth Tuesday in June and ending at 6 p.m. on the Thursday of that week. Additional three-day openings would occur every other week (or as soon as practicable), Tuesday through Thursday, until the directed fishery allocation is obtained and, if NMFS implements final regulations transitioning management of the directed commercial Pacific halibut fishery from the IPHC to NMFS, make administrative edits to the CSP as needed to reflect the final regulations, consistent with Agenda Item E.2, Supplemental Attachment 1, November 2022.

Heather Hall/Jessica Watson (Motion 6 carried unanimously)

Staff Summary: The Council adopted a 2023 season structure for the directed commercial fishery consisting of a series of three-day openings, beginning at 8 a.m. on the fourth Tuesday in June and ending at 6 p.m. on the Thursday of that week. Additional three-day openings would occur every other week (or as soon as practicable), Tuesday through Thursday, until the directed fishery allocation is obtained and, if NMFS implements final regulations transitioning management of the directed commercial Pacific halibut fishery from the International Pacific Halibut Commission (IPHC) to NMFS, administrative edits to the CSP will be made as needed to reflect the final regulations, consistent with [Agenda Item E.2, Supplemental Attachment 1](#), November 2022.

F. 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 \(HC\) report](#) summarized several topics, including a request that the Council help the National Oceanic and Atmospheric Administration's (NOAA) Deep Sea Coral Research and Technology Program (DSCRTP) and the NOAA Ocean Exploration (OE) Program identify priorities related to potential future Pacific Coast research activities. The Council directed the HC, with input from other Council Advisory Bodies as appropriate, to develop and communicate research priorities to the DSCRTP and OE Programs, consistent with the Council's Research and Data Needs document and prior correspondence. The Council also directed the HC to develop a draft comment letter on the Bureau of Ocean Energy Management's Draft Programmatic Environmental Impact Statement on oil and gas rig decommissioning, and to develop comments on the pending Lower Columbia River Dredge Materials Management Plan once the comment period opens in 2023.

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 contained in [Agenda Item G.2.a, Supplemental HMSAS Report 1](#) and those made by the [Permanent Advisory Committee](#) to the

U.S. Section of the Western and Central Pacific Commission (WCPFC). Specifically, the Council recommends the following U.S. positions with regard to WCPFC actions:

- Adopt the harvest strategy for North Pacific albacore proposed by the WCPFC Northern Committee (NC) at the upcoming 19th Regular Session.
- Adopt the conservation and management measure for North Pacific swordfish proposed by the NC at the upcoming 19th Regular Session.
- Work with other nations at the 19th Regular Session to adopt a consistent Conservation and Management Measure (CMM) for North Pacific swordfish covering the area between the equator to 20° N. latitude, which is not covered by the CMM proposed by the NC. The U.S. should express concern about management measures, like the NC proposal, that are not applied throughout a stock's range, recognizing the need for compatible management between areas under national jurisdiction and the high seas.
- Use a precautionary approach for managing Pacific bluefin tuna (PBF) with priority focused on rebuilding and a secondary priority to find a more equitable balance of harvest opportunity between the Western Pacific and Eastern Pacific.
- Continue to use the WCPFC NC – Inter-American Tropical Tuna Commission Joint Working Group (JWG) as the venue for all PBF management decisions.
- Continue to oppose attempts by other countries to create new exceptions to PBF rebuilding plan catch limits outside of the JWG process.
- Encourage other countries to conduct stakeholder outreach so that there can be meaningful progress on long-term comprehensive harvest strategy elements (management objectives, performance indicators, reference points, harvest control rules) for PBF in 2023.
- Ensure progress on long-term PBF harvest strategy development is a precondition for any discussions on new interim harvest control rules.
- Request that NMFS continue to update the Council on PBF management strategy evaluation development and provide opportunities for U.S. stakeholder engagement.

The Council also endorsed the following positions with regard to bilateral negotiations over the next fishing regime pursuant to the U.S.-Canada Albacore Treaty in relation to the [proposal put forward by Canada](#):

- Negotiate towards a final outcome as close to the status quo as possible.
- Oppose any increase in the number of Canadian vessels authorized to fish in U.S. waters from the current level of 45 vessels.
- Oppose allowing a buffer of up to 10 feet (3 meters) in overall length when replacing vessels on the list of Canadian vessels authorized to fish in U.S. waters.
- Support modifications to the requirement to collect and share catch and effort data to ensure the provision of accurate information on fishing activity in the other Party's exclusive economic zones.

3. Drift Gillnet Fishery Hard Caps – Final Action - Kit Dahl

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt a Final Preferred Alternative, as Appropriate

Motion 7: Council task the Highly Migratory Species Management Team (HMSMT) with completing the additional analytical components as specified in the Scientific and Statistical Committee’s G.3.a, Supplemental Report 1, and request NMFS complete a Regulatory Impact Review/Regulatory Flexibility Act analyses using only Scenario 2 (11 vessels) for the following alternatives:

- 1) Alternative 3.B
- 2) Alternative 3.A, using ONLY the fleetwide caps component
- 3) Alternative 2
- 4) Alternative 1 (No action)

John Ugoretz/Corey Ridings

Amendment 1: I move the Council strike language “request NMFS” from the original motion.
Caren Braby/Christa Svensson (Amendment 1 carried unanimously)

Motion 7 (as amended) carried unanimously

Staff Summary: The Council did not take final action and instead narrowed the range of alternatives as follows:

- Alternative 1: No Action
- Alternative 2: Rolling two-year hard cap closures
- Alternative 3 A (modified): The entire fleet ceases fishing for the remainder of the fishing year when a fleetwide cap is **reached**
- Alternative 3 B:
 - If a vessel **reaches** an individual cap, that vessel and all unobservable vessels cease fishing for 30 days if the cap is reached before November 1, or 14 days if the cap is reached between November 1 and January 31.
 - If a vessel **exceeds** an individual cap, that vessel and all unobservable vessels cease fishing for the remainder of the fishing year.
 - If a fleetwide cap is **exceeded**, the entire fleet ceases fishing for the remainder of the fishing year.

The alternatives will be evaluated assuming a fleet size of 11 vessels, with four of those assumed to be unobservable.

The Council directed the HMSMT to update the impact analysis using the additional methods for reporting bootstrap simulation results [recommended by the SSC](#). The HMSMT should also prepare analyses addressing the requirements of Executive Order 12866 (Regulatory Impact Review) and the Regulatory Flexibility Act so that the Council may make an informed decision on a final preferred alternative with respect to these mandates.

More information on the Council’s proposed action and the original range of alternatives may be found in the [preliminary draft analytical document](#).

4. Biennial Harvest Specifications and Management Measures – Preliminary - Kit Dahl

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Approve Available MSY-Based Proxies for Stock Status Determination Criteria

Motion 8: Council to approve the MSY-proxies that NMFS proposed in September (I.4.a, Supplemental NMFS Report 1) for completing status determinations for Eastern Pacific skipjack tuna and North Pacific bluefin tuna as follows:

- 1) For North Pacific bluefin tuna: $1-SPR_{20\%}$ for F_{msy} and $20\%SSB_0$ for B_{msy}
- 2) For skipjack tuna: $30\%SSB_0$ for B_{msy} and FB_{target} for F_{msy} , where B_{target} is equal to $30\%SSB_0$

John Ugoretz/Marc Gorelnik (Motion 8 carried unanimously)

Staff Summary: Based on [recommendations from the SSC](#), the Council approved the maximum sustainable yield proxies that NMFS proposed in September ([Agenda Item I.4.a, Supplemental NMFS Report 1](#)) for completing status determinations for Eastern Pacific skipjack tuna and North Pacific bluefin tuna as follows:

- North Pacific bluefin tuna: $1-SPR_{20\%}$ for F_{MSY} and $20\%SSB_0$ for B_{MSY}
- Skipjack tuna: $30\%SSB_0$ for B_{MSY} and $F_{BTARGET}$ for F_{MSY} , where B_{TARGET} is equal to $30\%SSB_0$

With this action the Council completed its decision-making for the current (2023-2024) biennial management cycle.

H. Groundfish Management

1. National Marine Fisheries Service Report - Todd Phillips

a. Regulatory Activities - Ryan Wulff

b. Fisheries Science Center Activities - Craig Russell

c. Reports and Comments of Management Entities and Advisory Bodies

d. Public Comment

e. Council Discussion and Guidance, as Appropriate

Staff Summary: None

2. Trawl Catch Share Program and Inter-Sector Allocation Review - Hearing Schedule - Jim Seger

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt 2023 Public Hearings Schedule and Locations

Staff Summary: In the last week of April and first week of May, the Council will be holding a series of hearings on the trawl catch share program and intersector allocation reviews in the following areas: Seattle, Astoria, Newport, Eureka, and San Luis Obispo/Morro Bay. Additionally, there will be two online hearings, one in the afternoon and the other in the evening. Dates and times for all hearings are to be announced at the March 2023 Council meeting.

3. Sablefish Gear Switching - Jim Seger/Jessi Doerpinghaus

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt Preliminary Preferred Alternative and Provide Other Guidance, As Needed

Motion 19: Council remove Alternatives 2 and 4 from further consideration as it moves forward to define a preliminary preferred alternative regarding sablefish gear switching.

Pete Hassemer/Jessica Watson

Amendment 1: strike “as it moves forward to define a preliminary preferred alternative regarding sablefish gear switching”

Marci Yaremko/Christa Svensson (Amendment 1 failed: Mr. Oatman, Mr. Pettinger, Mr. Moore, Mr. Dooley, Mr. Smith, Mr. Anderson and Mr. Hassemer voted no)

Motion 19 carried (Ms. Yaremko voted no)

Motion 20: Council to select the No Action Alternative as the Preliminary Preferred Alternative.

Corey Ridings/Christa Svensson (Motion 20 failed: Ms. Watson, Mr. Smith, Mr. Oatman, Mr. Anderson, Mr. Hassemer, Mr. Niles, Mr. Pettinger, Mr. Dooley, Ms. Sommer voted no)

Motion 21: Council:

Consideration for First Receivers

- For the “Gear-switching Participation Criteria”: A first receiver that owns Sablefish North QS and purchased a minimum of 30,000 pounds of Sablefish North from fixed gear vessels in at least three years (subject to the control date).

- For “Non-Gear-Switching Participant Option 2”: A first receiver that owns Sablefish North QS and purchased Dover sole, Thornyheads, and Sablefish North from bottom trawl vessels in the IFQ fishery in any of the two years prior to the year in which the above QS conversions to gear-specific QS are conducted.

Participation Criteria – Individual vs Collective and Cooperatives

- Change the “Participation Criteria for Use in QS Conversion Procedure” (p. 14 of Attachment 3) to read: have owned northern sablefish QS as of September 15, 2017; and for some criteria, have used a vessel or vessels under their ownership, or have been part of a QSA ownership group when at least one member of the group owned a vessel or vessels when it met the participation criteria listed below.
- Add language to the Participation Criteria that has the effect of qualifying members of a Fishermen’s Collective Marketing Act (FCMA) registered cooperative that transferred their sablefish QP to gear switching vessels owned by members of the co-operative.
 - Continue to explore the consequences of the “individual vs. collective” approach. QS transfers and the Control date
 - Create exemptions from the Control Date for transfers of QS between accounts that resulted because of changes to accounts that are administrative in nature, result from business reorganizations, and for transfers to family members including via inheritance (e.g., probate, estate planning). These exemptions would be only for transfers and not acquisitions (i.e., there would be no net increase in the overall amount of any gear QS).

Intermediary Gear-switching qualification

- Add a Gear-switching Participant Option 3 that has the following effect: Those that meet Option 2 criteria keep 100 percent of their QS as any gear quota. Those that only meet the Option 1 criteria keep 50 percent of their QS as any gear quota.

Corey Niles/Christa M. Svensson (Motion 21 carried, Ms. Corey Ridings voted no; Ms. Marci Yaremko and Mr. Butch Smith abstained)

Motion 22: Council modify Alternative 3 as follows:

- Remove Option 1 under the Endorsement Qualification Options
- Remove the allowance for low levels of sablefish gear switching landings by vessels that are not fishing under gear-switching endorsed permits
 - Develop a relatively small amount in lbs. or percentage of catch over the endorsement’s limit to designate as an allowable overage with the exceedance of this amount being considered a violation
 - Leave both expiration options available for further consideration (no expiration and expiration on transfer to new owner or owner added)
 - Evaluate restricting the number of gear-switched endorsed permits an individual could own
 - Use the collective approach for the endorsement qualification and limit options

Jessica Watson/Pete Hassemer (Motion 22 carried, Ms. Ridings voted no, Ms. Yaremko and Ms. Svensson abstained)

Motion 23: Council to add the following alternative for sablefish gear switching:

- Trawl-Only and Any-Gear Quota Share (QS) - The current northern sablefish QS (valid for use with any gear) will be converted to trawl-only QS and any-gear QS (see procedure below).
- Procedure for Converting Northern Sablefish QS holdings to Trawl-Only and Any- Gear QS: NMFS will categorize current individual owners of sablefish north QS based on the participation criteria listed below and convert QS based on the steps listed below. The end result will be that each QS holder would receive the same percentage of the total sablefish QP after the conversion that they would have if the conversion had not been carried out, except designated as trawl-only or any-gear QP.

- QS owners meeting the gear switching participation criteria will have their eligible QS converted to any-gear QS (QS in amounts up to their control date holdings).
- QS owned by those meeting the gear switching participation criteria but in excess of what they owned on the control date will be converted to trawl-only QS.
- QS owners that do not meet the gear switching criteria will have 100 percent of their QS converted to trawl-only QS.
- AMP QP will be distributed to each QS account as any-gear and trawl-only QP in proportion to the any-gear and trawl-only QS in the account.
- Individual Approach to Allocation: In general, these criteria will be applied to individuals (taking into account their ownership interest in QS accounts as reported to NMFS), including individuals within ownership group. For this purpose, trusts, non-governmental entities, and governments will be treated as individuals.
- Accumulation Limits: The existing QS control limit (3.0 percent) and annual vessel use limit (4.5 percent) will continue to be applied for northern sablefish quota as a whole (without distinction by gear type).
- Gear Switching Participation Criteria:
 1. To qualify as a gear switching participant: As of and since the control date, an entity must have owned a permit (or permits) that landed northern sablefish QPs with non-trawl gear totaling at least 30,000 lbs. per year in at least 3 years between January 1, 2011 and September 15, 2017 (the control date) and had some ownership interest in northern sablefish quota shares (any amount).

Phil Anderson/Bob Dooley (Motion 23 carried, Ms. Ridings voted no, Ms. Yaremko and Ms. Svensson abstained)

Motion 31: Motion to reconsider the action previously taken by the Council under Agenda Item H.3, part 2, specifically the motion made by Mr. Corey Niles relative to Gear Switching Alternative 1.

Christa Svensson (Motion to reconsider failed, Mr. Moore, Mr. Dooley, Mr. Pettinger, Mr. Hassemer, Ms. Yaremko voted no, Mr. Wulff and Ms. Ridings abstained)

Staff Summary: The Council modified its range of gear switching alternatives by:

- adding elements to Alternative 1 (Gear Specific Quota Shares) that increase types of entities (adding first receivers and fishermen’s collectives) and situations that would qualify for any-gear quota shares (QS);
- eliminating Alternative 2 (Gear-Specific Quota Pounds [QP]);
- revising Alternative 3 (Gear-Switching Permit Endorsements with A Permit-Based Qualifier) by eliminating the first of the qualifying options, eliminating the opportunity for gear-switching vessels to land sablefish without a gear-switching endorsement; creating a new approach for allowing small gear-switching limit overages without incurring a violation; considering a restriction on the number of gear-switching endorsed permits owned; and using the collective approach instead of individual approach for initial allocation;
- eliminating Alternative 4 (Gear-Switching Permit Endorsements with A Vessel Based Qualifier); and

- adding a new alternative that would issue any-gear QS only to entities that qualify as gear-switching participants (with all others receiving trawl-only QS), using Gear-Switching Endorsement Qualification Option 2 from Alternative 3 as the qualifier.

No action remains as an alternative the Council will be considering.

4. Methodology Review – Final Fishery Impact Model Topics and Final Assessment Methodologies - John DeVore

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Identify Final Priority Topics for Fishery Impact Model Reviews and Adopt Final Stock Assessment Methodologies

Motion 9: Council adopt the following mortality rates when descending devices are used, as recommended by the GMT in Agenda item H.4.a, Supplemental GMT Report 3, November 2022:

1. Updated species-specific rates for canary rockfish, cowcod, and yelloweye rockfish, and new species-specific rates for black rockfish.
2. For all other species, adopt the GMT-recommended guild-based rates for demersal, pelagic, and dwarf rockfishes.
3. The GMT-recommended cumulative mortality rate equal to the 80th percentile.

Additionally, adopt the 2023 sablefish trip limit model review as described by the GMT in Agenda Item H.4.a, Supplemental GMT Report 3, November 2022.

Marci Yaremko/Marc Gorelnik (Motion 9 carried unanimously)

Motion 10: Council adopt the SSC recommendation (Supplemental SSC Report 1) to use the ODFW video-hydroacoustic survey design-based biomass estimate in the 2023 black rockfish assessment.

Jessica Watson/Heather Hall (Motion 10 carried unanimously)

Staff Summary: The Council adopted the proposed methodology review of a revised sablefish trip limit model in 2023 as recommended by the Groundfish Management Team ([GMT](#)) and [SSC](#).

The Council also adopted new rockfish discard mortality rates when using descending devices developed by the [GMT](#) and supported by the [SSC](#) after their review of the proposed methodology. Specifically, the adopted discard mortality rates are:

1. Updated species-specific rates for canary rockfish, cowcod, and yelloweye rockfish, and new species-specific rates for black rockfish;
2. For all other species, adopt the GMT-recommended guild-based rates for demersal, pelagic, and dwarf rockfishes; and

3. The GMT-recommended cumulative mortality rate equal to the 80th percentile (i.e., 80 percent of estimated discard mortality rates are equal to or less than this rate based on the [GMT's Bayesian analysis](#)).

The Council also adopted the use of the ODFW video-hydroacoustic survey design-based biomass estimate in the 2023 black rockfish assessment as recommended by the [SSC](#).

5. Stock Definitions - John DeVore

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt a Range of Alternatives

Motion 11: Council adopt the range of alternatives in Table 2 of Attachment 1 with the additions of the new alternative recommended by the SSC in Supplement Report 1 for vermilion/sunset rockfish and adding squarespot rockfish to Alternative 1 (all references refer to the reports presented under this agenda item). Alternative 1 includes the ability to apply harvest control rules where separate assessments are used to assess subareas of the coast.

Corey Niles/Phil Anderson (Motion 11 carried unanimously)

Staff Summary: The Council adopted the range of alternatives in [Table 2](#) of Attachment 1 with the additions of the new alternative recommended by the [SSC](#) for vermilion/sunset rockfish and adding squarespot rockfish to Alternative 1. The Council requested the analysis evaluate how finer scale harvest control rules and accountability measures can be used under Alternative 1 (coastwide) stock definitions. The Council is scheduled to adopt preliminary preferred stock definitions for the species listed in [Table 2](#) of Attachment 1 at their March 2023 meeting and final preferred stock definitions at their June 2023 meeting.

6. Inseason Adjustments Including Pacific Whiting Set-Asides – 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 and 2023, including 2023 Pacific Whiting Yield Set-Asides

Motion 12: Council adopt the GMT recommendations identified in the following Action Items described in Agenda Item H.6.a, Supplemental REVISED GMT Report 1:

1. A 750 mt Pacific whiting set-aside for research and pink shrimp for 2023
2. Increases to Sablefish trip limits North of 36° N. latitude
3. Increases to Canary Rockfish trip limits north and south of 40° 10' N. latitude
4. Increases to Lingcod trip limits north of 42° N. latitude

Marci Yaremko/Jessica Watson (Motion 12 carried unanimously)

Motion 13: Council increase the long-leader gear fishery daily bag limit from ten to fifteen fish per day.

Jessica Watson/Marci Yaremko (Motion 13 carried unanimously)

Staff Summary: The Council considered inseason adjustments to groundfish fisheries for the remainder of 2022 and the beginning of 2023. The Council did not recommend any inseason changes for the remainder of 2022, but recommended the following inseason adjustments to the limited entry fixed gear (LEFG) and open access (OA) fixed gear fisheries be implemented as soon as possible in 2023 as detailed in the [GMT report](#).

Sablefish North of 36° N. lat.

- LEFG north of 36° N. lat.: trip limit of 4,500 lbs. per week, not to exceed 9,000 lbs. per two months
- OA north of 36° N. lat.: trip limit of 3,000 lbs. per week, not to exceed 6,000 lbs. per two months

Canary Rockfish

- LEFG north and south of 40° 10' N. lat.: trip limit of 4,000 lbs. per two months
- Open Access north and south of 40° 10' N. lat.: trip limit of 2,000 lbs. per two months

Lingcod North of 42° N. lat.

- LEFG north of 42° N. lat.: trip limit of 7,000 lbs. per two months
- OA north of 42° N. lat.: trip limit of 3,500 lbs. per month

2023 Pacific Whiting Set-Aside

The Council recommended a 750 metric ton 2023 Pacific whiting set-aside for research activities and the pink shrimp fishery.

Oregon Recreational Fishery

The Council recommended increasing the long-leader gear fishery daily bag limit from ten (10) to fifteen (15) fish per day in the Oregon recreational fishery.

7. Electronic Monitoring - Brett Wiedoff

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt a Range of Alternatives, Discuss Process and Schedule for Future Action

Motion 18: Council adopt the following range of alternatives for public review relative to 50 CFR Part 660 Subpart J, West Coast Groundfish Electronic Monitoring Plan:

Modify Federal regulatory language regarding data submission deadlines – applies to all EM Providers:

Alternative 1: Status quo - *three weeks* to submit feedback to vessels and EM summary report to NMFS

Alternative 2: 60 days to submit feedback to vessels and EM summary report to NMFS

Alternative 3: 90 days to submit feedback to vessels and EM summary report to NMFS

Modify Federal regulatory language regarding logbook submission deadline – applies to all EM Providers

Alternative 1: Status quo – “Logbook data must be submitted to NMFS within two business days of receipt from the vessel operator.”

Alternative 2: “Logbook data must be submitted to NMFS within seven business days of receipt from the vessel operator.”

Modify Federal regulatory language regarding determining estimates of discards – Applies to all EM Providers

Alternative 1: Status quo – Language to remain as “The EM service provider must process vessels' EM data according to a prescribed coverage level or sampling scheme, as specified by NMFS, and determine an estimate of discards for each trip using standardized estimation methods specified by NMFS. NMFS will maintain manuals for EM data processing protocols on its website.”

Alternative 2: Modify language to be “...EM service provider must process vessels' EM data and logbooks according to a prescribed review methodology, as specified by NMFS in the EM Manual on its website.”

Phil Anderson/Bob Dooley (Motion 18 carried unanimously)

Staff Summary: The Council adopted the following range of alternatives to modify EM Program regulations:

Modify Federal regulatory language regarding data submission deadlines – applies to all Electronic Monitoring (EM) Providers:

Alternative 1: Status quo – three weeks to submit feedback to vessels and EM summary report to NMFS

Alternative 2: 60 days to submit feedback to vessels and EM summary report to NMFS

Alternative 3: 90 days to submit feedback to vessels and EM summary report to NMFS

Modify Federal regulatory language regarding logbook submission deadline – applies to all EM Providers

Alternative 1: Status quo – “Logbook data must be submitted to NMFS within two business days of receipt from the vessel operator.”

Alternative 2: “Logbook data must be submitted to NMFS within seven business days of receipt from the vessel operator.”

Modify Federal regulatory language regarding determining estimates of discards – applies to all EM Providers

Alternative 1: Status quo – Language to remain as “The EM service provider must process vessels’ EM data according to a prescribed coverage level or sampling scheme, as specified by NMFS, and determine an estimate of discards for each trip using standardized estimation methods specified by NMFS. NMFS will maintain manuals for EM data processing protocols on its website.”

Alternative 2: Modify language to be “...EM service provider must process vessels’ EM data and logbooks according to a prescribed review methodology, as specified by NMFS in the EM Manual on its website.”

The Council directed staff to conduct an analysis of the alternatives and to schedule Groundfish Electronic Monitoring Policy and Technical Advisory Committees meetings in preparation for the March 2023 Council meeting.

I. Coastal Pelagic Species Management

1. National Marine Fisheries Service Report - Jessi Doerpinghaus

- a. Regulatory Activities - Josh Lindsay**
- 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: The Council received an update on Southwest Fisheries Science Center activities, including upcoming workshop and stock assessment plans. The next update from the National Marine Fisheries Service is proposed for April 2023.

2. Preliminary Review of Exempted Fishing Permits (EFPs) for 2023 - Jessi Doerpinghaus

- a. Reports and Comments of Management Entities and Advisory Bodies**
- b. Public Comment**
- c. Council Action: Adopt Preliminary EFPs for Public Review**

Motion 14: Council adopt the preliminary exempted fishing permit proposals in Agenda Item I.2, Attachments 1, 2, and 3 for public review.

Briana Brady/Bob Dooley (Motion 14 carried unanimously)

Staff Summary: The Council approved three exempted fishing permit (EFP) proposals for public review: two that addressed biological sampling of ongoing EFPs ([Agenda Item I.2, Attachment 1](#) and [Agenda Item I.2, Attachment 3](#)), and one that addressed aerial survey point sets ([Agenda Item I.2, Attachment 2](#)). The Council is scheduled to make its final EFP recommendations at the April 2023 meeting.

3. Fishery Management Plan Housekeeping Amendment - Jessi Doerpinghaus

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt Proposed Revisions to the Fishery Management Plan for Public Review and Provide Guidance on Future Work and Schedule

Motion 15: Council adopt the proposed revisions to the fishery management plan for public review from Agenda Item I.3, Attachment 1, with the addition of “Detailed management schedules and processes for CPS fisheries are found in Council Operating Procedure (COP) 9, Schedule 3” to section 4.6 as requested in Supplemental CPSAS Report 1.

Briana Brady/Marc Gorelnik (Motion 15 carried unanimously)

Staff Summary: The Council adopted the proposed FMP revisions described in [Attachment 1](#) for public review with an additional reference to the anchovy framework in Section 4.6 Harvest Control Rules as described in the [Supplemental CPSAS Report 1](#). The Council also provided guidance that this item come back in April 2023 for final action.

4. Stock Assessment Terms of Reference – Final Action - Jessi Doerpinghaus

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt Final Stock Assessment Terms of Reference

Motion 16: Council adopt the final stock assessment terms of reference for CPS in Agenda Item I.4, Attachment 1, with revisions as noted in Agenda Item I.4.a, Supplemental SSC Report 1.

Briana Brady/Bob Dooley (Motion 16 carried unanimously)

Staff Summary: The Council adopted the final [terms of reference](#) for CPS stock assessments for use in 2023-2024 with minor edits as described in [Supplemental SSC Report 1](#).

5. Stock Assessment Prioritization - Jessi Doerpinghaus

a. Reports and Comments of Management Entities and Advisory Bodies

b. Public Comment

c. Council Action: Adopt Stock Assessment Priorities and Provide Other Guidance, as Appropriate

Motion 17: Council adopt the stock assessment priority schedule for Coastal Pelagic Species included as Table 1 of the Situation Summary (Agenda Item I.5) with an amendment to include an update assessment for Pacific Sardine in 2025 as recommended by the CPSMT (Agenda Item I.5.a, CPSMT Supplemental Report 1).

John North/Corey Ridings (Motion 17 carried unanimously)

Staff Summary: The Council discussed the current schedule of stock assessments as proposed by Council Operating Procedure (COP) 9 and described in the [Situation Summary](#) and adopted the following as priorities for 2024-2025:

2024

- Benchmark assessment for Pacific sardine
- Check in on the Central Subpopulation of Northern Anchovy (as described in COP 9)

2025

- Catch-only projection for Pacific mackerel
- Update assessment for Pacific sardine

Additionally, the Council asked Council staff and the CPSMT to review the errors in COP 9 as described in the [Supplemental CPSMT Report 1](#) and bring back corrections at a future meeting.

INFORMATIONAL REPORTS

[Informational Report 1](#): A Proposal to Study Costs Associated with the West Coast Groundfish Trawl Catch Share Program

[Supplemental Informational Report 2](#): Status Report of the 2022 Ocean Salmon Fisheries off Washington, Oregon, and California, preliminary data through September 2022

[Supplemental Informational Report 3](#): Rebuilding Interior Columbia Basin Salmon and Steelhead

[Supplemental Informational Report 4](#): National 5-Year Strategy for Combating Illegal, Unreported, and Unregulated Fishing 2022-2026

VOTING LOG

Motion 1: Council approve the Council Meeting agenda as printed in [Agenda Item A.4, November 2022](#).

Virgil Moore/Bob Dooley (Motion 1 carried unanimously)

Motion 2: Council adopt an updated Chinook abundance threshold for Southern Resident Killer Whale management measures based on improvements made to the models originally used to develop the threshold and consistent with section 6.6.8 of the Pacific Coast Salmon Fishery Management Plan. The threshold is based on pre-fishing Chinook salmon abundance in the north of Cape Falcon area, and the updated value is 623,000, as presented in [Agenda Item D.2.a, Supplemental STT Report 2, dated 11/2/2022](#).

Kyle Adicks/Phil Anderson (Motion 2 carried unanimously)

Motion 3: Council adopt the recommendation that the Sacramento Index forecast be expressed as the median rather than the mean beginning in 2023, as described in item 4 of [Agenda Item D.2.a, Supplemental STT Report 1, November 2022](#).

Marci Yaremko/Marc Gorelnik (Motion 3 carried unanimously)

Motion 4: Council adopt the proposed season structure, season dates, and proposed changes to the Catch Sharing Plan for 2023 as described in [Agenda Item E.1.a, Supplemental WDFW Report 1, November 2022](#) including adding Tuesday, May 30 to the proposed season dates for Marine Area 2.

Heather Hall/Butch Smith (Motion 4 carried unanimously)

Motion 5: Council adopt the recommended changes to the Pacific Halibut Catch Sharing Plan for the 2023 Fishery as outlined in [Agenda Item E.1.a, Supplemental ODFW Report 1](#).

Jessica Watson/Christa Svensson (Motion 5 carried unanimously)

Motion 6: Council adopt a season structure for the directed commercial fishery in 2023 that would be a series of three-day openings, beginning at 8 a.m. on the fourth Tuesday in June and ending at 6 p.m. on the Thursday of that week. Additional three-day openings would occur every other week (or as soon as practicable), Tuesday through Thursday, until the directed fishery allocation is obtained and, if NMFS implements final regulations transitioning management of the directed commercial Pacific halibut fishery from the IPHC to NMFS, make administrative edits to the CSP as needed to reflect the final regulations, consistent with [Agenda Item E.2, Attachment 1, November 2022](#).

Heather Hall/Jessica Watson (Motion 6 carried unanimously)

Motion 7: Council task the Highly Migratory Species Management Team (HMSMT) with completing the additional analytical components as specified in the [Scientific and Statistical Committee's G.3.a, Supplemental Report 1](#), and complete a Regulatory Impact Review/Regulatory Flexibility Act analyses using only Scenario 2 (11 vessels) for the following alternatives:

- 1) Alternative 3.B
- 2) Alternative 3.A, using ONLY the fleetwide caps component
- 3) Alternative 2
- 4) Alternative 1 (No action)

John Ugoretz/Corey Ridings (Motion 7 as amended, carried unanimously)

Motion 8: Council to approve the MSY-proxies that NMFS proposed in September ([I.4.a, Supplemental NMFS Report 1](#)) for completing status determinations for Eastern Pacific skipjack tuna and North Pacific bluefin tuna as follows:

- 1) For North Pacific bluefin tuna: 1-SPR20% for F_{msy} and 20%SSB₀ for B_{msy}
- 2) For skipjack tuna: 30%SSB₀ for B_{msy} and $F_{B_{target}}$ for F_{msy} , where B_{target} is equal to 30%SSB₀

John Ugoretz/Marc Gorelnik (Motion 8 carried unanimously)

Motion 9: Council adopt the following mortality rates when descending devices are used, as recommended by the GMT in [Agenda Item H.4.a, Supplemental GMT Report 3, November 2022](#):

1. Updated species-specific rates for canary rockfish, cowcod, and yelloweye rockfish, and new species-specific rates for black rockfish.
2. For all other species, adopt the GMT-recommended guild-based rates for demersal, pelagic, and dwarf rockfishes.
3. The GMT-recommended cumulative mortality rate equal to the 80th percentile.

Additionally, adopt the 2023 sablefish trip limit model review as described by the GMT in [Agenda Item H.4.a, Supplemental GMT Report 3, November 2022](#).

Marci Yaremko/Marc Gorelnik (Motion 9 carried unanimously)

Motion 10: Council adopt the SSC recommendation ([Supplemental SSC Report 1](#)) to use the ODFW video-hydroacoustic survey design-based biomass estimate in the 2023 black rockfish assessment.

Jessica Watson/Heather Hall (Motion 10 carried unanimously)

Motion 11: Council adopt the range of alternatives in Table 2 of Attachment 1 with the additions of the new alternative recommended by the SSC in [Supplement Report 1](#) for vermilion/sunset rockfish and adding squarespot rockfish to Alternative 1 (all references refer to the reports presented under this agenda item). Alternative 1 includes the ability to apply harvest control rules where separate assessments are used to assess subareas of the coast.

Corey Niles/Phil Anderson (Motion 11 carried unanimously)

Motion 12: Council adopt the GMT recommendations identified in the following Action Items described in Agenda Item [H.6.a, Supplemental REVISED GMT Report 1](#):

1. A 750 mt Pacific whiting set-aside for research and pink shrimp for 2023
2. Increases to Sablefish trip limits North of 36° N. Latitude
3. Increases to Canary Rockfish trip limits north and south of 40° 10' N. Latitude
4. Increases to Lingcod trip limits north of 42° N. Latitude

Marci Yaremko/Jessica Watson (Motion 12 carried unanimously)

Motion 13: Council increase the long-leader gear fishery daily bag limit from ten to fifteen fish per day.

Jessica Watson/Marci Yaremko (Motion 13 carried unanimously)

Motion 14: Council adopt the preliminary exempted fishing permit proposals in Agenda Item I.2, Attachments [1](#), [2](#), and [3](#) for public review.

Briana Brady/Bob Dooley (Motion 14 carried unanimously)

Motion 15: Council adopt the proposed revisions to the fishery management plan for public review from [Agenda Item I.3, Attachment 1](#), with the addition of “Detailed management

schedules and processes for CPS fisheries are found in Council Operating Procedure (COP) 9, Schedule 3” to section 4.6 as requested in [Supplemental CPSAS Report 1](#).

Briana Brady/Marc Gorelnik (Motion 15 carried unanimously)

Motion 16: Council adopt the final stock assessment terms of reference for CPS in [Agenda Item I.4, Attachment 1](#), with revisions as noted in [Agenda Item I.4.a, Supplemental SSC Report 1](#).

Briana Brady/Bob Dooley (Motion 16 carried unanimously)

Motion 17: Council adopt the stock assessment priority schedule for Coastal Pelagic Species included as Table 1 of the [Situation Summary](#) (Agenda Item I.5) with an amendment to include an update assessment for Pacific Sardine in 2025 as recommended by the CPSMT ([Agenda Item I.5a, CPSMT Supplemental Report 1](#)).

John North/Corey Ridings (Motion 17 carried unanimously)

Motion 18: Council adopt the following range of alternatives for public review relative to 50 CFR Part 660 Subpart J, West Coast Groundfish Electronic Monitoring Plan:

Modify Federal regulatory language regarding data submission deadlines – applies to all EM Providers:

Alternative 1: Status quo - *three weeks* to submit feedback to vessels and EM summary report to NMFS

Alternative 2: 60 days to submit feedback to vessels and EM summary report to NMFS

Alternative 3: 90 days to submit feedback to vessels and EM summary report to NMFS

Modify Federal regulatory language regarding logbook submission deadline – applies to all EM Providers

Alternative 1: Status quo – “Logbook data must be submitted to NMFS within two business days of receipt from the vessel operator.”

Alternative 2: “Logbook data must be submitted to NMFS within seven business days of receipt from the vessel operator.”

Modify Federal regulatory language regarding determining estimates of discards – Applies to all EM Providers

Alternative 1: Status quo – Language to remain as “The EM service provider must process vessels' EM data according to a prescribed coverage level or sampling scheme, as specified by NMFS, and determine an estimate of discards for each trip using standardized estimation methods specified by NMFS. NMFS will maintain manuals for EM data processing protocols on its website.”

Alternative 2: Modify language to be “...EM service provider must process vessels' EM data and logbooks according to a prescribed review methodology, as specified by NMFS in the EM Manual on its website.”

Phil Anderson/Bob Dooley (Motion 18 carried unanimously)

Motion 19: Council remove Alternatives 2 and 4 from further consideration as it moves forward to define a preliminary preferred alternative regarding sablefish gear switching.

Pete Hassemer/Jessica Watson (Motion 19 carried, Ms. Yaremko voted no)

Motion 20: Council to select the No Action Alternative as the Preliminary Preferred Alternative.

Corey Ridings/Christa Svensson (Motion 20 failed: Ms. Watson, Mr. Smith, Mr. Oatman, Mr. Anderson, Mr. Hassemer, Mr. Niles, Mr. Pettinger, Mr. Dooley, Ms. Sommer voted no)

Motion 21: Council:

Consideration for First Receivers

- For the “Gear-switching Participation Criteria”: A first receiver that owns Sablefish North QS and purchased a minimum of 30,000 pounds of Sablefish North from fixed gear vessels in at least three years (subject to the control date).
- For “Non-Gear-Switching Participant Option 2”: A first receiver that owns Sablefish North QS and purchased Dover sole, Thornyheads, and Sablefish North from bottom trawl vessels in the IFQ fishery in any of the two years prior to the year in which the above QS conversions to gear-specific QS are conducted.

Participation Criteria – Individual vs Collective and Cooperatives

- Change the “Participation Criteria for Use in QS Conversion Procedure” (p. 14 of Attachment 3) to read: have owned northern sablefish QS as of September 15, 2017; and for some criteria, have used a vessel or vessels under their ownership, or have been part of a QSA ownership group when at least one member of the group owned a vessel or vessels when it met the participation criteria listed below.

- Add language to the Participation Criteria that has the effect of qualifying members of a Fishermen’s Collective Marketing Act (FCMA) registered cooperative that transferred their sablefish QP to gear switching vessels owned by members of the co-operative.

- Continue to explore the consequences of the “individual vs. collective” approach. QS transfers and the Control date

- Create exemptions from the Control Date for transfers of QS between accounts that resulted because of changes to accounts that are administrative in nature, result from business reorganizations, and for transfers to family members including via inheritance (e.g. probate, estate planning). These exemptions would be only for transfers and not acquisitions (i.e. there would be no net increase in the overall amount of any gear QS).

Intermediary Gear-switching qualification

- Add a Gear-switching Participant Option 3 that has the following effect: Those that meet Option 2 criteria keep 100% of their QS as any gear quota. Those that only meet the Option 1 criteria keep 50% of their QS as any gear quota.

Corey Niles/Christa M. Svensson (Motion 21 carried, Ms. Corey Ridings voted no; Ms. Marci Yaremko and Mr. Butch Smith abstained)

Motion 22: Council modify Alternative 3 as follows:

- Remove Option 1 under the Endorsement Qualification Options
- Remove the allowance for low levels of sablefish gear switching landings by vessels that are not fishing under gear-switching endorsed permits
- Develop a relatively small amount in lbs. or percentage of catch over the endorsement’s limit to designate as an allowable overage with the exceedance of this amount being considered a violation
- Leave both expiration options available for further consideration (no expiration and expiration on transfer to new owner or owner added)
- Evaluate restricting the number of gear-switched endorsed permits an individual could own
- Use the collective approach for the endorsement qualification and limit options.

Jessica Watson/Pete Hassemer (Motion 22 carried, Ms. Ridings voted no, Ms. Yaremko and Ms. Svensson abstained)

Motion 23: Council to add the following alternative for sablefish gear switching:

- Trawl-Only and Any-Gear Quota Share (QS) - The current northern sablefish QS (valid for use with any gear) will be converted to trawl-only QS and any-gear QS (see procedure below).
- Procedure for Converting Northern Sablefish QS holdings to Trawl-Only and Any- Gear QS:

NMFS will categorize current individual owners of sablefish north QS based on the participation criteria listed below and convert QS based on the steps listed below. The end result will be that each QS holder would receive the same percentage of the total sablefish QP after the conversion that they would have if the conversion had not been carried out, except designated as trawl-only or any-gear QP.

- QS owners meeting the gear switching participation criteria will have their eligible QS converted to any-gear QS (QS in amounts up to their control date holdings).
- QS owned by those meeting the gear switching participation criteria but in excess of what they owned on the control date will be converted to trawl- only QS.
- QS owners that do not meet the gear switching criteria will have 100 percent of their QS converted to trawl-only QS.
- AMP QP will be distributed to each QS account as any-gear and trawl-only QP in proportion to the any-gear and trawl-only QS in the account.
- Individual Approach to Allocation: In general, these criteria will be applied to individuals (taking into account their ownership interest in QS accounts as reported to NMFS), including individuals within ownership group. For this purpose, trusts, non-governmental entities, and governments will be treated as individuals.
- Accumulation Limits: The existing QS control limit (3.0 percent) and annual vessel use limit (4.5 percent) will continue to be applied for northern sablefish quota as a whole (without distinction by gear type).
- Gear Switching Participation Criteria:
 1. To qualify as a gear switching participant: As of and since the control date, an entity must have owned a permit (or permits) that landed northern sablefish QPs with non-trawl gear totaling at least 30,000 lbs. per year in at least 3 years between January 1, 2011 and September 15, 2017 (the control date) and had some ownership interest in northern sablefish quota shares (any amount).

Phil Anderson/Bob Dooley (Motion 23 carried, Ms. Ridings voted no, Ms. Yaremko and Ms. Svensson abstained)

Motion 24: Council adopt the report and recommendations of the Budget Committee ([Agenda Item C.7.a, Supplemental Budget Committee Report 1, November 2022](#)).

Phil Anderson/Virgil Moore (Motion 24 carried unanimously)

Motion 25: Council approve the Council meeting record as presented in [Agenda Item C.8, Attachment 1: Draft Council Meeting Record: 268th Session of the Pacific Fishery Management Council, September 6-14, 2022 \(Electronic Only\)](#).

Phil Anderson/Bob Dooley (Motion 25 carried unanimously)

Motion 26: Council appoint Mr. Steve Sohlstrom to the Washington Charter Boat Operator position on the Salmon Advisory Subpanel formerly held by Mr. Michael Sawin. Phil Anderson/Butch Smith (Motion 26 carried unanimously)

Motion 27: Council appoint Dr. Christopher Free to a vacant At-Large position on the Scientific and Statistical Committee. Corey Ridings/Virgil Moore (Motion 27 carried unanimously)

Motion 28: Council appoint Ms. Lynn Massey to the West Coast Region position on the Groundfish Management Team formerly held by Mr. Daniel Studt. Ryan Wulff/Marci Yaremko (Motion 28 carried unanimously)

Motion 29: Council appoint Mr. James Phillips to the California Department of Fish and Wildlife position on the Groundfish Management Team formerly held by Ms. Caroline McKnight. Marci Yaremko/Bob Dooley (Motion 29 carried unanimously)

Motion 30: Council adopt the changes as identified in [Agenda Item C.9, Attachment 1](#) with the following change, in the last sentence under “New Member Orientation” change it to read “In addition, new members will attend at least one Council Chair’s briefing during their first year of service on the Council in coordination with the Executive Director”. Pete Hassemer/Bob Dooley (Motion 30 carried unanimously)

Motion 31: Motion to reconsider the action previously taken by the Council under agenda item H.3, part 2, specifically the motion made by Mr. Corey Niles relative to Gear Switching Alternative 1. Christa Svensson (Motion to reconsider failed, Mr. Moore, Mr. Dooley, Mr. Pettinger, Mr. Hassemer, Ms. Yaremko voted no, Mr. Wulff and Ms. Ridings abstained)

ADJOURN

The Council meeting adjourned on Tuesday, November 8, 2022, at 11:51 a.m.

Marc Gorelnik
Council Chair

Date