

COUNCIL MEETING TRANSCRIPTS

269th Session of the

Pacific Fishery Management Council

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Hyatt Regency Orange County

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Hybrid Meeting due to the COVID-19 Pandemic

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

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Meeting Transcript Summary

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

A. Call to Order

4. Agenda

Marc Gorelnik [00:00:00] Before we get started on the agenda we'll need to approve the agenda, which is item A.4. So I'll look around the table and see if there are any additions, corrections to the agenda? And if not I'll look for a motion to approve the agenda. Oh, Mr. Moore, please.

Virgil Moore [00:00:25] I move that we accept the agenda.

Marc Gorelnik [00:00:28] Is there a second? Seconded by Bob Dooley. Any discussion? All right. All those in favor say 'aye'.

Council [00:00:39] Aye.

Marc Gorelnik [00:00:39] Opposed, no? Abstentions? All right we have an agenda. Thank you very much for the motion.

B. Open Comment Period

1. Comments on Non-Agenda Items

No transcription for this agenda item.

C. Administrative Matters

1. Council Coordination Committee Report

Pete Hassemer [00:00:00] Thank you. Corey Ridings.

Corey Ridings [00:00:05] Thanks Mr. Vice-Chair. This is comments. I think it's okay time? I wanted to thank Council leadership for attending the meeting. I got to tune in to a good portion of it and was, just appreciated the remarks that were made and your participation there. I wanted to tune in, as Merrick noted, the CCC received a presentation from NOAA about preventing harassment and provided the model policies. Overall, I think it's just really good work and a great place for the Council to potentially start some work from. I guess this is my head nod to the Council staff to hopefully work on some revised documents and bring those back to the Council for consideration and possible revision. In terms of looking at them, a couple issues came to my mind. The first was thinking about retaliation. So just thinking about how can this policy or whatever the Council decides to do here kind of double down in ensuring that retaliation in any form doesn't happen so that our participants can feel comfortable reporting and make sure that that ensures the Council ability to remain an open platform for everyone to speak freely. Also, the name that the reporting that was noted in that model policy talked about reporting to the Council Director, a Deputy Director, and the Chair, Vice-Chair. I think maybe NMFS could consider strengthening their own role here. Harassment can come from Council members themselves, including members in positions of authority and power dynamics between Council members and participants is always a dynamic, so even without harassment. So, thinking about that and considering the role that NMFS should play I think is in mind. Finally, I think it was Adam Eisenberg who presented on this with NMFS GC, and he noted that this policy does not cover what he termed incivility, and I thought that was an interesting word and honestly one I'm not totally familiar with, but I think it was a good encapsulation. And he noted that he thought this issue probably should be addressed by Councils but wasn't encapsulated in this particular process. So just wanted to mention that and hope that we can address that at some point in a larger process. So, thanks again.

Pete Hassemer [00:02:27] All right. Thank you very much. Before we go forward, appreciate those comments. We don't have any management entity or advisory body reports here, so I think we'll just continue with the discussion then on this. We had heard one nod in response to what Executive Director Burden was looking for on moving forward and having staff start to incorporate those two policies into our policies, the SOPs, the COPs and other appropriate things, and also then on the training opportunities that are available. And I'll just add the comment to that. NMFS has bought the license to provide the training and there are a limited number of spots, I don't know how many we had, but just looking for any guidance or further head nods on that. So... Virgil.

Virgil Moore [00:03:32] Certainly I give a head nod on that but a question that I have is, is this in-person training? Is this a remote training online? How is that training conducted?

Merrick Burden [00:03:49] Yes, thank you Mr. Vice-Chairman. These are trainings that are available online, and as I indicated I've had a chance to take them. There are two different levels. I apologize I'm forgetting if NOAA's offering both levels, but there are two different levels depending on how deep you go in your role as a supervisor or as a staff. The training, if I recall correctly, took about an hour but it was quite good. I hope I'm answering your question.

Pete Hassemer [00:04:23] Go ahead Virgil.

Virgil Moore [00:04:26] Mr. Vice-Chairman and Merrick, I guess my comment would be that like all training, whether physical or mental, continuing it is always needed regardless of the state that you're

in. I probably would benefit from being....tuning up as well. I know that's true with the training that I take with computer best practices. You know, it's just constantly reminds me of what is current and the thinking, and I certainly would like the option to participate in this training myself if and when it becomes available. Thank you.

Pete Hassemer [00:05:16] Thank you. Further? Phil Anderson.

Phil Anderson [00:05:20] Yeah, just briefly Mr. Vice-Chair. I totally agree with Virgil's perspective there. I've taken a number of different trainings in this area and I think it's always useful to refresh yourself by taking the training in periodically. So, if the training does become available to Council members and others to take, I definitely would appreciate knowing about that and how to access it. Thanks.

Pete Hassemer [00:06:02] Thank you. Other direction or guidance here on that? I've heard a couple of head nods for moving forward, having staff look into the policies and update that relative to the NMFS policies. Merrick, anything else you need here?

Merrick Burden [00:06:27] Thank you Mr. Vice-Chairman. Well, based on this Council discussion and feedback, what we would intend to do is update our policies and bring them back to you when ready. I'm envisioning either a March or April meeting for your review and either continued feedback or approval at that time. We also do have the trainings. We have a deadline for completing those trainings, which looks to be late March based on just funding that NMFS has provided to this provider and so I will be moving forward and providing NOAA with a list of names and the way that we are envisioning it is Council members and then focusing on our advisory subpanel members, and then I think we will run out of room at that point. And the assumption I have is that our technical staff work for agencies which tend to provide the sort of training to them, so they would be a third priority. That's how I would move forward unless there's other guidance to the contrary, but that's how I'm, that's what I'm taking away from this discussion.

Pete Hassemer [00:07:32] Bob Dooley.

Bob Dooley [00:07:34] Yeah, thank you Mr. Vice-Chair. Yeah, I'm just curious, the number, maybe you said it, I missed it, of opportunities on this to do this in perhaps maybe your strategy once again assuming it's not a good thing, but I would assume that the state representatives were probably well versed in this being that they're represented by, you know, they're agency type people. Maybe more a targeted approach. I know I would volunteer to do that, but to be part of it. But I think it's well, well thought out. I think it's a good idea. So, I was just curious what your approach would be and, and the numbers available in this first go round.

Pete Hassemer [00:08:24] Go ahead Merrick.

Merrick Burden [00:08:25] Yeah, thank you Mr. Vice-Chairman. Yeah, thank you Mr. Dooley. We have across all Councils, we have 500 spots, and so we do have to, I have in my mind this priority ordering that I just spoke to because we'll have to negotiate with other Councils for these spots. In our Council our process is very large compared to some other Councils, so I would anticipate us taking up the big chunk of those, but we may run out of room. And so, it sounds like my thinking is aligned with yours that we assume, and I think it is a safe assumption that agencies, state or Federal provide training, generally speaking, and so we would prioritize non-agency folks and start with the Council, start with our advisory subpanels and if we have more we can continue to add from there, but I don't expect we'll have more spots beyond that.

Pete Hassemer [00:09:20] Thank you. Further discussion or guidance on this topic? And I'm not seeing any hands, so I believe, Merrick, you have everything you need to proceed?

Merrick Burden [00:09:36] Yes Mr. Vice-Chairman, I believe we have all that we need on this agenda item.

Pete Hassemer [00:09:40] All right, thank you. Then that closes this agenda item.

2. National Marine Fisheries Service National Policy for Saltwater Recreational Fisheries

Pete Hassemer [00:00:00] That concludes the public comment. Before we proceed here, I'm optimistic that when we conclude this agenda item our Chair will give us a break. So, we're going to push forward with Council discussion on the topics. I'll look for any hands to kick that off. Heather Hall.

Heather Hall [00:00:30] Thank you Vice-Chair. I'll kick us off. I've had the benefit of hearing this presentation a couple of times and appreciate Russ bringing us this presentation to think about updating the National Policy. I think we had really great input from the GAP in their report. I appreciate that they took the time to discuss this and present a report and the public comment I just thought was really helpful too. As I've been thinking about this policy and updates that might improve the policy for the future, I guess, starting with I think the policy is really fairly comprehensive as it is as a National Policy. Definitely support the inclusion of competing ocean uses that was brought up in the presentation and climate change and updating those elements of the policy I think would be really important. One of the things that I think about with the National Policy is, you know, the really good guidance it provides to the nation, but then also thinking about its application to the different regions. How regions are very different from each other and thinking about implementation at a regional level and what makes sense for the Pacific region in particular. And a couple of things resonate with me, and that is science and the need for funding to support our stock assessments, and seeing that in our last stock assessment cycle and the need for more data for nearshore rockfish to improve that, and I think that really, when I listened to Jaime and Wayne spoke to one of the comments Jaime made about the policies and number four in particular, and the idea of helping us look ahead rather than being so reactive, and Wayne said the same thing, and I think that's all based in our understanding of science. And so, it's maybe a little down in the weeds from the National Policy, but thinking about the application and into what we actually do day to day on the Council, I think that can really help us in regard to being less reactive, is improving the science that informs our management. Those are my comments for now. Maybe that'll inspire others to contribute. Thanks.

Pete Hassemer [00:03:10] All right. Thank you. As I give others a chance here to raise their hands. Marci Yaremko please.

Marci Yaremko [00:03:18] Thank you Mr. Vice-Chair. First, I certainly want to acknowledge the work of NMFS to revisit the policy and keep it fresh in our minds and take a look at making some needed modifications since the 2015 development of the policy. It's nice to keep rec fisheries front and center. Oftentimes our agendas are very heavy with commercial fishery items and we're very much in a great level of detail, and that I think holds true across our fishery management plans that the focus generally is largely on commercial fisheries. So having a chance to take some time and step back and look at the importance of the role of recreational fisheries to us and to our FMPs here in this agenda item on a recurring basis, I really appreciate that opportunity. I'm thinking about remarks from Jaime and Wayne and particularly Wayne's comment about, you know, how can we help? How can we engage? How can we get folks involved over the long term so that their engagement is recognized and is making a difference? I want to say that I'm thinking about our ongoing monitoring programs in the State of California, and particularly our California Recreational Survey Program, which is federally compliant with MREP and provides at the Federal level an awful lot of information that allows us an exception from a Federal fisheries license requirement for recreational fishing. I just want to acknowledge that both SAC and CCA Cal and other California recreational organizations have been absolutely awesome in cooperating with the ongoing implementation of these basic data collection programs. We monitor CPFVs. CPFV operators take us aboard in many cases throughout California, where we have samplers observing both catch and effort of anglers while they're at sea. We also have dockside monitoring of CPFVs that happens in other ports of the state. We have a very extensive coded wire tag collection

program for recreational salmon fisheries, both on the charter boats as well as at the launch ramps. We even have surveys that take place in our back bays and on our beaches and banks. So, I just want to acknowledge your role in getting the angling communities comfortable with complying with our request for data collection in the field. We have a very high compliance rate when we ask for folks to provide us either with their salmon heads or to take a survey when they've completed their fishing activity for the day. So that may be one thing that might deserve a little bit more highlighting as we look forward in revising the policy. Maybe some just basic information about how extensive these data collection efforts are and how critically important they are. I think, you know, oftentimes recreational anglers don't realize that they've made a difference until something bad happens. A rule change comes about that they, you know, is, you know, disappointing to them. But I kind of I like to flip that around and think about how much good information, you know, decade in and decade out your organizations and your participants have supplied into the process, and I think it's a huge success. So, thank you.

Pete Hassemer [00:07:43] Thank you Marci. Further discussion? Phil Anderson.

Phil Anderson [00:07:50] Thanks Mr. Vice-Chair. Just a couple of thoughts, and again looking at the guiding principles, the second one was the one that related to public access to quality recreational fishing opportunities. And I can't say that I remember this specifically, but I think that particular principle's been a part of the guiding principles since they were developed. And the challenge with meeting that principle of having public access to quality recreational fishing opportunities is a much bigger challenge today than when it was, than it was when this was written. And hidden in there or when you lift up the rug on that one, the development of wind energy hits me right in the face. Recreational fisheries, I know off Washington and I gather I think from off of Oregon and California as well, have changed over time and the areas in which they fish have changed, and there's a lot more offshore type fishing by the recreational fishery over time than there was 30 years ago. And so that particular policy that is within National Marine Fisheries Service Saltwater Recreational Fishing Policy is really an important one and I hope that NMFS leadership will be able to advocate for access to recreational fishing. I've said the same thing about commercial fishing so it's a, I'm not singling them out, but I do believe that some of the wind energy proposals that are out there will very much adversely affect recreational access to areas where they're fishing now. That's, the other comment that I wanted to make was relative to Principle 5, and it has the word 'trusted' as associated with science, and I think therein lies one of the biggest challenges when you think about trust, and trust in what the science is telling us and trust in how management responds to science, if you don't first recognize that fisheries science is an inexact science and we are, you know, regardless of how robust a stock assessment is, it's going to be wrong. One way or the other it's going to be wrong, some by a little, some by a lot, and we learn as we go through time about those deviations and variations with the output of a stock assessment. And you only have to....you know you think about cowcod, at one time we didn't think it could ever be rebuilt by one assessment. I think about yelloweye and the rebuilding timeframe being, you know, 20 whatever it was, 2084 or whatever it is, and now it's 2030 or something. Canary rockfish. There's a number of examples where the science and what they're, and how that science informs the management changes over time, and you could easily use those examples as to formulate a basis for lack of trust on the science. And I know Jaime used the word 'perceived' several times. To me the implication was that we perceive we have a problem that really doesn't exist. Well, that's a two-sided sword. There are times when we think things are okay and they're really not. And so I just on the trusted side I think there's just more and more, the more education that we can do about the science and its limitations and how we can, we, the management regime in its broadest context, are continually trying to improve our science, and as we do that, sometimes that gives us a different perspective on the status of a stock than maybe what we had a year ago or five years ago. And if you're not willing to accept those kinds of differences, then it's hard to build trust into the system if you don't have that fundamental belief that the scientists and the managers are doing their level best to bring the very best information to their decision making. And if you, you know, that's the piece where I think we need to do, to focus on and do more work so

that we can build a higher level of trust.

Pete Hassemer [00:13:33] Thank you. Butch Smith.

Butch Smith [00:13:36] Thank you Mr. Vice-Chair. And while Mr. Anderson was talking, I, you know, something came into my mind, which is dangerous sometimes, but I think that the communication piece, which I perceive there is a problem when we do have bad news, I think the translation down to the general public that, or the explanation how we got there and why we got there is not as it could be, good as it could be in this process. You know, some of the documents that are written that come out of here are beautiful documents if you have a Ph.D., but not so easy to read if you're, you know, an electrician and not a biologist in fisheries management. And so, you know, maybe that's part of the missing link is the explanation why we got here and maybe eighth grade math instead of a doctorate trigonometry or whatever you might....rocket science. But I think that might be a piece of the puzzle too that....because I know I have fishermen that are in this process come up to me and say, what does this say? And they're intimately involved in that particular fisheries, and so fish management is hard and we have hard working people that are great, some of the best science in the world on these issues, but maybe some of the translation is lost of why we get here and how we got here. So anyway, that's just maybe a suggestion. The comment that I have. So, thank you Mr. Vice-Chair.

Pete Hassemer [00:15:19] Thank you. Chairman Gorelnik.

Marc Gorelnik [00:15:22] Thank you Vice-Chair Hassemer. Good comments all around. I did want to respond to a question that Butch Smith had asked of, I'm not sure if it was Jaime or Wayne about, we have these opportunities for engagement where our, and I think you kind of touched on your last comment, you know, recreational anglers by and large, you know, are working 40 to 50 hours a week, you know, to pay the mortgage and whatnot. And aside from any technological or science-based hurdles, they just got other things going on. So, it has always been hard to get those folks to engage but it's, and I'm glad we do have some engaging, but that's a constant battle. And I think when it comes to engaging with the recreational community, just like we try to engage with the commercial industry when, you know, they're not on the water. We don't do our salmon management during salmon season, right? We do it before and it might be necessary to do some engagement in the evening, and it's sort of like along the lines of how we are going to engage with underserved communities, sometimes you have to meet them halfway or a little bit more to have that engagement. And then I'd also like to comment on Phil Anderson's comment about trust. I think trust is important, but I think that, you know, we've... it's twofold and I think Heather hit the nail on the head where we don't really have the data. We don't have the fishery independent data to make trustworthy stock assessments in large part. And even if the scientists and the assessors are doing their level best job, if you don't have the data, you can't really provide a trustworthy answer. And I think that it's also true with regard to the stocks that have consistently, we built well in advance of forecasts, and while the assessors I'm sure are doing their level best, if you are on the water and you're, you know, being prevented from accessing certain areas or retaining certain fish, you know, you want to make sure that's being done on, you know, with the best available information and a balanced assessment, and if we're consistently exaggerating how long it takes these stocks to rebuild, then that's not a good way to, to build trust. You know there's nothing sinister going on, it's just that, you know, maybe we need to take a better look at how we're doing those assessments so we're not consistently, whether it be the canary or cowcod or yelloweye or the other stocks that are important to provide access to these fisheries.

Pete Hassemer [00:18:23] Thank you. Bob Dooley.

Bob Dooley [00:18:26] Thank you Mr. Vice-Chair. I listened to the comments and agree with them all around the table, and it brings me to my favorite subject of MREP and how we see people that have

gone through that program coming forth that don't necessarily prior understood the pro, understood the process, understood that they just can't come in and make a comment and I have a problem, fix it and then they don't get results and so lack of trust, lack of all of these things we're talking about. But, and I'm not saying MREPs the sole source of doing this, but that procedure, that way of getting people integrated into the system to understand how it works, from stock assessments to data collection to Council management, is really important to building trust. If you don't understand the system, it's pretty easy to doubt it. And, you know I, as I say, my favorite subject MREP, I've seen almost, you know, unanimously people that come into the room and our science management part doubting the science, doubting the viability of that science and the people doing it. It's almost unanimous around the table. And then we do a follow-up to that at the end of the meeting and people go, wow, these guys know what they're doing. I had a beer with the guy. The guy's a good guy. He doesn't have evil, you know, intentions. This is good stuff. And now I understand, and I also understand how to be part of it, and the same thing with management. I think to get more recreational fisheries involved, it takes people like Wayne and Jaime to actually build the fire and get people to attend where they can, understand Marc's comments totally that not everybody has time, but you find those people that do have time that can be the trusted resource for people that aren't involved so they know how to interact, and I think that's building the community. But I know the first time I sat over there at that table, testified and knew nobody around here... dressed in suits in nice attire, it was intimidating. And the same thing is approaching scientists that speak a language that you don't understand, it's intimidating, but once you get to know them, you can sit at that table all day long and you can talk to people you know and you trust. So, I think that it's a cohesive effort we have to do. It ties into EEJ. It ties into all of those things, but it is like Jaime said, it's ground up, it's not top down. And I think but we have to meet halfway too, so I think there's, that's my comments. I appreciate this report and what it brought forward.

Pete Hassemer [00:21:30] Thank you. Corey Ridings.

Corey Ridings [00:21:34] Thanks Mr. Vice-Chair. I just wanted to echo I think what Heather noted about the GAP comments being excellent. Thinking a little bit more about EEJ, I heard Mr. Dunn talk a little bit about the fact that they were struggling about the relationship between recreational fishing and subsistence, and just wanted to note that subsistence fishermen on the West Coast are important and that their relationship to this process and recreational fishing and subsistence fishing and commercial fishing is very important. So, I encourage Mr. Dunn, maybe the Council can in our letter, just to note that I hope that the special relationship that exists on the West Coast, which is different than other coasts, is taken into account as those words are considered. I'd also like to note the importance of translation services. This is not in the existing policy, but as the agency considers this, many of our recreational fishermen English is not a first language. I suspect this is not just an issue for the West Coast, but it is an important issue for the West Coast. So, I would encourage that as part of the policy update. I agree that developing a deeper connection with the angling community and the science is important. Other folks around the table have already spoken to that, but I strongly agree that's critical, not only because, as Jaime noted, it can... it can make our science better and faster, but as Wayne noted, it builds trust. Finally, Jaime noted in reference to Principle 1 that conservation quote "goes without saying". This region has a strong history of basing decisions on science and doing our best regarding data collection, even given the size and diversity of our coast and our ecosystem. But not all regions do. If we decide to submit a letter, I think there should be some horn tooting and provide examples about how things are working. For example, programs that Jaime mentioned and some of the data structures that Marci noted. I'm not saying that we can't do better. I think we can in pretty fundamental ways but noting from a national perspective that this Council on the West Coast saltwater recreational community has been a leader. So, I'll stop there.

Pete Hassemer [00:23:59] Thank you. Excellent. With that I don't want to cut off discussion. I want to take a pause just to refresh our action and reference something we heard there from Ms. Ridings about

a potential letter. So, I do want to remind you that's part of our action here, consider whether we want to send that. There's been a lot of good discussion and comments and I'd like to know if there's any desire to have the Executive Director and the staff compile that discussion and the public comment into a letter? The comment period closes December 31st, so that's before our next meeting. So, a consideration also of the process for sending that out, whether you want to see a QR process or something different. So just looking for head nods. I don't think we need a motion on that but if there's any desire to set, prepare a letter and send that out. And I'm seeing some, a number of head nods around the table so then I will ask Executive Director Burden not to summarize everything, but have you heard enough to assemble a letter? And then how would you like to proceed with delivering that to NMFS?

Merrick Burden [00:25:23] Yes, thank you Mr. Vice-Chairman. And I would also invite Deputy Director Kelly Ames to comment as well. So, what I've heard I believe we have enough to draft a letter. The last time we did something like this was at our last meeting on the topic of EEJ and we pursued a QR letter process. My personal feeling is that it's probably overkill and that we could do something simpler this time if you would prefer that. And what I would envision is staff drafting a letter and consulting with Council leadership on that letter to the extent to make sure that we're all clear there and then going ahead and transmit. That would be my proposal but certainly happy to follow the QR letter process again if you all would like to do so. And then I guess I would look at Miss Ames to see if I've butchered anything or missed something.

Pete Hassemer [00:26:19] All right. Thank you. Nothing bad there, Kelly, on that? So, with that suggestion from the Executive Director, is everyone comfortable with the preparation of that letter and then review through the leadership team rather than the QR process? And just looking for head nods or would you like to see that? Okay, I am seeing some agreement that you can go ahead and prepare that letter and the leadership team will review it and you will send that off prior to the deadline. Thank you. Is there anything else, Kelly, that we need to cover on this topic?

Kelly Ames [00:27:05] Thank you Mr. Vice-Chair. I think I have good instructions and I look forward to drafting the letter to submit on behalf of the Council. Thank you.

Pete Hassemer [00:27:12] All right. I thank everybody for their comments and discussion on this and I will turn the gavel back to our Chairman.

Marc Gorelnik [00:27:20] All right. Thank you very much. We're going to take a break here.

3. Legislative Matters

Brad Pettinger [00:00:00] No public comment. Okay. Okay, very good. It will close, we'll close out C.3 then. Oh, Bob Dooley.

Bob Dooley [00:00:14] Thank you Mr. Vice-Chair. Just a comment on the Coast Guard bill and where it might be going and where it might be leading in the future. Both Pacific Fishing Magazine and National Fisherman Magazine this week posted a GAO report that is calling into question the Coast Guard's reaction to some of the safety things that are been on the agenda for a while, namely Alternative Safety Compliance. I know the Coast Guard because I was a member of the Coast Guard Safety Committee, Fishing Vessel Safety Committee, had basically determined they could not implement it as it was stated. It kind of is a one size fits all. Doesn't fit our fleets on the West Coast at all. It's a concern, at least from my point of view, something we should keep an eye on. I know it's legislative. It does, it's a long way out but there are a number of things the GAO is calling the Coast Guard, calling into question that the Coast Guard's done. And I know it was a big effort to delay the Alternative Safety Compliance as written before and there was a number of people coastwide, particularly in California too, and nationwide that were against that, and it got to the Voluntary Safety Compliance and hopefully to our 2-year safety stickers rather than this onerous Alternative Safety Compliance. So, something to keep an eye on, I think as it comes forward, because I think it could really affect our industry, so I just wanted to bring it up so people can, at least when they see it come across their emails to read up on it and understand how it's going. So, thanks.

Brad Pettinger [00:02:10] Thank you Bob. That's a good heads-up as we look to the future here. So okay. Anyone else? Okay we'll close that C.3 off.

4. Chumash Heritage National Marine Sanctuary Designation

Brad Pettinger [00:00:00] We'll now go to Council action. So, with that I'll open the floor up for discussion. Caren Braby.

Caren Braby [00:00:08] I should have just left my microphone on. Thank you Mr. Vice Chair. I just wanted to reiterate something I've shared with the Council prior, which is that I firmly believe that this, these two different roles that the Councils play relative to the sanctuaries is very important, that we maintain the discussion around fisheries management around this table and really appreciate the openness of the sanctuary system to bring those issues to us. I haven't heard anything today that doesn't change, you know, that changes my mind and so I really would like to.....I've also not heard anything in terms of regulations that we would want to adopt through their process or push through their process so I would really like to talk about a letter of confirmation from the Council after this meeting that says thank you for the discussion, we choose to have fishery regulations around this table and we don't have ideas at this time, something like that. So that's just kind of where I am, and I wanted to start off sharing that view.

Brad Pettinger [00:01:22] Thanks Caren. Anyone else? Virgil Moore.

Virgil Moore [00:01:31] Mr. Vice-Chairman, I obviously listen to this. Don't have much of a dog in the fight given the location of our state, but the State of Idaho has dealt a lot with Federal land management decisions that affect how wildlife is managed around there, vast amounts of wild and scenic rivers, wilderness areas, and I think it's important that we formalize in the comments that Caren just suggested that we don't see a need for any regulation changes and have no expectation of taking those actions, and when and if the marine sanctuary area has that need, we would appreciate them bringing it back to us. And I think it's important for us to get validation that the regulatory authority over that fishing rests with the Council and somehow communicate that in writing. I think that's the intent from everything I hear, but also because of what Phil mentioned. There's lots of ways for this to go sideways and also be sure that the Advisory Councils that they have understand that when they have a desire for fishing regulation changes, that that will be communicated to the appropriate authority. Those are things that need to be laid out early and I think with the proper language, and I'm not the person to be involved in that because I don't have the history and understanding of it, but I certainly know that many misunderstandings and conflicts can develop unless we have that dialogue established early on, and I would be supportive of a communication from the Council that would lay some of those out that, you know, they ask us those four questions and I don't know that the four of those or those four options encompass what we should say. I think we should articulate some variation of that that states what our authority is and how that authority should interact with the needs for fisheries management within the sanctuary actions that they're taking right now. Thank you.

Brad Pettinger [00:03:58] Thank you Virgil. Anyone else? Chair Gorelnik.

Marc Gorelnik [00:04:02] I'll just weigh in to say that speaking for myself I would be very open to considering the need for any specific regulations, fishery regulations in that, in the waters of the proposed sanctuary. I just haven't heard any yet. So, I would agree that we don't, our position should be that we don't see the need to propose anything, but we welcome future communications about that need. I'll also add it was said that the proposal by one of the public commenters was compelling about protecting the Rodriguez Seamount, and that may well very be true for the corals and other things. I have not yet heard anything compelling about the need to regulate fishery activities in the top of the water column. That we're generally targeting pelagic fish like tunas and which just merely transit the waters of the sanctuary.... so... but anyway that's, I would support communication to the sanctuary,

not going to my latter point, but merely that we're open but we don't see any need right now.

Brad Pettinger [00:05:22] Thank you Marc. Okay. Anyone else? Marci.

Marci Yaremko [00:05:30] I have little, excuse me, very little to add. It's been a great discussion around the table, but I just want to acknowledge the formal correspondence between the Council Executive Director and the Office of the National Marine Sanctuaries and appreciate the clarity in the communications back and forth and conveying recommendations in writing and also conveying needs in writing formally. It's a nice, I think, chain of correspondence that serves to memorialize the situation in the, for the record for all of us. And I just want to add that in addition to the written correspondence there were copious numbers of phone calls and offers to consult and clarify the NOAA General Counsel's interpretation of the need for our affirmative response on, excuse me, on the matter in front of us. So, I really appreciate the extra effort to reach out both formally in the Council process as well as in sidebar to ensure that communications and needs were clear. So, thank you again.

Brad Pettinger [00:06:51] Thank you Marci. Okay, anyone else? Heather Hall.

Heather Hall [00:06:58] Thank you. Just want to add a little bit here. I also agree that we're at a place where it doesn't seem like there's anything to recommend relative to fishing regulations at this time, but I just want to step back and appreciate the discussion and the dialogue. I was a member of the Olympic Coast National Marine Sanctuary Advisory Council for the WDFW for several years and the working relationship and the value of that was really helpful and it really helped make sure that these discussions around fishing regulations were transparent and then filtered, as I think Bill explained relative to the how the discussion around something like the Rodriguez Seamount might work, you know, starting around the Advisory Council but then filtering it to the Pacific Council and for that kind of exchange it was really effective and worthwhile and the information that Caren was talking about and the great scientific and research opportunities that are happening off the Olympic Coast National Marine Sanctuary are really fantastic and appreciated for our state. So, thank you.

Brad Pettinger [00:08:09] Thank you Heather. Anyone else? Kerry, how are we doing?

Kerry Griffin [00:08:17] Thank you Mr. Vice-Chair. I think you're doing very well. I'm hearing the desire to draft a letter, presumably from the Executive Director following along with the previous correspondence that's already happened, a desire to document the Council's sense that there is currently no need for any fishing regulations to be proposed, but that the Council is open to having those discussions in the future. They appreciate the communication and the collaboration with the National Marine Sanctuary Program. And I think that generally summarizes it. I will work with Mr. Burden and whoever else may be involved in this and help draft up a letter.

Brad Pettinger [00:09:08] Okay, wonderful. Well, thank you to everyone for some really good discussion and thank you, Bill, for coming down and visiting us and much appreciated. And with that I think we've earned a break.

5. National Marine Fisheries Service Accomplishments and Priorities

No transcription for this agenda item.

6. Marine Planning

Brad Pettinger [00:00:00] With that, that takes us to Council action and I'm going to turn to Kerry that kind of line it up, the details of what the Council's asked to do in this particular item. Kerry.

Kerry Griffin [00:00:11] Sure. Thank you Mr. Vice-Chair, Council members. Yeah, you heard a bunch of different presentations, and the noticed Council action is really to provide guidance on next steps or something along those lines. You know there's no formal actions that are required here. However, I think for your consideration there were several items that were highlighted in the various reports and from our guests today, and I'll do my best to summarize those. I might miss something but just to try to help guide the conversation. There were three things that came up since the Marine Planning Committee Report on September 30th that are public notices, and so there's an open comment opportunity, so if the Council wanted to, we could comment on these items. However, you know, like I said, the MPC didn't get a chance to really consider these and make a recommendation to the Council on whether or not to. The one is the NOAA Public Opinion Survey on Oregon Coast attitudes and opinions towards offshore wind. The other one was, there are actually two items in one BOEM notice, one was on the construction and operation plans, the timing for the notice, how BOEM will handle, you know, analyzing construction and operation plans under NEPA, that type of thing. And then the other was BOEM's notice on the acoustic impacts related to pile driving for offshore wind. Those are both out for comment. I think comments are due on December 12th. Susan Chambers and Mike Conroy and I did talk about these, and we didn't feel like these were urgent in terms of, you know, so we didn't go to Merrick and say we need to write QR letters on these right now, but so that was our sense. But again, I think, you know, it's obviously up to the Council if someone thinks it's important to engage on those. And then there were a couple of other things that you were heard about the, obviously with John Hansen here from the West Coast Oceans Alliance you heard him say that he's looking to the Council to hear how you would like to be engaged. He said that could be formally or informally, but that there's no need to decide at this meeting how you want to engage. And he said he saw this as the first in a series of conversations that we'll have. And then another item for your consideration is the Marine Planning Committee meeting that we have scheduled for December 1st. Because of the timing of the Council meeting and the needs to submit a Federal Register Notice, we've already put that in, but we need the Council to, you know, to endorse having that meeting. And then the second part of that is, you know, what does the Council see coming out of that meeting? Is it just sort of a public meeting to hear an update from BOEM and NCCOS on their suitability modeling? Or, you know, the Council could ask the MPC and maybe the HC to attend that meeting and then if they feel it's warranted draft up a quick response letter for the Council's consideration. So, I think that's something that we're looking for direction on. And then the last thing is, oh.... it's really more just of a heads-up that before too long we will have the draft programmatic EIS on NOAA aquaculture opportunities coming out, and so that will be, I think, a significant lift by the HC and the MPC. So that's not really an action item here but it's just something for your radar screens. I don't know the timing of that so I don't know if it would be a quick response process or if would overlap with maybe the March meeting, we just don't know yet, but we want to make sure you're aware of that. So those are the items that I kind of see for your consideration today. And again, if I missed something then I apologize. Feel free to bring it up, but I hope that helps kind of frame your discussion and Council guidance.

Brad Pettinger [00:04:18] Okay. Thank you Kerry. Well, I'll open the floor for discussion. Corey Ridings.

Corey Ridings [00:04:27] Thank you Mr. Vice-Chair. I just wanted to echo what I think I heard Caren say earlier in regards to the West Coast Ocean Alliance and thinking about whether the Council wants that more formal engagement with that group, I think echoing Caren that fisheries representation is

critical. I noticed that the GAP had similar thinking, so would suggest that we do formally engage with that group. I don't know exactly the process for that given the nature of the group, but that is my sense that we should be, we should be engaged. Thanks.

Brad Pettinger [00:05:06] Thank you Corey. Further discussion? Caren.

Caren Braby [00:05:12] I would like us to talk a little bit more about the NCCOS modeling and the December 1st workshop just to kind of signal to our BOEM colleagues who are in the room, but also to the MPC, what the Council would like to see from that exchange. And from my perspective I think the sharing of information and progress update is a very important thing to convene that meeting for. So, I think that purpose and need, so to speak, is sufficient, but if there are other things that the Council would like from that meeting in terms of next steps, it seems like we should be clear about that today. So, I'm just going to let that out on the floor.

Brad Pettinger [00:06:09] Okay. Very good. Anyone else? All right I'm not seeing any other hands. Kerry.

Kerry Griffin [00:06:27] Thank you. Miss Braby, I didn't quite process what your suggestion was there other than I think you're endorsing the meeting, but I think there's also a question of, you know, would... of whether the Council would like to see some sort of a written correspondence in the form of a QR letter to come out after that or are you just saying have the meeting and have it be sort of an open public, you know, meeting?

Caren Braby [00:07:00] Thank you. And through the Vice-Chair, I endorse that meeting. I think the Council should endorse that meeting today and so that is one of my questions. I was hoping someone would take the bait on that. But I think that certainly that December 1 meeting is important in my view to have that discussion given that the work by the NCCOS team and BOEM is not yet crystallized in terms of what it is, what readiness there is going to be. It's hard for me to jump a month ahead and say what action should come out of that December 1 meeting, but I think that as a Council member I have a lot of confidence in the Marine Planning Committee members to have that meeting and convey some of the viewpoints that are consistent with their discussions and Council discussions over the months and have initial response to the materials that are brought to that meeting. And if the MPC feels that a QR letter to formalize that response would be useful, then I would hope that they would feel that that is appropriate to elevate to the Council to proceed, as we have given them that authority to do in their founding documents if you will. Yep.

Kerry Griffin [00:08:46] Thank you very much.

Brad Pettinger [00:08:48] Executive Director Burden.

Merrick Burden [00:08:51] Yes, thank you Mr. Vice-Chairman. And thank you Miss Braby. I believe we are thinking similarly here. Just in the interest of clarity, what I would propose is that if the Council does concur with this meeting, that we make it an MPC meeting. And should the materials and output of that meeting seem to justify a QR letter, we can proceed with that process at that time.

Brad Pettinger [00:09:15] Okay, thank you Merrick. Corey Riding.

Corey Ridings [00:09:20] Thanks, both, for that. I will firmly take the bait and agree with that. That sounds good. Also take this moment just thinking about the NCCOS Suitability Model and some concerns that we heard raised in the Habitat Committee Report. So just want to make sure that the MPC does indeed take a look at that and that those concerns are being considered throughout this process.

Thanks.

Brad Pettinger [00:09:47] Thanks Corey. Caren.

Caren Braby [00:09:51] Thank you Mr. Vice-Chair. And to Corey's point, I think that there were questions that were raised both by the MPC and by the Habitat Committee that we can respectfully ask BOEM for responses to, that is something that I would support. And so just looking for a discussion around that if there are different views.

Brad Pettinger [00:10:20] Okay. Thank you. Anyone else? Corey Niles.

Corey Niles [00:10:28] Yeah thanks Mr. Vice-Chair and thanks Dr., Miss, Dr. Braby for that. I'm in agreement and going back to.....and firstly I thank you for, to the BOEM folks for showing up. Yeah, I had similar thoughts to what Neco voiced about. I saw her in the audience and I was like, do I know that person? Is she a TV actress or something? It was...and, Rick, it's good to hear your voice. Like I feel like you're an NPR radio person in my mind, but it's good to see you in real life. So... but yeah, I'm looking forward to that meeting and I'm still thinking through as a member of the committee, looking forward to the opportunity for dialogue there. Back to Corey Ridings' topic about the West Coast Ocean Alliance and Dr. Braby said, made some comments earlier about it. I guess I still am not sure the difference between.....definitely want to, think the Council should engage formally or informally, I'm not sure what that looks like. Heard the GAP recommendation for formal but I just.....so I guess I have some questions still more than answers in my mind but also wanted to point out that at least through my state we are involved in that we, through the many iterations we've been involved, our Department of Ecology is the lead but, you know, someone from our agency, Heather, has signed up to attend those meetings for us. So, we are also engaged via that route and so just if folks didn't know I wanted to make them aware of it. Definitely agree with Miss Ridings that we should be engaged in the workshop that John Hansen mentioned. I think there are some real opportunities there for the Councils and even from the State perspective on, you know, combining lessons learned and all that and key questions that all of us have.

Brad Pettinger [00:12:26] Thank you Corey. Merrick.

Merrick Burden [00:12:26] Yes, thank you Mr. Vice-Chairman, and thank you for your comments, Mr. Niles. Thinking back through last year and our work on marine planning issues and some of the confusion that we've had about who is doing what and roles and responsibilities, I think it would be good for this Council to, at a minimum, formalize our internal understanding of who is leading the output or the, or the interaction with the West Coast Oceans Alliance. As I understand things currently, I think the rest of the Council staff and I still have some questions about what that arrangement would look like with the West Coast Oceans Alliance. And so what I would propose is that over the winter Kerry and I can have some conversations with folks of the West Coast Oceans Alliance and better understand what that agreement would look like, and then we could take that up under, oh my gosh I'm drawing a blank, I guess it's getting late in the week, but take it up under membership appointments in March and that would give us a little more time to pin down what exactly that role looks like and then allow you to take that up as a formal agenda item at that time, if that makes some sense.

Brad Pettinger [00:13:51] I'm seeing nodding of heads. We'll that as a yes. So okay, anyone else on this item? Corey Niles.

Corey Niles [00:14:03] Thanks Mr. Vice-Chair. I almost spoke up when Mike O. was up here in the CPSAS report and just wanted to, and didn't ask the question there, but really appreciate the thoughtful, concrete suggestions on how to do workshops that consider impacts to fishing and from my State

perspective we've been thinking about that from a marine spatial planning role and looking for really, for good advice on how to do that. And so just recognizing that we heard that and appreciate the thoughtfulness and it's good advice for the Council and others, but definitely relevant for what we're thinking about at my agency.

Brad Pettinger [00:14:43] Thanks Corey. All right, last call. I'm not seeing any hands so... Kerry.

Kerry Griffin [00:14:53] Yeah, thank you. Good discussion and I think that there's good guidance to move forward hearing the Council say, yes, let's go ahead and have that MPC meeting and leave it to the MPC, trust them to then advise the Council on whether there should be a QR letter, that type of thing. And I think that...and then as Merrick said, we'll continue discussing the, you know, the nature of the engagement of the Council with the West Coast Oceans Alliance. We'll have some conversations. And I also just wanted to, you know, as we were talking about this and thinking about marine planning and wind and the West Coast Oceans Alliance, I think it would be, well not that it's my decision, but having John come to the Council every now and then and provide updates and be similar to the way the, you know, the National Marine Sanctuaries do. I'm not proposing formalizing that, but we know that John is a friend out there and is happy to continue the discussion. So, I just wanted to, you know, frame that. Yeah, and I think that that summarizes your guidance.

Brad Pettinger [00:16:09] Well very good. Good work everyone. Thank our presenters for coming today. Appreciate that. And we're...we gained a half hour back I think or so, so I'll give the gavel back to our Chair and I feel a little better about the day.

7. Fiscal Matters

Marc Gorelnik [00:00:00] We don't have any public comment. We don't have any reports. That takes us to Council discussion and action, and we have recommendations of the Budget Committee before us so what is the Council's pleasure? We will need a motion. Brad Pettinger.

Brad Pettinger [00:00:23] I'd just like to say that I thought the information provided at the budget meeting was thorough and very informative and probably about as good as I've seen and I thought it was laid out well... what's before us and I thought it was, it was really good. I also got some comments back from an individual logged in who hadn't been logged into a Budget Committee meeting and they thought that more people should because it really, we make decisions and people wonder why do we do those, why do we do that or why do we go in that direction? I think it was a that meeting to her really opened her eyes to what's the machinations of the Council process. So anyway, a job well done by Council staff and Executive Director Burden to put together a really fantastic meeting and material provided so.

Marc Gorelnik [00:01:21] All right, thanks for that. Phil Anderson.

Phil Anderson [00:01:23] You know just reinforced that. I'm not a member of the Budget Committee any longer but I've been sitting in on the meetings whenever possible and I've found the information provided by staff to the committee to be really comprehensive and allowing the Budget Committee and the members to really better understand what the budget challenges are for the Council and potential solutions. So, hats off to the Council staff.

Marc Gorelnik [00:01:57] Marci Yaremko.

Marci Yaremko [00:01:57] Yeah, thank you Mr. Chair. Yeah, I would certainly agree with all of that and just add that it was interesting to drill down into the individual line items in the travel budget and the travel projections by committee. I sure learned a lot and learned what's where we have some flexibility and where we don't so appreciate the work of staff. We gave them an assignment in late October, and they turned it around very quickly and it's certainly the best Budget Committee discussion I can remember. So, thank you.

Marc Gorelnik [00:02:35] Jessica Watson.

Jessica Watson [00:02:36] Thank you Mr. Chair. I want to echo those thanks for this Budget Committee Report and how detailed it was. I also appreciated the access to hearing this presentation in a webinar form so that advisory bodies could actually participate and see what those line items were when thinking about how to make recommendations in the future of moving forward with virtual and in-person options. So, thanks a lot for all the hard work.

Marc Gorelnik [00:03:03] Bob Dooley.

Bob Dooley [00:03:06] Thank you Mr. Chairman. Yeah, I had the benefit of attending that too because I was in town for the Legislative Committee meeting and really found it useful. I really appreciate the forecasting that's being done and the effects of certain actions, and action today how it will affect us down the road in our planning. And I also really appreciated the consideration of a meeting of the whole. I think that's something when given the situation that we're facing coming forward that would, that we would benefit from that to focus on this in isolation rather than trying to get it done at a Council meeting, so I appreciate that. Thank you so much.

Marc Gorelnik [00:03:49] Sure. And we do have some structural issues in the budget we need to address so. All right, so we have... the Budget Committee has put forward a provisional budget so I think that does require a motion if that's something that the Council is inclined to approve at this stage. Oh, Phil.

Phil Anderson [00:04:21] Thank you Mr. Chairman. I move the Council adopt the report and recommendations of the Budget Committee under Agenda Item C.7.a., Supplemental Budget Committee Report, November 2022.

Marc Gorelnik [00:04:33] All right, thank you for the motion. Is there a second? Seconded by Virgil Moore. Please speak to your motion.

Phil Anderson [00:04:41] Thank you Mr. Chairman. I had, as I mentioned, I had an opportunity to sit in on the Budget Committee and listen to the deliberations of the committee and I think that the recommendation by the committee relative to our 2023 budget and other considerations in the report is complete and well thought out and support their recommendation.

Marc Gorelnik [00:05:03] All right, thank you. Any questions for the maker of the motion or discussion on the motion? All right I'll call the question. All those in favor say 'aye'.

Council [00:05:17] Aye.

Marc Gorelnik [00:05:17] Opposed, no? Abstentions? Motion passes unanimously. All right we still have....Corey Niles.

Corey Niles [00:05:37] Didn't mean to cut you off there but I did have one more thing before you closed it out, but hold off if you had a plan there.

Marc Gorelnik [00:05:45] Yeah, I think that, well I don't know if it's relating to the Budget Committee we do have a recommendation regarding a meeting of the whole. I don't know that we need to approve that here, have a head nod here, discuss it here, but the Budget Committee has recommended the Council consider taking that step. So can we come to an agreement here or not, depending upon what the Council wants to do, so I'll look for some discussion on that. We had a few comments already. I just want to give folks an opportunity here. I think generally what I heard is folks were in favor of it. So, I'm seeing head nods, an adequate number of head nods around the table so I guess the Council appreciates that recommendation and the Council staff will take that, we'll take that and run with it. Corey.

Corey Niles [00:06:45] Yeah, thanks Mr. Chair. A question for Ryan here. You know at the Budget Committee, as the report stated, there is, Ryan let us know about their internal process for these, I'm losing my words this morning, but there is a MSA and a catch shares budget line where they have internal process for projects and at that time it was, and maybe is still early in terms of when the proposals are due, but was wondering if Ryan had any more updates on the thinking there and if not just very supportive of the approach Ryan told the Budget Committee about his communicating with his branch chiefs and branch chiefs with the Council staff and bodies on what the important work is and this funding has, Ryan had a list of projects in the past that really have helped this Council's work and, yes, so I don't know if Ryan if you had any updates? If not fair enough of course.

Ryan Wulff [00:07:50] Yeah, through the Chair, thank you Mr. Niles. Good morning, everyone. I don't have specific updates on the proposals. They're all coming in right as we speak. I'll be meeting with Science Center and Regional leadership at the end of today and they're due for submission on Thursday.

But I passed along the discussion that happened in the Budget Committee. We also have paid a lot of attention to what has happened at this meeting, and I will take into account as well further priorities of the Council that I get in workload planning and how we lay out our future agendas. And I'll be happy to report back at our next meeting with a full, hopefully successful list of things that we got approved.

Corey Niles [00:08:36] Yeah, thanks Ryan, recognizing that you're still having, and thank you. Very much appreciated that approach. I guess I'll just throw one thought out that I didn't articulate at the Budget Committee is that, you know, I obviously do not have a fully holistic view on all the funding needs but being from this seat and from being a member of the Ecosystem Workgroup, it seems one area where the Science Centers in particular need to, lack of a better phrase, cobble together funding to help our work rather than be supported by ongoing budgets, is our ecosystem work and ecosystem initiatives and we do have a new ecosystem initiative the Council recommended in September and I know folks, members of the EWG are working on a proposal, the Science Centers folks and so I just, yeah, I'd offer that thought. I think that the funding does go pretty far in helping the Science Centers, you know, do that work, that staff who work on ecosystem, ecological side of things are, you know, there are not as many as we would like so I would just add that the extra effect of the funding there I think goes a long way and I'll leave it there.

Marc Gorelnik [00:09:58] All right. Further discussion or action on this agenda item? I'm not seeing any hands. Let me just check online. Not seeing any so, Patricia, have we done our work here?

Patricia Crouse [00:10:18] You have done your work here and I look forward to seeing you in the spring or June meetings.

Marc Gorelnik [00:10:23] Thank you very much.

8. Approval of Council Meeting Record

Marc Gorelnik [00:00:00] We'll move to Agenda Item C.8, Approval of the Council Meeting Record. That's Agenda Item C.8, Attachment 1 that was in the advanced briefing book. And I'll look for any corrections or a motion to approve. Phil Anderson.

Phil Anderson [00:00:30] Thanks Mr. Chairman. I move the 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 through 14, 2022.

Marc Gorelnik [00:00:46] All right. The language there appears accurate and complete. Look for a second. Seconded by Bob Dooley. Please speak as necessary.

Phil Anderson [00:00:54] Thanks to all the staff that helped keep track of our meeting records and I found it to be accurate and complete.

Marc Gorelnik [00:01:02] All right. Any questions for the maker of the motion or discussion? All right, all those in favor say aye.

Council [00:01:11] Aye.

Marc Gorelnik [00:01:11] Opposed, no? Abstentions? Motion passes. Thank you for the motion. That concludes Agenda Item C.8.

9. Membership Appointments and Council Operating Procedures

Marc Gorelnik [00:00:00] We don't have any reports. We don't have any public comment. So that immediately takes us into Council discussion and action. And let's take these topic by topic first, obviously the appointments and then the Council Operating Procedures. So, before we get to any motions, let's just see if there's any, anyone wants to raise their hand and otherwise we'll go straight to motions since this is something that was discussed during closed session. All right, so we have a vacancy on the, we have a Washington charter boat operator vacancy on the Salmon Advisory Panel. Mr. Phil Anderson.

Phil Anderson [00:00:45] Thank you Mr. Chairman. It's my pleasure to move the Council appoint Mr. Steve Sohlstrom to the Washington Charter boat operator position on the Salmon Advisory Subpanel formerly held by Mr. Michael Sawin.

Marc Gorelnik [00:01:00] All right, thank you. The language there appears accurate and complete. Is there a second? Seconded by Butch Smith. Please speak to your motion.

Phil Anderson [00:01:08] Thanks Mr. Chairman. I'm really happy that Steve applied for this position. He's invested in at least, in the ownership of at least three charter vessels that operate out of Ilwaco. He also owns a charter office there and is the Vice President of the Ilwaco Charter Boat Association and I think he's going to be a great addition to the Salmon Advisory Subpanel.

Marc Gorelnik [00:01:36] All right, thank you very much. Any questions for the maker of the motion or discussion on this nomination? All right. All those in favor say 'aye'.

Council [00:01:45] Aye.

Marc Gorelnik [00:01:46] Opposed, no? Abstentions? Thank you for the motion. The motion passes unanimously. Thank you for the motion and welcome to Mr. Steve Sohlstrom. Next, we have a vacancy At-Large position on the SSC. Miss Corey Ridings.

Corey Ridings [00:02:05] Thanks Mr. Chair. I move the Council appoint Dr. Christopher Free to a vacant At-Large position on the Scientific and Statistical Committee.

Marc Gorelnik [00:02:15] Okay. Thank you. The language on the screen appears accurate and complete. Looking for a second. Seconded by Virgil Moore. Please speak to your motion.

Corey Ridings [00:02:23] Thanks Mr. Chair. Dr. Free has a strong publication record of producing scientifically sound work across a broad range of fishery relevant topics including oceanography and climate change, and comes with the skills and experience needed to understand and critique stock assessments. He has experience working in the California Current large marine ecosystem and I think he'll be a great addition to the SSC and the Council as a whole.

Marc Gorelnik [00:02:48] All right, thank you very much. Any questions for the maker of the motion or discussion? All those in favor say 'aye'.

Council [00:02:56] Aye.

Marc Gorelnik [00:02:57] Opposed, no? Abstentions? Motion passes unanimously. Thank you for the motion and congratulations to Dr. Free. We also have a vacancy on the Groundfish Management Team

from the West Coast Region. Mr. Ryan Wulff.

Ryan Wulff [00:03:18] Thank you Chair. I move the Council appoint Miss Lynn Massey to the West Coast Region position on the Groundfish Management Team formerly held by Mr. Daniel Studt.

Marc Gorelnik [00:03:30] All right the language there appears accurate and complete. Is there a second? Seconded by Marci Yaremko. Please speak to your motion.

Ryan Wulff [00:03:40] Thank you. Lynn has worked for the West Coast Region since 2017. She has worked on multiple Council actions across FMPs and is a senior member of our groundfish branch I think will be a welcome addition to the GMT and all of its upcoming work. But I do also want to thank Daniel Studt for all of his time as well on the GMT over the past year. Thank you.

Marc Gorelnik [00:04:11] All right, thank you for the motion. Any questions for the maker of the motion or discussion? Okay. All those in favor say 'aye'.

Council [00:04:20] Aye.

Marc Gorelnik [00:04:20] Opposed, no? Abstentions? Motion passes unanimously. Thank you for the motion. Congratulations Miss Massey. Now we have a vacancy on the CDFW position on the Groundfish Management Team. Marci Yaremko.

Marci Yaremko [00:04:41] Thank you Mr. Chair. I move the Council appoint Mr. James Phillips to the CDFW position on the Groundfish Management Team formerly held by Miss Caroline McKnight.

Marc Gorelnik [00:04:52] The language there appears accurate and complete. Looking for a second. Seconded by Bob Dooley. Please speak to your motion.

Marci Yaremko [00:04:59] Yeah, thank you Mr. Chair. James has quickly gotten up to speed in the GMT room and he's now a full-fledged Council groupie. He's here with us today in the audience following along. Appreciate his contributions to date and look forward to more. He'll be a great addition. Thank you.

Marc Gorelnik [00:05:16] All right, thank you for the motion. Any questions for the maker of the motion or discussion? All right, all those in favor say 'aye'.

Council [00:05:24] Aye.

Marc Gorelnik [00:05:25] Opposed, no? Abstentions? Motion passes unanimously. Thank you for the motion and congratulations James. I believe those are the positions we are ready to fill. We also have some vacancies, the Washington CPSAS seat and there's a vacancy on the GAP also from Washington that Miss Ames highlighted. I assume it's the desire of the Council to advertise those to see if we can fill them and take up any applications at our March meeting. So, I'm seeing some nodding of heads. So, before we move to Council Operating Procedures is there anything else? Mr. Pettinger.

Brad Pettinger [00:06:17] Thank you Chair Gorelnik. Yesterday when National Marine Fisheries Service was giving their report, Kristin Koch gave her update and mentioned the Groundfish Management Team seat that the Southwest Science Center was supposed to have filled has not been filled. I believe it's been over two years and so I spoke to her offline there and she's having difficulty finding a body for that and I wonder if there's another avenue to fill that seat? I mean the GMT does a lot of great work for this Council and, I mean they're working their butt off literally and I think that I

don't want to burn them out and I think people, those slots all need to pull their weight and so it would be nice to maybe to look into and if there's some other way to, other avenue to fill that seat and take care of those folks, they really put out great reports and guide this Council and I think we need to honor that and make sure they're staffed fully. So, I'm not sure we need to decide that today but certainly we need to be thinking about that and get that seat filled. So that's what I have for that. Thank you.

Marc Gorelnik [00:07:34] All right. Thank you for that. Anything else on appointments? So, let's move to Council Operating Procedures. We, the Council did direct staff at the last Council meeting to consider some changes to COP 1 and those changes have been put before us. So, I'll look for any discussion or a motion. Mr. Pete Hassemer.

Pete Hassemer [00:08:12] Thank you Mr. Chair. I'm going to walk out on a limb here and I agree with the two what appear to be minor changes in the COP except the first one is small. It is I don't like the wording there because, and excuse me, I was trying to come up to be constructive here with some proper, some better language. What it does is say the new member needs to attend a Council Chair's briefing at its first meeting and there may be situations I don't know where there are a number of new members who might be committed to that, and I know there are limits on the number of Council members that need to be there, so with that in mind I have crafted some language. I hate to edit on the floor, but I would hope that I can fix that through a motion but first I'd like to hear from others.

Marc Gorelnik [00:09:25] All right, let's hear from others. Bob Dooley.

Bob Dooley [00:09:32] I tend to agree with Pete's assessment there on this. It was my suggestion actually that we brought it to the attention that it was saying two, but our practice has been one. And if we're going to limit it to one, we should say so. So that was the impetus for it. But I do understand that and I don't know if that's a problem to have, if there's three new Council members at that first meeting, does that cause a problem? So, I would look for more information on that.

Merrick Burden [00:10:19] Thank you Mr. Chairman. Let's see I'm just now admittedly thinking about this, but what I could imagine occurring is that if we were to get to a place where we would have a quorum, if we had all of the usual participants of the Chairman's Briefing present plus new members, I think if we wanted to follow this language what we would do is look to excuse members that are from that State that usually attend in favor of the new member to be briefed to avoid the quorum situation.

Marc Gorelnik [00:10:59] Phil Anderson.

Phil Anderson [00:11:03] I have two views on this. One would simply be to strike the sentence and leave it up to the discretion of the Chair to bring the new member into a Council Chair Briefing as appropriate. Or secondly, modify the language to indicate that so that new members may be invited to attend Council Chair's Briefing at the discretion of the Chair. And that way if it's going to create a problem with a quorum in the meeting you can, the Chair could deal with it, but I think this is far too specific, frankly, and is not... that level of specificity isn't needed in the COP.

Marc Gorelnik [00:11:49] Thanks for that suggested solution. Let me look around the table. Pete Hassemer.

Pete Hassemer [00:11:58] I see I keep leaving my microphone on. I have a motion ready whenever, but I don't want to cut off discussion.

Marc Gorelnik [00:12:06] All right. Please go ahead.

Pete Hassemer [00:12:09] Thank you. I move the Council adopt the changes to Council Operating Procedure 1 as identified in Agenda Item C.9. I better slow down. Want me to keep....oh okay, thank you. Computers work faster than my mind which is not a surprise. I move the Council adopt the changes as identified in Agenda Item C.9, Attachment 1, hang on, let's strike that everything from except on. Just you can.....with.....okay. And now I'll....with the following change. In the last sentence in the, under new member orientation change that to read, "In addition new members will attend at least one Council Chairs Briefing during their first year of service on the Council in coordination with the Executive Director". And Mr. Chair that is accurate and as I intended.

Marc Gorelnik [00:14:35] All right. Thank you very much for the motion. Look for a second. Seconded by Bob Dooley. Please speak to your motion.

Pete Hassemer [00:14:44] Thank you. Well, I appreciate the comments and the fixes. We could have left it off but again, the reason for making this change is as it was written it committed a new Council member to being at their first Chairs Briefing at the first meeting and if for some reason they couldn't do it, they immediately violated our COP, so this provided the flexibility, the same flexibility we have under the terms where we just made it a little more flexible. So, I think it gives, as Executive Burden said, the opportunity for him to work with that individual and look at how, who's there for a Chair's Briefing and not limit them, limit them to just one because that individual may be the new State rep or something who would be at several, so I think this provides the flexibility we need. Thanks.

Marc Gorelnik [00:15:46] All right, thank you for the motion. Are there any questions for the maker of the motion or discussion on the motion? All right. All those in favor say 'aye'.

Council [00:15:59] Aye.

Marc Gorelnik [00:15:59] Opposed, no? Abstentions? The motion passes unanimously. Thank you for the motion. Is there further action or discussion from the Council on this agenda item, Membership Appointments and Council Operating Procedures. Miss Ames.

Kelly Ames [00:16:24] Thank you Chair Gorelnik. You have completed action on this agenda item.

Marc Gorelnik [00:16:32] All right, great. Well, that wraps up C.9.

10. Future Council Meeting Agenda and Workload Planning

Brad Pettinger [00:00:00] Okay, that'll....finishes public comment and takes us to Council's action of streamlining or finishing up the agendas for March and April so I'd open the floor for discussion. Jessica Waters.

Jessica Watson [00:00:25] Thank you Mr. Vice-Chair. I'll start the discussion. Just based on the testimony we just heard from Miss Mann, as well as in the AB reports with regards to Marine Planning for March, potentially considering adding that to the agenda given where that process for offshore wind development is specifically in Oregon, but just in general those issues that are coming up and how we've heard support to have Council's ABs voice and the Council's voice heard in this process.

Brad Pettinger [00:00:57] Thank you. Phil Anderson.

Phil Anderson [00:01:00] Yeah, I'd just offer my support for what Jessica just said. Given what's at stake here for the fishing industry relative to wind development I just think this Council needs to stay on top of it, keep looking for ways that that we can engage in assisting the fishing industry and ensuring that we continue to have the ability to assess our stocks and maintain healthy resources along the West Coast. Thanks.

Brad Pettinger [00:01:29] Thank you Phil. Anyone else? Executive Director Burden.

Merrick Burden [00:01:45] Yes, thank you Mr. Vice-Chairman. There are several versions of our agendas floating around since we had the advanced agendas and we have the supplemental agendas, and so I do want to make sure that we are all on the same page. This recommendation, or guidance rather, to include Marine Planning in March. We do have that on our supplemental March agenda under Thursday scheduled to C.3 for two and a half hours. I believe that will be a sufficient amount of time, but just want to make sure we're all on the same page about that suggestion and the staff is on that page with you.

Brad Pettinger [00:02:20] Okay. Ryan Wulff.

Ryan Wulff [00:02:25] Yeah, thanks. Just before I start any clarification from you Mr. Vice-Chair on whether you want comments on March first and then go to April or do you want to comments on both now?

Brad Pettinger [00:02:39] I'll defer to you Merrick.

Merrick Burden [00:02:41] Yeah, thank you Mr. Vice-Chairman. Thank you Mr. Wulff for the question. I appreciate the question and I would, I think it is at your discretion but the way my mind works is to first think about the big picture and how things will flow throughout the year, and then how March and April take some time in getting us to achieve that picture if that makes sense. So that would be my ordering of things is to look at the year and then how it shapes out and then how March and April help us get through there, if that makes sense to you.

Brad Pettinger [00:03:17] Okay. Anybody else? Phil.

Phil Anderson [00:03:26] I'm not suggesting a change in the wording, and I'm looking at the March agenda, G.5 on Tuesday, Electronic Monitoring FPA. You know we have both the amendments to the regulations there, but we're also tracking the user manual and potential changes did. We just want to

keep the Council informed and get your opinions as well as the... our advisory entities on changes to that. So, I just wanted to make sure that there was enough room, the 2 hours is, is plenty, but I just want to make sure there's enough room to look at both.

Brad Pettinger [00:04:20] Thanks Phil. John Ugoretz.

John Ugoretz [00:04:25] Thanks Mr. Vice-Chair. Speaking to a different topic so I don't know if someone has a response to the last comment.

Brad Pettinger [00:04:39] Yeah. Ryan.

Ryan Wulff [00:04:41] Just to that point, I agree with Phil. I think we can, when we look at the full notice make sure that it includes not just the FPA on the regulatory changes, but also any additional guidance from the Council on changes to the manual or other aspects we'll be discussing, yeah.

Brad Pettinger [00:04:56] Thank you Ryan. Okay John.

John Ugoretz [00:05:00] I wanted to speak to highly migratory species items. The team made some suggestions to remove some items from March, specifically the EFP criteria and move that to a later meeting. They also suggested that the workshop planning and hard caps shouldn't be at the same meeting. Of course, I've voiced my support for hard caps being sooner than June. I understand NMFS workload issues. I like the idea of a check-in on hard caps in March if there's time for it and I do think that EFPs could move later. I definitely agree with the team that we shouldn't be looking at modifying deep-set buoy gear prior to the authorization that we've worked so hard to get to, and that considering modifications at some point after the first limited entry permits are issued makes sense. I did hear the advisory subpanel and a couple public comments referring to the Pier EFP and the fact that it operates outside the area fished by current EFP participants but, honestly, we don't know where limited entry permit participants are going to fish or the open access permit participants, and I just think that all of that needs to be considered before we go into these new suggestions for deep-set buoy gear. So, my recommendation would be move all of the swordfish monitoring management plan, workshop planning, including EFPs, which we intended to include in that workshop, have some general scoping in June as it currently sits. Have a DGN hard cap check-in to hear the results of the recommended analysis that the scientists, Scientific and Statistical Committee made in March and final decision on hard caps in June and move forward from there.

Brad Pettinger [00:07:22] Okay. Thanks John. Oh, Ryan.

Ryan Wulff [00:07:34] Thanks Mr. Vice-Chair, and I completely agree with Mr. Ugoretz regarding the EFPs and the criteria. I support what the MT stated there and just do want to note that I think it is a good matter of practice to not necessarily issue applications for adjustments to the gear type until after the authorization of the gear type actually occurs and permits are issued and that fishery is underway, so I'd support those points. However, I'm still very concerned about doing anything related to hard caps in March. I do not think that, I mean, if the Council chooses to schedule a check-in, I want it clearly understood that it is highly possible there will be no additional information to present at that time. All of our staff will be prioritizing authorizing deep-set buoy gear. I won't stand in the way if you put that on the agenda, but I want to be clear that we do not expect to have an update in March at this time. Maybe I'll see if there's any other comments on that. I do... since I have the floor actually, I have a few other quick clarifications that I would like to make. I assume March for Agenda Item E.3, the salmon management objectives that that's the place where we would give our NMFS guidance letter. I'd look towards maybe Executive Director Burden just to confirm that. I think that's all I need is just a little confirm on that here. And then regarding... I only have two minor comments, well not minor, but two

comments on the April agenda. We'd support the CPSMT's recommendation to change the title of H.4 for the reasons they noted. And I wonder if we might, since there is a lot of time available it looks like on April, if we might want to consider moving up the shaded agenda items for salmon that are in June. Both the SSC and the STT have highlighted the importance of updating the conservation objective, in particular for Sacramento River Fall chinook, NMFS concurs with that. There is typically not a lot of salmon folks that attend the June meeting. It is a topic of interest to fishermen so we would support moving those related items up from June to April. Thank you.

Brad Pettinger [00:10:19] Okay Ryan. Thank you. Christa Svensson.

Christa Svensson [00:10:24] Yeah, thank you Mr. Vice-Chair. And I guess since we were predominantly on HMS, I'll make a few comments to that. I mean my first priority is authorizing buoy gear. I think that that will help clarify EFPs in the future and I certainly don't want to get that mixed up. I also think we've spent a very long time waiting for this to be authorized, so that is important. In terms of the workshop, I agree with Mr. Ugoretz in terms of intent, meaning I didn't think that that was a huge amount of lift in June in terms of picking some topics, and I definitely would not want to see that any later than June. I would actually prefer to have that in March, which is the request from the AS, but I realize that March is very full and there may be other priorities. But so, the two primary for me are just making sure we keep buoy gear on track and that we have that workshop check-in no later than the June meeting.

Brad Pettinger [00:11:37] Thank you Christa. Okay. Merrick.

Merrick Burden [00:11:42] Yes, thank you Mr. Vice-Chairman. There's been a couple of comments on HMS EFPs that sound like they're in concurrence among several Council members. I'm not clear if I'm tracking the concurrence correctly, so I want to make sure that I've got that right. One way to interpret some of the comments is that we would not take up EFPs until buoy gear is implemented, and so we would be striking a lot of these EFPs the latter half of the year. Is that the intent of this discussion? It's not the intent of this discussion. Could I ask someone to clarify for me what the EFP suggestions are?

Brad Pettinger [00:12:21] Ryan.

Ryan Wulff [00:12:22] I'll clarify at least my comments. Mr. Ugoretz can speak to some of his ideas that he put forward for June, but I was speaking to what I think are the second, or the second and third bullets on the end of page one of the HMSMT Report and just concurring with that, so that while the Council could continue to have its June and September agenda items, I wanted to be clear that we probably would not be approving from NMFS point EFPs that would exempt people from any additional new EFPs that would exempt people from deep-set buoy gear until that is actually authorized and the permits are issued. But that doesn't necessarily mean you have to take those agenda items off, I just wanted to note that.

Brad Pettinger [00:13:16] Thanks Ryan.

Merrick Burden [00:13:19] Thank you Mr. Wulff. That clarifies things for me.

Brad Pettinger [00:13:21] And the John Ugoretz has its hand up here so John.

John Ugoretz [00:13:24] Yeah, thanks. I agree with Ryan. I was speaking towards deep-set buoy gear EFPs that would modify the buoy gear that we are in the action of authorizing at this time. If the Council receives other HMS EFP requests prior to June, then I would anticipate we would discuss those but not

buoy gear.

Brad Pettinger [00:13:46] Okay. Thank you for that. Further discussion? Kelly.

Kelly Ames [00:14:02] Thank you Vice-Chair Pettinger. Just a staff comment in regards to Mr. Wulff's recommendation to move up the salmon items from June to April. I think we might have some workload concerns with that proposal given that it is in the heart of the salmon season setting process. Just curious if your staff had any thoughts about that when making that recommendation?

Ryan Wulff [00:14:36] No I haven't. I mean in my conversations with my staff they supported at least starting that discussion. I mean maybe I'm not opposed to keeping some aspect of that in June if that really is the workload, a workload issue for Council staff, but maybe there's a way to, and maybe you could do it under E.4 already in April and just expand that timeframe a little bit to see if there is any discussion on approach, methods, I don't know if a workgroup needs to be formed or some at least Council discussion while we have the salmon folks there probably in April that would help us prepare to move forward with those items since both SSC and the STT have recommended it and NMFS supports that. But I'm open to the process.

Kelly Ames [00:15:37] Thank you Vice-Chair Pettinger, Mr. Wulff. I think that makes good sense to me. So, we would just characterize the E.4 Agenda Item in April to also include planning in support of those June items. What are the necessary steps that need to occur before we get to the June meeting? Thank you.

Brad Pettinger [00:15:56] Thank you Kelly, Ryan. Marci Yaremko.

Marci Yaremko [00:16:00] Yeah, thank you Mr. Vice-Chair. Hearing that discussion puts me at ease. Thank you. I do have a question though on the salmon items that we are speaking of to put on the E.4 discussion list. The shaded items as I see them include both the Sac Fall and Klamath Fall Conservation Objective Review and the Sac Fall Age Structured Assessment. I know in the discussions that I've had on the topics of late, it's really been focused on the conservation objective review and nothing that I'm aware of is really in the works on the Aged Structured Assessment. I believe there's a post-doc that may be doing some work, but I'm not aware that it's ripe for discussion yet. So maybe you can clarify exactly what... what we want on that list. Thank you.

Brad Pettinger [00:17:11] Ryan.

Ryan Wulff [00:17:12] Yeah, thank you for the question. I was speaking to the conservation objectives. Thanks.

Brad Pettinger [00:17:20] Okay. Thanks Ryan. Okay. Marci.

Marci Yaremko [00:17:31] Thank you Mr. Vice-Chair. I'm not sure what order we're taking things, but I did want to just echo support for the GAP recommendation to unshade the Halibut Catch Sharing Plan items for June, September, and November.

Brad Pettinger [00:17:52] Okay. Merrick.

Merrick Burden [00:18:00] Yes, thank you Mr. Vice-Chairman. Just looking at our schedule here in June and April. So, April we have a not quite a full meeting, although we have shifted a couple of things into April which have helped to balance things out a bit. There may be a possibility to have some of our staff officers help out with this Halibut Catch Sharing Plan before June, and so if it pleases the

Council, I think we would be able to shift that to April, although I note we're not planning to have the GAP in person at that time. So that's a possibility since we're on that topic, if that's something that you would like to pursue, we think we could support that.

Brad Pettinger [00:18:43] Okay. Marci.

Marci Yaremko [00:18:47] Thank you Mr. Vice-Chair. I think I agree in theory that there shouldn't really be a difference between April and June as to when we would start that discussion, and then we would have PPA and FPA in September and November. But I would note that the GAP indicated their intent to begin the discussion in their room first, and I believe they're asking for an item to be added to their, was it March agenda? I'm just thinking about the likelihood of anything really being ready to discuss by April. They're going to kick that discussion off in March and then I don't know that anything will be ripe enough for us to begin the considerations in April.

Brad Pettinger [00:19:46] Heather Hall.

Heather Hall [00:19:49] Thank you Vice-Chair. I agree with what Marci just said and, well backing up, I support unshading the halibut items for June, September, and November. Appreciate the GAP thinking ahead and wanting to have that on their agenda for March, but just speaking from the state perspective in terms of us being ready to talk about halibut in April, given that the overlap with our stakeholders that are going to be really engaged in salmon in March and April, I think starting that discussion in June is, I'm more comfortable with that than April, but appreciate the offer and suggestion. Thanks.

Brad Pettinger [00:20:34] Thank you Heather. Jessica.

Jessica Watson [00:20:34] I just want to echo what Heather said from a state perspective. I think letting the GAP have that time to develop some scoping prior and then also to allow us time to engage with our fleets.

Brad Pettinger [00:20:54] Okay. Kelly Ames.

Kelly Ames [00:21:02] Thank you. Just a word of caution here. I would prefer if the Council would consider maintaining the shading for September and November until we understand what comes out of the scoping. So, in order for us to be able to unshade and commit to some longer-term changes to the halibut fishery, it would be helpful to know what those changes are in order to be able to commit to produce materials to support Council action. So, if it was okay with the Council, I'd recommend unshading June and then holding on until we see what comes out of June before we unshade September and November.

Brad Pettinger [00:21:52] Heather.

Heather Hall [00:21:54] Thank you Vice-Chair and thank you Kelly. I think that your suggestion makes sense to me, and it might actually relate to a question I was going to have about the two different halibut items for September and November that look very similar, but I think I understand that now with your explanation. Thank you.

Brad Pettinger [00:22:18] Thank you Heather. Marci.

Marci Yaremko [00:22:22] I think I'm slow on the uptake here. I see the two different types of items that are slated for June versus September where we're picking up discussions on the directed

commercial, but I'm, I think I'm not understanding why we would want catch sharing final action in November because we have to have it effective pretty quickly thereafter. So maybe you can elaborate?

Brad Pettinger [00:23:05] Kelly.

Kelly Ames [00:23:07] Thanks Vice-Chair Pettinger, Miss Yaremko. Yes, my apologies, because the language is so similar in both of those items it can be confusing. The shaded items are those larger changes that you have expressed interest in scoping, and those are changes because we are unclear exactly what is envisioned. We're signaling to you that we're not quite sure those could be done for 2024. So, we are proposing those to be treated in a separate process from your 2024 catch sharing plan changes and directed commercial fishery recommendations. So that is our recommendation for treating those items as separate, one that is required for 2024 and one that once we define it, we can begin to talk about implementation dates.

Brad Pettinger [00:24:04] Thank you Kelly. Okay. Merrick, how are we doing here?

Merrick Burden [00:24:16] I think we're doing pretty well Mr. Vice-Chairman. I did want to raise one more point, but I'm happy to pause if there are more thoughts or comments about this agenda and the discussion. I have a comment that may trigger more discussion, but I'm happy to defer to others for the moment.

Brad Pettinger [00:24:34] Okay. Well, I'm not seeing any hands so.....

Merrick Burden [00:24:42] Okay. Well, I did want to orient the Council then to our April meeting plan and stress again that because of the COVID situation and our scramble to put together a hotel contract on a plan for in-person versus remote advisory bodies, the way we've scheduled the agenda is very salmon-heavy of course, and we've also added some CPS matters. So, we would have the salmon bodies there in person. Have the CPS bodies there in person. Something that happens very rarely is that we do not have groundfish bodies in person. So that is the plan for April. On April we have this matter of sablefish gear switching check-in and had that continued to be a PPA I think we would have been hard pressed to keep the GAP remote, and so we were trying to envision how we would make that happen. We would have found a way. But with the plan now to have the GAP be remote, I think it's important that we all be very clear that the intention of the sablefish gear switching check-in is not to add anything new or to deliberate on any fashion. It's really a matter of clarifying what was done here this week and have Jim and Jessi come back and ask you to help clarify their interpretation where it's necessary. If it's beyond that, I would anticipate the GAP will want to be in person and to start having discussions. So, I put that out there. I don't want to sound like I want to minimize your desire to discuss, but I think it's important that if we are not going to have the GAP in person that we retain some solid boundaries on that agenda item.

Brad Pettinger [00:26:31] Jessica.

Jessica Watson [00:26:32] Thank you Mr. Vice-Chair. Thank you Director Burden. Am I understanding correctly with that characterization then that there would be no alteration to any sub-options under that agenda item, removal or additions?

Merrick Burden [00:26:52] I believe that would be appropriate. And so, what we would be looking for is to have Jim and Jessi come back to you and outline their interpretation of what was done here this week and maybe even beforehand and seek your clarification if your intent was different. Sometimes there's a gray area in getting to your intent, but the intent would be to limit that to a shared understanding of what you have done here this week and beforehand. In my mind that means we stay away from

adding or subtracting items like you indicated.

Brad Pettinger [00:27:32] Christa.

Christa Svensson [00:27:34] Thank you Mr. Vice-Chair. I appreciate your clarification. I will say I had the desire based upon the conversation today in conversation with Council members afterwards to reintroduce the concept of 29 percent with it basically being open. I'll not read the whole motion. And if that cannot happen in April then it is very likely that I will be reintroducing that concept in June when we are intending to pick PPA. It is not my intention to delay PPA, but I do think that there are a fair number of people that are interested in having the conversation around freezing the footprint and what that might look like. So just wanting to give Council staff and the public notice so it doesn't come as a surprise in June or be taken as an intention to delay PPA if we cannot talk about it in April, and it also was the reason why I wanted to introduce that as a motion to reconsider this morning to give people that opportunity to get the analysis. And again, it's just asking for that to be included within the range of analysis.

Brad Pettinger [00:29:02] Okay. Phil.

Phil Anderson [00:29:08] I'm just... well at least get in a little bit of discussion around this notion that in April we're going to put some handcuffs on ourselves and we're going to have some, will have an opportunity to further review all of the analysis that's been provided up to date. We're going to have some, I don't know exactly what it's going to look like, but we're going to have some additional materials that Jim and Jessi are going to provide us that are going to be informative, I'm sure. And to set this up to where we can't have any kind of a reaction to what we learn from those additional materials is a little concerning to me. And I'm just, I mean if we're just... well, I'll just leave it there. I'm uncomfortable with the level of limitations that at least we're talking about right now and our inability to react in a way that hopefully would move us forward and be as prepared as we can be for a PPA in June but... so I'm just expressing that concern about the level of restrictions we're placing on ourselves to react in a, in a reasonable way to new information that we would get as a result of the work that Jim and Jessi do.

Brad Pettinger [00:30:50] Merrick.

Merrick Burden [00:30:52] Yes, thank you Mr. Vice-Chairman. And thank you Mr. Anderson for your comments. It's this very concern is why I've raised this issue. And so, as I've consulted with other staff and Miss Ames about our workload plan and capabilities between now and April, my understanding is that because of several other items that Jim and Jessi are also working on that we should not anticipate new analysis by April, that at that time they will have had a chance to go through what you've done this week and interpret that information. And so that's why we've been characterizing it as a clarification. I don't anticipate there will be new analysis. It's not my intent to shackle this body if you want to move forward with making some changes as you see fit, but if that is the desire of the Council we would take a step back and try to figure out how to get the GAP to be in person so that they could add some input.

Brad Pettinger [00:31:57] Phil.

Phil Anderson [00:31:58] Thanks. If I could just follow-up. At least from my chair we heard a lot of information this week from the public, from the GMT, the GAP. We've received a lot of information from our analysts and I'm still processing all of that and that may lead me to some different thinking, some different pathway might be appropriate. And so kind of what I hear, and I'm not accusing you of trying to shackle us, but what I hear is pause your thinking about all this and wait for June and don't, regardless of what you, you know, how you may process and evaluate all this information you've

received, don't think about coming to April with any suggestions to put on the table, and that's the part that I'm uncomfortable with.

Brad Pettinger [00:33:17] Christa.

Christa Svensson [00:33:18] Yeah, thank you. I, based upon your commentary in terms of no new analysis, I guess I'm a little confused. I need some clarification. We included two new sub-options, one for northern processors and one for co-ops. We also included a new alternative, and so am I hearing that we won't have any analysis done on any of that? We're just going to have a repackaging of the current information we have for the check-in? Yeah, I'll pause there for clarity.

Merrick Burden [00:00:01] Thank you Mr. Vice-Chairman and thank you for the question. And I would invite Miss Ames to add to my response, especially if I butcher this poorly. As we come away from Council meetings where there are, you know, complex options, complex matters, one of the first things that we do is to take a close look at the Council record and gather as staff to try to interpret what this Council has done. And then the analysts are, take a step back, and especially on complex matters like this, try to understand how that will, how those things will work in practice, and then after that comes the analysis. So, after figuring out how all the nuts and bolts of these rules fit together, then you can go through and do the analysis. So, it's that second point that would be the purpose of this April meeting, which is do we have the nuts and bolts of how these things would unfold correctly? And if so, now we can go do the analysis. Does that help?

Christa Svensson [00:01:12] Yes. So essentially we would just be saying, yes, we agreed this is what the nuts and bolts are. That would be the expectation in April?

Merrick Burden [00:01:19] In a nutshell, yes, and some of that is also a reflection on your intent because sometimes, as I'm sure you're aware, Council staff look closely at the record to try to understand what the Council's intent is in putting some of those nuts and bolts together, and so it's a thing that cumulatively builds. We look at your intent of what you're trying to do, consider how the mechanics of this policy will work, and then we can analyze the trade-offs and things that help you make a decision.

Brad Pettinger [00:01:53] Butch.

Butch Smith [00:01:58] Thank you Mr. Vice-Chair. And I guess I'll take my run at this confusion a little bit. So, through lots of public testimony and fact finding and stuff we came up with some alternatives that we gave to Council staff and for analysis and so this is where I'm confused. So, the analysis comes back. There's something in one of the alternatives or two alternatives that we didn't anticipate so it needs a little fine tuning. That's one. That's one way. Or is this going to be open if the analysis is not quite what we thought and we're not doing fine tuning, then do we come up with another complete set of alternatives and send that out? So, I'm just guessing are we, you know, as we get these check-ins, are we fine tuning the alternatives that went before public and all the process and everything or is there still opportunity? I guess there's always opportunity to go status quo, but is there, is that going to be the plan that we're going to start an alternative from scratch if...I just I just want to....I'm for I think that, you know, unless something's totally comes out of left field I think the alternatives are down where they probably, you know, might need, might need some, I'm not saying that we didn't do a perfect job, but you never know what the analysis show might surprise us. I hope not, but might and so therefore we do some tweaking and that. Is that what we're... is that the kind of process we're in when we see this stuff? It's just a question. Sorry if it's more confusing but...

Brad Pettinger [00:04:08] Merrick.

Merrick Burden [00:04:08] Thank you Mr. Vice-Chairman. I think the hang-up might be on the term 'analysis'. And so, the way I'm using the term analysis is once we're all clear on what the options actually entail, then we can evaluate what the impacts of the different alternatives are. We don't expect to have an analysis of those impacts by April, given the complexity of this item and through the history of this item, as long as I've been here, there's been a need to have check-ins for clarification, and that's what we're seeking in April. And again, I don't mean to shackle what this body can do, but more it's a matter of we have certain logistics. Right now, we're not planning to have the GAP in person. If it's the desire of this body to have a broader discussion and make more headway than we've anticipated, we want to know that and we'll find a way to get the GAP, or at least the trawl members of the GAP in person. We'll find a way to make it work, but that's the clarity we're seeking and so I do think these two things go in concert, the logistics of course, and the desire of this Council. And so, we have some challenges to overcome and so we're seeking clarity from you all what is it that you want to do? And right now, we have understood that to mean just clarifying.

Brad Pettinger [00:05:37] Christa. Corey.

Corey Ridings [00:05:41] Thanks Mr. Vice-Chair. Thanks Director Burden. This is probably a good conversation but I'm going to one slight question or discussion point here is that the GAP is still meeting, and they're meeting for four days. They meet at pretty much every meeting that I know of and plenty of other advisory bodies have been meeting and providing useful advice to the Council. So, I'm a little bit confused on why we're making the assumption that they would not be able to do the same remotely and that we would have to bring them all to the meeting. Thank you.

Brad Pettinger [00:06:22] Merrick.

Merrick Burden [00:06:23] Yes, thank you Mr. Vice-Chairman, and thank you Miss Ridings for the question. Admittedly that was our original thinking also was that a remote meeting of the GAP could probably suffice to provide input for the Council if you did want to move forward. We since heard from GAP members that if it's the intention of this body to make some headway in a policy sense that they would plan to come in person regardless of whether they're GAP members or not, because that is an issue that is dear and near, near and dear to many of them on the commercial side. So, knowing that we thought it was best to make sure the GAP meets and if they would intend to be here in person that we should work to accommodate that.

Brad Pettinger [00:07:14] Phil.

Phil Anderson [00:07:22] My understanding was that if we were moving forward as we had previously planned to do a PPA in April that, that was what was the primary stimulus, if you will, to having the GAP meet in person and we're not doing that now. And so, I'm of the similar mind as Corey in terms of their meeting. We've had lots of virtual meetings over the last two and a half years and in many cases have proved to be productive. We're not planning to make any final decisions or even preliminary decisions in April. And I guess just... so I think the situation has changed because of yesterday and the fact that we're not moving forward with a PPA. We're just searching for a way here to if we're going to have gear switching on the agenda and we're going to hear updates, I don't know exactly what that all entails, but to put sideboards on us to preclude us from having any deliberations that might help us move forward toward a PPA perhaps in June or, that's the piece that I'm struggling with. So the... on the GAP side, they can do, I think they can do some pretty amazing things in a virtual setting as they proved in the past and we're not talking about making final decisions or preliminary decisions in April, and I think that changes the dynamic here.

Brad Pettinger [00:09:27] Heather.

Heather Hall [00:09:28] Thank you Vice-Chair and thank you for this discussion, and Christa thank you for bringing it up. And I'm just going to go back to the conversation that started this morning and the appreciation for Christa bringing forward a motion to bring back this discussion and get this new idea, this 29 percent that's just very simple and straightforward, shut down when it's reached to so that it can be discussed by the advisory bodies and the public now and so it's not a surprise and it feels like there's just remains some interest in that idea, even though our process this morning didn't approve that motion and, well for me, it was a bit of a learning, I wasn't sitting in the seat but learning about abstaining and what that meant when it came to a close vote and so all I'm saying here is that I think Christa's been very crystal clear about the interest in that motion and I'm just flagging that so people don't feel surprised if it comes up and when it comes up. I think this conversation has been really helpful about whether April's that opportunity or not. So, I'm just repeating some of what I've heard in this discussion. So, thanks.

Brad Pettinger [00:11:08] Merrick.

Merrick Burden [00:11:08] Yes, thank you Mr. Vice-Chairman, and thank you all. This discussion is helping me also and as I look at our Deputy Director, I think it's helping us all figure out how to navigate this awkward situation we find ourselves in for April. And I think what the Council has discussed here in terms of what you might be looking to do in April has established some of the expectations and clarified and there's always hallway discussions trying to anticipate what the Council's going to do and I think this discussion has helped that. I would be inclined at this point to move forward and continue to have the GAP meet remotely and not try to limit your discussion in April. I guess I would look at Miss Ames and see if she knows more than I do about things that have been said in the hallways about whether we could expect a remote GAP meeting with that kind of an agenda item. I think that sounds possible, but Mr. Vice Chairman I would look at Miss Ames to add any more color to that, that commentary.

Brad Pettinger [00:12:13] Kelly.

Kelly Ames [00:12:13] Through the Vice-Chair. I think this sounds like a good plan moving forward. I guess I would just ask for your permission that over winter and as we start to see what is shaping up for April, we have the flexibility to decide to bring the GAP in person to the extent we can, based on what we see in the materials getting ready for the meeting. And certainly, we'll know more in March and could make that determination at that time.

Brad Pettinger [00:12:43] Okay. Christa.

Christa Svensson [00:12:43] Thank you Mr. Vice-Chair. I have no problem with that. Again, I'll just reiterate my intent in bringing this up for the second time this morning. I don't intend to make a PPA. It really is about having a conversation that there seems to be interest from a number of people about getting this on the floor in a clear and transparent manner, both for the public and for our staff, and not holding that process up by having to reintroduce it in June. So, I'm appreciative. I would say just, and I am hoping this is a misspeak, but in terms of getting people together, you mentioned getting, making sure the trawlers were there, making sure that the fixed gear folks are also included if we are going to have an in person just so that we got everybody that is in the conversation at the table, but other than that I think that this is an encouraging path that may lead us forward. So, thank you.

Brad Pettinger [00:13:52] Jessica.

Jessica Watson [00:13:53] Thank you Mr. Vice-Chair. I just want to lend my support to include in April some allowance for alterations to try to make things more effective for June so we aren't sitting

in June in the same place we're sitting today waiting for more analysis because something is being proposed. I also appreciate the thought process and the flexibility of Council staff to consider GAP participation as needed and kind of reach out and see as long as it's not PPA, does GAP participation at this type of check-in refinement stage need to be in person or not just to keep those costs down, so I'm supportive of exploring those options and also making sure that we have the adjustments needed potentially in April through whichever process that might be of removal or additions to bring us closer in June to making a PPA.

Brad Pettinger [00:14:53] Thanks Jessica. Marci.

Marci Yaremko [00:14:57] Thank you Mr. Vice-Chair. I have a little bit of hesitation I think with Kelly's remarks on letting the agenda item evolve and then make a final determination as to whether in person versus virtual is more appropriate. I think that because I understood that we deliberately tried to keep April a light groundfish meeting for all sectors of groundfish so that it would minimize the need for in person. I note the GMT makes a remark that usually when the GAP is in person, they're in person too just so that they have the ability to coordinate more readily. I'm thinking ahead to March 2023 where I see that there's a recommendation for a virtual GMT and GAP participation because it's kind of a routine matter because it's I think preliminary management measures and I can't remember what it is for spex, but the point being is it seems that if we're thinking about remote versus in person, if the agenda items are going to dictate then and we're going to maintain that flexibility up until close to the meeting time, and I don't know what close is, it creates I think some, or less certainty I guess I would say. So, if we're intending to schedule out virtual meetings versus in-person meetings, I think we should make those decisions early and stick to them. Thanks.

Brad Pettinger [00:17:10] Kelly.

Kelly Ames [00:17:12] Thanks Vice-Chair. Thanks Miss Yaremko. I appreciate that. I guess the thought that I was having relative to that flexibility was based on some comments I had heard in the hallway that I hadn't fully digested, and that was if you schedule a remote meeting for the GAP and there is this allocation issue on the Council's agenda, they might not attend the remote meeting and just simply choose to fly to Foster City to be there to have face time with Council members. And that led me some concern about the efficacy and efficiency of a remote meeting. If you hold a meeting and no one comes it is not an ideal situation, and so I think there is this recognition that even if the Council's described action for April is not a PPA and is narrow, there is still great interest in this topic and having it be an allocation issue. We have heard repeatedly from both management teams and advisory bodies that tough items do better in person, and so that was where my hesitation was and the ask for flexibility. Thank you.

Brad Pettinger [00:18:33] Thank you Kelly. So, Marci.

Marci Yaremko [00:18:47] Thank you Mr. Vice-Chair. Thank you Kelly. I can appreciate that, and I guess I would just hope that looking forward we do the same with other agenda items. I'm thinking ahead to March 2024 and potentially dealing with stock assessment ramifications in the spex and management measures which can involve allocation decisions and could involve some very, you know, difficult decisions that require in-person discussion. So, I can support your approach, acknowledging that I think we'll be needing to do that in other cases as well. Thank you.

Brad Pettinger [00:19:34] Thank you Marci. Jessica.

Jessica Watson [00:19:36] Thank you Mr. Vice-Chair. This is just a question. I'm not sure if I'm seeing everything as has been laid out, but Director Burden there seems to be some opening potentially in

March. And if we're not expecting any additional analysis to come forward and this is really just a check-in and a discussion, is it, and the GMT and GAP are meeting in person. Is that a potential? Just putting it out there.

Brad Pettinger [00:20:01] Merrick.

Merrick Burden [00:20:10] Thank you Mr. Vice-Chairman. Thank you Miss Watson. So, if I understand the question correctly, what you are asking is whether we could move a sablefish gear switching check-in to March from April. Do I have that right?

Jessica Watson [00:20:26] Yes.

Merrick Burden [00:20:30] Yes, thank you. If I look at the March column on that Year-At-a-Glance, what we aim to do is have a schedule that's five and a half days. And at this point we're looking to add potentially a DGN check-in, although I think that would be dependent on whether there's any analysis. So, we're already starting at five and a half days essentially and perhaps adding something there. And then moving, I guess I would also point you to the Groundfish Non-Trawl Area Management FPA, that takes up some of the same staff officer time and so that's where their priorities would be. All of that makes me think that it's probably not the greatest idea to try to move that up to March and to keep that on April.

Jessica Watson [00:21:16] Thank you for that clarification.

Brad Pettinger [00:21:23] Okay. Executive Director Merrick Burden.

Merrick Burden [00:21:31] Thank you Mr. Vice-Chairman. I'll try to recap where I believe we landed. I'll start with the Year-At-a-Glance and try to summarize what I've heard from Council discussion. Starting from March and moving down from the top I first pause at HMS. There was an exchange here about doing a check-in on the drift gillnet hard caps item. Some remarks from Mr. Wulff about there potentially not being anything to review. Perhaps the best thing to do here is to treat that as a shaded item, and we can anticipate having that but we'll continue to consult with Mr. Wulff on whether there will be anything to discuss at that time. There was also a question about whether the NMFS guidance letter on salmon was included in those March items under salmon. The answer to that is an affirmative. Moving over to April, starting with CPS, there was one comment about changing the title of H.4. I can touch on that when we get to our detailed, more detailed April agenda. We can go ahead and do that if it pleases the Council. We also have clarity regarding the gear switching item and how to manage that, and this again this awkward situation we find ourselves in. We will plan to move forward with a remote GAP meeting, also taking into account the exchange between Miss Ames, Miss Yaremko and Miss Svensson. We have shifted the Sacramento River Fall and Klamath River Fall Conservation Objectives from June over to April. That would be a... I believe we were using the term 'scoping' for that matter, so that would be added to the April agenda. Let's see, moving down through June, other than the... let's see Swordfish Management and Monitoring Plan, I might have that backwards, Monitoring and Management. SMMP Workshop Planning, there was clarification that that is intended to be a simple item that's thought of as scoping and that the Council would like that to be in place no later than June or to have that take, have that occur no later than June, excuse me. And we did have some talk about EFPs under HMS, and in particular the idea of bringing forward new buoy gear EFPs and the desire to see the current EFPs, the implementation of buoy gear through rather than adding new topics. Let's see as I move through the rest of the Year-At-a-Glance I don't have anything of note in September. There was, I don't believe the Council really discussed this, but there was a couple of requests that I heard, one was regarding a stock assessment check-in for November. I believe that is wise just given the nature of our stock assessment process. We also have, this is probably a clarification or correction more than

anything, but we have under HMS the Biennial Management Measures and Harvest Spex. We would strike that since this is a biennial process and it's not scheduled to come up in 2023. Any questions on the YAG? If not, I can turn to the QR agendas.

Brad Pettinger [00:24:51] I think you're going good.

Merrick Burden [00:24:54] I see John Ugoretz.

Brad Pettinger [00:24:54] Oh, John Ugoretz.

John Ugoretz [00:24:58] Thanks, and thanks Merrick for the overview. I heard you mentioned EFPs. I believe the discussion was to remove that from March under HMS.

Merrick Burden [00:25:11] Thank you Mr. Ugoretz. I have made note of that.

Brad Pettinger [00:25:16] Okay.

Merrick Burden [00:25:22] Okay moving on then to our proposed March agenda. I'm starting with the left-hand column. Going to the bottom, we have advisory bodies starting on Saturday. One correction here. We would remove the Legislative Committee from March and put that on the April agenda given the adoption of the Legislative Committee recommendations earlier this week. Going down the column for Sunday. Again, the items 'E' on Sunday would include the NMFS Guidance Letter. Let's see, moving through the week I next get to Thursday, March 9th is where I would be looking for a DGN check-in most likely, given the way that the hours are available to us throughout that week. And so, we would be looking to schedule that if that is appropriate on Thursday. Any questions on the proposed March agenda?

Brad Pettinger [00:26:26] Heather.

Heather Hall [00:26:26] Thank you. Yes, I just wanted to flag, this was in the GAP's report under, I believe it would be under Workload and New Management Measure Priorities, and just I think on here making sure that the Fixed Gear Efficiencies item, I believe what we requested here is getting a workload kind of feedback on those recommended changes, so high, medium, low, what would it take, that kind of thing. I'm just making sure that that would be coming up under G.8.

Merrick Burden [00:27:08] Thank you Miss Hall. I'm getting an affirmative from our Deputy Director so that sounds fine.

Heather Hall [00:27:12] Thank you.

Merrick Burden [00:27:13] Thank you. Okay, if there are no other questions on the March Quick Reference Agenda, I'll turn over to the April Quick Reference Agenda. So, starting on the left-hand column again with the advisory bodies starting to meet Saturday, April 1st. I've added a 10 a.m. Legislative Committee meeting. Moving over to Tuesday I would be looking to add the salmon conservation objective items for the Sacramento River and Klamath River Fall. There was note on Wednesday to change the title of the H.4 item to something contained in the, I can't recall the CPSAS or CPSMT Report, one of the two, but we can make that change if it pleases the Council. And let's see, we will retain item G.4 with the current title, but I think our earlier discussion has helped us anticipate what that will entail. And I don't have any other changes from the Supplemental April Quick Reference. I'm happy to take any questions or any comments if I missed something.

Brad Pettinger [00:28:38] Scoping. Did we cover that?

Merrick Burden [00:28:46] Oh yes. Thank you Mr. Vice-Chairman. I did neglect to mention this on the Year-At-a-Glance summary the SMMT Workshop Planning Scoping. I neglected to mention that under the quick reference agenda. Just eyeing the agenda here, we would look to add that either Tuesday or Wednesday.

Brad Pettinger [00:29:17] Okay. Any more input or are we good to go here? Heather.

Heather Hall [00:29:25] Just one, one final comment I wanted to make. And that's just my appreciation for putting these updated quick reference agendas together for March and April and Year-At-a-Glance. Based on all the discussion this week we sit down and have these in front of us and I know there's a lot of work that goes into this and it's really helpful, and so I just want to recognize that and thank you.

Brad Pettinger [00:29:53] Thank you Heather. Merrick.

Merrick Burden [00:29:55] I would also like to express my thanks to our Deputy Director for working her tail off over the last couple of days to put these together, especially given some of the logistical constraints we have in April, and she's worked very hard to put these together and did a very fine job.

Brad Pettinger [00:30:13] I guess she was the right hire then maybe, huh? Okay, well very good.

D. Salmon Management

1. National Marine Fisheries Service Report

Brad Pettinger [00:00:00] There's no public comment so that'll take us to Council action, which is a discussion and guidance on D.1. So, with that I'll open the floor up for discussion. Marci.

Marci Yaremko [00:00:18] Thank you Mr. Vice-Chair. I just want to acknowledge the NMFS report and thank National Marine Fisheries Service for keeping us up to date as the California Coastal chinook consultation work continues. We appreciate the opportunity to engage in ongoing dialogue with you on this topic. Feeling good that the work is progressing though we haven't really seen any initial outcomes yet. We do have pretty good information available to us that's presented in the STT Report 3 on the work that's gone on looking at the Klamath Ocean Harvest Model and how our projections out of that model play out in terms of the effectiveness in achieving the ESA constraint. So, I'm encouraged, and I appreciate the ongoing dialogue on that topic. Regarding Central Valley Spring, as the NMFS report describes, they first alerted the Council to the situation back in March. We've been, this has been on our radar after the signal was sent back in March that this might be a topic of interest, but as you've just seen in the CDFW report, we, we may have other information, at least initial information out of our 2022 fishery activity and the tags that we've been able to recover and process to date that potentially, at least the hatchery production portion of the brood year, may not have fared as poorly as what might have been suggested in the NMFS report back in March and then again here in this report. So, we're looking forward to some additional work prior to NMFS finalizing their guidance letter. Hopefully, we'll have the opportunity for more dialogue and bring some other folks to the table that can contribute to the discussion from CDFW as well. To do just as Susan indicated, pull as much information as we can into the discussion before decisions need to be made about additional protections for the 2020 brood year. So anyway, again appreciate the ongoing work but I think, you know, our initial look is that maybe we aren't as in a dire situation with this brood year as might have been presented back in March. Thank you.

Brad Pettinger [00:03:19] Thank you Marci. Anyone else? Susan.

Susan Bishop [00:03:25] Thank you Mr. Vice-Chair. I would just sort of echo the appreciation for the collaboration with California Department of Fish and Wildlife. So, you know, sort of engaging early and proactively and sort of making sure all the right people and they really understand the data are in the room to talk about this so that we have a clear sense going into next year's preseason planning what we're thinking of doing. We have access to all the information. So very, very appreciative of Marci and her staff reaching out to us.

Brad Pettinger [00:04:00] Thank you Susan. Anyone else? Okay. Robin, how are we doing?

Robin Ehlke [00:04:11] Thank you Mr. Vice-Chair. I think we have had a good discussion on these topics. It definitely helps us prepare for next year and gives us an idea of what has been happening with some of the work we've already done. So, under this agenda item I think the Council has completed their work. Thank you.

Brad Pettinger [00:04:30] Thank you Robin. That concludes D.1.

2. Final Methodology Review

Brad Pettinger [00:00:00] So with that I'll open the floor up for discussion. Kyle Adicks. Kyle.

Kyle Adicks [00:00:06] Thank you Mr. Vice-Chair. I'll just start by saying thanks to the STT and SSC as well as the MEW for their work on Salmon Methodology Review this year. I expect the Council discussion to wander a bit given the diversity of topics in the review, but I'll try to hit briefly on my thoughts on some of the topics most relevant to North of Falcon. On the FRAM documentation, thanks to the Salmon Model Analytical Workgroup referenced by Miss Hagen-Breaux in the MEW report for their work that's continued to advance the model documentation. They've made great progress in recent years and I expect that progress will continue into the future. I know that the Council, the STT and the SSC are all appreciative of their efforts and those improvements. The investigation of effort forecasts produced by the Klamath Ocean Harvest Model was not a formal methodology review topic, but was of high interest North of Falcon due to the impact of some of the South of Falcon fisheries on Lower Columbia tule chinook and the direct crosswalk between effort forecasts from the KOHM and FRAM and the potential to overestimate tule exploitation rates if effort is overestimated. I appreciate the work that's been done in evaluating effort projections and support the recommendations in STT Report 3 for using more contemporary sets of years for fisheries where it is appropriate. The technical reviews of the latest FRAM update and the newer Chinook Salmon Ocean Distribution Model were tasks that traditionally would not have been assigned through methodology review. I believe the Council thought it made sense based on the FMP language to have the updates reviewed through the methodology review process to confirm that they were appropriate advancements of modeling relative to the Southern Resident Killer Whale Management Threshold that was previously adopted by the Council and incorporated into the FMP. I understand there was confusion and or misunderstanding about the intended scope of the review when the Council adopted those topics for methodology review, given that they normally would not trigger methodology review under Council Operating Procedures. That said, we heard that both the STT and SSC think that the new FRAM version is appropriate for use and would provide consistency with its use in other areas of chinook management. The STT endorsed the use of the newer 2021 version of the Chinook Salmon Ocean Distribution, or Shelton Model. The SSC acknowledged that the newer version of that model used 20 more years of data and provided distributions for more stocks than the previous version. Given that the 2021 version was published as a peer reviewed paper that built on the earlier 2019 work, I have no doubt that it is the best information to use for establishing an updated Southern Resident Killer Whale threshold. I plan to support moving forward with an updated threshold that incorporates the updated FRAM and Shelton Models. I made a push back in September to ask the STT to calculate and bring forward the updated abundance threshold for this meeting. They've done so and I think it makes sense for the Council to take action on a new threshold now as we know that the Council will need to assess preseason abundance in 2023 relative to that threshold, the threshold that is in place. I believe there were some valid questions raised about the language in the FMP and the role of the STT and SSC in future reviews of updated information that deserves some discussion, if not today then prior to future assignments to the STT and SSC related to this topic. One of the questions was about the range of years used to calculate the threshold. I do believe the intent was to continue to use the specific years referenced in the FMP due to the combination of chinook abundance and SRKW population parameters represented by those years. This approach does result in a threshold that's slightly higher and slightly more conservative than a recalculation using the lowest seven years with the abundances from the updated models. I think I'll wrap up there, but I'm interested to hear the thoughts of other Council members on these topics.

Brad Pettinger [00:03:51] Thank you Kyle. I see you have Joe Oatman. Joe. You're muted Joe. Hey Joe, you're mute's still on. There you go. Yeah Joe, we're still not hearing you. Yeah, we're still not getting anything here on this end even though you're unmuted. Yeah, Joe we'll come back to you so

hopefully you can figure out what's happening there on your end, so with that, anyone else? Marci, please.

Marci Yaremko [00:04:51] Thank you Mr. Vice-Chair. A couple of thoughts relevant to the issues for South of Falcon. First, just want to speak to the SI forecast calculation and just thank the methods review analysts for conducting this evaluation. I think it is going to be an improvement using the median that will provide equal likelihood of over and under forecasting, so appreciate you taking a look at that. Moving to the Sacramento Fall Conservation Objective, there have been a number of discussions on this topic over the years and that's recognized in the SSC report. Certainly agree that it is time to do a little work in this area. It's long overdue. I appreciate the literature review that was conducted to attempt to kind of recreate the basis for the existing goal range and providing clarity here on what did form the basis for that goal range and suggesting to us how we might want to amend the language describing the basis for the goal range in the existing language of the FMP. I'm struggling a little bit with the recommended language amendments and reconciling that with the SSC's recommendation for a comprehensive review of the conservation objective, which I think we've all talked about as being a priority. Just exactly when we take the work on is somewhat in question. So, I think I'd want to weigh the value of amending the language in the FMP against continuing to prioritize the actual scientific work to, to perhaps revise the conservation objective to address the concerns that the SSC has identified in its report about the current objective. So, with that said, I certainly appreciate the recommendations it sounds like from the SSC, the STT and the SAS, that we prioritize the work of looking toward building a revised conservation objective. A lot has changed in the Central Valley and it is certainly, when you think back about the foundation of the goal range and that we've been using it without taking a new look at the science and the habitat conditions and the basis for the existing goal, I think on scientific grounds there's no question that this work is overdue. I think I struggle a little bit with the timing. There are recommendations for a workgroup to take a look at this and get going. There are some other recommendations for work of a workgroup in California, particularly surrounding the Klamath and Klamath Dam removal. So that's another consideration as we think about staffing workgroups and putting more on the plate for salmon staff that I know, at least in CDFW's case, we are very much understaffed at the moment and working to build capacity in our new staff. So, I'm just thinking about how we plan this out, and that's a discussion for agenda planning of course, but I do want to just, I think, echo the recommendations that are contained in the reports we have in front of us to get a plan going on how we begin to review and develop a new goal. This first step we were very deliberate in our direction to the STT and the SSC to just stick with the literature review and let's take that, you know, bite size piece this cycle and certainly can say job well done. It certainly gives us a lot of food for further thought, and I just think we need to be deliberate about mapping out our next steps. Moving to Report 3, the work on the KOHM. I want to thank Dr. O'Farrell and the others that have added that item to the methodology review list without actually adding it to the methodology review list. That guidance came from us I believe out of the April meeting, and I appreciate that you've worked on it all summer and brought us back kind of the culmination of that work. I appreciate getting the final report back here on the methods review item, even though it's not a methods review item. I think it certainly is appropriate to keep it in the umbrella of methods review content. So, I support the recommendations of the STT that came out of it. I appreciate the interchange that we had up here regarding the base periods and certainly understand the basis for the recommendations and appreciate that you did as the Council requested and took a hard look at it by region and how we move forward using the best base periods we can on a regional basis. So just thank you for the work.

Brad Pettinger [00:11:16] Thank you Marci. I see Joe still has his hand up. I did see his chat that he'd provide comments later, but Joe do you want to try one more time?

Joe Oatman [00:11:27] Yes, thank you Mr. Vice-Chair.

Brad Pettinger [00:11:29] We got you.

Joe Oatman [00:11:30] Great. I'd like to provide some tribal comments on the Southern Resident Killer Whale items. I want to note that the tribes support using the updated models for the threshold in the area of North of Falcon. The tribes, however, do not want this PFMC work to presuppose the collaborative efforts in the Puget Sound. They're also supportive of updating the Amendment 21 salmon FMP language. The updated FMP language not just provide clarity on whether it is the below seven years or the seven years specified that are updated based on model updates or improvements. The FMP update should provide a pathway for a broader review of the models that are used to develop a threshold. That may include addressing the following questions. Do the years that the threshold is based on still make sense? Do the relationships with the model outputs and SRKW demographics still support the threshold? And lastly, are a model outputs and or threshold approach the best available scientific information? Well, thanks for allowing me to provide that comment.

Brad Pettinger [00:12:56] Okay. Thank you Joe. And you're hand's still up by the way. So okay. Susan Bishop.

Susan Bishop [00:13:07] Thank you Mr. Vice-Chair. My Council colleagues have largely stolen a lot of the talking points that I planned to say, so it's good to know... it's always good to know you're on the same page with others. I would support definitely, I mean I would echo what Marci said about the conservation objective for Sacramento Falls being at this table for quite a few years and I think almost pretty much every year that I have been in that conversation it has been noted as very important, given the importance of the stock and what's been happening in recent years. I would, NMFS would very much support the recommendations that have been put forward from the advisory bodies. I would also say that if we're successful in that endeavor, it is likely to better inform the FMP. So, my suggestion is that, you know, we would delay any revision in the FMP on that topic until we, until it was fully informed by the work done on that topic. I'd like to speak in particular to methodology task 2 and that was the review of the Shelton Model. It seems to be the focus of some confusion in some of the discussions that I've heard over the last week or two. I think the clarification that the task was to conduct a technical review of the updates to the Shelton Model and not the thresholds or other applications of the model, that seemed to be a point of confusion at some venues. The decision on whether to update the threshold is the Council's consistent with the language in the FMP. And I also agree and sympathize with folks that have noted that the language in the FMP is a little bit confusing, at least with regard to the technical review, and it would recommend that we would revisit that as well to offer that clarification, or to clarify it. I would say that consistent with the SSC statement in September when this task was originally assigned, they had requested a document describing the changes between the 2019 and 2021 document, 2021 Shelton Models to be provided and that documentation in fact was submitted to the SSC per the timelines described in advance of the October methodology review, and included in that documentation was a table mapping the relevant information in each document. And so there seemed to be what was requested by the SSC in September seemed to be delivered, in fact to the October session. I'm not disagreeing that there's always additional information that would be helpful to look at, that kinds of things, but in terms of what the task was, what the information that was requested was and whether it was delivered, that seems to have been the case. As Mr. Adicks observed, the Shelton 2020 Model documentation, as was the 2019 version, went through a rigorous scientific peer review prior to its publication in a respected professional journal. So, I would like to highlight that with regard to peer review as part of decision of BSIA. The document provided to the SSC and the STT describes how the models are different and the improvements of the Shelton 2021 over the Shelton 2019. Again, I think Mr. Adicks noted several of those as did some of the documentation received, the larger and more extensive analysis, the inclusion of significantly more years, stocks and tag codes. And also, I would note the comment that by one of authors who is also an SSC member, that it improved biological interpretability, which I think is very important. You know in the new model, Shelton 2021 builds on

the previous model, but it is otherwise used in the same way as Shelton 2019, which the SSC previously found to be reasonable and appropriate. I did note the statement in the SSC Report about the clarification that it referred to the questions at hand and that in that context they were examining the relationships between the indices of abundance and killer whale life history and body condition parameters. However, I would like to note that those relationships were area specific, and threshold is area specific, and in fact those relationships largely informed the derivation of the threshold that was ultimately adopted by the Council. And I think again, if you refer to the, or look at the alternatives document that was provided to the Council in I believe November of 2020, you'll see those connections made. The updated model configuration includes improved stock stratification for which the estimated distributions align better with results from other analyses used in the management assessment of stock, salmon stocks as the back and forth between myself and Mr. Kerry indicated. So based on all of those considerations, at least from NMFS's perspective, we would see the use of both the FRAM, new version of FRAM and the improved versions of a Shelton Model to inform the threshold to be... we would recommend using both of those.

Brad Pettinger [00:18:35] Thank you Susan. Phil Anderson.

Phil Anderson [00:18:39] Thanks Mr. Vice-Chair, and thanks Susan for those comments and also those of Kyle Adicks. I do... just some observations. You know if you look at the FMP language as it relates to SRKWs, I think it's on page 70 of the document, we need to get in there and address the language in there that caused the confu.....well, I don't know if it's confusion, but the different views on what years should be used as well as the roles of our STT, SSC, the MEW, so that we have a greater level of clarity there and can avoid some of the confusion and angst, I'll call it I guess, that occurred when those groups were trying to reconcile what the Council was asking of them. In that vein, I also think we really need to think carefully about how... about being clear on our assignments. If we're making an assignment to the SSC or the STT or whatever group, we've got to make sure we're clear, and that may require some back and forth just to make sure that those that are taking those assignments to those groups that we have a commonality and understanding of what's being asked of them, because that did not happen here, and so it's a lesson learned in stepping back and how do we do better? I'm not sure that the question about the FRAM updates, the improvements to the Shelton Model, whether that was a good fit for the methodology review, which is one of the reasons I asked the questions, is this a change in methodology or is this a update in the data, the inputs? Does it meet whatever threshold for methodology, that qualifies as a methodology review? And I just put that question out there because I'm not yet convinced this is a methodology review that we're being.....that we were asking of the SSC and the STT as it relates to the language in the salmon FMP on SRKWs. All that being said I'm supportive of the, of recalculating, reestablishing the new threshold based on the improvements made to both FRAM, the updates to FRAM and the improvements in the Shelton Model. The STT did a good job of laying that out in the table as to what the changes in the threshold would be and the rationale behind it in terms of the changes in the understanding of the distribution, particularly of those more northerly migrating stocks that come out of the Columbia River in particular. And I'm also mindful that salmon management in... not only here but in other areas, we don't operate in a vacuum. There are consultations taking place for other fisheries in other areas and we have to be cognizant of the base that's being assumed in other areas and other fisheries when those consultations are going on. And so that's, again, important here to make sure that we're using consistent applications in information about establishing the threshold and what is being understood about is the base for PFMC salmon fisheries when those consultations and for other areas are being done. Thanks Mr. Vice-Chair.

Brad Pettinger [00:23:22] Thanks Phil. Okay. Anyone else? John.

John North [00:23:33] Thank you Mr. Vice-Chair. I think previous speakers have covered everything well and laid out the logic behind why this is a good move going forward with some of these recommendations. I'd like to thank the STT, the SSC and SAS for their work. I really enjoyed some of

the products that they produced and, you know I just, I'm fully supportive. I think of everything that's been proposed here, including developing a new threshold as proposed by Mr. Adicks. So, I just wanted to add that.

Brad Pettinger [00:24:14] Thanks John. Okay. Looking for motions, I guess. I think we're there maybe? Kyle Adicks. Kyle.

Kyle Adicks [00:24:28] Thank you Mr. Vice-Chair. I do have a motion which we should be able to put up on the screen. I move that the 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 reported, as presented in Agenda Item D.2.a, Supplemental STT Report 2, dated 11-2-2022.

Brad Pettinger [00:25:08] Thank you Kyle. Is the language of the screen accurate?

Kyle Adicks [00:25:10] It is.

Brad Pettinger [00:25:10] Very good. Looking for a second? Seconded by Phil Anderson. Thank you Phil. Speak to your motion if you desire Kyle?

Kyle Adicks [00:25:19] Thanks again Mr. Vice-Chair. I made a lot of the points I wanted to make during Council discussions, so I won't rehash those. I'll just say that back when the, the Southern Resident Killer Whale Workgroup developed their recommendations for a range of alternatives, and as the Council adopted the final management measures, we knew there'd be, there would be future model updates that would need to be considered and would result in recalculation of the threshold. I believe this action is consistent with the intent we had as we tried to anticipate the future back then. We have updated versions of both models in hand today and I think it's appropriate to update the threshold accordingly. And just thanks again to everyone for their work that went into updating and improving the models and bringing forward a new threshold for the Council's consideration.

Brad Pettinger [00:26:03] Thank you Kyle. Questions for the motion maker? Further discussions on the motion? Not seeing any I'll... oh, I saw a hand come up, but I guess not. I'll call for the question. All those in favor signify by saying 'aye'.

Council [00:26:21] Aye.

Brad Pettinger [00:26:21] Opposed? Abstentions? Motion passes unanimously. All right. Thank you Kyle. Marci Yaremko.

Marci Yaremko [00:26:33] Thank you Mr. Vice-Chair. I'm prepared to offer a motion. Thank you Sandra. I move the 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.

Brad Pettinger [00:27:00] Thank you Marci. Is the language on the screen accurate?

Marci Yaremko [00:27:03] Yes, it is.

Brad Pettinger [00:27:04] Looking for a second? Seconded by Chair Gorelnik. Thank you Marc. Marci

please to speak to your motion.

Marci Yaremko [00:27:13] Yes, thank you Mr. Vice-Chair. I spoke to it earlier but both the SSC and the STT suggest that accuracy would be improved if we express the SI as the median rather than the mean. So, thank you.

Brad Pettinger [00:27:32] Very good. Okay, questions for the motion maker? Discussion? Okay I'm not seeing any, so I'll call for the question. All those in favor signify by saying 'aye'.

Council [00:27:48] Aye.

Brad Pettinger [00:27:48] Opposed? Abstentions? I'm not seeing any. Motion passes unanimously. Very good. I think that's the end of the motions I believe. Any further considered, or discussion on this, on D.2 as far as guidance? Merrick.

Merrick Burden [00:28:16] Thank you Mr. Vice-Chairman. There was some talk about clarifying, perhaps even amending the FMP to clarify some of these issues around Southern Resident Killer Whales. And so, I guess the question is still out there whether this Council does want to pursue that? If so, I would propose that some of the Council staff cooperate with NMFS staff and bring that back probably at April is what I'm looking at, at the moment, but I did want to float that out there and see if that is the desire of the Council to pursue that angle.

Brad Pettinger [00:28:54] Thank you Merrick. Phil Anderson. Phil.

Phil Anderson [00:28:56] I would support that.

Brad Pettinger [00:29:02] Marci.

Marci Yaremko [00:29:04] Yes, thank you Mr. Vice-Chair. Just to clarify, there were recommendations in the SSC Report about amending the FMP language surrounding the Sacramento Fall Chinook Conservation Objective and the history and derivation of that objective and they included that language as an appendix in their report, and I think Miss Bishop and I both spoke to our thoughts on that proposal, which is rather than spend time amending the FMP language when we've already identified a need to revisit the conservation objective itself, we'd rather pause on spending time amending the language in the FMP and instead focus on the analytical work to update the conservation objective for Sacramento Fall chinook.

Brad Pettinger [00:29:59] Merrick.

Merrick Burden [00:30:01] Thank you Mr. Vice-Chairman. Just in the interest of clarity Miss Yaremko. So, there would be two types of amendments or refinements that are being discussed right now. One pertains to the Southern Resident Killer Whale issue and the other that you're speaking to is the Sacramento Conservation Objective. So, your remarks wouldn't, you don't wish to hold back on the Southern Resident Killer Whale.....

Marci Yaremko [00:30:24] Precisely.

Merrick Burden [00:30:24] Thank you.

Brad Pettinger [00:30:28] Okay. Very good. Susan.

Susan Bishop [00:30:32] Thank you. I might just have another suggestion. I support revising the SRKW language as well. If we do identify a few other housekeeping revisions to the FMP, those might... the Council staff might bring those back as well. You know we have done that on a couple of other occasions just to be efficient with regard to the FMP amendment process since it takes, you know, sometimes several meetings and quite a bit of time to do it. If Council staff identifies those, it might be helpful to bring those as well.

Brad Pettinger [00:31:09] Thank you Susan. Anyone else? Okay. Well with that I'll turn to Robin, and she'll tell us how we're doing here officially.

Robin Ehlke [00:31:21] Thanks Mr. Vice-Chair. Everything looks good. You guys had a awesome discussion and it was very informing so I do appreciate that. I do have a question, and I think I know the answer, but I do want to get clarification on the STT Report 3 with the Klamath Ocean Harvest Model recommendation that the Council don't necessarily need a motion but just approves that recommendation of the STT to use a different range of years in their data for that model?

Marci Yaremko [00:32:03] Thank you Mr. Vice-Chair. Yeah, I believe I spoke to that in my remarks. Certainly support the recommendations and appreciate the dialogue with Dr. O'Farrell.

Brad Pettinger [00:32:14] Okay. Thank you Marci. Okay Robin?

Robin Ehlke [00:32:16] Yep, thank you. I appreciate that clarification. So yeah, I have the SI forecast median being approved starting in 2023. I have an adjustment to the killer whale threshold for chinook abundance of 623,000. I have a recommendation of the KOHM model to use a different range of years in the dataset for that effort forecasting, and I am understanding that for FMP language, we can revisit the language and clarify on the killer whale topic, which I definitely agree could use some refinement and perhaps bring forward any housekeeping efforts. Council staff will work with NMFS over the winter months and hopefully have something for them come April. So that's what I've gathered through this conversation. You guys are right on track for timing, so you've done your job and thank you very much. Well done.

Brad Pettinger [00:33:27] Thank you Robin. And with that we're going to take a break. We've been at it for over 2 hours here so see everybody back here at 3:15.

3. 2023 Preseason Management Schedule

Brad Pettinger [00:00:00] Okay, no public comment so that takes us to Council action and it's on our screen before us. So, with that I'll open the floor for discussion. Marci.

Marci Yaremko [00:00:14] Thank you Mr. Vice-Chair. Just looking at the sitsum I notice we don't have a SAS report on the preseason schedule with any recommendations or discussion from the SAS on the proposed hearing schedule, and I'm just wondering if maybe Robin might elaborate for us on any discussion the SAS had and if they had any indications of supporting either remote or in-person meetings.

Brad Pettinger [00:00:51] Robin.

Robin Ehlke [00:00:54] Thank you Mr. Vice-Chair. Thanks Miss Yaremko. I did go over this report with the SAS and I did say that the intention was to have these meetings in person. I didn't get a response one way or the other and don't recall any deep conversations about that. I will say that the SAS was unusually quiet this time around but for the record, yes, they were informed that the intention was to have these meetings in person, these public salmon hearings, and I didn't get any feedback one way or the other from the team how they felt about that.

Brad Pettinger [00:01:35] Well thank you Robin. Marci.

Marci Yaremko [00:01:40] Thank you Mr. Vice-Chair. Thank you, Robin, for that. I'm just wondering if maybe you can explain for me what the, I know you're looking for a confirmation from the Council today to confirm the hearing sites and I'm just wanting to know if that means that you'll proceed with making room arrangements and potential contracts for space and travel plans, et cetera. At least in California we haven't had a lot of discussion on this and are still similarly having discussions about our state hearing plans in early March and whether they will be virtual or in person. So, I'm just wondering if we have time to provide further guidance on this topic in March or if you're looking for a decision from us here today to confirm?

Brad Pettinger [00:02:49] Robin.

Robin Ehlke [00:02:51] Thank you Mr. Vice-Chair, Miss Yaremko. I think that we at least could get tentative dates for these meetings and locations and certainly the venues, whether they be in person or maybe they can't be because of the health concerns. I think we can at least do the dates and the state that they will be in. I think when we did this last year we were a little uncertain on how things were going to go and so we kind of left the door open, but I think we made that decision, or at least were able to confirm prior to coming into the March meeting that we wouldn't be able to have them in person, that it was safer to have them participate remotely, which is what we did. So, I think we can adopt it as is and we can put a placeholder or a disclaimer, I guess the word would be, as far as whether or not they're in person or not, but it would help the public at least understand to save the date, if you will.

Brad Pettinger [00:04:05] Thank you Robin. Chair Gorelnik.

Marc Gorelnik [00:04:08] Thank you Vice-Chair Pettinger. Robin, I know that back in the day when we had these hearings in person, we tried to, at least in California, move the location around a little bit so that we would share the inconvenience amongst all the folks that are interested. And so, I see here you're proposing Eureka, which is pretty close to the far north of the state. And I'm wondering, do you recall where the last couple of in-person meetings were?

Robin Ehlke [00:04:46] Thank you Mr. Chair. I think that table in the middle of the sitsum gives us that answer. And so, I think in 2018 we were in Salinas and in 2019 we were in Ukiah. And for 2020 our plan was to be in Eureka, and I think that is why this Eureka was carried over. Typically the Council will try to have the salmon hearings in a geographic location in California that is probably going to be needing the most discussion, and so perhaps Northern California may be the best fit, but that's where we were for the past couple of times we've been in person and the suggestion of Eureka is essentially a carryover from past years in that Eureka was next step, if you will, and could be a good port to have some discussions and maybe, maybe where some of the bigger salmon issues might be occurring.

Brad Pettinger [00:06:02] Thank you Robin. Chair Gorelnik.

Marc Gorelnik [00:06:06] Yeah, I just, I mean Eureka's pretty far north. Fort Bragg has, is still in the north part of the state but is probably more reachable by more folks. It would be a trek for folks from Crescent City and Eureka, but it would not be, it wouldn't be as burdensome as folks from further south. I don't know we may end up going virtual anyway. That's a discussion I guess for March, but I guess my input is I'd rather see Fort Bragg than Eureka just because it's not so extreme geographically.

Brad Pettinger [00:06:49] Okay. Phil.

Phil Anderson [00:06:56] I want to make sure the California discussion was wrapped up before I jumped in some notes.

Marci Yaremko [00:07:02] Thank you Mr. Anderson, Mr. Vice-Chair. I appreciate your remarks, Marc. I think I agree but I'm listening to Robin's advice about tentatively approving the schedule and having some additional discussion. I'm thinking about Santa Rosa myself rather than Fort Bragg if in fact our normal state pilgrimage to Santa Rosa can't commence in person, that location at least along the one-oh-one is fairly central to northern and southern interests and so if we don't use that as a location for an in-person meeting that the state will host, then that might be an appropriate location if there's a Council sponsored hearing that's in person.

Brad Pettinger [00:08:06] Executive Director Burden.

Merrick Burden [00:08:10] Yes, thank you Mr. Vice-Chairman. I did want to go back to some of the discussion here a couple of minutes ago about when we would need to pin down locations and what it would take to do so and part of what we do on staff for a living is planning meetings and getting things in place and as we saw earlier this year, when we got behind the eight ball it was difficult to find a place for next April. The salmon hearings are much smaller, but we still do need quite a lead time of several weeks. If I look at the calendar, I think we have to make that decision before we hit the March meeting of make it at the March meeting. There's just not enough time to guarantee we will have a spot in the place that we wanted, so all that is to say it's going to be easier for us to reserve a spot now and if we do decide to go remote, we can back away, but we should make that decision at this meeting.

Brad Pettinger [00:09:06] Thank you Merrick. Phil.

Phil Anderson [00:09:11] And I can't see if Kyle's hand's up or not so I didn't want to jump in front of him, but we did talk a little bit about the Westport meeting in person versus remote, and I think our general thinking is that having it remote, virtual set-up has worked well in the last couple of years and we would likely be recommending that again for this year. Understanding the timing issues and the need to book space, I think the location you've been using in Westport we can probably reserve that and cancel it if we choose to go virtual. So just wanted to flag that, that we had been talking about that. I also had an addition to least put in front of the Council to think about relative to the proposed schedule

and process and I sent it to Sandra a bit ago just so you could see what I was suggesting, and if you choose to, if you don't think it's a good idea that's fair enough, but it has to do with.....I note that on the schedule on the March 11th to 31st references the management agency, tribes, North of Falcon, all that stuff. The other thing that's important I think as far as our process is when the PSC sets the catch limits in northern fisheries and oftentimes we're waiting for that in the public as well as the managers sometimes they're uncertain to when to expect that. And so, I was thinking something along the lines of what may come up on the screen here could be added, and I would, if the Council thought this was a good idea I would insert it after the March 2021, I would just put April 1 and then the text would be by April 1 PSC sets catch limits in northern fisheries, Southeast Alaska, Northern B.C. and West Coast of Vancouver Island. And the reason I am saying by April 1 is that oftentimes, well ideally the CAC catch limit will be set at the February PSC meeting, whereas the Northern B.C. and WCVI aren't set until closer to April 1, so that's why I use the, the language by April 1. So, for someone reviewing the schedule and wondering when we, they're aware that that's a part of our process I thought that addition might be beneficial.

Brad Pettinger [00:12:23] Thank you Phil. Kyle Adicks.

Kyle Adicks [00:12:27] Thanks Mr. Vice-Chair. Similar to Mr. Anderson, I didn't want to jump in front of the California discussion. As Phil said, we've discussed it and I support either a virtual hearing or an in-person hearing. There's some expenses with in-person hearings that for Council staff to travel out to Westport to rent the space, and I think the virtual hearings have worked pretty well. Just an FYI for the Council, the co-managers in Washington are working on developing our schedule for state tribal meetings as well for the WDFW series of public meetings that occurs every year. We're planning to try to return to partial in-person public meetings. Before COVID hit we were already planning to sort of transition to a hybrid approach with in-person attendance as well as virtual attendance. Obviously, that got put on hold for two or three years here through the pandemic, but we are planning to return to a partial in-person but with a virtual option too for some of our public meetings through the process this year. I'll also just point out that it's a short window this year between the end of the March meeting and the start of the April meeting, so we'll be cramming the same or more meetings into a smaller space this year and it's going to make it a busy March for all of us.

Brad Pettinger [00:13:46] Okay. Thank you Kyle. And if I could maybe, Robin, can I go back to you and make sure that what Phil laid out there, is that pretty clear what we're talking about there, incorporating that?

Robin Ehlke [00:13:58] Yes. Thank you Mr. Vice-Chair. I made a note and it'll be next year, but certainly you can add that line if the Council finds that helpful.

Brad Pettinger [00:14:10] Okay. Very good. Phil.

Phil Anderson [00:14:14] So I'm understanding that we couldn't add that now? We have to wait until next year?

Brad Pettinger [00:14:21] Robin.

Robin Ehlke [00:14:23] Thank you. Well, I don't really think we use this particular table again as far as it being submitted as a Council document. I guess that was my point. I populated every November for this meeting, but I don't recall a place for the March or April meeting that this particular Attachment 1 table comes into place. I can certainly submit it again in March no problem with that extra information.

Phil Anderson [00:14:59] Well it's not a big deal. I just thought if we were going to approve the process

and schedule today, we could approve it with this addition and then it'll be on the website and if somebody utilizes this schedule to make decisions on when they're going to engage it would be there, but if it's a problem, it's, you know, if there's some sort of process issue with doing that.

Robin Ehlike [00:15:25] No problem. No issue. I can, we can put out a revised Attachment 1 and insert that in there.

Brad Pettinger [00:15:35] Very good. Okay. Anyone else? Marci.

Marci Yaremko [00:15:45] Yeah, thank you Mr. Vice-Chair. State folks are trying to connect here. I think we're zooming in on a recommendation to go ahead and change the tentative location that's reflected in the schedule for California to Santa Rosa. I'm since.....my audio....there we go. I'm sensitive to Merrick's remarks on investing in planning and travel and the staff time and cost involved in planning for an in-person event that then we switch to virtual, so I think I heard slightly different things first from Robin and then Merrick following up to kind of clarify or maybe add some additional considerations, but I guess I would say on the face of it I'm recalling what happened. I believe it was last year when we had an in-person March meeting of the SAS and the STT and Council and groups got together, and then after the SAS conferred and having spent a week together at the March meeting, they then reevaluated the prospective value of an in-person hearing and then we went virtual as I recall. So, I have a feeling that if we were to dig a little deeper with our SAS they might move to a virtual recommendation, and so this is why I think we'd recommend showing Santa Rosa but I guess noting that Robin says it's tentative. If we need to go ahead and recommend a fully virtual option or recommend the virtual option here and now then, you know, I guess I'm prepared to do that to save the startup costs with planning, et cetera, if that's your preference Merrick.

Brad Pettinger [00:18:07] Merrick.

Merrick Burden [00:18:08] Yes, thank you Mr. Vice-Chairman, and thank you for your remarks, Miss Yaremko. A couple of thoughts about the hearings that I think Robin and I were trying to convey. One is we do have, you know, planning that has to take place to secure a location. We also have Federal Register Notices that have to be done by a certain time period. All of that means that we need to make a decision about what we're going to do for a hearing before March. So that was one point I was trying to get across. The other is I think what Robin was conveying and things we have discussed earlier this week, for instance as part of the Budget Committee discussion and certainly going remote helps us financially so I would, I guess I would advise if it's your preference to have an in-person meeting or to hold the possibility of an in-person meeting. We are more than happy to help secure that, even if we want to make that tentative. If you do want to be clear right now and just go ahead and go remote, of course that would make things easy too. But either way, a decision here is what we'd be looking for.

Brad Pettinger [00:19:19] Okay. Thanks Merrick. Marci.

Marci Yaremko [00:19:22] Thank you Mr. Vice-Chair. Thank you Merrick. I guess with that we'll go ahead and keep the Santa Rosa tentative location and then have, confer further and potentially recommend remote at a later time. I believe that looking at the, the participation levels, we had much higher participation virtually in 2020, 21 and 22. Almost those are the highest numbers on the page except for the Salinas 2018 hearing. So, I think we certainly had an effective and efficient virtual hearing process and with 11 hundred miles of coastline in California virtual does seem to reach the most people. Thanks.

Brad Pettinger [00:20:23] Thank you Marci. Okay. Anyone else? Okay, Robin, do we have enough guidance here to move forward?

Robin Ehlke [00:20:43] I think so. I was just looking at the list of things here for the Council to do. I don't think we necessarily need a motion, but certainly the Council has approved the overall schedule and process for this ocean salmon management measures that's going to take place in 2023. And we've heard the recommendation from California that we publicly notice that the California hearing will be held in Santa Rosa opposed to what's stated as Eureka in these documents. So, we'll make those changes and keep the disclaimer in our notices that we may have to revert to a virtual platform if needed. So, I'll also adjust the Attachment 1 to include the April 1 date as suggested by Mr. Anderson and that'll give me the opportunity to also correct the venue stated in that Attachment 1 for the April Council meeting as well. So, with that, yes, I think you finished your work under this agenda item. Thank you.

Brad Pettinger [00:21:56] Well, thank you Robin. And thanks everyone involved here. Just a lot of balls up in the air so well done.

E. Pacific Halibut Management

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

Pete Hassemer [00:00:00] That concludes all our reports and the public comment on this topic and gives you, as our screen comes up here, a little chance to digest the information. The action before us is up there, adopt any final changes to the 2023 Catch Sharing Plan and final changes to the 2023 annual fishery regulations as necessary. So, I'll open the floor here, look for any hands, initiate the discussion. Phil Anderson.

Phil Anderson [00:00:37] Thanks Mr. Vice-Chair. I just had a couple comments I wanted to make before we dive into the business of motions. The recreational fishery in Washington up until the pandemic times was fairly predictable. The quotas in Puget Sound were being taken or exceeded. The quotas in our North Coast, South Coast areas were being taken in 6 to 10 days of fishing for the year, but the, the pandemic wreaked havoc on a lot of things, including our recreational fishery for halibut. Probably, I mean setting aside the effects of individuals venturing out to go fishing, we had a host of state restrictions on our boats, on charter boats. We had probably the two ports that had the highest catch rates over time, Neah Bay and La Push were both closed by the tribes so you couldn't, there was a little bit of access to Area 4, but you had to come from Sekui in order to do that. People were driving 40, 50 miles to get to the grounds. There was some effort change or effort transfer I believe, I just, the Westport and Ilwaco both experienced higher effort in proportion to the North Coast areas, which had kind of been the predominant areas. And then this year we were hoping to see things settle out a little bit, but I don't know about the rest of the coast, but we had some of the worst weather in May and June when the majority of our halibut catch had been taking place then I've seen in a long time, which made a lot of our openings non-events. That coupled with the fuel prices. People are, you know, from Neah Bay it's a 5, 6 hour drive from Seattle. 4 hours, 4 to 5 hours to La Push. A couple, 2 and a half, 3 hours to Westport, and Ilwaco's 2, 2 and a half hours from Portland area. And, you know, people were just... if they're either bringing their boats down, just getting the boats there, let alone the cost of fuel also had an impact on our fishery this year. So, we've had three years of just very unstable, abnormal conditions and so it really makes me nervous about trying to dive into a big review of our Catch Share Plan as it relates to Washington's fisheries in a time period when we've had so much upheaval in the fishery and we're looking for how is this, how's this going to settle out once we get back to some whatever normal, whatever the new normal is. I'm pretty sure the new normal is going to look different than the old normal. So, I'm just expressing that as a concern from a Washington perspective and just expressing and sharing a little bit of things that you've already heard about what's gone on in our fishery and perhaps the other states have experienced similar things. Thanks.

Pete Hassemer [00:04:56] Thank you Phil. Further discussion, comments or discussion on this? Marci Yaremko.

Marci Yaremko [00:05:08] Yeah, thank you Mr. Vice-Chair. Just thinking about the discussion we've undertaken here since September and the scoping of proposals and the acknowledgment that there have been some changes both in the environment and seemingly somewhat with availability of fish, which may be connected to weather or any other number of things. I appreciate the proposals that both states have brought forward, and I do think they will make a difference looking to 2023 in better utilizing our available resource. Just looking at the sum total in the NMFS report looks like we're totaling up around 84 percent of what's available, so there's some room to grow in some sectors. That said, I want to acknowledge the GAP report and the thoughtful remarks that they've made about their willingness to begin some discussions early, perhaps in March. There are other sectors here too that I think might warrant consideration in looking at the CSP holistically. We've looked at their performance here pretty

closely in the recreational fisheries. I'm just thinking about, for example incidental salmon, we haven't attained those allocations in full, I think, for a few years despite making adjustments. So, I just appreciate I think the GAP's willingness to have some discussion and think about potential changes as needed to better utilize what's available to us. I also want to just point out that they're not suggesting the Council take anything up in March, but just that the GAP have some discussion. So, I think that's a thoughtful plan and that might allow us to consider adjustments to the Catch Sharing Plan through a three-meeting process rather than a two, as I think they've recommended that we have a Council hearing in June in addition to September and November. So, I just wanted to echo support for that recommendation from the GAP. Thank you.

Pete Hassemer [00:08:10] Thank you Marci. Further discussion, or not seeing any. Excuse me. Heather Hall.

Heather Hall [00:08:24] Thank you. I'm ready to make a motion if we're, if there's no more discussion.

Pete Hassemer [00:08:30] Well, I'll ask once more but I'm not seeing any hands for discussion, so please go ahead with your motion.

Heather Hall [00:08:36] Thank you. Sandra, I'm ready. I move that the 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 30th to the proposed season dates for Marine Area 2.

Pete Hassemer [00:09:08] Thank you Heather. What's on the screen is as you intended?

Heather Hall [00:09:12] Yes, it is.

Pete Hassemer [00:09:13] Thank you very much. Is there a second? Seconded by Butch Smith? Go ahead and speak to your motion.

Heather Hall [00:09:22] Thank you. The recreational seasons proposed in the WDFW report reflect significant input and compromise from recreational stakeholders from our multiple subareas. The sport fishery is still stabilizing following the pandemic, where we saw closures of two ports that provide access to coastal areas and productive halibut grounds. We have a history of sports seasons that last a matter of days rather than months. We've carefully considered season structures that maximize access to the sport allocation, but in a precautionary way. And I would note that the recommended season structure for the Puget Sound subarea is a compromise between the two options that were proposed for public review by opening earlier in the season at a five day per week and then adding transitioning to seven days per week later on. And this motion also includes a correction that I mentioned when reading the WDFW report in order to align the season dates that were recommended for three days per week in Marine Area two.

Pete Hassemer [00:10:31] All right. Thank you. Any questions, clarification for the maker of the motion? I don't see any questions, so I'll open the floor to discussion on the motion. Any discussion? I'm not seeing any discussion, so we'll go ahead and call for the question. All those in favor say 'aye'.

Council [00:10:56] Aye.

Pete Hassemer [00:10:56] Opposed? Abstentions? The motion passes unanimously. Thank you Heather. Any further motions? Jessica Watson.

Jessica Watson [00:11:11] Thank you Mr. Vice-Chair. I have a motion. I move the 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.

Pete Hassemer [00:11:30] Thank you. What's on the screen is as you intended?

Jessica Watson [00:11:33] It is.

Pete Hassemer [00:11:34] Thank you very much. Is there a second? Seconded by Christa Svensson? Go ahead and speak to your motion if you desire.

Jessica Watson [00:11:43] Thank you Mr. Vice-Chair. In addition to the rationale provided for each of these recommendations in the ODFW report and mentioned in my summary, all the ODFW proposed changes are meant to allow more flexibility for fisheries managers to react to the 2023 allocation and allowing more opportunities for anglers to achieve that allocation at higher levels while remaining precautionary at lower levels. As I stated, all these measures do not need to be used at once but can be used as needed.

Pete Hassemer [00:12:14] Thank you very much. Any questions for the maker of the motion? I don't see any questions. Any discussion on the motion before us? And I'm not seeing any discussion, hands for discussion, so I'll go ahead and call for the question. All those in favor signify by saying 'aye'.

Council [00:12:33] Aye.

Pete Hassemer [00:12:33] Opposed? Abstentions? The motion passes unanimously. Thank you very much. And are there any other motions or discussion here? I'm not seeing any hands so I'm going to turn to Robin and ask if we have done everything we need to do on this agenda item?

Robin Ehlke [00:13:10] Thank you Mr. Vice-Chair. Yes, you have. We have the WDFW recommendations as provided in their report with the addition of the May 30th date and the ODFW proposals as recommended consistent with their report under this agenda item. So, I think that does the work.

Pete Hassemer [00:13:31] All right. Thank you. Any other comments before we close out this agenda item? And I don't see any hands, so we'll close this agenda item and I'm going to turn the gavel back to our Chairman.

2. 2023 Commercial-Directed Fishery Regulations – Final Action

Marc Gorelnik [00:00:00] That completes all the reports. We have no public comment. That takes us to our Council action here. We have final action on this, on these regulations and there was the additional issue of administrative changes perhaps to the plan. So, let's get started with any discussion on this agenda item. Jessica Watson.

Jessica Watson [00:00:27] Thank you Mr. Chair. I have a question if it's appropriate to ask Mr. Lockhart.

Marc Gorelnik [00:00:33] Of course. Put him on the spot.

Jessica Watson [00:00:35] Thank you. Thank you Mr. Chair. Thanks Mr. Lockhart. We heard just now in the GAP report that it's important for the fleet to have certainty of the additional openings, and so I was just wondering if you could speak to the likelihood of being able to keep kind of that status quo on those initial openings, around those additional openings.

Frank Lockhart [00:00:56] Thank you for the question. And this has been a topic of discussion for a while now and our ability to kind of do that. We do have more process involved than IPHC does with regard to that, but right now we think it's possible and we certainly will try to meet that, but I can't absolutely promise that it will be done.

Jessica Watson [00:01:21] Thank you.

Marc Gorelnik [00:01:23] All right. Mr. Dooley.

Bob Dooley [00:01:27] Thank you Mr. Chairman. Another question for Mr. Lockhart if I could. Frank, you heard the request for an electronic logbook that the GAP report mentioned and being maybe part of the non-trawl groundfish fishery request as well, or regulation, is that something you think is doable? Could it piggyback that and would it be a mandatory logbook and perhaps solve some of the delay in data that we have in that fishery?

Frank Lockhart [00:01:58] Thank you for the question again. We haven't had a lot of time to think it through, but I think our initial thinking is that it is potentially something that we could adopt but we still need to work through some of those issues.

Marc Gorelnik [00:02:19] Any other questions for Frank or is there any discussion on this agenda item? Or I would entertain a motion if there is no discussion. Heather Hall.

Heather Hall [00:02:30] Thank you Chair Gorelnik. I do have a motion. Thank you Sandra. I move that the 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 Catch Sharing Plan as needed to reflect the final regulations consistent with Agenda Item E.2, Supplemental Attachment 1, November 2022.

Marc Gorelnik [00:03:30] Thank you. Is the language on the screen accurate and complete?

Heather Hall [00:03:32] Yes, it is.

Marc Gorelnik [00:03:33] I'll look for a second. Seconded by Jessica Watson. Please speak to your motion.

Heather Hall [00:03:38] Thank you. This motion basically captures the status quo season structure for the directed halibut fishery. The GAP supported the season structure in their statement in September and then again at the November meeting. It includes the idea that these three-day openings would occur every other week, but also noting the effort by National Marine Fisheries to do that as soon as practicable for their, these changes that are shifting management and then also recognizing the final regulations are coming that shift transition of management of the halibut fishery from IPHC to NMFS. This would update the Catch Sharing Plan to reflect those changes and align with that new management structure. Thank you.

Marc Gorelnik [00:04:33] All right. Thank you. Are there questions for the maker of the motion? Is there discussion on the motion? All right I'm not going to drag this out. Well, I'll call the question. All those in favor say 'aye'.

Council [00:04:54] Aye.

Marc Gorelnik [00:04:54] Opposed, no? Abstentions? Motion passes unanimously. Heather, thank you very much for the motion. Let me, before I turn to Robin, let me see if there's any other action under this agenda item by the Council? I'm not seeing any hands. I'll go to Robin. How are we doing on E.2?

Robin Ehlke [00:05:17] You're doing well Mr. Chair. We've adopted a season consistent with that provided in the situation summary and also have language ready for the Catch Sharing Plan once the final rule has gone through for NMFS transition of the management of the directed fishery. So yes, we've done it. Thank you very much. Well done.

Marc Gorelnik [00:05:45] All right. Well, that concludes our scheduled business for the day.

F. Habitat Issues

1. Current Habitat Issues

Marc Gorelnik [00:00:00] All right that concludes public comment and takes us to our Council discussion and action. We have a number of recommendations from the Habitat Committee and let's have some discussion and some direction please. Pete Hassemer.

Pete Hassemer [00:00:29] Thank you Mr. Chair. Maybe not a lot of discussion but I'll just jump right into the Habitat Committee recommendations. The one I had asked Dr. Greene about the, the NOAA survey opportunities. I'm just thinking about the timelines for what happens there. It's a new topic. I didn't know much about that. I would certainly support the opportunity for the Habitat Committee or, you know, the Council to weigh in on those priorities as they could benefit our fishery management processes. So, I had to use my web search tools to figure out what this Ocean Explorer program is, and part of their mission is to explore previously unknown areas and to provide data to understand and manage the resources. Those are good things. So, I think there's some benefit to the Council. I don't know about the workload because the Habitat Committee talked about reaching out to the advisory, other advisory bodies, the Marine Planning Committee, that would be good, but that all has to occur prior to March and being completed. So maybe at this point if we move in that direction that asks the Habitat Committee to complete that task, at least they would look at that from the lens of some of the research and data need priorities the Council has and which of those unexplored ocean areas for future exploration would best benefit the Council's management process if there's an ability to do that? Again, this is deep-water area so it's a little hard to put that all together, but should the Habitat Committee engage in that and provide some priorities that it is very clearly linked to what the Council's management direction and management needs are with respect to information so I'll stop right there. Thank you very much.

Marc Gorelnik [00:03:00] All right thanks for that Pete. Marci Yaremko.

Marci Yaremko [00:03:04] Thank you Mr. Chair. Just running down the list of items in the HC report, I'm certainly supportive of the HC's work to develop comments on the PEIS regarding the draft programmatic EIS that's been released. So, support the work that's underway. I understand that a draft letter is far along, and we will be able to meet their comment deadline if we go the quick response route, so I certainly support that. Going to the deep-sea coral research item, I think maybe like Pete I'm struggling a little bit with what to direct to happen here in terms of discussions or in terms of us developing a concrete recommendation on survey priorities or additional or ancillary work. I'm kind of at a loss here, but I will say that hearing the update it immediately for me resonated with some of our work that we're doing on the groundfish front and into the future on groundfish EFH, so I don't know if there is something that we can specifically ask for or if there's a specific need but, you know, I struggle to come up with one but I appreciate them bringing the opportunity to us for input and maybe some discussion in the sidelines would be useful to help formulate a recommendation, but I sure don't have one at this time. I want to comment on the update that was provided by the HC on Klamath Dam removal. I want to thank you for keeping us up to date on the progress. Earlier this week we've had some sideline discussion about Klamath Dam removal and how that will be affecting the Klamath stock and our FMP, so I appreciate you raising that here in your report. I think CDFW and other agencies are in discussion about what our needs are in terms of addressing the effects of dam removal in our annual salmon management planning, so your advice to have the STT consider how the factors might affect the stock is certainly, I think forefront on our minds and we're considering the need or the possibility of doing some additional work in that area. So, thank you for the note and just appreciate the other updates that you've provided in the report. Thank you.

Marc Gorelnik [00:06:22] Thank you Marci. Phil. I'm sorry I didn't see you.

Phil Anderson [00:06:29] That's all right. It's early. Thank you Mr. Chairman. Just following up on the Lower Columbia River Dredge Disposal Management Plan. The placement of this dredge material is always a big challenge in the Lower Columbia River and doing it in a manner that doesn't increase seabird predation on juvenile salmonids has certainly been one issue that we've watched and I think we will need to continue to do that and be prepared to comment as it relates to that. The other is I'll just characterize it as safety at sea, dumping the dredge material out in the outer portions of the Columbia River Bar, in particular around, as Mr. Smith can attest to better than me, around buoy 7 in particular is a real concern, particularly to what I'll call small boats. It doesn't necessarily affect the deep-water vessels that the dredging is really being done to accommodate, but it sure can wreak havoc with Peacock Spit and the safety of transit of smaller vessels through those, through that area. So those are the two areas that I would be particularly concerned about in looking at what their plan is, and I would certainly support the Habitat Committee's recommendation or suggestion that they be prepared to develop a comment letter for Council consideration at the appropriate time, keeping in mind there's a, at least from the information I've have seen, a couple of different dates floating around out there about when the document will be ready for public review and comment. So, thanks Mr. Chairman.

Marc Gorelnik [00:08:34] All right. Thank you. John North.

John North [00:08:41] Thank you Mr. Chair. I'd just like to voice my support for all three of the Habitat Committee recommendations, excuse me, especially the Lower Columbia Dredge Management Plan comment letter. I have particular interest in that given the volume of material that is being considered and the need for a potential need for new placement sites off-channel. In the Lower Columbia I think it has some pretty big ramifications, so I'd like to see, really encourage the Habitat Committee to focus on that as time permits.

Marc Gorelnik [00:09:24] All right. Thank you. Corey.

Corey Ridings [00:09:27] Thanks Mr. Chair. Just wanted to give a kind of a verbal head nod of agreement with those who have spoken before me in support of the HC action recommendations. Regarding the deep-sea coral research, I think Pete had a great idea there in terms of asking them to look to the research and data needs. My understanding, based on Dr. Greene's comments, was that they were going to have some offline discussions with the MPC and maybe some other advisory bodies so that Council staff sees that as reasonable I think I would see that as reasonable. Also, I just wanted to thank the NOAA folks who attended the Habitat Committee meeting for that purpose. I just appreciate that they came to the Council proactively to ask for input on what sort of research they can do that can best help serve the Council and our fisheries, so just wanted to voice my thanks there.

Marc Gorelnik [00:10:20] All right, thank you. Butch Smith.

Butch Smith [00:10:26] Thank you Mr. Chair. I'd like to echo what Mr. Anderson said on the sensitivity of the buoy 7 area on the Peacock Spit. Not only is it very sensitive to mariners and, but an ill will dumping of a full belly of dredge spoils can kill tens of thousands of crab. So, it's a real sensitive area, not only for safety reasons, but ecologically important for the crab and other stuff that are crawling around the bottom there, so it's worth noting that that area needs to be well thought of if that's one of the sites they're choosing. So, I'd like to thank you.

Marc Gorelnik [00:11:18] All right. Thank you Butch. Ryan Wulff.

Ryan Wulff [00:11:21] Thank you Chair. Morning everyone. I want to thank the Habitat Committee

for their report. As normal I would defer to the Council here on the majority of these recommendations, especially as is what the Council wants to recommend as it relates to NOAA or some of the other Federal agencies, but I did want to support the comments by Marci in particular on the Klamath Dam removal that are listed here. I didn't see it in the summary of recommendations, which might have been an omission, but I think having the STT consider these factors is very relevant to the Council work and NMFS has had a number of discussions similar to the views expressed by CDFW, so I just wanted to add that in. Thanks.

Marc Gorelnik [00:12:06] All right, thank you. So, we have recommendations from the Habitat Committee. I've heard an expression of support, and that includes specifically and especially as it relates to actions that need to be taken before our next Council meeting is a QR letter on decommissioning. So, I want to make sure everyone's on board with that process. I don't, there are a number of alternatives presented here. We may have previously expressed a preference there, I'm not sure, but I think we may need to give some direction on this. So, we got, received specifically some public comment on that so looking for a recommendation here of the four alternatives if my assumption is correct. I don't recall our weighing in on this, but we may have. All right, looking for someone to put forward an alternative that we can all agree on. Virgil Moore.

Virgil Moore [00:13:22] Mr. Chairman, a question, I guess. I would like to turn that back to the Habitat Committee to see if they could come up with a quick recommendation to us. They have the best understanding I think at this point. Certainly, the comments we heard today make sense to me, but I'm not an expert in this area, but leaving reef material there for fisheries purposes seems to make sense. Those have been successful in other areas, but I would certainly defer to the wisdom of some of the committees or other members here.

Marc Gorelnik [00:14:01] I think that's fair enough. I think we've heard support for leaving, we generally heard complete support for leaving at least a portion, and I guess the question is what do we do with the top portion? Do we bring it back to land it or we leave it in the... place it back in the water? So, I guess we'll let the Habitat Committee come forward and then if Council members disagree with that, then during the QR process I guess we'll deal with that. A lot of comments in support of dealing with the dredge disposal challenges on the Lower Columbia. That comment period does not open until June, but we can certainly give the green light to the Habitat Committee to give them plenty of time, and we might even be able to get a letter in the advance briefing book that we would have time to look at rather than using the QR process, so that would be kind of novel. And then there's been support for the Habitat Committee's recommendation to develop survey recommendations, so I just want to make sure we're all on the same page there, and if we are then I'm going to turn back to Mr. Griffin and see if we've captured everything here.

Kerry Griffin [00:15:20] Thank you Mr. Chair. I think you did cover all of the recommendations in the Habitat Committee's report. There was one item that Mr. Wulff noted about having the STT look at factors related to Klamath Dam removal and impacts, so I guess I wanted to see if that was included in your summary or endorsement of moving forward.

Marc Gorelnik [00:15:47] Well, to be charitable, I'll say it was implicit, but I didn't mention it to be honest. But let me just look around the table and make sure that everyone is in agreement with Ryan Wulff's suggestion, and I think we're seeing nods so, yes, please.

Kerry Griffin [00:16:01] Great. Thank you very much. Yeah, I think that covers all your actionable items from this agenda item and the Habitat Committee will move forward with the oil and gas decommissioning letter and working within the framework of our research and data needs and probably do some reach out to other advisory bodies with regard to the NOAA Coral and Ocean Exploration

Programs and provide some feedback to them and then also pay attention to the Lower Columbia Dredge Materials Management Program so, I think that concludes your work under this agenda item.

Marc Gorelnik [00:16:44] All right. Thank you Kerry. Thank you to the Habitat Committee and to the public for their comment. That concludes this agenda item.

G. Highly Migratory Species Management

1. National Marine Fisheries Service Report

Marc Gorelnik [00:00:00] I don't think we have any public comment so that takes us to any Council discussion and guidance as appropriate. I thought it was very interesting. The presentation was great and the update from Lyle was great. I'm not sure if there's any Council discussion or action, but I'm certainly going to look around and give folks an opportunity, and I'm not seeing any hands. I'll interpret that... oh, I see a hand. Doctor Braby.

Caren Braby [00:00:28] Yeah, I think... thank you Mr. Chair. I think for me the biggest question here is the prioritization guidance from the Council on NMFS regulatory actions related to deep-set buoy gear authorization and hard caps. I feel like having a conversation about this at this time is premature since we have hard caps on our agenda later today, and so I am just acknowledging I'm not providing guidance because I want to wait for that discussion later today.

Marc Gorelnik [00:01:14] We do have a later agenda item on management measures, is that where you were thinking of...

Caren Braby [00:01:21] Thank you Mr. Chair. No, I was thinking during hard caps itself.

Marc Gorelnik [00:01:25] Hard caps? Okay.

Caren Braby [00:01:25] Yeah.

Marc Gorelnik [00:01:26] All right, we'll put a pin in that. Lyle? All right, anything else on this agenda item? Kit. Any... I just need some confirmation, a verbal confirmation from you that we've completed this agenda item.

Kit Dahl [00:01:53] Yes, thank you Mr. Chair. Yes, I believe you have. You've heard these presentations and had an opportunity to weigh-in so we can move on.

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

2. International Management Activities

Marc Gorelnik [00:00:00] And it's now time for our Council action which is they're up on the screen, which is to provide recommendations on U.S. positions. And I will call on the first hand that I see. Christa Svensson.

Christa Svensson [00:00:19] Well, I don't want to stop discussion, but I do have a couple of recommendations if people want them but otherwise if people want to discuss what we heard, we heard a lot, I'm happy to go with that as well.

Marc Gorelnik [00:00:30] Right. Well let me just see if there's any general discussion and if not, we'll use your recommendations to stir up some discussion. Please go ahead.

Christa Svensson [00:00:42] Okay. Well, I have broken them into two separate recommendations because I think we've got the more traditional international, which would be the WCPFC IATTC. And then we've also got the treaty component. So, on the first one I'm making the recommendation that we adopt the recommendations of the PAC and those found in the HMSAS report and that we get that information to both NMFS and to the U.S. delegation to WCPFC. So just really supporting what our advisors are recommending both internationally at the PAC level, but also our advisors here at the Council in terms of the HMSAS.

Marc Gorelnik [00:01:29] All right, let's, yeah, let's take those one at a time. I like the way you divided that. So, on those international issues we have a suggestion to adopt the recommendations of the AS, and I'd like to look around the table to see if there's any discussion and if there's not discussion, at least the nod of a head to see if that's where we are as a Council. John Ugoretz.

John Ugoretz [00:01:57] Thanks Mr. Chair. And I think rather than nodding my head I will voice my support for some of the team recommendations. And also, I want to say that understanding this is a negotiation, understanding that what we've got from Canada is their initial shot across our bow as it were, I would hope that we don't just negotiate to the mid-range. I think we want to support our fleet more than that and closer to status quo.

Christa Svensson [00:02:35] Okay. Well, I saw mostly head nods and I'm appreciative of California's intervention as well. And I just want to say thank you again to everybody specifically around the commentary for North of the equator versus North of 20 just so that we all here at the table really understand what's at stake in terms of our fisheries. The second piece is the U.S. Canada treaty negotiations. And again, I'm recommending that we adopt as our position the language in the HMSAS Supplemental Report 1 and that we communicate that to the State Department. I know that it is rapidly approaching. I agree with Mr. Ugoretz's comments from a moment ago, particularly in light of the public testimony we heard today. It certainly sounds like, hey, we only get 45 boats, but then when you find out that they're fishing 15,000 days in our EEZ versus, and I realize I'm rounding here in terms of numbers versus what we were looking at for the U.S., which I believe was just over 4,000 days, there definitely is some area for concern I would say in terms of making sure that those negotiations are not just taken for middle ground. So again, my recommendation will be that we adopt as our position what is found in the HMSAS.

Marc Gorelnik [00:04:09] All right, thank you for that. Let's see if there's any disagreement with that or further comment? Dr. Braby.

Caren Braby [00:04:20] No disagreement. Thank you Mr. Chair. I just wanted to affirm that I support

a strong negotiation stance on the treaty and foreshadowed that in my comments to Mr. Hogan earlier. That's only strengthened now and so I really hope that our delegation is strong and productive in starting off that maybe somewhat long set of negotiations for this regime. Thanks.

Marc Gorelnik [00:04:51] Phil Anderson.

Phil Anderson [00:04:53] Yeah, thanks Mr. Chairman. Well, first of all I just would say that I think the treaty between the two countries on Pacific albacore has served a valuable purpose. We reached, as Mike said, a place of no agreement back in 2011 I believe it was, and I did very much support the suspension of the treaty at that time given the failure to address some of the U.S. concerns, particularly as it related to the overcrowding situation, the aggressive nature of some of the Canadian vessels toward the U.S. vessels, and was mentioned particularly and as it gets later into the year where bait fishing becomes more effective than jig fishing and we had a lot of boats doing that, and so there was a big problem in my view at that point in time. I don't, I mean it's not necessarily out of character in terms of what I see coming from the Canadians in their ask, but again I think the treaty as it was modified has served us pretty well. There has been some changes as we can expect in terms of the geographic distribution of the albacore resource. There are times when it is off the Canadian coastline and times when it's not and so when you look at these very broad averages that were referenced that tells part of the story, but there's also I think it's important to look at individual years and from where I sit and where my knowledge is that in particular the last few years the albacore resource has been in more, has been distributed more northerly than maybe it has at some periods of time in the past when really the ability of the U.S. vessels being able to access Canadian waters didn't have much value at all. So, it does vary as we know annually, and so I think it's important to look at that data. All that said is I support the HMSAS's stance on the letter that was received from the Canadians, and with that said I do continue to believe that there is value in having that treaty with Canada and encourage people to try to find a way forward that's acceptable and doesn't put the United States in a bad position. Thanks.

Marc Gorelnik [00:08:33] All right thank you for that. Any further comment? Any further recommendations? It does seem that treaty should be mutually beneficial and making it even more imbalanced maybe is not a good direction to go. Kit, have we, have you captured all of that?

Kit Dahl [00:09:00] Thank you Mr. Chair. I have. So, some pretty clear recommendations here. First off was to endorse the recommendations of the PAC, the Permanent Advisory Committee, as reflected in the briefing materials, I believe Supplemental Attachment 3. And also, those positions or recommendations as far as WCPFC in the HMSAS report. And then second, similarly to endorse or adopt the language in the HMSAS report with regard to the negotiations over the U.S. Canada Albacore Treaty and some additional emphasis that in negotiations we should, the U.S. should negotiate it as close as possible to status quo and not sort of seek a position or a final agreement that is somewhere midway between where we are now and what the Canadians have proposed while recognizing the continuing value of the treaty going forward.

Marc Gorelnik [00:10:20] All right, thank you. Anything further for the good of the Council on this agenda item? All right, thank you very much.

3. Drift Gillnet Fishery Hard Caps – Final Action

Pete Hassemer [00:00:00] So that will complete our public testimony on this, which brings us to Council discussion and action. And to start our Council discussion on this first I would like to turn to our Executive Director Merrick Burden for a few words.

Merrick Burden [00:00:23] Yes, thank you Mr. Vice-Chairman. I'll be speaking to a couple of things that have been raised here during some of the team discussion and some of the questions that have already occurred on the floor about what sort of action is in front of the Council today based on the record that we have and the timing and review of that record. So, as we discussed at the September meeting, the analysis being developed to support this action was behind schedule. After considering the late timing of the analysis, this Council recommended that we notice the November Council action here today as final with the expectation that if the analysis was ready, that final action could be taken. As we know, the project team that's been working on this action, which consists of, among other people, Dr. Stohs, Mr. Harmon, Dr. Dahl. They've been working very hard to complete model runs and prepare the draft analysis for the advanced briefing book. Due to the challenges modeling the complex alternatives, the draft analysis, which includes MSA, NEPA, Regulatory Impact Review and the initial regulatory flexibility analysis, was not available for internal review before it was published in the advanced briefing book, and only a cursory review and preliminary discussions between the Council staff leadership and West Coast region leadership on the draft analysis have occurred to this date. Without a more in-depth review, we can't confidently state that the analysis is substantially complete and the issues raised in 2017 have been sufficiently addressed. Regional Operating Agreement anticipates that leadership from Council staff and from the West Coast region will take into account the status of the analysis when scheduling final action with the mutual goal of sufficiently complete analyses prior to Council final action. At the present time, since we've been unable to sufficiently review the analysis for completeness and consider the analysis relative to National Standard 7, National Standard 8, among other matters, I believe that there is merit in postponing final action today to provide time for a detailed project review of the analysis and to ensure completeness, among other things. Based on our internal discussion and consultation with General Counsel, I do believe that it would be appropriate to select a preliminary preferred alternative if the Council wishes to do so. I believe Mr. Wulff may have more to add to my summary there Mr. Vice-Chairman, but those are my overview remarks.

Pete Hassemer [00:03:03] Thank you Executive Director Burden. I'm going to turn to NMFS, Mr. Wulff, if he would like to provide any follow-up to that?

Ryan Wulff [00:03:11] Yeah, thank you Chair, and thanks Merrick for giving those overarching comments. I also agree since this did come up in the MT Report, and as you noted this actually was one of the core examples in our past of why we updated certain portions of the ROA as we did so I have no comments on the way you explain that, but I'll give a little bit more of a clarification from the agency perspective just to help facilitate the discussion. So, in order to implement a hard cap decision we require supporting documentation indicating the action is consistent with all applicable laws and regulations as you know, NEPA, MSA, the Regulatory Flexibility Act, EO 12866, which is what the RIR, or Regulatory Impact Review analysis is supporting. And we acknowledge there is an initial public review, a draft of that combined analysis here, but it is at least NMFS current determination that we're not in a position to say that a final preferred action alternative at this meeting would be consistent with all of those Federal requirements. This is in part because the schedule to produce a quantitative impact analysis has been so tight, with those results only recently available that NMFS, General Counsel, various aspects of the agency I will say, have not had sufficient time to review the materials to assess their completeness, their deliberate outstanding analytical needs, and without having those discussions

I wouldn't be in a position to vote yes and say that we could affirmatively approve any action alternative if the Council takes final action at this meeting. I do want to step back a moment. I don't want this to be taken as a slight in any way, shape, or form to the work that was done to produce the draft document that we have. A huge thanks to Dr. Stohs, to Dr. Dahl, to Karter Harmon and all of those that spent a significant amount of time to get the impact analysis that we do have before us completed for this meeting, so please don't take what I'm saying as anyway as a slight towards the significant amount of work that went into that. However, what those supporting analyses tell us with respect to being able to discern whether impacts to small entities in the fishery are significantly adverse and or whether they are justified with respect to the conservation benefits of the action, this is something I think the Council might want to give more time and attention on, and that's in particular speaking of the supporting documentation needed for the regulatory impact review and the regulatory flexibility analysis. So, should Council choose to take final action at this meeting, I just want to be clear what that would mean. That would effectively mean you would be leaving NMFS to make those determinations. And given the history with this action, that you've heard some lessons on here, we will not be quick to make these and issue any proposed regulations until we have that supporting documentation completed and most likely vett it back to this Council. So, it's very possible we would have to come back to you anyway with questions before we could approve or complete those. So, I think for those reasons as well as those that Merrick outlined with which we agree, I would recommend the Council consider not choosing an FPA at this meeting, but I would note, just like Merrick said, a selection of a PPA is possible and it might help us further complete these analyses. For example, if the Council were willing to adopt a preliminary preferred or at least signal its preferred alternative, any additional analyses or supporting documentation under the RFA and RAR could then focus on that alternative relative to the others, and this could help reduce workload ahead and focus public attention to those key determinations or conclusions that will then become in the record. Thank you.

Pete Hassemer [00:07:31] Thank you Ryan. So, before we get into discussion, I want to make sure, ask if there are any questions regarding the statements by Executive Director Burden or Mr. Wulff? Yeah, John Ugoretz.

John Ugoretz [00:07:44] Prior to that I'd like a break to have sidebar with my staff and some other folks.

Pete Hassemer [00:07:48] All right. How much time would you need?

John Ugoretz [00:07:51] Five minutes.

Pete Hassemer [00:07:52] Five-minute break. We'll come back here at 2:40.....(BREAK).....All right please take your seats. Let's get back to session here now and before we get into Council discussion, Mr. Wulff, would like to make another statement. Please, Ryan.

Ryan Wulff [00:08:29] Yeah, thanks. It's just a brief clarification as I had some questions in the margins. When I mentioned that NMFS recommended that the Council might consider not choosing FPA as it relates to in particular the RAR and RFA analyses, that is of course if you were to choose a, F, final preferred alternative that is not no-action, right? Because it's choosing something that's not no-action that then we would have to compare to no-action, right? So that's how it relates. So, if the action was no-action there would not be any required additional analyses. So, I hope that clarifies but I'm happy to take questions.

Pete Hassemer [00:09:12] All right. So now let's go back in and we had a statement from Executive Director Burden regarding our action today and Mr. Wulff. Are there any questions for that or any other discussion? I'm looking for someone to kick off discussion on this topic here and had lots of time to

gather your thoughts. John Ugoretz.

John Ugoretz [00:09:42] Thanks Mr. Vice-Chair, and really thanks to everyone who's commented and our teams for providing us the information they have so far. This is obviously a difficult subject that the Council has struggled with for a long time, as many people have said. I do think it's important to remember that this Council has on more than one occasion now voted unanimously to consider hard caps as a way to manage bycatch in the drift gillnet fishery and we've continually reaffirmed that in the course of this discussion and over the period that we've been looking at this and deciding to continue to agendize it and prioritize it. I think it is definitely important for the State of California. This is a topic that we have paid close attention to, that we have involved in many discussions on, that we have done significant analysis both through our Council staff and internally and I think that we do need to keep moving forward. I do not see no-action as a viable alternative from our perspective. I also am very concerned about picking an alternative that ends up not being something that NMFS can implement due to future analyses, and at this point I don't have those analyses in front of me to make a reasonable choice. I do, however, think that I heard things today that would help me limit the range, and I think what's key is trying to find a broad enough range that it encompasses the alternatives on the plate while limiting the analytical workload for both the management team and NMFS in terms of getting us to a point where we can pick a preferred alternative. And I think I'll leave it there and let some other folks speak and see where it goes.

Pete Hassemer [00:12:01] Thank you John. Further discussion? Dr. Braby.

Caren Braby [00:12:18] Thank you Mr. Vice-Chair. I think that I agree with John's general statement, but I wanted to maybe start with a more principle-based discussion on what we're trying to do and go back to the original action again. And I mentioned some of this in my question earlier, but in my mind the 2015 action was made in order to avoid further closure, further transition, further forcing of this fishery away from being viable. It was an option. It was a way forward to improve accountability but still provide access to U.S. swordfish at a volume level. And that decision hasn't gotten through the process obviously, which is why we're talking about it six years later, but it still stands that U.S. swordfish is a better product than what we're importing, and I still firmly believe that we need to find a way to make this viable, and that is why we're, that's why I'm here. That's why I am looking for those opportunities, but it's not to make this, it's not to make this an easy path. This is going to be a difficult path no matter how we move forward. This fishery is impacting protected species. That is a problem we're dealing with in multiple fisheries and it's one that is causing a lot of modifications across fisheries because of our management responsibilities both to that protected suite of species as well as to the fisheries. I want to have discussions about access to the PLCA, but not before demonstrating that the path we have outside of the PLCA is the one that we feel good about. And so, for me individual accountability is very key and I've heard comments, how can you be accountable for rare events? And it's a tough charge. I mean that is a tall order, however that's how we need to perform. We need to figure it out. And I have heard over and over again and I have a lot of belief in fishermen's ability to figure out these hard problems. They've told us over and over again on different issues, let us figure it out. This is a tough one. I'm not trying to say it's not, but I think that moving forward with hard caps today is the way that I see of moving forward and providing that space to figure it out and be creative and make it work. So, I do want to move forward. I don't know what the exact right path is but am very much in favor of continuing to move forward in a reasonable pace to keep the discussion going.

Pete Hassemer [00:16:44] Thank you Dr. Braby. Bob Dooley.

Bob Dooley [00:16:48] I guess it's appropriate now following Caren's lead there. Everybody knows I was a commercial fisherman. That's my job. That's my point of view. And I've gone through many of these same restrictions over my career where they've told us you've got to do this; you have to avoid

salmon. You have to hard caps on those, hard caps on a lot of things that restrict your ability. I guess the one thing that's common in my case is if you give a challenge to a fisherman, he'll get it done. And I've heard that from industry, not all of industry but some of industry on this matter, and I think rather than just let this fishery die, I think we've got to give them a chance to be able to prove it. They've told us time and time again they can do it. We have to set the limits. I truly believe we've got to give them as much ground as they can get. If it's the PLCC, if they need to get in there, I think it's okay with the restrictions. Limiting their choices limits their avoidance capability. I think that we need to take it all into consideration and it's a challenge. If we do nothing, I think it's pretty certain this fishery is going to disappear. And I think I said it last time we talked about this that hey... there's, you know, with privileges comes responsibility and I get it. Everybody, I'm hearing loud and clear, you don't want observers, you don't want oversight, but you can't do it without that. I've borne that burden for many, many years and it is the way to get it done. Maybe down the path if you prove it to be viable, prove it to be clean, and there are things that I mentioned in testimony that you can change your behavior. You can change how you fish. I mean it wasn't that long ago that, you know we had no salmon excluders. We had no rolling hotspot closures. Those are things the industry put in. Those didn't come from on high figuring ways to do things differently to avoid bycatch and avoid catching protected species. I fully believe that we need to go down that path or else this fishery will die a slow death on its own. If we set the parameters and the fishermen that I've talked to that are willing to do that. And I do not buy into at all unobservable vessels. I think that's the price of admission. With privilege comes responsibility. And I've seen many vessels that say they're not observable, but we have EM now. We have a lot of different things, a lot of different tools. I get it. Bunk space. I get that. Been there, done that. But if we're going to... if this fishery is going to live, I think we've got to set the limits. Got to set the standards that they have to adhere to and let's prove it or not prove it. One or the other. But I know fishermen, the best way to get something done, tell them they can't do it. They'll get it done.

Pete Hassemer [00:20:36] Thank you Bob. Phil Anderson.

Phil Anderson [00:20:41] Yeah. Thanks Mr. Vice-Chair. I remember being here in 2015 when we made this really tough decision to, we thought, implement hard caps with observer coverage and I thought we'd been down a long road at that point. I agree with Dr. Braby's characterization of why we did that. We were trying, we were trying to modify the fishery in a way that it would have a future, and that's what we were trying to do. For me it was pretty clear it did not have a future if we did not take those steps. And you can argue about whether we went far, too far or not far enough, but without those, without putting some very tight controls on bycatch I don't believe the fishery would've had a future and I still feel that way. Who would have ever thought here in 2022 the fishery would look like it does today and all of the things that have transpired since then. We're in a much different situation in terms of what that fleet looks like, but I don't think we're in a different situation relative to what actions need to be taken to ensure that it has a future, and one of those actions is to have a hard cap approach to dealing with bycatch species. I, too, want us to keep moving forward and I'm respectful and agree with the characterization of where we are today that Mr. Wulff laid out and Mr. Burden. We have to take a pause here unfortunately to make sure we have all the information that we need to make an informed decision before we move forward. But the underlying, in my view, the underlying context of what we're doing here hasn't changed in terms of the need to take this action, to do it in a way that makes sense and hopefully ensures a future for some level of this fishery into the future for the reasons that we've all talked about in terms of trying to have a gear type that's managed appropriately and can add to the catch of by U.S. fishermen of species within our EEZ, and I think that's what we're trying to do. So, I'm supportive of many of the comments that have been made around the table, my colleagues, and I just wanted to express my support for moving forward and the reasons why. Thanks.

Pete Hassemer [00:24:07] Thank you. Corey Ridings.

Corey Ridings [00:24:11] Thank you Mr. Vice-Chair. I just want to address a couple of things that have come up today. We heard some discussion about incentives and that maybe they do work and maybe that they wouldn't work, but we do have them all over our society and we have them there for good reason. Mr. Rudie said something on the floor that got me thinking and it was really the question is not whether incentives would work because they already are. The fleet is already faced with incentives. The question is really we want to add to those incentives. I can't say the magnitude of the difference that would make. I think only the individuals who are fishing know because it's specific to their expertise and experience, but there is evidence across different disciplines that incentives can work. I'd like to echo what Bob said. I think observer coverage is critical. Perhaps I'm a bit biased as a former observer, but I think that something like that could be game changing for this fishery, that it would help keep it open, that there'd be more fishing opportunities and there could be more opportunities within that for creativity about how the fishery could do better and even grow. I think there's also a fairness issue here, and I think Bob touched on that. We've seen it work. It can work. I'd also like to touch on some of the things that we're talking about in terms of science and policy and values, because it feels like that's very much what this discussion is about on a lot of levels. Protected species and people's jobs and their ability to fish, you know, it's not just about what the science or the data says, even though we are heavily guided by that, but it is up to the Council to make those trade-off decisions and decide what to do. We've heard from a large number of people over a large amount of time about the value of protected species to our society and our culture, and I don't want this to go unnoticed or unvalued and that, you know, we have good numbers and I like where they are. Also just noting that these animals, the protection of the ecosystem, has value to many people above what those numbers show. I would like to see Alternative 2 move forward as the PPA. I'm not sure exactly where we're at in conversation today so I'm just going to put that out there. The Council has decided this previously. I think that the fishery has changed enough since then. We've seen the development and use of buoy gear as well as changing target species, the location of bycatch, and I think these are enough reasons to believe that, you know, we'll wait and see what NMFS has to say about the RIR and the other various paperwork that Ryan filled us on and why we should probably wait for final, but I think that at this point I would like to move forward with Alternative 2 as the PPA. I'll stop there.

Pete Hassemer [00:27:30] Thank you Corey. Butch Smith then John Ugoretz.

Butch Smith [00:27:36] Thank you Mr. Vice-Chair. And I agree with a lot of what was said. I don't have the experience on this issue that Mr. Anderson and a lot of you around this table who were hoeing that road that doesn't sound like it was very fun and it's not very fun right now with these decisions but, you know, I appreciate everybody's comments today that testified, whether it was the NGOs or the people that want to make sure that these species, you know, continue and thrive and the ones that are, you know, hurting get better and grow and get more of them. I appreciate that and I don't think there's a fisherman in this room that doesn't appreciate that. And I don't think, you know, these guys necessarily want to get a whale in their gillnet or a turtle and do the livid best to avoid that. You know when I see that film that was shown earlier, the second half anyway, you know, that's my family. That's a lot of families on the West Coast that from fishermen that fish and so I, you know, I see the two issues. The one is that comes up in my mind, as Bob pointed out kind of, I'll make it a little plainer I guess, is the boats that don't have observers. I believe in this fishery, and I believe that we certainly would do it cleaner and have more eyes on it than somewhere in a foreign country. I think we're light years ahead of other countries and eyes on the fisheries and monitoring and stuff but, you know, if boats can't have observers, then this new technology, you know, with cameras I think is another way that, you know, in this day and age you have to prove yourself. You know, in some ways in fishing you're guilty until proven innocent on some of the things that we've done and that's what we've had to do to get fishermen back on the water in some cases. And if that's what we have to do to keep fishermen and families and coastal ports open, I agree with that and I'm a proponent of if you can't, if your boat can't have an observer or you can't fix it to have an observer then you need, then you should have some electronic

monitoring, and I think that's a, it's not an inexpensive and it's another expense that add on but I think it's, could be a solution for trust, not just at this Council but people that have testified that obviously don't have the trust that some of us have in our fishing industry and our fishermen. And if that's what it takes to get it back on the water and get this eventually done and let people do what they do with go fishing I'm supportive of that. So, but I think we need to make sure that there's incentives for the fishermen to get on the water and so they can fish and whatever that means I'm going to defer to some of the experts that have been down this road longer than I have on the hard cap issue and what that means and stuff, but I certainly want to make sure that they have an opportunity to continue to do what they do and hopefully pass, be able to pass it on down to their, their families. So, thank you. That's all, Mr. Chairman, Mr. Vice-Chair. Excuse me.

Pete Hassemer [00:31:50] Thank you Butch. I'm watching for hands. I've got John Ugoretz and I have Vice-Chair Pettinger, and I see Christa and I'll try and capture those in the order they go up. So, John.

John Ugoretz [00:32:03] Thanks Mr. Vice Chair. In terms of looking at what we analyze moving forward I do think we need to consider what's realistic, both in terms of what would likely happen on the water and the workload that's involved for NOAA staff and the management team and others. Just to give a brief update for the state's transition program, because those numbers were ever changing up until yesterday when the final mail came to Sacramento, which I think unless there's something milling around in U.S. Postal Service this is it. But we had 28, excuse me 38 total participants in the state's transition program and that leaves 24 Federal permittees who did not participate or could not participate in the state's transition program. Recalling that participants in our program voluntarily surrendered their nets to be destroyed. They surrendered their permits to the department, and they made a written agreement to neither fish under transfer or renew a Federal permit and so we don't anticipate any of those participants continuing to participate in the Federal fishery. But perhaps more importantly, in looking at the actual activity over the last five seasons, for people who did not participate in the transition we had a maximum of 10 vessels fishing in any one given year, and in the last two seasons that that's been lower than that. And so, I think when we look at the analyses in the scenarios that the team came up with to analyze, 30 is way too high. It's not even possible at this point in time and that the 11 analyzed is a reasonable maximum because it's more than the number that have fished in the last five seasons. So, I think that's something to consider. But then in looking at workload, and maybe it's a question for Ryan, but I do recognize that this Council has placed a heavy workload on NOAA and I want to understand, given that we don't have in front of us today what we had hoped to have to get to a final preferred, maybe give us a flavor of the ability that you think you and your staff have over the next few months, because I really do want to see this done and I want to see it done in a timely way and so I want to know what, what we think we can do.

Pete Hassemer [00:35:01] Thank you. Ryan. Response?

Ryan Wulff [00:35:03] Yeah, thank you Mr. Vice-Chair. Thanks, John, for the question. I think I'm going to give you two answers here because I could give you what my answer would have been before I think you were starting to propose maybe narrowing the range here, so maybe there's a kind of a two-part answer here. As you heard under previous agenda item for the NMFS report, we have staff that are about to transition to work full time on getting the deep-set buoy gear limited entry permit system authorized in the next three months between now and March. That is our target as Lyle walked through to get through the proposed final rulemaking regarding that amendment and getting that in place as quickly as possible, which we are doing at least as of right now, NMFS is doing that as a priority assuming that that is what we've heard from the Council as to your priorities for HMS fisheries. So since most if not all of my staff that are working on that implementation would be directly needed for this work, I would need some guidance on Council priorities because our current set up would be to have that follow deep-set buoy gear authorization, which means they would not be available to work

on this until March and you probably could not take this up again, or at least have their support to flesh out these analyses until June. If you wanted us to deprioritize deep-set buoy gear and put this, completing these analyses at the top of the list then, yes, we could probably do that by the March meeting. But I would underscore that whatever you choose related to this, selecting a preliminary preferred alternative or giving some answers to some of the points that I raised earlier that we will have to make as far as determinations in the regulatory impact review in particular will be helpful or at least directly relevant to workload. For example, you, I think I just heard you, John, talk about potentially focusing on scenario two. Well, that eliminates quite a range of things that would have to be put forward in that analyses just by that one narrowing alone. So, if there is further guidance from the Council on specific aspects or in particular a preliminary preferred that narrows the focus of the work that has to be done. Does that...do you understand? Thanks.

Pete Hassemer [00:37:42] Follow-up John?

John Ugoretz [00:37:46] Thank you. Yeah, just one follow-up Ryan. Because it, in terms of prioritization and which goes first, if we did prioritize hard caps over completing the buoy gear authorization and we gave you based on the analyses that you provide us between now and March a final preferred in March, what would be the timeline in terms of implementing hard caps from there?

Ryan Wulff [00:38:15] Yeah, thank you. So, through the Vice-Chair, thanks. If I think I understand your question, looking at the timeline for actual implementation to when the rules are in effect?

John Ugoretz [00:38:24] Yeah.

Ryan Wulff [00:38:25] So, yes, that would still require, like I said even with this, unless you really narrow down a preliminary preferred alternative, that's still going to be an additional amount of work that we would have to do. We haven't even touched on the SSC's request there that might be wrapped into that. So, you would most likely be looking at implementation of hard caps in place for the 2024 fishing year, which I believe starts May 1st. And whether or not you took action on that in March versus June would not affect that implementation date. It would be the same either way.

Pete Hassemer [00:39:08] Thank you. Vice-Chair Pettinger and then Christa Svensson.

Brad Pettinger [00:39:16] Yeah, thank you Vice-Chair Hassemer. I've been involved in the fishing industry for virtually my entire life. I've been involved in the trawl fishery for over 40 years. And at one time that fishery was pretty vilified by folks, not quite the extent that the DGN is but it was people wanted to put us out of business. As we started to rationalize the program to kind of, to change how we operated to get some accountability to how we did business. I had a friend of mine who was in the wood products industry and talking to him that, you know, he says they learned the lesson that, you know, as extractors of a public resource you have a social contract to do what's acceptable to the public, and every once in a while you need to rewrite that social contract. And I think right now that I would say that contract is right now, at least the public purview has been broken and I think that the only way you can get out of that is to have some accountability and to show and verify that you're doing what you say you can do. And if that doesn't happen, I don't think you're ever going to win this battle. But it is a public resource and we need to be cognizant of that and there is a social contract, unspoken but it's there, and so hearing... I really appreciate what Caren had to say as far as the, you know, there's a lot of, we've been reporting a lot of swordfish in this country that isn't near as well harvested as our products are and we, I would like to see eating more of the U.S. product instead of the imports and I think we can get there, but I think accountability has to be a key part of that. And so, I'm hoping that we get there relatively soon because it's gone on way too long and get this thing done so I'll stop here.

Pete Hassemer [00:41:32] Thank you Brad. Christa Svensson and Dr. Braby is on deck.

Christa Svensson [00:41:36] Thank you Mr. Vice Chair. And I am extremely appreciative of the conversation today, and particularly around the history and the intent of the hard caps in terms of having a fishery moving forward. When this resurfaced as a topic my first year, I'm going to admit I was not particularly enthusiastic. This was a hard topic the first time around. It was contentious. While people may have ultimately voted unanimously to move forward with hard caps, there were a number of people that did not necessarily agree to them initially, and at that point in time I definitely would fall in that category. And I'm not entirely convinced today that I still don't, meaning when I listen to our advisors who have recommended Alternative 1, I think that there is a fair amount of merit there. However, my primary concern is that we have an active fishery that is federally managed. It's really easy for us to say, 'hey, it's only 24 vessels or it's only 10 that are actively fishing', and I think what we miss in that picture is that this is a category 2 fishery, and there are all sorts of category 2 fisheries nationally. We've got Alaska salmon. We have some Alaska pollock fisheries, flatfish, sablefish. Closer to home we have additional salmon fisheries, spiny lobster, and probably most importantly to many of us not in the room, Dungeness crab. These are all category 2 fisheries and when we struggle with a path forward and continue to see a category 2 fishery move from north of 200 permits down to 24 with maybe 10 people participating, I worry that we're setting a precedent. And I looked all of these numbers up, this is off the marine mammal protection list of fisheries. And when you think about that and extrapolate it out, they also have a list of small businesses or large businesses in many cases, and it's over 7,000 people that are potentially impacted. So, I don't want us to think about, 'oh, it's only 24 permits'. I want us to think about how do we actively manage this fishery moving forward. It's why I have been willing to continue having the hard cap conversation. It's why, in talking with fishermen I'm willing to consider and hope that they will continue to consider items like EM. I think that there are questions about that. It is one thing to say, 'hey, we can put cameras and gear on boats?' It's another thing entirely to know we can do that at a cost that is effective for them moving forward, and if it isn't how are we going to create accountability in a fishery so that we and the public are comfortable with that? You know I've spoken pretty extensively in September about the need for having large scale fisheries. I'm not going to belabor that today because I know we're probably running long as it is, but it also lends support to why I think we need to find a path forward, and if that path forward means hard caps, I am definitely strongly willing to consider that. I will also say that I am very uncomfortable with picking Alternative 2 as a PPA. I think we've talked a lot about individual accountability with EM and I think fleetwide management as opposed to having that individual component does a disservice in terms of that conversation. So, with that I will close my remarks.

Pete Hassemer [00:46:11] Thank you. Dr. Braby will be followed by Bob Dooley. Dr. Braby.

Caren Braby [00:00:00] Brief tangent. I just wanted to speak to the prioritization of deep-set buoy gear versus hard caps. Thank you, Ryan, for providing us with those timelines and the fact that there is no difference between a March action and a June action on an FPA on hard caps relative to implementation. I want to reassert that I am interested in deep-set buoy gear final, getting that authorized and off our plate. It is affecting all of our decisions related to HMS and it's time to get that done. So that's my opinion.

Pete Hassemer [00:00:45] Thank you. Bob Dooley.

Bob Dooley [00:00:48] Thank you Mr. Vice Chair. Christa, I appreciate your comments on the individual accountability versus fleet accountability. I think that's a critical thing to think about. It's, the observer coverage or EM levels the playing field if everyone has that, everyone's accountable that way. But individual accountability gets rid of a component in this type of system that I've experienced over time that if you don't have individual accountability, it really doesn't matter who takes the, who finally

closes the season down, that's somebody else. You need that individual accountability to make people work together and understand that they're in a family. They're working together to not catch that last thing that shuts everything down and they communicate. If you don't do that, it's almost a quasi-Olympic system, get all you can while you can because it might close down. If you have individual accountability that shuts you down before everyone's shut down, and that isn't certain because you could do two at a time or whatever it is and shut everybody down anyhow, but that's a critical component in my estimation and my experience. So, no disrespect to Corey at all on her desire to have Alternative 2. I would pick Alternative 3 because of the individual accountability with the caveat there is no unobservable vessels.

Pete Hassemer [00:02:34] Thank you Bob. John Ugoretz.

John Ugoretz [00:02:36] Thanks Bob and Caren and Christa. I think we're gelling toward some consistent thought here. I also agree that buoy gear has been and remains a priority for implementation. I think we put the effort into that, the fishermen put the effort into that quite significantly and have been waiting for it to become a real fishery, so we don't have to continue with EFP issuance for the gear that we've discussed. So, yeah, I do think that remains a priority. I would really like to push towards a March decision on this as well. Noting Ryan's comments, I would hope we could keep the effort on as best we can, but understanding that that might not be feasible. I do also appreciate Ryan's comments that even if we made a decision on this in June, the final implementation in terms of fishing seasons wouldn't change and that is important as well. I also think that the 27 versions of alternatives that have to be analyzed right now, when you take into account the numbers of three, three different levels of numbers of vessels fishing and multiple suboptions within Alternative 3, I think it's asking too much and I think I've heard enough to make some recommendations on narrowing that range but encompassing what we've heard, so encompassing individual accountability and encompassing the alternative that this Council originally requested and encompassing an alternative that recognizes perhaps some of the difficulties in implementing an individually accountable action that we can get more input on before we make a final choice. I don't know that I'm ready to choose a preliminary preferred today, but what I'd like to do is give very clear guidance on what the team and NOAA can analyze between now and final decision that if it looks and feels like a preliminary preferred because it helps them do the analysis, fine, but I don't want to signal to the public that we're there yet because I don't really feel like, I certainly don't feel like I am and I'd like to see those analyses.

Pete Hassemer [00:05:21] Thank you John. Further discussion? John.

John Ugoretz [00:05:30] I have a motion if people are ready.

Pete Hassemer [00:05:33] All right, let...before we do that, let me just look once more around the table if there's discussion. Yes, Christa Svensson.

Christa Svensson [00:05:41] Yeah, I would be interested in the motion. I will also say I don't think I'm there yet. So just reiterating with you that I don't think I'm there yet in terms of making a decision about what comes first, but I am interested in reducing some of the options, if possible, not knowing what your choices and reductions are but definitely I think items like having 30 vessels are probably out of order at this point now that we have a better understanding of what the picture really is.

Pete Hassemer [00:06:14] Okay. Thank you. And I'd just point out we had very good discussion on timelines on deep-set buoy gear authorization and on this thing day last we do have a workload discussion to prioritize those things so John I'll turn it back to you.

John Ugoretz [00:06:33] Thanks, and if someone with the magic computer back there can put it up. I

move the Council task the Highly Migratory Species Management Team with completing the additional analytical components as specified in the Scientific and Statistical Committees G.3.a, Supplemental Report 1 and request NMFS to complete a Regulatory Impact Review Regulatory Flexibility Act analysis using only Scenario 2, 11 vessels for the following alternatives. One. Alternative 3B. Two. Alternative 3A using only the fleetwide caps component. Three. Alternative 2. And Four, Alternative 1.

Pete Hassemer [00:07:20] Thank you John. What's on the screen is accurate and complete?

John Ugoretz [00:07:24] It is.

Pete Hassemer [00:07:25] Thank you. Is there a second? Seconded by Corey Ridings. Please speak to your motion.

John Ugoretz [00:07:32] First off, I want to point out because even I got a little concerned, I had misspoken earlier that Scenario 2 is different than Alternative 2 and it is what the team was basing their analyses on for different scenarios within alternatives. So, Scenario 2 is looking at an 11 vessel analysis and the alternatives are shown below. I very much appreciated the Scientific and Statistical Committee's suggestions in terms of analysis that may better inform our decision making. The additional analyses specified in the SSC report will be useful and may clarify some of the questions relative to potential impact. Narrowing the range of alternatives from the potential 27 scenarios down to these four greatly reduces the workload in terms of an RIR RFA analysis to a more manageable level and allows for the consideration of the broadest range of potential cap scenarios. I think the range encompasses the input we've received today from the advisory subpanel and many public commenters who stated that status quo was the best or perhaps only choice we could make, to the management teams analysis that shows that Alternative 3B may have the least potential for economic impact while including individual accountability, to the Enforcement Consultants concerns regarding enforceability of individual vessel caps encompassed within the proposed modification of Alternative 3A, and the many comments we heard recommending Alternative 2 as the most environmental conscious path forward. And thank you, with that I'm happy to take any questions.

Pete Hassemer [00:09:20] Any questions for the maker of the motion? Ryan Wulff.

Ryan Wulff [00:09:33] Thanks John. Just a question of why you're asking NMFS to complete the RIR RFA? Just if you have a clarifying point here. Thanks.

Pete Hassemer [00:09:47] John.

John Ugoretz [00:09:49] My understanding is that upon decision making in your regulatory process you would be required to conduct that analysis. I'm concerned that if some other entity conducts that analysis that it would not match the analysis that NMFS comes up with. But if there's an alternative way to conduct that analysis that is similar enough to the analyses you would perform that we'd be confident in it then, you know, that could be delegated.

Pete Hassemer [00:10:24] Ryan.

Ryan Wulff [00:10:26] Yeah thanks. I guess that was my point. I mean of course the agency can do it and does on a number of occasions but just like we've seen with at least some of the draft that's out there with this, the MT and Council staff are also able to take a first stab, but I think I understand your intent with the clarification I should probably make that some of those analyses aren't technically complete until the proposed and final rulemaking process is done, right? We can't go around that aspect

of the process. Some of those, some of the... since you're talking about the analyses that they support the act kind of require some of those stages to happen too, so as long as that's understood that that would be part of this motion. Is that correct?

John Ugoretz [00:11:12] Thank you. Yes, and I definitely wouldn't be preempting the final regulatory process with this. This is complete in terms of the Council having information in front of us to make a decision.

Pete Hassemer [00:11:27] Any other questions for clarification for the maker of the motion? Discussion on the motion? I do not see any hands. I will look very carefully. Corey Niles.

Corey Niles [00:11:49] Thanks Mr. Vice Chair. I'll be brief. I was really... everyone before spoke before the motion and said, you know, just about everything I would say so I didn't want to repeat it. It was very thoughtful. I guess I'll just leave it as, you know, I want to appreciate the approach. I think it is narrowing it down to some options. What I...I have a lot of thoughts about Alternative 2 and how that all went down legally, but the constructive way to think about it was NMFS came back to this Council asking us to think about the proportionality of the consequences of hitting a hard cap and that setting up to do this, and I think in the end in terms of what the analysis is out there, I think we're not going to be too different, in a too different a place than we were last time and it's going to be come to a judgment call, a risk call, a matter of policy and with all the analysis that's possible we've seen there's not going to be too much more and so just putting that expectation out there that I don't see the decision being too different. And again, it's going to be a matter of judgment. I just I wanted to say, you know, a number of you said it well but I really appreciated the advisory subpanel statement this time and looking for a way to move forward and I just want to throw my thoughts in encouraging that approach and agreeing with folks that, you know, let's finish this up and then have those conversations about where individual accountability can take us. So, thank you, John, for the motion and, yep, really much appreciated all the discussion that happened prior to the motion being on the floor.

Pete Hassemer [00:13:40] Thank you. Further discussion? Dr. Braby.

Caren Braby [00:13:44] This is a question for the maker of the motion and for the Council. We haven't, we've made some comments about observable versus unobservable vessels and what our desires and expectations are. Question to the maker of the motion. How does this fit in with observable versus unobservable or do you expect that to be a discussion later?

Pete Hassemer [00:14:11] John.

John Ugoretz [00:14:13] Thank you Mr. Vice-Chair. Thanks, Caren, for the question. The alternatives as written, in particular for Alternative 3B include closures for unobservable vessels when an individual cap is reached so I'm not altering that. I don't think there's anything that would apply in the other alternatives in that manner. I, too, am interested in continuing the discussion on observable versus unobservable, and frankly I think it feeds into the discussion that Bob has mentioned and I think Christa has mentioned about what's next and opening things up. I want to have that discussion and so I think that's maybe where we would get into some of the nitty gritty on observable versus unobservable again.

Caren Braby [00:15:16] And a follow-up question. In your mind is that after this action is completed or during this action, and that might be the same question for NMFS, how that affects their.....

Pete Hassemer [00:15:32] John.

John Ugoretz [00:15:33] Yeah, thanks Mr. Vice Chair, and thanks Caren. I, under workload planning

I would like to get into the discussion of the workshop that Christa and I were talking back and forth about last time, and I think this is the type of topic that would be very well-suited to put some real effort into outside of floor time so that a recommendation could be brought back to the Council. So, I think it could be on a parallel track to this. I don't know that it has to be part of the decision on this.

Pete Hassemer [00:16:24] Follow-up? Ryan.

Ryan Wulff [00:16:28] Sorry I'll see if there's a follow-up. I have a different issue.

Pete Hassemer [00:16:30] Okay. I think Mr. Smith had his hand up first and then we'll come back to you Ryan.

Butch Smith [00:16:38] Thank you Mr. Vice-Chair. So John, I'm sorry I think I heard what you said, but if I....so I think what you said, and I don't want put words in your mouth, but in my mind, you know, whether we had it in the motion officially or it would seem like if industry wanted to go back and figure something out that was doable then they could come to you at a later date and apply it to one of these options if it opened fisheries up, made people a little bit, but made people a little more confident in what was going on out there and all that good stuff? So that wouldn't preclude them from doing that in between now and March, correct? Or am I wrong?

John Ugoretz [00:17:26] Thanks Mr. Vice-Chair, and thanks Butch. I don't think I was signaling that I wanted to modify this range of alternatives with some other action regarding the PLCA or anything else. I do, however, want to be clear that I want to have that discussion and I think that once this is complete, that is a very logical next step.

Butch Smith [00:17:51] Thank you. Thank you John.

Pete Hassemer [00:17:52] Okay. Thank you. Ryan.

Ryan Wulff [00:17:54] Yeah, thanks. And apologies for taking the floor again on this, but I had to do a little bit of digesting here and I'm still struggling with the request that NMFS complete language here because that works if this is a PPA. That does not work on an ROA. We cannot do and definitely cannot complete those analyses without a preferred alternative. In both cases I believe that's impossible. So, if you want to keep the language as it is, NMFS would complete in an RIR RFA analyses once a PPA is selected, that's one option. The other option is we could work to do as complete or to add to the analyses as best as possible, I don't know, cost benefit actions or others based on this range or new range? And I think there is some work that could be done on that because you've narrowed it, but I just don't see, it's not physically possible to complete an RIR and RFA on a range of alternatives.

Pete Hassemer [00:19:14] Corey Niles.

Corey Niles [00:19:19] Thanks Mr. Vice Chair. Ryan, on that I'm guessing why? That sounds very formalistic to me. I understand why you can't. You can't complete it until the final rule is done is what you were telling us earlier, but the content equivalent to one of these analyses, what's the hold up there and what's the difference between the economic information that you would provide to the Council in order to make our policy recommendation substantively? Can you... can you explain what the difference in the content of the analysis would be?

Pete Hassemer [00:19:54] Ryan.

Ryan Wulff [00:19:55] Yeah, Mr. Vice-Chair. Thank you Mr. Niles. Yeah, in particular with an RFA

I mean, you can't prepare an RFA, which is the analyses that would support, you know, what the proposal rule states when you would have of course a final preferred alternative. You can't do that until you have a preferred alternative, at least that where you could signal that is what would potentially be in the proposed rule, and when that is prepared it must include a statement of the factual policy and legal reasons for selecting that alternative adopted and explain why each of the other significant alternatives to the rule would offset the impacts which offset the impacts on small entities were rejected. So that component, which I imagine would be relevant to this discussion, can't be complete unless we have a preferred alternative. So, you're correct, there is some work that can be done but I just want to be clear there are pieces of what is intended in those acts to compare a, the actual alternative or what's in the proposed rule as your proposed action, right, to the other alternatives that were not selected.

Pete Hassemer [00:21:06] Follow-up Corey?

Corey Niles [00:21:08] Well I guess to try to move us along, what would your... I would ask first what your solution would be? But I thought the, you know, what a lot of folks are trying to avoid here and not and still thinking about was that when the Council made its recommendation in 2015 that last time, that was based on a set of information that then a little bit more came in under the proposed rule comment, notice and comment and then that changed NMFS's mind. But I think, and you all have been very good about this in most all cases, but the ideal situation is for the Council to have the same set of information when it makes its recommendation which, you know, with the exception of what comes in and proposed, between proposed and final rule, that's obviously a procedural thing that's tough to deal with, but the ideal is to have the same information on how to select a preferred alternative from the Council level. So, I'm not understanding what you're saying because in a choice between these alternatives in the end would be based on those same economic considerations in large part and how they relate to National Standard 7 is what Dr. Dahl was showing us earlier, I think you've got to bring National Standard 9 into that too... so what is your proposed solution there? And I'm still not understanding why you wouldn't want to provide the same level of economic information to the Council when it makes its preferred option.

Pete Hassemer [00:22:41] Ryan. Your response.

Ryan Wulff [00:22:43] Yeah, thanks Corey. I take your point, right? I'm not trying to avoid the Council having economic information. I'm trying to be clear that there are certain determinations we have to make when we complete those analyses that we usually rely on the Council to give us their final preferred. So, without signaling which one of these is your preferred, you're going to have us essentially make those draft determinations and put them in front of you. We could do that. I wanted to be clear and on the record that it wouldn't be a complete analyses for the reason that no PPA has been selected or FPA so it's a little bit unusual in the state of order. But that said, I understand what you're asking for but that's a lot of work when you're doing it on across a range of alternatives, even a more narrowed one in comparison to just analyzing the preliminary preferred as it compares to other actions in regards to the specific analyses under these acts. So that's my response to you. I would also note that the way this is worded has us completing it instead of the HMSMT, which directly competes with the comments to have us prioritize buoy gear, or at least in my opinion, completely eliminates March from possible contention here. As we just said, those folks will be working until March on this so we would not be able to even start work on any of this analysis until after March. Thanks.

Pete Hassemer [00:24:13] John Ugoretz.

John Ugoretz [00:24:15] Thanks Mr. Vice Chair. So Ryan, maybe I'm confused, but I'm not aware that the HMSMT has ever completed an RFA RIR analysis and nor do I know that other than the NMFS staff on the team have the ability to do that, so that's why I put NMFS there. Maybe Council staff has

that understanding and ability, I don't know, but if this range included a preferred are you saying that you could conduct the analysis? That's where I'm just getting lost.

Pete Hassemer [00:25:00] Ryan.

Ryan Wulff [00:25:01] Yeah, thanks John. Yes, I mean we could work on it if you had a preliminary preferred. When I said MT I guess maybe I should of specified. Council staff do have the ability to do, that they're the lead in the ROA as Merrick pointed out for the analyses to put forward to the Council. And NMFS and Council staff are on the MT so we could both contribute there. Corey was asking me for a proposed solution, I was trying to tie it into some of your earlier language above as an alternative, and you've definitely narrowed the range so that lowers the workload. But again, there are certain components of those that require us to do analyses on a preferred alternative versus others so we wouldn't be able to do those at an ROA stage, that's all.

Pete Hassemer [00:25:50] So I think where we are, NMFS has identified maybe some problematic language in there and so I don't know if there's anyone that has a solution. I see Dr. Braby's hand is up.

Caren Braby [00:26:08] I'd like to offer an amendment to the motion.

Pete Hassemer [00:26:13] Please go ahead.

Caren Braby [00:26:15] I move that the Council strike language quote "request NMFS", from the original motion.

Pete Hassemer [00:26:49] All right the language on the screen is accurate and complete?

Caren Braby [00:26:53] It is.

Pete Hassemer [00:26:53] Is there a second? Seconded by Christa Svensson. Please speak to your motion.

Caren Braby [00:27:01] According to the prior discussion I think it was clear that there were some logistical constraints that we, that I did not intend to forward with the potential support of this motion in requesting that NMFS in particular and singularly work on the RIR RFA analysis, and by removing the request NMFS do it, we provide flexibility to Council staff and NMFS to get that work done in a way that is consistent with ROA. And that is the rationale for my motion or amendment.

Pete Hassemer [00:27:49] Thank you. Questions for the maker of the motion? I don't see any. Ryan Wulff.

Ryan Wulff [00:27:57] Thank you Dr. Braby. I appreciate your amendment. Just the same question I had to John earlier. It would deal with the word 'complete'. Just to clarify that of course that would not be in any way taken as going around the aspects of the proposed and final rulemaking that are associated with those analyses.

Caren Braby [00:28:18] Through the Vice-Chair, agreed.

Pete Hassemer [00:28:21] All right. I'm not seeing any other questions for clarification. Discussion? Christa Svensson.

Christa Svensson [00:28:28] Thank you Mr. Vice-Chair. I will be supporting the amendment for the

reasons stated by Dr. Braby, but also because I am not prepared to make a PPA, and I think there are a fair number of us that are also in that boat. So, I think this is a neat way to get around that and clarify the language that was problematic before.

Pete Hassemer [00:28:55] Okay. Further discussion? John.

John Ugoretz [00:29:00] I do support the clarification. I'm concerned that, as Ryan pointed out, that the members on the management team who have the ability to do this are the NMFS staff and perhaps the one Council staff so I'm not really sure it changes much but it does now read with the amendment that it's the HMSMT that is doing all of this.

Pete Hassemer [00:29:37] Further discussion? And I do not see any hands so I will call for the question on the amendment. All those in favor signify by saying 'aye'.

Council [00:29:51] Aye.

Pete Hassemer [00:29:51] Opposed? Abstentions? The amendment passes unanimously. So, we're back to the main motion as amended. Any further discussion on that? Phil Anderson.

Phil Anderson [00:30:16] I hesitate to do this, but it seems to me that the really the key part of the motion has to do with the narrowing of the alternatives and having the HMSMT complete the additional analytical components that are specified in the SSC Committee's Supplemental Report. And that once we, once that is accomplished then the next step associated with a PPA or an FPA would be that next step of the Regulatory Impact Review and Regulatory Flexibility Act analysis, and it seems like trying to bite both those things off at the same time is we were getting tripped up here. So just from both a process perspective and a workload management perspective, if we were to take this the first step, narrow, have the HMSMT do that analytical piece that's associated with the SSC's report, then come back and at that point in time we could make the subsequent decision moving forward with the rest of it.

Pete Hassemer [00:32:01] John Ugoretz.

John Ugoretz [00:32:03] Thanks Mr. Vice Chair. And Mr. Anderson, while I appreciate what you're saying... no, in my mind the motion was not focused on the HMSMT just completing the SSC analysis. When we agreed or when, excuse me, when we decided based on NMFS question to us if we wanted to bring them something different on hard caps, we had this discussion regarding the analyses that ended up killing the first round, and we asked NMFS if they could bring us a range of alternatives that would not fail and NMFS after a couple meetings said no, they couldn't do that, that we would have to come up with a range but that they could conduct the RFA RAR analysis so that our final decision making would be more likely to succeed on that one test, and I am absolutely opposed to making a final decision before we have that, and I think with this narrowed range, understanding the discussion that occurred between Mr. Niles and Ryan, that it can happen, it may not be able to happen before March but I think it's important and I would want to then use that to make a final decision.

Pete Hassemer [00:33:41] Thank you. Dr. Braby.

Caren Braby [00:33:46] Thank you. Thank you Mr. Vice Chair. Question for Ryan. I hope you were listening to John's statement because my question to you is do you agree that that path is one that NMFS can work with?

Ryan Wulff [00:34:09] Thank you Dr. Braby. By that path do you mean what John referred to in the

motion?

Caren Braby [00:34:14] As he just laid out now in his path forward not separating out the RAR blah, blah, blah, RFA.

Ryan Wulff [00:34:25] I mean, I think with the clarifications that just was on the record for the various amendments that just preceded this and the understanding of the processes and part of the RAR RFA process, right, is to signal a preliminary preferred or a preferred alternative as part of the public comment process so but that said we've had a lot of discussion about this. There is the work that is tasked here. I think we could support having that done jointly over the timeframe. It is that timeframe we'll have to continue to discuss and whether that's here or at workload planning for how long it actually takes to do both of these combined, but that's not an objection to the pathway, just noting there is time implications associated with both of these at the same time the way it's proposed on a range of alternatives. Does that answer your question?

Pete Hassemer [00:35:27] Dr. Braby?

Caren Braby [00:35:28] It does. I have a follow-up question which is, what is the latest Council meeting where there could be a final action, final preferred alternative where that could get in place in the same regulatory season?

Ryan Wulff [00:35:47] You had me until the last point, sorry, through the Vice-Chair, Dr. Braby. It won't be in place for the same season, right? But I would say whether you took final action now or all the way up until September of 2023, either way, based on what is still needed and assuming you spent the time between that and the other end of that window to complete what is on the screen, anywhere in that range would be implemented by the 2024 fishing year.

Caren Braby [00:36:21] Thank you.

Pete Hassemer [00:36:24] Further discussion? Corey Niles.

Corey Niles [00:36:27] Yeah, thanks for that clarification and I just, not meaning to muddy the waters, but I think I just I don't think anyone is asking... and what I heard, Ryan, your concerns were procedural ones about the steps that are taken in rulemaking and the determinations you all need to make. And I don't, I think the spirit of what we're asking for is, you know, to the extent that's possible the contents of the analyses that go into those analyses, we would like those to be, you know, as complete as possible when the Council is asked to make its final preferred alternative. And okay, thanks.

Pete Hassemer [00:37:12] I see a head nod. No response necessary. Further discussion on the item? I don't see any hands here, so I am going to call for the question on the motion as amended. All those in favor signify by saying 'aye'.

Council [00:37:29] Aye.

Pete Hassemer [00:37:29] Opposed? Abstentions? Motion passes unanimously. So, before I ask Kit if we've completed work on this, I'm going to gingerly ask if there is further comment or discussion on this agenda item? Dr. Braby.

Caren Braby [00:37:53] I'd just like to add one final comment from me, which is that I support this motion. I think this is a good step forward. It doesn't have an identified PPA. That said, we've talked a lot about individual accountability and so I want to communicate to the Council that from where I sit right now, 3B with individual accountability is kind of where I'm sitting and, you know, I think that we

as a Council need to wrestle with how we're going to deal with individual accountability in the management measures we put in place, and I just wanted to share that and go on the record on that. So, thank you.

Pete Hassemer [00:38:44] Thank you. Further comments before we complete this agenda item? I don't see any hands. Kit, have we completed our work here?

Kit Dahl [00:38:57] I think you have. I certainly would dare not to say no at this point. You had a very extensive discussion around the importance of accountability and transparency. It sounds like that probably will generate some additional Council discussion and action somewhere down the road outside of this specific action. You've also narrowed the range of alternatives and also the sort of framework there in terms of what level of fishery participation to analyze. So that substantially simplifies the analysis. And you've identified some tasks for the for the HMSMT to complete including analyses that would help the Council understand the implications related to those other statutory mandates, the RIR and RFA standards, recognizing as Mr. Wulff pointed out, that a final determination there has to occur during the rulemaking and thus after the Council takes final action to identify a preferred alternative. And I think you have some more discussion about sort of the timeline here that you'll take up on Tuesday and when it would be feasible for this to come back presumably for final action next year. So, with all of that I think we have our work cut out for us and we'll proceed accordingly and plan to whatever deadline you identify when you do agenda planning in a couple days.

Pete Hassemer [00:41:00] All right. Thank you. Then hearing that our work is complete and looking very quickly and not seeing any hands, further hands, I will gladly turn the gavel back to our Chair and close this agenda item. Thank you.

4. Biennial Harvest Specifications and Management Measures – Preliminary

Brad Pettinger [00:00:00] No public comment, that takes us to Council action, Council... open the floor for discussion, motions. John Ugoretz.

John Ugoretz [00:00:10] Thanks Mr. Vice-Chair. Maybe before, before making a motion on this, just wanted to thank NOAA and NOAA staff, the SSC, the team for all the work they do on this. I think SSC has shown us that what is in front of them is good for moving forward and I'm personally comfortable doing that. Don't know that we need to see this again on another agenda.

Brad Pettinger [00:00:42] Thank you John. Further discussion? Motions? John.

John Ugoretz [00:00:51] I've got a motion if we're ready. It may still be in the ether. No? All right, I'll read it. It's unfortunately technical but... I have to put my glasses on too. I like the big screen. All right. I move to approve the... you got it now. Okay. It'll save us some time by waiting. There we go. I move to approve the MSY-proxies that National Marine Fisheries Service proposed in September, NMFS I.4.a, Supplemental Report 1, for completing status determinations for Eastern Pacific skipjack tuna and North Pacific bluefin tuna as follows: For North Pacific bluefin tuna: 1. SBR 20% for Fmsy and 20% SSBO for Bmsy. For skipjack tuna. 30% SSBO for Bmsy and FB target for Fmsy, where B target is equal to 30% SSBO.

Brad Pettinger [00:02:24] Thank you John. Is the language on the screen accurate?

John Ugoretz [00:02:26] It is. And sorry for not saying standing stock biomass and all that. I'm trying to get through it.

Brad Pettinger [00:02:31] Very good. Certainly appreciated. Okay, second? Seconded by Chair Gorelnik. So please speak to your motion.

John Ugoretz [00:02:38] Thank you. I think as I said, the SSC has reviewed these numbers. They think they're adequate for moving forward. I don't feel like we need additional Council floor time at another meeting to discuss them. Let's get movin'.

Brad Pettinger [00:02:51] Very good. Okay. Discussion on motion? Questions? Corey Niles.

Corey Niles [00:03:00] Thanks Mr. Vice-Chair. Thanks John. I'm in support of the motion, just as the SSC said most of these discussions will happen in the RFMOs and they offered some interesting information to me in there and I'm supportive of the motion knowing that there are, the staff that supports those RFMOs will... are excellent and will bring it forward. But I'm thinking of the optimistic assumption about the steepness of one for bluefin and the ecological trophic value of skipjack so just wanted to highlight I heard those and I do hope that those thoughts will, you know, go to the folks who represent us in the proper forums. Thank you for the motion.

Brad Pettinger [00:03:44] Thank you Corey. Anyone else? Okay seeing no other hands I'll call for the question. All those in favor signify by saying 'aye'.

Council [00:03:55] Aye.

Brad Pettinger [00:03:55] Opposed, no? Abstentions? Okay motion passed unanimously. With that I'll turn to Kit seeing how we're doing here?

Kit Dahl [00:04:15] I think you're doing great. That was a very expeditious dispatch of this agenda item. You have adopted this motion which provides your input to NMFS in terms of the use of these proxies in there developing the thresholds for their status determinations, so I think that is important, an important aspect of Council engagement here. And I guess the other thing, and you can discuss this again under agenda planning and it was touched on by Mr. Ugoretz, that it is... although this is identified as a three-meeting process with the final meeting in March, I think there really is no further business that needs to be completed under this topic. So when you get to Tuesday and you'll see that we have something on the draft agenda for March that you could probably scratch that going forward so...

Brad Pettinger [00:05:27] Fantastic. Thank you, Kit, and well done. With that we'll close out G.4.

H. Groundfish Management

1. National Marine Fisheries Service Report

No transcription for this agenda item.

2. Trawl Catch Share Program and Inter-Sector Allocation Review – Hearing Review

Pete Hassemer [00:00:00] There is no public comment so with that we'll move into Council discussion and action to adopt the 2023 public hearing schedule and locations. I'll look for a hand to kick off any discussion. Jessica Watson.

Jessica Watson [00:00:20] Thank you Mr. Vice-Chair. I just want to say I appreciate the GAP's report and their recommendations and hearing on a hearing schedule. And I also appreciate Council staff coming up with one that we could actually be reviewing today. From the Oregon perspective I'm in support of the GAP's recommendation to have two in-person meetings in Oregon, in Astoria and Newport. And I'd also like to adhere to their recommendation for Council staff to consider the dates of these meetings with regards to the different fishery sectors to increase participation. Thank you.

Pete Hassemer [00:00:59] Thank you. Further discussion? Caroline McKnight.

Caroline McKnight [00:01:05] Thank you Mr. Vice-Chair. Yes, I would like to also support the GAP statement requesting two or more in-person hearings, specifically for Eureka and then the San Luis Obispo, Monterey area. Specific to that, I heard that there was a lot of discussion about trawl participation relative to the selection of Eureka, however I want to emphasize that intersector allocations are also being reviewed as this process and that's a pretty significant, important consideration in the central and southern part of California, so having an in-person hearing in San Luis Obispo or Morro Bay area would be the preference of California to ensure that we have the voices and folks in the right room to provide input.

Pete Hassemer [00:01:57] All right. Thank you. Heather Hall.

Heather Hall [00:02:01] Thank you Vice-Chair. And I also appreciate the GAP's statement very much and the discussion about having good widespread participation at these meetings. As we talked about the alternatives for Washington, Seattle, and/or Westport, one of the things that we talked about was particularly with regard to the idea that a in-person meeting could be in Astoria, was that that could capture a lot of also Washington participation and that would also then allow for an in-person meeting in Seattle where we have a large representation of our fleet. So, Astoria, if it's an option for Oregon, also supports input from the Washington participants. And I think the idea of the Vancouver meeting also allows for that too if that gives some flexibility in terms of in-person meetings.

Pete Hassemer [00:03:12] All right, thank you. Chair Gorelnik.

Marc Gorelnik [00:03:19] Thank you. I've got a question for Council staff. First, let me say I'm sympathetic to more meetings rather than fewer, but I also think that the virtual meeting has some merit as well. So if we increase the number of in-person meetings will that compromise the ability to have the virtual meetings?

Jim Seger [00:03:51] Mr. Vice-Chairman, Mr. Chairman. I don't see that a compromise there in terms of staff time for that. Thank you.

Pete Hassemer [00:03:59] Thank you. All right. Further discussion on this? Jessica Watson.

Jessica Watson [00:04:06] Thank you Mr. Vice Chair. And just to clarify, Dr. Seger for the in-person they would be in-person only not a hybrid approach, correct?

Jim Seger [00:04:17] Mr. Vice-Chair, Miss Watson, that's correct.

Jessica Watson [00:04:19] Thank you.

Pete Hassemer [00:04:22] All right I'll watch for further hands but, Jim, I'm going to look to you and see what you've got here. I do not believe we need to do this through motion unless it's not clear to you. So please.

Jim Seger [00:04:37] Yeah, thank you Mr. Vice-Chairman. Right, what I've got here then based as Council guidance starting north would be to have a hearing in Washington and then Astoria, Newport, Eureka, and then the San Luis Obispo, Monterey area. And also, particularly with respect to the hearings in the northern area where the at-sea fleet is more likely to be present to hold those prior to sometime in April so that they would be in port for those hearings.

Pete Hassemer [00:05:09] Caroline McKnight.

Caroline McKnight [00:05:11] Thank you Mr. Chair. I just want to clarify, Jim, that the preference would be for San Luis Obispo over Monterey.

Jim Seger [00:05:21] Thank you Mr. Vice-Chairman. I had down in San Luis Obispo, Morro Bay area. If I said Monterey, I thought I heard you say the Morro Bay area and I maybe I misspoke there.

Caroline McKnight [00:05:32] Yeah. Okay. Maybe I misheard too, but San Luis Obispo for sure. Okay. Thank you.

Jim Seger [00:05:37] Okay.

Pete Hassemer [00:05:37] All right with that I'll look to Oregon and Washington also. Is that clear? All right. Is there anything further we need to take up on this, Jim?

Jim Seger [00:05:51] I think you're good. Thank you.

Pete Hassemer [00:05:52] All right. With that we will close out this agenda item and I will pass the gavel back to our Chair.

3. Sablefish Gear Switching

Marc Gorelnik [00:00:00] We're on agenda item H.3. We've had our reports and public comment and it's now time for Council action. The noticed agenda item is for a preliminary preferred alternative. I'll turn it over in a minute to Jim and Jessi, but I just want to say that this is a topic that we could probably discuss till midnight or later, and it's my goal to make our time as efficient as possible because our time is valuable. So, and I'll have further comments on that, but let me turn to Jim and Jessi for an overview or a reminder of our overview.

Jim Seger [00:00:42] Thank you Mr. Chairman. Right now, you're looking to make forward progress towards a decision on whether or not and if so how to limit gear switching in the trawl sector. So toward that end, the situation summary outlines a number of actions for you to consider, and Sandra has those projected up here. And these actions would take a significant step in moving that process forward, in particular the selection, particularly important here is the item on selection of a PPA from within the range of alternatives. And just as a reminder, as we mentioned before, selection of a single PPA includes specification of options within that selected PPA. So, if that's done then that sets you up for an FPA at your next meeting. And when it comes to that next meeting and you're selecting the FPA, at that time you could change the suboptions that are within and it probably wouldn't delay the process any towards, you know, finalizing your FPA. And if you get to the final step and you decide you want a different FPA that's different, then select a different action alternative from your PPA or the No-action Alternative, but with respect to an action alternative, if you selected the different one we might need to come back at a later meeting in order to allow us time to do a careful comb-through of the final preferred alternative and make certain that there aren't any implementation challenges. So again, we're looking to move forward to be ready for an FPA to get that PPA specified and all the options within it. That said, you can still make substantial progress without reaching a single PPA at this meeting. For example, currently you have Alternatives 1, 2 and then 3 or 4 together, each of which contain very different mechanisms for addressing the purpose and need and have very different long-term implications. Selecting one of these as a preferred mechanism or as a preferred alternative maybe without getting into the options would for achieving the purpose and need would represent progress, as would setting aside any particular alternative. So, there's some different ways we can make progress here without necessarily getting all the way to the, getting the way to a PPA. So finally, as a reminder, you have Attachment 2 as a reference document that summarizes the alternatives and does provide a list of each of the options within the alternatives that would need to be specified by the time you reach FPA in order to leave this meeting with a full PPA as specified. Thank you Mr. Chairman.

Marc Gorelnik [00:03:37] All right. Let me ask if there are any questions on process before us? Okay I'm not seeing any hands. So typically, when we have an agenda item we have Council discussion. You know we tend to encourage a fair amount of discussion before we get to motions, but this is a topic that's been before the Council a number of times and we had a fair amount of discussion with the public when we had it the other day. So, I think I want to invite discussion here but I don't want to discourage motions because oftentimes as we say, nothing focuses the discussion like a motion. So, I'll look around for some hands and see where we go. Vice-Chair Hassemer.

Pete Hassemer [00:04:31] Thank you Chair Gorelnik. I would like to offer a motion for the Council's consideration.

Marc Gorelnik [00:04:38] All right, please go ahead. I don't know if you've sent it, or you want to dictate it.

Pete Hassemer [00:04:44] Well, there it is.

Marc Gorelnik [00:04:45] How about that. Magic. Thanks Sandra.

Pete Hassemer [00:04:49] I move the Council remove Alternatives 2 and 4 from further consideration as it moves forward to define a preliminary preferred alternative regarding sablefish gear switching.

Marc Gorelnik [00:05:03] All right. And it appears the language on the screen is accurate and complete?

Pete Hassemer [00:05:07] Yes.

Marc Gorelnik [00:05:08] And I'll look for a second. Seconded by Jessica Watson. Please speak to your motion.

Pete Hassemer [00:05:13] Thank you very much. I could take a lot of time to laud the efforts of everyone involved in this process on this long road, but the intent of this is to streamline our advancement of this today so I will set aside the recognition of everyone's efforts for a later time but note it is their efforts are recognized and appreciated. I do want to thank Jessi and Dr. Seger for the tremendous amount of work they did on the analysis we have available to us and continuing support they provide. That helped me and I believe it helped others to refocus on the issue and determine how to efficiently move forward. At this meeting the message was clear that we can move forward without considering Alternatives 2 and 4. NMFS stated in their Report 1 that Alternative 2 would have the highest burden to initially implement and routinely administer, appears to require the most complex and annually recurring tasks beyond initial implementation, and several aspects of that alternative that appear to require Council clarification. The GMT responded to statements in the NMFS report by stating that the Council could consider removing this alternative from further consideration. The GMT also described concerns with Alternative 4 and recommended not including it for further consideration. At this meeting in the GAP report, as has occurred at previous meetings, we heard separate reports from the fixed gear and trawl sectors as they could not reach consensus, a consensus position. However, the GAP did reach consensus that Alternatives 2 and 4 should be removed from the list alternatives under consideration, and specifically they be listed as considered but rejected alternatives. Several commenters during our public comment period stated that Alternatives 2 and 4 could be removed from consideration. The intent of this motion is to allow us to incrementally move forward by first removing from our decision-making arena or space alternatives, those being 2 and 4 that lack support and then focus on those alternatives where there is an opportunity and a willingness to work on a solution. Thank you.

Marc Gorelnik [00:07:40] All right, thank you very much. Are there questions for the maker of the motion or discussion on the motion? Marci Yaremko.

Marci Yaremko [00:07:52] Thank you Mr. Chair. Thank you Mr. Hassemer. I'm wondering why you felt it necessary to include the phrase, "as it moves forward to define a preliminary preferred alternative"? What was the rationale for that phrase when you could have simply said remove from further consideration, period.

Pete Hassemer [00:08:25] Thank you for the question. I'm going to scroll back up and look at that. As I understand it that was our charge today to attempt to get towards a preliminary preferred alternative and it's really phrased in the context of our deliberations that it simply is removed from further consideration. And, you know, I would reference the GAP statement that we considered this, but it was rejected. So however we move forward, that's removed. I don't know if that helps there.

Marc Gorelnik [00:09:15] Further questions? Discussion? Marci Yaremko.

Marci Yaremko [00:09:23] I guess I appreciate your response there Pete, but maybe I should ask would you accept an amendment that struck the second part of that sentence to say to place the period after the word consideration?

Marc Gorelnik [00:09:49] Let me just say there's no friendly amendment so if you want to bring an amendment.

Marci Yaremko [00:09:53] Okay. Thank you. With that I would offer an amendment to strike the second half of the sentence so that the remaining phrase is, "I move the Council remove Alternatives 2 and 4 from further consideration". Period. Thank you.

Marc Gorelnik [00:10:15] All right. So, I think that Sandra has accurately captured that your suggested change. Let me see if there's a second? Seconded by Christa Svensson. Please speak to your motion to amend as necessary.

Marci Yaremko [00:10:32] Yeah, thank you. I just have some concerns with the implications of for were to defining the PPA.

Marc Gorelnik [00:10:43] All right. Thank you. Any questions for the maker of the motion or discussion? Christa Svensson.

Christa Svensson [00:10:49] Yeah, thank you Mr. Chair. I will speak at the amendment, but it also applies to the motion which I'll be supporting. This is one of the few areas that I've seen agreement on for both trawl that are in favor of some limit of gear switching and those that are in favor of no-action. We heard that in the GAP statement under fixed gear for removing Alternative 2 and 4 and I think taking out the preliminary preferred alternative would be beneficial in keeping that language neutral, but even if everybody else doesn't agree it's still worth moving forward.

Marc Gorelnik [00:11:34] Further discussion? Virgil Moore.

Virgil Moore [00:11:39] Mr. Chairman, I guess I'll speak against the motion. I actually believe the original motion describes what we're trying to do very well. If we're not working toward a preferred alternative either now or in the future, then what are we doing? And I think there's some wisdom in the wording that's there, so I'll vote against the motion. Thank you.

Marc Gorelnik [00:12:00] All right. Any further discussion? All right, we'll take.....Maggie Sommer.

Maggie Sommer [00:12:08] Thank you Chair. Given Mr. Moore's comments, I just wanted to say that it's my interpretation of this that it has no substantive impact on what we're doing today. We will see how further motions play out, what action the Council takes. I'll support the motion and I don't, I am not, because I am not taking it as either limiting our action or indicating that we are not intending to pursue a PPA, I think that would be a preliminary interpretation of this amendment at this point.

Marc Gorelnik [00:12:45] All right. I'm not seeing any other hands we'll vote on the amendment. All those in favor say 'aye'.

Council [00:12:50] Aye.

Marc Gorelnik [00:12:50] Opposed, no?

Council [00:12:55] Aye. No.

Marc Gorelnik [00:12:55] Roll call.

Brad Pettinger [00:13:00] Opposed aye.....(laughter)....

Merrick Burden [00:13:00] Okay, Mr. Chairman I will be taking the role. Referring to the role on what I will refer to as the amendment to Mr. Hassemer's main motion on Agenda Item H.3. Hopefully, that sufficiently describes what it is we're being asked to do here. Let's see. Corey Niles.

Corey Niles [00:13:48] Yes.

Merrick Burden [00:13:50] Christa Svensson.

Christa Svensson [00:13:52] Yes.

Merrick Burden [00:13:54] Joe Oatman.

Marc Gorelnik [00:14:02] Joe, you're muted.

Merrick Burden [00:14:11] But I come back to Joe. Brad Pettinger.

Brad Pettinger [00:14:16] No.

Merrick Burden [00:14:16] Virgil Moore.

Virgil Moore [00:14:20] No.

Merrick Burden [00:14:23] Maggie Sommer.

Maggie Sommer [00:14:24] Yes.

Merrick Burden [00:14:27] Robert Dooley.

Bob Dooley [00:14:29] No.

Merrick Burden [00:14:31] Butch Smith.

Butch Smith [00:14:33] No.

Merrick Burden [00:14:35] Phil Anderson.

Phil Anderson [00:14:37] No.

Merrick Burden [00:14:39] Corey Ridings.

Corey Ridings [00:14:41] Yes.

Merrick Burden [00:14:43] Marci Yaremko.

Marci Yaremko [00:14:45] Yes.

Merrick Burden [00:14:48] Pete Hassemer.

Pete Hassemer [00:14:49] No.

Merrick Burden [00:14:52] Jessica Watson.

Jessica Watson [00:14:53] Yes.

Merrick Burden [00:15:00] And Mr. Chairman you are the tiebreaker.

Marc Gorelnik [00:15:03] Chair votes yes.

Merrick Burden [00:15:06] And the amendment passes.

Brad Pettinger [00:15:11] Did you get back to Joe? He unmuted himself.

Merrick Burden [00:15:12] I'm sorry.

Marc Gorelnik [00:15:16] All right so.

Merrick Burden [00:15:18] I neglected to call Joe. Joe Oatman.

Joe Oatman [00:15:22] No.

Merrick Burden [00:15:30] So we have a tie vote which means it does not pass.

Marc Gorelnik [00:15:34] All right. We're back to the motion unamended. Let me see if there's any further discussion. I'm not seeing.....oh, Marci Yaremko.

Marci Yaremko [00:15:46] Thank you Mr. Chair. I will be voting no on the main motion as the amendment failed. I would have supported it if it simply indicated that we were removing these alternatives for further consideration, but the implication that the work will move forward to define a PPA I'm uncomfortable supporting that. Thank you.

Marc Gorelnik [00:16:14] All right. Any other hands? Jessica Watson.

Jessica Watson [00:16:18] Yeah, I would just like to speak that I'm currently in support even though my vote, because I do not find that this additional language is putting a timeline on this, I think that this is the action that we're here is to, in this process move towards a preferred, a preliminary preferred alternative. So, I will be supporting this.

Marc Gorelnik [00:16:43] All right. I don't see any other hands. So....oh, Corey Niles.

Corey Niles [00:16:48] Yeah, thanks Mr. Chair. This was a pretty disappointing way to start out with this. It has no legal effect so that's why I voted yes but, yeah, disappointing, but I'll support the motion. Thank you Pete.

Marc Gorelnik [00:17:00] All right, I'll look carefully to see if there are any other hands. All right. All those in favor say 'aye'.

Council [00:17:07] Aye.

Marc Gorelnik [00:17:09] Opposed, no?

Marci Yaremko [00:17:11] No.

Marc Gorelnik [00:17:12] Marci Yaremko votes no. The motion passes. Thank you, Pete, for the motion. So, we'll look now for further progress on this agenda item. Corey Ridings.

Corey Ridings [00:17:32] Thank you Mr. Chair. I have a motion.

Marc Gorelnik [00:17:36] Please go forward.

Corey Ridings [00:17:38] All right. Sandra, I think I sent it to you. It's pretty short.

Marc Gorelnik [00:17:45] Sandra's going to be very busy on this agenda item. All right. Please go ahead.

Corey Ridings [00:17:56] I move to select the No-action Alternative as the preliminary preferred alternative.

Marc Gorelnik [00:18:02] And the language on the screen is accurate and complete?

Corey Ridings [00:18:04] It is.

Marc Gorelnik [00:18:05] And I'll look for a second. Seconded by Christa Svensson. Please speak to your motion.

Corey Ridings [00:18:11] Thanks Mr. Chair. Fundamentally I feel that we do not have enough information to know if the costs of this action alternatives outweigh the benefits. This is not because the available analysis isn't thorough or thoughtful. Jessi, Jim and others have done an amazing job providing information to the Council. And is that the issue of trawl IFQ program underattainment is a complex, complicated, multi-faceted problem that goes beyond gear switching and much of what this Council has control over. We have heard about market conditions, quota share control limits, hiring practices, product marketing, community housing, armchair fishermen and quota owners, original trawl versus fixed allocation, inflation, USDA programs, fuel prices, year-round processing, new entrants and more. Despite all of these related issues that impact the trawl IFQ program and the groundfish fishery, we've heard that possibly forcing the price of quota lower and possibly providing some processors with more certainty is going to improve underattainment as well as improve on these other issues. We heard many things under public comment that I agree with about the need for processing to increase its ability to operate better in service of a stronger West Coast groundfish fisheries and trawl in particular. Some of those mentions about such as year-round operations, more employment in coastal communities generally, and the need for sablefish glue to support smaller fisheries, yet there is no strong evidence that limiting gear switching will accomplish any of that, or that even if it did that the benefits from this would translate into benefits for fishermen and supporting communities. The GMT notes in their report that there is still a large amount of uncertainty as to how the changes implemented under this action could impact the future of the IFQ fishery. There is evidence, as we've heard from public comment, that this is possible and maybe likely, but that probability is not high enough to impose the known costs. Any of the action alternatives I believe would impose complexity, cost and management burden into the IFQ program. As outlined in the NMFS reports under this agenda item, these are likely not small and add to a program that we've heard from the public is already expensive, complex and has grown almost into its own micro-economy of ancillary businesses from quota traders, banking and

observing. Because of this it may preclude other IFQ program and groundfish initiatives from being completed or supported by NMFS staff. And this comes at a real cost for other groundfish items and priorities and may not even be possible unless cuts to other groundfish programs are made, and that is even after the 3 percent cost recovery cap is reached. It also takes away from the larger discussion and work that could look at other reasons and solutions for underattainment. It feels like we're going backwards here. Instead of adding cost to the program, we should be removing them to the benefit of all fishermen in the program. The action alternatives are more restrictive, and I believe would preclude future adaptations to environmental, economic, and social change. I agree with public testimony that flexibility means different things to different people, but any of the action alternatives at face value are by definition limiting options for all fishermen, trawlers, gear switchers and fixed gear alike. While some financial flexibility may benefit those with interest in lower quota prices, that directly means less financial flexibility for those who have interests in higher quota prices, pardon me. And flexibility means more than just how much one pays or earns from a quota transaction, it also means the ability for fishing to operate differently in the face of change, whether that is climate change or other environmental change, social change and social shocks such as COVID, or how people relate to fishing and fish, or economic changes such as market changes, cultural preferences around seafood, and how people relate to fisheries. As part of the scenario planning exercise the Council conducted under the Climate and Communities FEP Initiative, maintaining and building that flexibility was a bottom line message. The GMT noted in their statement that they are generally supportive of alternatives and options that promote management flexibility and are the least restrictive and that participants in all groundfish fisheries have expressed the need for management flexibility as climate change impacts fish stocks and marine resources in the future. Any of the action alternatives will result in financial loss for those that have invested in gear switching. We have heard from the public that there are fishermen who have made investments in the ability to gear switch says millions of dollars of investments and entire businesses. We heard one estimate from the public of 50 million. Gear switching was not a mistake. It was built into the program to provide flexibility and options if a certain set of circumstances were to arise. People, fishermen, and quota owners of all types then made financial and business decisions accordingly. Today, the original set of circumstances that led to that decision haven't fully materialized and there are people who want to change it to their benefit. But it was not a bug, it was a feature, and it was a feature of a market-based program. Even if one part of the program isn't working exactly as some thought it would under today's circumstances, it is working in accordance with the rules of the program and market conditions. It is also, best we can tell from the broad range of evidence and public testimony, not that far off-base. The margins seem thin. We heard from public testimony that gear switching is likely to self-correct, and while I believe that the price of sable quota is definitely influenced by gear switching and the ability to gear switch, we see sable left on the market at a variety of prices and at a variety of times. Similarly, with other co-occurring species that sable is possibly limiting. Fundamentally, there are fish in the water and there is quota on the table. Whatever influence gear switching and the ability to gear switch is having, it is not major, that is, not major enough to justify removing it from the program. It is also not clear that ten years from now circumstances will not change again, and those original conditions and vision do materializing benefiting those who are here asking for change today. Fundamentally, the Council decided when it built this program to hand over much control to the market. There were many reasons this was done and many of those reasons have been justified by successes of the program, including safety at sea and conservation. But markets do what markets do, that is, conditions change and the market changes accordingly. The current downside that we are hearing from participants and processors seems not only difficult to directly tie with certainty and with strength to gear switching, which together create a weak link but does not justify the harm done to other participants. All of the action alternatives are effectively a reallocation of fishing privileges and do not pass the National Standard 4 test of being fair and equitable. From the little we know the total benefits to all participants likely do not outweigh the hardships imposed on those who will likely lose. The GMT report notes that for any action the Council takes there should be strong rationale indicating why potential cost to some user groups would be outweighed by uncertain benefits.

I cannot find a strong rationale that the costs are worth the benefits, which are only not uncertain but seemingly unlikely. Fundamentally, I do not think this Council can manage the quota better than industry members can in a market-based program. Thanks.

Marc Gorelnik [00:25:50] All right. Thank you very much Corey. Are there questions for Corey or discussion on the motion? Christa Svensson.

Christa Svensson [00:25:58] Thank you Mr. Chair. I don't have a question, but I do have comments. And I will say that I was actually prepared to speak to this before any motion, so I guess I'll get started. I think most of you know that I am in favor of no-action. That shouldn't come as a surprise considering my reaction in June and I continue to support the fixed gear and many shoreside bottom trawlers concerns that they've advocated in terms of having no-action. I also supported their recommendation for the removal of Option 2 and Option 4 from the range of alternatives and for no preliminary preferred action unless it was no-action, which is why I voted yes on the previous motion even though I voted in favor of the amendment. To be clear, I'm not in favor of the potential for more than the average of the pre-control date of Northern sablefish being harvested with fixed gear, but I've also seen nothing in any historical or recent analytical documents to indicate that this would happen and that's particularly because 88 percent of this asset is currently owned and managed by trawlers. My primary concern continues to center on the economic impacts of the alternatives, and as I succinctly put it in September of 2021, who is the Council trying to help? The Council is focused on how to manage a range of scenarios that would reduce or curtail fixed gear operations so that trawl has access. Unfortunately, from my perspective that does not provide clarity on who we will be impacting should this decision be anything other than no-action. As we heard clearly in public testimony, processors are concerned about whiting vessels not having access to sablefish. Whiting vessels can afford to pay more for sablefish than shoreside bottom trawlers, and whiting vessels did not release their sablefish holdings as early this year as they have in previous years, which has further constrained shoreside bottom trawl. These same issues are what were identified when the fixed gear community was maligned in this agenda item. Unfortunately, it also means the simple answer of we're helping trawlers is insufficient rationale for moving forward. Which trawlers? Personally, I'm in favor of prioritizing shoreside bottom trawlers who are the most vulnerable to price. They have substantially fewer choices in moving to other fisheries, and they're desperately needed if we're going to move to a 12 month a year, year-round landing that the processors and all segments of the trawl fishery have been advocating for. And I recognize that others may think that other user groups should be prioritized, and that's okay, but I think we need to have the conversation about who this is. And the reality is that in the way this action is currently structured, we can't help both mid-water whiting and rockfish trawlers and shoreside bottom trawlers. As I noted above, sablefish North is held in 88 percent by trawlers, therefore it follows that any significant shift is going to move from one part of the trawl industry to another, and logic would suggest that that shift would be towards the people with the greatest ability to pay. So, the Council does need to prioritize which user group or user groups they're going to support moving forward, otherwise no amount of analysis will help the Council make a meaningful decision and no number of KPIs are going to be able to measure if this action is going to help anyone. I'll also note that sablefish is not the only constraining species for the trawl fishery. Petrale has been and continues to be a constraining species between shoreside bottom trawl and the mid-water trawl fleet. Similarly, various rockfish species such as darkblotch have also been constraining in the past. These species have nothing to do with maintaining the integrity of the trawl versus fixed gear fleets but do highlight that this isn't specific to sablefish and that West Coast groundfish full utilization is unlikely to be attained by any of the proposed actions, including status quo based upon the actions that we've contemplated thus far. Essentially from my perspective this agenda item is treating a symptom. We're focused on sablefish. It is not resolving the initial root cause. And finally, I'm going to speak to the economic piece as I perceive it in this agenda item. I'm unsure how anyone can be comfortable picking a preliminary preferred alternative unless it's no-action because we have no idea how any of the alternatives are going to impact our fleets and

communities as Miss Riding spoke to earlier. This has been a major theme in all of my interventions since 2019 and I've heard repeatedly, as we heard in testimony this week, fishermen asking for numbers to see how this would help or hurt them, that there is a probable loss in asset value of 50 million dollars, and under that scenario the trawl fleet stands to lose in the neighborhood of 44 million based upon their ownership of assets alone. This is in addition to the reduction in value of their fish landings. There was some discussion that Jim and Jessi should adjust their pricing looking at dover based upon increased landings if the analysis moves forward, and I thought that was interesting and highly relevant. The hypothesis in testimony was that increased landings would decrease the price based upon increased volumes. I agree that's likely and it's consistent with general market pricing, but I think that that price point is likely to be even lower based upon how much fish would need to go into the frozen market. And we've heard testimony that processors are interested in developing frozen markets, which I encourage. However, frozen prices are traditionally one half to one third the price of fresh for fishing vessels, and in some cases depending on market conditions and species, it can be as much as 80 percent lower. So, when we're looking at PacFIN or other public sources for analysis and we're looking at the historic averages of the past, I don't think that that's going to be relevant looking at the future. And in fairness to processors, the market for fresh versus frozen is equally stratified when they sell it. And furthermore, it takes on average at least 1 to 3 days to get to market, so if you can process say 30,000 pounds and a boat brings in 90,000 pounds, you really only can cut that first days 30,000 pounds for the fresh market, everything else would need to go to frozen just to be able to keep the integrity of the product for the consumer. So, when you start thinking about that I find it concerning. I find it concerning that I've seen a recent pricing sheet that does limit the amount of dover. The pricing was significantly different than half the cost. And I will also say that if we were to use the average from PacFIN at 40 cents, at 20 cents, if that really were the price, will fishermen be able to pay for fuel, for crew, and for any other expenses that may occur? Or will they just avoid it? Currently most of the trawlers that I've spoken to that are willing to talk about it are making that decision to avoid going over and fishing on basically freezer-priced fish. So, I think we may be looking at further attrition in the shoreside bottom trawl sector depending on how we move forward. And I think that we really need to think about the dream of maximum yield through the reduction of gear switching, if that is reality based versus what could be potentially a pretty big nightmare if this turns into a freezer fishery that people cannot afford to go out and actually prosecute.

Marc Gorelnik [00:35:23] All right, thank you Christa. Further discussion, comments on the motion? Marci Yaremko.

Marci Yaremko [00:00:00] Thank you Mr. Chair. I'll be supporting the motion consistent with previous discussion and action on this topic. I just want to acknowledge the fixed gear sector of the GAP and their report. I appreciate the history lesson that they brought to us and recognizing that gear switching was provided and intended in the Council's motion when establishing the trawl quota program under Amendment 20. Trawl rationalization allows limited entry trawl permit holders to switch from trawl to fixed gears to fish their quota, which in turn would reduce trawl impacts and also allows non-trawl vessels to harvest the allocation to the trawl sector if they acquire a trawl permit and IFQ. That didn't come with any caveats about how much gear switching could occur or by whom. And with years of program development for Amendment 20 and thousands of pages of NEPA documentation and regulatory documentation by adept NMFS and Council staffers, nothing described a need or an intent to limit gear switching. There's increasing evidence that fixed gear is not impeding trawl. We heard a number of comments on that point in public testimony. I think I heard more testimony this week that, in fact, whiting interests that need to hold their quota share potentially pose more concern than those with fixed gear. I also want to recognize and appreciate Christa's point about who are we trying to help here with the action at hand? I recall, I don't know, maybe a year ago when we sent staff back to kind of reframe or repackage the work of the SaMTAAC into maybe a different format to move things forward. And they went and did some analysis about the amount of gear switching that had occurred in

recent years and I believe they came up with an average of 29 percent, which was the average amount of annual gear switching. I always asked, I never heard an answer, but if the goal is to limit gear switching by this action, why is there not an alternative that does that in the quickest and cheapest way, which is to track the fishery inseason when it hits that 29 percent limit, close the fishery. No endorsements, no reissuing of shares or pounds as trawl only or all gear and it's not needing to decide who's in and who's out. There's no IFQ program within an IFQ program. No appeals on determinations of who's in and who's out. So, I've just never understood why if the goal is of this action was what it says it is, why that basic, simple alternative wasn't included in the development of the range of alternatives. I want to thank NMFS for the cost report because it does outline how costly moving to an ownership system is expected to be. Now we're hearing a little different, I think, line of support that would cap gear switching at a percentage instead of 29 percent, at something like 6.5 or 11 or 12 percent. I just, I'm kind of wondering why we've moved off the 29 percent? Northern sablefish quotas going up considerably in 2023 and if the purpose and need for this action is what it says it is, why doesn't this extra poundage solve the concern that quota isn't available? Thinking about California I realize there are differing views in California and we've heard support pro and con on this topic from members of our fishery in California, but looking at the recent catch history in the IQ sector, as we moved south into the area from 40 10 South, there is just an increasing trend, significantly increasing trend of IFQ participation being from fixed gear, and I believe that the more we constrain the ability for fixed gear vessels to operate, the likelihood of the fleet further constricting further to the north and moving more overall quota participation, IQ participation and businesses out of central California is certainly not something that I want to see happen. Looking at that catch history and the increasing trend towards gear switching, I can only expect that any cap on gear switching activity is likely to be bad for the majority of California. So, with that I'll be voting no, or I'm sorry I'll be supporting the motion.

Marc Gorelnik [00:06:13] All right. Thank you Marci. Any further discussion on this motion? Corey Niles.

Corey Niles [00:06:21] Yeah, thanks Mr. Chair. I'll try to be concise and I spoke to this I believe last time we had this vote. I think all three of the colleagues that just spoke have some very good concerns and considerations. It's I think a lot of questions are left open. I do have very serious concerns about certainly these ideas and their consistency with the national standards, but I think that we still have analysis coming that are going to help us with that and cannot support no-action at this time but, you know, those people who are arguing for no-action again have very legitimate arguments. I don't know if folks know, I found out recently that about a month ago on the East Coast Mid-Atlantic Council, an allocation decision, Amendment 22 to their mackerel, squid, and butterfish fishery management plan, NMFS determined that was not consistent with National Standard 4, National Standard 5, National Standard 6 and National Standard 7. I see those same concerns here and like with the line of reasoning that Marci said, but I still think it's open. There's more to be done and again, respecting the arguments for no-action and keeping an open mind for no-action, we continue to look at a more of a freeze the footprint approach and so I will not be supporting the motion today.

Marc Gorelnik [00:07:52] All right. Phil Anderson.

Phil Anderson [00:07:55] Thanks Mr. Chair. I'll keep it short. I really respect the viewpoints that were put forward with this motion, particularly Corey Ridings remarks. There's a lot of stuff in there I agree with. The bottom line for me is I'm not prepared to support any of the alternatives as a preliminary preferred alternative. That's where I am and I just don't have enough information yet to fully understand what the impacts of the various alternatives that are on the table is going to be. But so, I promised I'd keep it short, which means I'm not prepared to support any of these alternatives today as a preliminary preferred and that's the reason I'll be voting no. Thanks.

Marc Gorelnik [00:09:01] All right, thank you. I'm not seeing any other...oh, now I do. Hi Jessica. Go ahead.

Jessica Watson [00:09:09] Thanks Mr. Chair. I'm going to keep it even more concise. I support the comments that were just made by Mr. Niles and Mr. Anderson, and though not currently in support of this motion, am not discounting all of the comments that have been made.

Marc Gorelnik [00:09:28] All right, thank you. All right we'll take a vote. All those in favor say 'aye'.

Council [00:09:37] Aye.

Marc Gorelnik [00:09:37] Opposed, no?

Council [00:09:41] No.

Marc Gorelnik [00:09:42] Mr. Burden, would you please take the roll?

Merrick Burden [00:10:03] Thank you Mr. Chairman. I will take the role of the motion on Agenda Item H.3 introduced by Miss Corey Ridings. Jessica Watson.

Jessica Watson [00:10:14] No.

Merrick Burden [00:10:16] Virgil Moore.

Virgil Moore [00:10:19] Aye.

Merrick Burden [00:10:22] Butch Smith.

Butch Smith [00:10:23] No.

Merrick Burden [00:10:25] Corey Ridings.

Corey Ridings [00:10:28] Yes.

Merrick Burden [00:10:30] Marci Yaremko.

Marci Yaremko [00:10:31] Yes.

Merrick Burden [00:10:33] Joe Oatman.

Joe Oatman [00:10:36] No.

Merrick Burden [00:10:38] Christa Svensson.

Christa Svensson [00:10:40] Aye.

Merrick Burden [00:10:42] Phil Anderson.

Phil Anderson [00:10:44] No.

Merrick Burden [00:10:47] Pete Hassemer.

Pete Hassemer [00:10:48] No.

Merrick Burden [00:10:51] Corey Niles.

Corey Niles [00:10:53] No.

Merrick Burden [00:10:56] Brad Pettinger.

Brad Pettinger [00:10:57] No.

Merrick Burden [00:11:00] Robert Dooley.

Bob Dooley [00:11:02] No.

Merrick Burden [00:11:05] Maggie Sommer.

Maggie Sommer [00:11:06] No.

Merrick Burden [00:11:15] And Mr. Chairman there are four 'yes' votes and nine 'no' votes and the motion fails.

Marc Gorelnik [00:11:21] All right. Nonetheless, thank you for the motion. So, I guess we can have some further discussion. I am getting a sense that maybe we're not prepared to approve a preliminary preferred alternative at this meeting, and if that sense is correct then maybe we can focus our efforts on refining what we would like to move forward for further analysis but I'm not prejudicing anyone's ability to bring a motion if they want to vote on a PPA. So, let's see if we have any hands to keep us moving here. Corey Niles.

Corey Niles [00:12:08] Thanks Mr. Chair. Not to preclude others wishing to make a PPA. I do not, we do not support a PPA at this time. I do have some I would call them tweaks. Others might disagree to Alternative 1 that I'd like to put forward, but we'll leave it up to you how you want to sequence it.

Marc Gorelnik [00:12:29] Well, I think that if you want to propose a change to Alternative 1 the best, most productive thing to do is to put forward a motion and then we can have a discussion.

Corey Niles [00:12:40] Yeah, thanks Mr. Chair. I believe Sandra or Kris should have motion number 1 please. With your permission Mr. Chair, I'm ready to read it.

Marc Gorelnik [00:13:06] Please.

Corey Niles [00:13:09] And I forgot the magic language at the top. Sorry Sandra could you add a I move that the Council.....and I have some headings here for context but, you know, consideration for first receivers for the gear switching participation criteria. Add a first receiver that owns sablefish North quota share and purchased a minimum of 30,000 pounds of sablefish North from fixed, sorry can you fix that, that a fixed gear vessels... thank you. In at least three years, you know, in parentheses, subject to the control date. For non-gear switching participation Option 2. A first receiver that owns sablefish North quota share in 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 quota share conversion to gear specific quota shares are conducted. Excuse me, participation criteria, individual versus collective and cooperatives. Change the participation criteria for use in quota share conversion procedure, which is page 14 of Attachment 3 to read "have owned Northern sablefish quota share as of

September 15, 2017 and for some criteria have used a vessel or vessels under their ownership or have been part of a quota share of a QCA 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 registered cooperative that transfer their sablefish quota pounds to gear switching vessels owned by members of the cooperative. Continue to explore the consequences of the individual versus collective approach. Quota share transfers and the control dates create exemptions from control, from the control dates, regather the please before control date. Thank you. For transfers of quota share between accounts that resulted because of changes to accounts that are administrative in nature or result from business reorganizations for transfers to family members, including the 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 quota share. And lastly, 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 quota share as any gear quota. Those that only meet the Option 1 criteria keep 50 percent of their quota share as any gear quota.

Marc Gorelnik [00:16:39] All right. For purposes of clarification this relates to Alternative 1?

Corey Niles [00:16:46] Correct.

Marc Gorelnik [00:16:48] Okay. And is the language on the screen accurate and complete?

Corey Niles [00:16:51] It is. I believe so.

Marc Gorelnik [00:16:54] All right. I will look for a second. Seconded by Christa Svensson. Please speak to your motion.

Corey Niles [00:17:03] Okay thanks Mr. Chair. I'll try to be brief and happy to answer questions. That consideration for first receivers that came from our public comments from Oceanbeat Consulting and then supported by the GAP. The rationale there is, you know, a first receiver, you know, buyer processor, a.k buyer processor purchase quota share with the idea of enticing boats to it's, to a business where they specialize in purchasing fixed gear sablefish, you know, that fits with the rationale, overall rationale of Alternative 1 to recognize people who acquired quota share with, with the, you know, invested in it with the intent to use their business that's oriented to fixed gear sablefish. The second part there was not in the GAP statement or, you know, GAP did not support Alternative 1 at all, but it seems fair to include the bottom trawl processors in that option where the remaining any gear quota goes to those who are actively participating in the bottom trawl fishery in the last two years of the fishery, I mean excuse me, the prior...the two years previous to this going into effect. I don't know if there are... I think most operations do have vessels and would qualify anyway, but this is new people could always enter, so again it was just out of fairness to include with the intent of putting the any gear quota into the folks that are actively participating, that seemed fair and consistent. The next section, this is one that I worked on with Dr. Seger to align what was the original understanding of intent of the approach with some of the issues that have arose, arisen, been raised by staff in the individual versus collective. I don't know that I can give you a scenario that would be simply digestible at this point, but for example, this would address part of the concerns for the individual approach, but really to fall back to the collective approach for most people. For example, if a company that had a vessel account split up before the control date and the owner with the vessel account left, that would not disqualify the rest of the owners, especially if the vessel count didn't even, if the vessel count didn't even take quota share with them that would, that seemed unfair, this addresses it, but the, you know, as the last bullet there gets at, I think per the GAP recommendation, encourage staff to continue to look at those who might be unfairly treated by the, this approach and look at the individual approach as well. The middle bullet that came also from

Oceanbeat Consulting, public comment and supported by the GAP. You know there are some questions about how this would be implemented. Again, this is very consistent with recognizing people's business arrangements that were, you know, investments and quota share with the intent of using with fixed gear. The issue that was brought up at this meeting was that the NMFS ownership data doesn't capture this type of arrangement where people would have put their quota share into a pool and been used by not their vessel that they owned, but someone that it was in the cooperative. Leaving this would rely on, I've heard enough from folks in the fishery and others with expertise could speak up here to how that, how cooperatives work, but it seems traceable, verifiable and analyzable by staff. I think there's very few, if not even just maybe one of these situations. We had one in Washington early on in the program, which was a bright spot for us in terms of attracting IFQ fish to the State. Unfortunately, it didn't continue but those people still have, may still have the quota share in which they acquired to try to make a go of this cooperative. And then this next one in conversations with staff... I think this was in looking at the data, there are situations where people have or might move quota share from one account to another just for, you know, legitimate business reasons, administrative reasons. People may want to want to transfer the quota, quota share, you know, to a family member and those don't seem, those reasons would be consistent with why we have a control date, and it would not undermine our control date. And again, as has here this of course staff has the leeway to, you know, look at that and see if there are other situations that fit that, look at the language, et cetera. Lastly, and this one is one it came and it did not come from the fixed gear GAP folks, and listening to public testimony I was hearing there's a trade-off here in this Alternative 1 where there's 29 percent any gear quota. It goes, the question is it goes to the people who meet the gear switching qualification criteria and the remainder goes to other people. We're trying to respect investments and there are folks, you know, there seems to be more support or consensus that the people who fished for three years and 30,000 pounds each year do demonstrate investment. There are people in the Option 1, which is any landing, but also made very reasonable business decisions and investing and so this would be a middle ground option where those people who may have not fished for the three years would not get to keep 100 percent of their any gear quota, but just half of it, and the attempt there is, again, just to have one more option to look at. And I think I'll end there and look for questions. And again, the intent here is these are to keep Alternative 1, the structure in place, you know, add a couple of... I'm... was almost thinking of exemptions to folks that weren't, aren't captured by the letter of the alternative as it is now but in keeping with the overall intent. Thank you Mr. Chair, I'll stop there.

Marc Gorelnik [00:23:26] All right, thank you very much Corey. Are there questions for Corey on the motion or discussion on the motion? Jessica Watson.

Jessica Watson [00:23:38] Thank you Mr. Chair. Thank you, Mr. Niles, for this motion. Just a clarification. It seems like these are additions to the motion and therefore you're not removing any suboptions that are currently in Alt. 1.

Corey Niles [00:23:55] Correct.

Jessica Watson [00:23:57] Thank you.

Marc Gorelnik [00:24:03] Maggie Sommer.

Maggie Sommer [00:24:04] Thank you Chair. Thank you, Corey, for the motion. Appreciate the intent to be responsive to some issues raised in public comment as well as some you have discovered through other conversations and other input. There's a lot here. I don't think it would be fruitful to get into detailed questions because of that. I guess I might ask if I could try to do a couple verbal bullet point summary of my understanding of that to make sure I've got it and ask for you to confirm that. This would include first receivers along with harvesters in the participant groups potentially eligible for any

gear quota share. It would include vessels that were part of a co-op. I may have used vessels shorthand there. It would make it so quota share accounts that changed ownership because of the reasons you provide there to count in the eligibility criteria. And it would add an option that would give more any gear quota to participants that meet the... forgotten it... Sandra, if you could scroll toward the bottom all the farther down, the Option 1 criteria, than they would otherwise. Is that a fair, high-level summary of what this would accomplish? And I would appreciate any general corrections.

Marc Gorelnik [00:25:56] Corey.

Corey Niles [00:25:58] Yeah thanks. Since maybe not corrections, but maybe I misheard, but it would on that last point, it would be, it would give more quota, any gear quota to people who did not meet Option 2 but met Option 1. So for example, you know, Option 2 people obviously meet Option 1, but if there were an Option 2 then was chosen Option 1 people would get zero as it is now but under this, this would say, well, there would be an option to let them keep half. And then I didn't quite catch what you... on the very first one if you could scroll up Sandra. And now Jessica's question made me understand I could have explained this more clearly. Those are just additions. So, there is... no one's not replacing any of the gear switching qualifiers and criteria there in addition to, so they're adding processors to the one, to the vessels and the co-ops including the co-op folks potentially in the standard participation criteria. So, no one, not taking away any of the other qualification criteria that would, that affect the vessels. And I guess last thing, maybe it's obvious to everyone, but that language that in the second section, if you could scroll up, Sandra, or whoever is controlling, Kris. And while she's doing that, underlying under that participation criteria section the underlying would be the only new part of the language, and I worked on that with Dr. Seger so it's just adding the underlying part. That language already exists in the alternatives. But yes, I think you've got the general.

Marc Gorelnik [00:27:49] Maggie.

Maggie Sommer [00:27:50] Thank you Chair Gorelnik. Thank you very much Corey. And of course, your motion language speaks for itself, and I appreciate your humoring my attempt to summarize my understanding of it. You know I will say, in general, I am very interested in making sure that the alternatives we will be considering move forward include all of the important parts and are best designed to potentially meet the need and accomplish the purpose and align with the National Standards and all of that good stuff and yet we have a suite of already complex alternatives. This is challenging to absorb today. I know we are all giving a lot of thought to how it might affect the timeline and potential for analysis going forward so I am, those are things I'm thinking about as I weigh my thoughts on this motion. Thanks Corey.

Marc Gorelnik [00:29:13] Merrick Burden.

Merrick Burden [00:29:17] Thank you Mr. Chairman. I felt Maggie look intently at myself and other Council staff in making a few remarks there. So, in response to some of your process concerns, of course we will take up agenda planning and workload considerations tomorrow, but I think it does have some bearing on Mr. Nile's motion. There is quite a bit here and if this were to pass, I think the process that we would be looking at is to come back in April for a discussion of clarification and that we would be looking at June for another consideration of a PPA for workload considerations. That might be what we have to do anyway because we do have quite a few items that are going through a couple of staff officers and so things are, we're looking at a bit of a bottleneck but that's a discussion for tomorrow. For today's purpose I think what we'd be looking at is taking this language if it passes, having the staff consider it in more detail and coming back to you in April for some clarification and things of that nature to make sure that this is all well understood before we head into the June meeting. Hopefully, that addresses some of the process considerations that were on your mind Miss Sommer.

Marc Gorelnik [00:30:41] Maggie.

Maggie Sommer [00:30:43] Thank you Chair Gorelnik. Thank you very much Director Burden. I do have maybe one specific question then on the motion Corey on the.....Sandra, if you could scroll down, that's it, the quota share transfers. Just wanted to express some reservations about how business reorganizations might be defined for this purpose as well as family and the, you know, the family aspect here. Just acknowledge that we think that could pose some potential challenges in specifying and analyzing and implementing. That is just one item here that stood out to me in particular. Again, I don't know that going into any further detail here would be helpful, although if you have any thoughts that might help clarify that or give us a sense of your thinking on that, I would find that helpful, briefly.

Marc Gorelnik [00:31:56] Corey.

Corey Niles [00:00:00] Thank you. And first to answer your question Maggie, yeah, I hope I said I don't know if I did, but I would be looking to you and Council staff to work on this. I believe, I have talked to staff, to Jim and Jessi, to some of your, to you about some of this. On that one, yeah, I know there is administrative reasons why quota share accounts just change numbers, even though it's essentially the same people. So that would be, you wouldn't want to take quota share away from people because of that. But yeah, I would hope along the lines with what Merrick said that this would be, this is the general intent when you come back to us please let us know what the what the real world examples might be. What the implementation challenges would be. So, I would hope I meant to leave it open to your intent. On the other stuff in response to, it's a lot. That last part there, the analysis is, and Jim and Jessi can correct me if I'm wrong, it's just a small tweak on the existing analysis in terms of instead....and Option 1, under Option 1 you just, you already have what they have qualified, you just knock it down to 50 percent and then add it to what you have to Option 2. So that's not a big analysis. And then on the first one on the processors, that is something simple to do with the data set from PacFIN so it's not a big lift from my understanding of talking to Jim and Jessi. And then the part about the clarification on individual versus collective, I think it's meant to help with some of the confusion that, and different issues that they have raised.

Marc Gorelnik [00:01:45] All right, further discussion, questions? I'm not seeing any hands. So, we will vote on this motion. All those in favor say 'aye'.

Council [00:02:02] Aye.

Marc Gorelnik [00:02:02] Opposed, no?

Corey Ridings [00:02:11] No.

Marci Yaremko [00:02:15] Abstain.

Marc Gorelnik [00:02:16] I'm not sure that I captured all of the aye's. It didn't seem like everyone voted. I did hear Corey vote no and Marci Yaremko abstained. For purposes of the recorded vote did everyone, is anyone else, anyone... everyone else is an aye?

Butch Smith [00:02:38] I'm going to abstain.

Marc Gorelnik [00:02:44] Who was that? Oh, Butch Smith abstains. Maggie? An aye.

Merrick Burden [00:02:54] Two abstentions. One no.

Marc Gorelnik [00:02:56] Correct. So that motion passes. So that's a revised Alternative 1. Let's see if there are any other motions for us to consider. Jessica Watson.

Jessica Watson [00:03:27] Thank you Mr. Chair. Sandra, can you please put up my motion? Sorry for not signaling that. I move the 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 pounds or percentage of catch over the endorsements 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, including 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 and use the collective approach for the endorsement qualification and limit options.

Marc Gorelnik [00:04:28] All right is the language accurate and complete?

Jessica Watson [00:04:31] It is.

Marc Gorelnik [00:04:32] I'll look for a second. Seconded by Pete Hassemer. Please speak to your motion.

Jessica Watson [00:04:36] Thank you. We as a Council have been asked by the analysts to reduce the number of qualifying options under each of the proposed alternatives as part of a stepwise approach to move forward. My intent with this motion is to achieve this goal, to reduce the options in Alternative 3 and clarify components of the alternative and not to select this alternative as a PPA at this time. I understand that while this narrows this alternatives options that there is still an associated workload, so I hope we can continue discussions on how this will impact any future analyses and timelines. This alternative and suboptions were supported in public testimony. In addition, we have heard from the GAP in the gear switching section that though not in favor of this alternative as a PPA at this time, they are supportive of continuing work on this alternative if the discussions continue. We also heard that this is the preferred alternative for the GAP trawl statement. My goal is that by reducing these options that this alternative will be continued to be retained through the process in a more streamlined manner and reduce potentially some complexity in order to hopefully allow participants to better understand if and how they would qualify under this alternative. For the portion discussing endorsement limit and qualification options selection, my rationale for the removal of Option 1 under this qualification option is to require both current and historical ownership at the time of implementation and continuously since the control date. Option one being proposed for removal requires a permit must have landed Northern sablefish quota pounds with non-trawl gear totaling at least 30,000 pounds per year in three years prior. The remaining options demonstrate higher levels of investment for those who have not made land, who have not only made the landings of 3,000, of 30,000 pounds in three years prior to the control date, but owned the qualifying permit and had some ownership interest in Northern sablefish quota shares, which is Option 2. And the current permit owner also had some ownership interest in trawl permitted vessel that had some history of gear switching prior to the control date, which is Option 3, and that all of this happens as of and since the control date. I have not removed any of the endorsement limits to allow for further consideration of this as a mechanism to address how to allocate endorsement limits based on current and historic investment and participation. With regards to trawl permits without a gear switching endorsement, the additional, the addition of 10,000 pounds was based on a previous iteration of this alternative from the SaMTAAC, which set a limit at .5 percent to allow some economically viable low level targeting of sablefish with non-trawl gear by trawl gear vessels and or cover bycatch taken while gear switching by targeting non-sablefish species. And this was in the May of 2020 SaMTAAC report. The analysis document states that there is almost no gear switching targeting other species, therefore there should be little if any regulatory discards if the 10,000 pounds is removed from this alternative.

This removal of sablefish gear switching landings would allow vessels to target other species and require them to cover any sablefish bycatch with quota pounds, but not allow them to deliver that bycatch, i.e., required discard. As it is stated in the NMFS Supplemental Report 2, the Council should consider the potential need and or benefit of this provision and whether it is worth retaining that regulatory cost of implementation. With regards to the gear switch limit overages, the intent here is to establish an overage provision that presents sufficient deterrence without excess burden and costs, as stated in the NMFS supplemental report and supported by other AB reports, allowing for a relative small amount of catch over the endorsements limit without a violation accommodates the difficulty in precisely estimating catch while at sea, but includes an enforceable threshold that is a meaningful deterrent against catching far more than the limit. With regards to endorsement expirations, my rationale for keeping both these options is to get further input on the appropriate mechanism, if any, for expiration. There are some suggestions as in the GAP report, but really what I'm looking for is some additional information of different options available. Reduction in the number of limited entry endorsements that can be owned, the goal here is to address MSA 4, Section 303a that requires that the allocation of fishing privileges be conducted in a fair and equitable manner and that the acquisition of excessive shares be prevented. I'm proposing the evaluation of a range of gear switching endorsed trawl limited entry permits an individual can own to make sure we are not allowing acquisition of excessive shares. With regards to the individual versus collective approach, for this the selection is based on the analysis document. There is the difference that this only affects a single individual that would be impacted in the effects of the inclusion of this individual has limited impact on the fleet and sector as a whole, which is stated in Attachment 3. And that concludes my rationale. I'd be happy to take questions.

Marc Gorelnik [00:09:51] All right, thank you very much Jessica. Are there questions of Jessica or discussion on this motion to modify Alternative 3? Okay I'm not seeing any... oh, Christa.

Christa Svensson [00:10:06] Yeah, thank you Mr. Chair. I will be abstaining on this vote. I am very appreciative of your attempt to streamline things and make it clearer. I voted yes on the passed motion because that included specific items that the fixed gear community had asked for, but they have said very strongly they are in favor of no-action. So just wanting to be very clear why I voted for one and am not supporting this motion with a yes vote.

Marc Gorelnik [00:10:43] All right, thank you. Any other discussion? All right. We'll vote on this amendment. All those in favor say 'aye'.

Council [00:10:52] Aye.

Marc Gorelnik [00:10:53] Opposed, no?

Corey Ridings [00:10:56] No.

Marc Gorelnik [00:10:57] No, from Corey Ridings. Abstentions?

Christa Svensson [00:11:01] No. Abstain.

Marc Gorelnik [00:11:03] We have abstentions from Christa and Marci. Motion passes. Thank you for the motion, Jessica. So, we have revised 1 and 3. Further motion? Phil Anderson.

Phil Anderson [00:11:21] Thank you Mr. Chairman. My revised motion please. Thank you Sandra. I move to add the following alternative for sablefish gear switching, trawl only in any gear quota share. The current Northern sablefish quota share valid for use within a year will be converted to trawl only quota share, and any gear quota share pursuant to the procedure below. Procedure for converting

Northern sablefish quota share holdings to trawl only in any gear, NMFS will categorize current individual owners of sablefish north quota share based on participation criteria listed below and convert quota share based on the steps listed below. The end result will be that each quota shareholder will receive the same percentage of the total sablefish quota pounds after the conversion that they would have if the conversion had not been carried out except designated as trawl only or any gear quota pounds. Quota share owners meeting the gear switching participation criteria will have their eligible quota share converted to any gear quota share. Quota share in amounts up to their control date holdings. Quota share owned by those meeting the gear switching participation criteria but in excess of what they owned at, on the control date will be converted to trawl only quota share. Quota share owners that do not meet the gear switching criteria will have 100 percent of their quota share converted to trawl only. I think we can get rid of the 'and' right after criteria. AMP quota pounds will be distributed to each quota share account as any gear and trawl only quota pounds in proportion to the any gear and trawl only quota share in the account. Individual approach to allocation in general. These criteria will be applied to individuals taking into account their ownership interest and quota share as reported to NMFS, including individuals within ownership, within ownership group. For this purpose, trusts, non-governmental entities and governments will be treated as individuals. Accumulation limits. The existing quota share control limit, 3 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. And you can please take out the options. 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 quota pounds with non-trawl gear totaling at least 30,000 pounds per year in at least three years between January 1, 2011 and September 15th, 2017, the control date, and had some ownership interest in Northern sablefish quota shares in any amount. That is my motion. The language on the screen appears accurate.

Marc Gorelnik [00:15:39] All right. I'll look for a second. Seconded by Bob Dooley. Please speak to your motion.

Phil Anderson [00:15:50] Thank you Mr. Chairman. And first let me just say that I had entertained having a suboption for qualifying criteria that mimics Alt 3 Op 3, Option 3, but because Alternative 3 is being retained, that option or spread if you will, I didn't feel necessary. I also considered and I would characterize as an attrition provision, which would mean under certain circumstances the any gear quota share would be converted to trawl only. I did not include that in this primarily because I don't support it. The alternative I am proposing recognizes the investment of a larger portion of the individuals that purchase quota shares of the trawl sablefish compared to the Alt 3 Option 3 with the intent of using fixed gear to harvest the associated quota pounds when compared again to Alt 3 Option 3. It also increases the number of people that participated in with fixed gear in gear switching during the time period between the inception of the Catch Share Program and the control date which would retain their ability to continue gear switching. The alternative treats both any gear and trawl only quota share consistent with the existing catch share plan in terms of ownership, leasing, and sale. A significant focus that I had in mind when developing the alternative was trying to minimize ongoing implementation, cost and workload for NMFS and the Council I suspect. I worked closely with our analyst and with National Marine Fisheries Service to ensure that the motion met that intent. The alternative places a significant limit on the amount of trawl sablefish quota share that can be taken with fixed gear compared to the No-action Alternative. The intent is to provide the processors with a higher level of certainty relative to trawl sablefish that is reserved for trawl harvest strategies such that it will encourage near term investments and processing capacity for flatfish such as dover sole. In addition, it is intended to encourage near term efforts in investments in marketing of flatfish. Finally, it is intended to increase attainment percentages of dover and species taken in association with dover sole. Thank you Mr. Chairman.

Marc Gorelnik [00:19:05] All right, thank you very much for the motion. Are there questions for the maker of the motion or discussion on the motion? Virgil Moore.

Virgil Moore [00:19:19] Mr. Chairman. Phil, a question. So, this is a new alternative if I understand the way this is referred to, and since we eliminated 2 and 4, does this become alternative 5?

Phil Anderson [00:19:34] I did not....excuse me Mr. Chairman. I did not number the alternative.

Virgil Moore [00:19:40] It's just a new alternative.

Phil Anderson [00:19:41] It's a new alternative.

Virgil Moore [00:19:42] Thank you.

Phil Anderson [00:19:43] I would leave it to Council staff to determine the best way to represent it amongst the two remaining alternatives that have already been identified.

Marc Gorelnik [00:19:55] All right. Thanks for that clarification. Marci Yaremko.

Marci Yaremko [00:19:59] Thank you Mr. Chair. Question if I may for Council staff. With adding this alternative is... that we would mean it would be added to the range of alternatives and then would it require individual analysis? And if yes, is that substantive or is it just repackaging of other elements or of elements from other alternatives? Thank you.

Jessi Doerpinghaus [00:20:30] Mr. Chair, Miss Yaremko. So, this would be added to the range of alternatives but given that the elements are using the qualifier from Alternative 3 endorsement limit qualification Option 2, and then the mechanism being from Alternative 1, it's really just a repackaging and kind of creating a hybrid of those two analyses, so overall it's not new, it is a lot more repackaging.

Marci Yaremko [00:21:04] Thank you.

Marc Gorelnik [00:21:05] All right, further questions? Discussion? All right, let's vote. All those in favor say 'aye'.

Council [00:21:17] Aye.

Marc Gorelnik [00:21:17] Opposed, no?

Corey Ridings [00:21:22] No.

Marc Gorelnik [00:21:24] No, from Corey Niles. Abstentions?

Marci Yaremko [00:21:27] Abstain.

Christa Svensson [00:21:27] Abstain.

Marc Gorelnik [00:21:30] Was there more than one no? Corey Ridings. Did I say Corey Niles? I'm sorry. There's too many Coreys. One of you will have to change your name. Who's had it longest? And Marci and Christa abstained. Thank you, Phil, for the motion.

Phil Anderson [00:21:53] Oh you're welcome.

Marc Gorelnik [00:21:55] The motion passes. So, we have 3 alternatives that have been either new or adjusted. Is there, are further motions? Is there direction to staff with regard to the alternatives that now are now before us? I'm hoping that there is. Corey Niles.

Corey Niles [00:22:28] Thanks Mr. Chair. Not direction. Not a new motion. I'm going to say though I do, I'll try to keep it really brief here and lots of thoughts. I was very tempted to do a new motion basically on the idea that Marci led off with in her opening comments, I think there were opening comments it seemed. But about the idea of we could get a lot broader support from the fixed gear folks if we maybe did the idea that Marci did and it would be very simple of just having a 29 percent inseason type of management all quotas any gear until you hit 29 percent then it's trawl only, but reading the room here I think we're polarized enough where I'm not going to waste our time putting that out there but the, yeah, it's... but last thing I'll say Phil when he spoke to his motion he talked about the intent and I think the intent that he spoke to is there with every all of these alternatives. I think this around, we're kind of polarized here but I think everyone is unanimous in that we want the bottom trawl sector to do better. We want the processing sector to grow, to make the investments. There's some differences around what, whether it should be happening in itself, what the role of government is? What is the right amount of disruption too much? But, yeah, so I hope we do continue to have, you know, continue to have open minds, continue to look at the analysis. On the flavor of direction, you know, we hear we'll never have a quantitative answer to this, but there is more, there are more analyses to do. There are ways to frame the information we have in the light of National Standard 4. It was Corey Ridings spoke to about the benefits and costs about the efficiency under National Standard 5 about adding restrictions and costs to people where necessary and where those costs are adding up what's the added benefit? And we heard that under the drift gillnet fishery and I don't see why NMFS will not bring the same level of questioning on to this item as we have. So, the direction is I hope there's a lot more analysis. We have a lot of focus on the implementation side of things and there's good dots and good analysis, but there is more and, yeah, I hope people will... everyone's on the same page about wanting the bottom trawl fishery to succeed, the processors to succeed. And I will stop there.

Marc Gorelnik [00:25:09] All right, thank you Corey. Let me turn to Jim and Jessi and as to where you think we are now and what you need from the Council.

Jim Seger [00:25:22] Thank you Mr. Chairman. I at this point I don't think there is anything more that jumps out at me that we need. I can review where I think you are. I think you've made progress in your range of alternatives. You removed Alternatives 2 and 4. You modified Alternative 1. You modified Alternative 3. And you added a new hybrid alternative. That said, I think about given these motions, as we mentioned, I mentioned a little bit earlier, I think it will be useful you have a check-in on the alternatives at the April Council meeting and you'll see that the GAP is recommending that. When you get to C.10, you'll see a recommendation from them on that. And we will be looking to have an analysis available to support a decision on the PPA by the June Council meeting or whatever you decide to schedule that PPA, but not before the June Council meeting.

Marc Gorelnik [00:26:18] All right, thanks for that. Let me look around the table and see if there's anything from the Council members, anything further on this agenda item? Maggie Sommer.

Maggie Sommer [00:26:29] Thanks Chair. Maybe two things. One, I'll just follow-up on Jim's last point and maybe I'll just leave it that I know we are all anticipating further discussion tomorrow on future scheduling, but that with a PPA next June I am not sure that it will be possible to get to an FPA next September, so it may be November or beyond.

Marc Gorelnik [00:27:05] Okay. Go ahead.

Maggie Sommer [00:27:06] Thanks. You know I had a couple other comments I was going to make when I thought that our next step might be final action. It won't be but looking ahead on the path we're on I think I'll offer them anyway, which is just to really emphasize that the Council and the public must have sufficient information to understand the potential impacts and potential costs and benefits to the fishery, and we will need, of course, meaningfully narrowed and clearly specified alternatives to do that. In addition, when the Council reaches the point of adopting final measures, it should fully justify its recommendation relative to applicable law and the FMP objectives, and this should include a clear description of how the Council sees the action would achieve those objectives. It should also include a clear description of how the action meets the National Standards, including National Standard 4 requirements to consider fairness and equity, including a view on the connection to achieving OY or the furtherance of FMP objectives and how total benefits outweigh hardships for affected fishery participants and fishing communities. Other factors that should be considered include but aren't limited to avoidance of excessive shares, economic and social consequences, food production, dependence on the fishery by present participants and coastal communities. And I'll note that while National Standard 4 has received a fair amount of focus as appropriate for an action that we view as an allocation of opportunity, the analysis and Council rationale and justification should also address all the other National Standards. Developing sufficient analysis to support a decision and then clearly articulating its rationale will help the Council ensure that the action is consistent with FMP objectives and applicable law, and given our actions today, maybe just coming back around to my first point, this will clearly take time so we will all be thinking about that I guess overnight as we head toward workload planning and scheduling tomorrow. Thank you Chair.

Marc Gorelnik [00:29:21] Thank you. Keeping in mind we usually do both March and April tomorrow, so it'll be an especially long. All right, anything further for the good of the Council on this agenda item?
Jessica Watson.

Jessica Watson [00:29:42] Thank you Mr. Chair. I'll try to be brief, but I just want to raise my concern with the lack of consensus that we hear not only around the Council table, but public testimony and the impacts of the complexity of the alternatives from, for everyone to actually understand where individuals fall. And so, I encourage increased communication on these alternatives and ways in which to try to simplify as best as possible how and where people would fall under these different alternatives, specifically with new ones being brought forward, and that is in no way a judgment on Jim and Jessi. They do an amazing job presenting this information and working on new ways to present it, but just continuing those discussions and opportunities I think will help increase participation and clarity when people are discussing these different alternatives and speaking to their positions.

Marc Gorelnik [00:30:43] All right. Thank you for that Jessica. Okay, I'm not seeing any other hands. I think, Jim, you've summarized where we are and so that will conclude this agenda item. I want to pat everyone on the back for getting through this agenda item. I think there was widespread fear and loathing that this agenda item would go quite long and it didn't. On the other hand we didn't get to a PPA, but I think that's probably appropriate given where we all are. So that will conclude today's agenda.

Marc Gorelnik [00:00:00] Christa Svensson.

Christa Svensson [00:00:01] Yeah, thank you Mr. Chairman. I am going to move 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 in Option 1.

Marc Gorelnik [00:00:18] Okay. That requires a special procedure but we're, even though we don't have our parliamentarian here we figured it out. So, I think that the procedure here if there is a motion

to reopen an action previously taken is to put that motion on the floor, get it seconded, and take a vote. And if that motion passes, then we would proceed. So do you want to send your motion to Sandra or have it, just have her.....

Christa Svensson [00:00:56] I would be happy to, and just I believe that it's actually two separate motions. I believe we need to take...

Marc Gorelnik [00:01:04] The first one.

Christa Svensson [00:01:05] On the motion to reconsider.

Marc Gorelnik [00:01:06] Right.

Christa Svensson [00:01:06] And then the second so...

Marc Gorelnik [00:01:07] The first is procedural.

Christa Svensson [00:01:08] I will send the first to Sandra, and I apologize to everybody for when I did, but you also need to have a motion to reconsider, speaking as a parliamentarian, between agenda items, which is why this is coming up now, or more clearly when there is no current business on the floor.

Marc Gorelnik [00:01:27] All right. So as soon as that motion goes up on the screen, we'll take it up.

Christa Svensson [00:02:03] Hey, my apologies, but my email just says that Sandra's email has rejected my message so I can send it to Kris Kleinschmidt as well, but it will take another moment. Sorry everyone.

Marc Gorelnik [00:02:26] Jim.

Jim Seger [00:02:28] Mr. Chair, Miss Svensson, if you can also cc it to me then Sandra can read it off my screen and we can get it to her.

Marc Gorelnik [00:02:57] Mr. Anderson.

Phil Anderson [00:02:59] Thanks Mr. Chair. Just FYI, the peculiarity of a motion to reconsider is that it does not require a second.

Marc Gorelnik [00:03:12] Thank you. All right. Christa, do you want to move forward with your motion?

Christa Svensson [00:03:21] I would be very happy to. I move 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.

Marc Gorelnik [00:03:38] All right. That language appears accurate and complete. Please speak to your motion.

Christa Svensson [00:03:42] All right. So, my rationale on this is that Alternative One's primary intent is to freeze the footprint of the amount of trawl sablefish that is taken by fixed gear, and that's something that most people on the Council and in the community seem more comfortable with in many cases than

no-action. If approved, my intent is to offer a subsequent motion that would add an additional suboption intended to achieve that outcome.

Marc Gorelnik [00:04:16] All right. Thank you for your motion. Are there questions for the maker of the motion? Jessica.

Jessica Watson [00:04:25] Thank you Mr. Chair. And I'm not sure if this is a question to the maker... to Council staff. Is there a way that this item could be considered for the check-in on this agenda item to allow Council staff and public comment or is this the only place you see this being able to be addressed?

Marc Gorelnik [00:04:45] Jim.

Jim Seger [00:04:55] Thank you Mr. Chairman. There's no technical or procedural reason that that could not be done. I haven't had time to think in terms of your April agenda and workload and so forth but...

Marc Gorelnik [00:05:08] I just want to say on public comment, all of our actions were taken after public comment on this agenda item... so, Christa.

Christa Svensson [00:05:15] Yeah, thank you Mr. Chair. My intention with including it now should this pass is to provide staff the opportunity to have the time and not delay PPA when we set that on future workload planning.

Marc Gorelnik [00:05:36] All right. Any further questions or discussion on this motion? All right all those in favor say 'aye'.

Council [00:05:47] Aye.

Marc Gorelnik [00:05:47] Opposed, no?

Pete Hassemer [00:05:53] No.

Marci Yaremko [00:05:54] No.

Brad Pettinger [00:05:54] No.

Bob Dooley [00:05:55] No.

Marc Gorelnik [00:05:59] Can we conduct a roll call vote at this point?

Merrick Burden [00:06:27] Thank you Mr. Chairman. I'll be reading from voting sheet number 3 regarding Miss Svensson's motion to reconsider an item under Agenda Item H.3. Virgil Moore.

Virgil Moore [00:06:45] No.

Merrick Burden [00:06:47] Ryan Wulff.

Ryan Wulff [00:06:49] Abstain.

Merrick Burden [00:06:52] Corey Ridings.

Corey Ridings [00:06:54] Abstain.

Merrick Burden [00:06:57] Phil Anderson.

Phil Anderson [00:06:59] Yes.

Merrick Burden [00:07:06] Joe Oatman.

Joe Oatman [00:07:07] Yes.

Merrick Burden [00:07:10] Butch Smith.

Butch Smith [00:07:12] Yes.

Merrick Burden [00:07:15] Heather Hall.

Heather Hall [00:07:17] Yes.

Merrick Burden [00:07:19] Jessica Watson.

Jessica Watson [00:07:21] Yes.

Merrick Burden [00:07:24] Robert Dooley.

Bob Dooley [00:07:26] No.

Marc Gorelnik [00:07:28] Brad Pettinger.

Brad Pettinger [00:07:30] No.

Merrick Burden [00:07:33] Pete Hassemer.

Pete Hassemer [00:07:35] No.

Merrick Burden [00:07:38] Christa Svensson.

Christa Svensson [00:07:39] Yes.

Merrick Burden [00:07:42] Marci Yaremko.

Marci Yaremko [00:07:44] No.

Merrick Burden [00:08:34] Marc Gorelnik.

Marc Gorelnik [00:08:40] Yes.

Merrick Burden [00:08:49] Sorry for the pause here Mr. Chairman. This is an unusual vote as I am gathering my thoughts here. So that leaves us with seven 'yes', five 'no' and two 'abstain'. I believe that means the motion does not pass.

Marc Gorelnik [00:09:09] I'll look to our substitute parliamentarian.

Christa Svensson [00:09:15] Well, typically abstentions mean you are not included within the vote in which case you would be at a seven five.

Merrick Burden [00:09:24] Seven five. Okay. My point of confusion is regarding the majority vote. So, in this case we're counting 12 rather than 14. Is that how I interpret your remarks?

Christa Svensson [00:09:37] Typically that is correct because you're only counting people that voted as opposed to those that chose not to vote on this topic.

Marc Gorelnik [00:09:49] All right. And, Phil, do you have any on the process piece since?

Phil Anderson [00:09:54] I believe Christa is correct.

Marc Gorelnik [00:10:00] All right so that motion is passed and that is merely a procedural motion. And so... Mr. Dooley.

Bob Dooley [00:10:12] Mr. Chairman, just a quick question. We don't have our parliamentarian here and I'm not the expert on Robert's Rules but have heard them presented many times and we don't use this depth of Robert's Rules typically, but I seem to recall that if you are going to bring a motion to reconsider that you had to vote a certain way on the original motion. Is that correct or not?

Marc Gorelnik [00:10:36] What was your question again?

Bob Dooley [00:10:37] That if you bring the motion to reconsider, don't you have to have voted, I can't remember if it's for or against the original motion, or the motion you're asking to be reconsidered. I recall that but I just asking the question.

Marc Gorelnik [00:10:51] I think, well, let me call on not the motion maker, but Mr. Anderson.

Phil Anderson [00:10:59] The member who is... makes the motion to reconsider must have been on the prevailing side of the vote. So, you would need to look at the voting record for Mr. Niles' motion to see whether or not Miss Svensson was on the prevailing side or not. If she was not on the prevailing side, she is not eligible to make the motion.

Merrick Burden [00:11:43] Mr. Chairman, based on the record I have in front of me Miss Svensson was on the prevailing side.

Marc Gorelnik [00:11:51] All right, so we have jumped that procedural hurdle and now Miss Svensson can bring forward her substantive motion.

Christa Svensson [00:12:04] Thank you Mr. Chair. And I did send that hopefully... have you received it Sandra or Kris? One moment please.

Marc Gorelnik [00:12:20] Mr. Anderson.

Phil Anderson [00:12:22] Thank you Mr. Chairman. So just so we're clear here, if the motion to reconsider passes then the body takes up the original motion as it was just before the vote it was taken. So that motion comes back in front of the body and then if there's an amendment or whatever the subsequent action is just being clear. Thanks.

Marc Gorelnik [00:12:46] Okay. Thank you for that clarification. So, I don't know if Sandra can, can

bring up Mr. Niles' motion. So that's the motion we're reconsidering. It would need to, and I guess your motion would be in the nature of an amendment to this motion.

Christa Svensson [00:13:06] That is correct Mr. Chair.

Marc Gorelnik [00:13:22] All right, so we have this motion before us and it's been well discussed, and I think that Miss Svensson has a motion to amend.

Christa Svensson [00:13:39] That is correct. And Sandra, I have now sent it to two different email addresses, so hopefully you have received it on the second.

Marc Gorelnik [00:13:52] Is this just a page break in there? Okay. All right, please go forward with your motion.

Christa Svensson [00:14:06] Thank you Mr. Chair. I move the Council add an option to Alternative 1 that drops all qualification criteria but would involve maintaining sablefish North QP as eligible to fish with any gear throughout the year until 29 percent of the sablefish North QP is taken or is projected to be taken by fixed gear vessels. This does not involve the quota conversion step but would only require inseason prohibition of fixed gear use of Northern, sablefish Northern QP.

Marc Gorelnik [00:14:41] All right, thank you. And the language on the screen is accurate and complete?

Christa Svensson [00:14:44] That is correct.

Marc Gorelnik [00:14:45] And I'll look for a second to your motion to amend. Seconded by Corey Niles. All right, so please speak to your... well it could... seconded by Corey... (laughter)... So please speak to your motion.

Christa Svensson [00:15:09] Yeah, thank you Mr. Chair. I, again I apologize that I'm bringing this up very unexpectedly to the majority of people in this room. This really happened in listening to commentary yesterday on the floor, particularly Mr. Niles, around all of us wanting to see success within the groundfish sector as a whole. And it is an opportunity to compare and contrast how people are affected by the criteria within the qualifications. I also think in speaking with fixed gear people, not all of them but many of them, this is something that they can acknowledge is possibly, based upon the analysis, a possible solution forward. There is recognition that 100 percent of the sablefish North going to fixed gear would be problematic and so this really is just the intent of getting the analysis in at what freezing the footprint would look like if we were not looking at criteria. I will say that there were consultations with Council staff that this would likely not be, correct me if I'm wrong so I will pause after this, but it would not be a tremendous lift. And again, my intention in making this motion today is to not delay June PPA providing we include an additional option that may be more palatable to some.

Marc Gorelnik [00:17:13] All right, thank you for your motion. Questions for the maker of the motion? Corey Ridings.

Corey Ridings [00:17:21] Thank you....

Marc Gorelnik [00:17:21] Jim, did you want to respond to... I'm sorry Corey. So, Jim, go ahead.

Jim Seger [00:17:26] Thank you Mr. Chairman. Yes, there's kind of two aspects in terms of the lift in terms of sort of the basic analysis in terms of qualifiers and how it functions and expectations in general.

The type of things we've been doing to date it wouldn't make that much of a difference. However, one of the effects of this is likely going to be to switch the sort of the time when we see most or the heaviest involvement in gear switching from the fall of the year to most likely the early, or excuse me, late winter and spring of the year which could have protected species impacts and so forth that we'll have to take a look at, so we'll have to go back to National Marine Fisheries Service and do further consultation on that as well as a NEPA determination. The other question I had for the maker of the motion is this talks about adding this as an option to Alternative 1, and I'm just wondering if there is latitude, assuming this motion passes, if there would be latitude for the Council staff to sort of organize the alternatives and options in a way that we think best conveys these set of choices to the public. In particular right now Alternative 1 is specified as gear specific quota share is how we explain that to the public, and this does not involve gear specific quota share at all. So, yeah, what we'd probably like to do is when we go back to the office to kind of take a look at it and do a little reorganization for communication purposes and just want to make sure that's okay.

Marc Gorelnik [00:19:00] Christa.

Christa Svensson [00:19:00] Yeah, thank you Mr. Chair. I would be more than happy to have this analyzed however Council staff chooses in terms of options or as a separate alternative. My rationale for including it as an amendment to Option 1 is that I did vote in favor of Option 1 and I abstained from voting on the other options. So, if based upon parliamentary procedure, this was the likeliest place for me to make this motion, but I would be open to having it as a standalone if that is beneficial for your workload in particular.

Marc Gorelnik [00:19:48] All right. Corey Ridings.

Corey Ridings [00:19:52] Thank you Mr. Chair. I think Jim just may have answered my question, but the question was just around how this fits in with Corey's original motion?

Marc Gorelnik [00:20:10] Corey, or unless Christa wants to answer the question.

Christa Svensson [00:20:13] I was going to say thank you for the question. I will do my best but I may rely on my second because my second is the one that made the original motion. But I do think that this falls within Option 1, specifically because we're talking about qualifying criteria and I'm drawing a blank here for the moment, so I am going to call for my backup.

Corey Niles [00:20:53] Thanks Mr. Chair. Yeah, I think Christa this was, I mentioned this at the end of the item yesterday, the agenda item yesterday that I was on the verge of making this very similar motion but was maybe reading the room wrong but the... and didn't think the appetite would be to add more workload but in subsequent thought it doesn't seem would it be too much workload. But beyond that on that point, I think it does, maybe and not to disagreeing with Jim on needing latitude to label it a different alternative, but it fits with the theme of Alternative 1. I think, Christa, you spoke to under the motion to reconsider that the general intent of Alternative 1 is to freeze the footprint and that you mentioned that this one would be maybe in some people's view a less disruptive, a more, a less disruptive way of doing that. So that's how it fits with Alternative 1. I would agree with Jim that it's very different and that involves no qualification criteria at all, but the intent of Alternative 1 was really to make minimal changes to the IFQ system now while providing, you know, the mechanism by which it would improve the bottom trawl sector and the processing sector would be to give them certainty that no more than 29 percent of the sablefish North quota could be fished with fixed gear. You know this is any gear quota so it could always go lower than 29 percent, and I think as in Jessi's overview of the analysis said, you know, it would most likely be less than 29 percent because some of the any gear quota is going to go to folks who are going to fish it with trawl gear and trawlers can lease it when they

become more profitable. So long way of saying it fits with the intent of Alternative 1 whether labeling or not. The way it's less disruptive is that you heard the editors testify, right? And they say, you know, they've been fishing but leasing 60 percent, I think, is what they said of quota pounds from others, so if in the Alternative 1 as it stands now, the folks that they've been doing business with wouldn't qualify and so they would have, you know, from only eight to I forget what it is, 18 percent depending on the options of their partners quota pounds would be available to continue that relationship. So that is a bigger disruption than maybe we were anticipating with Alternative 1 originally. So, this approach would allow those existing relationships to continue with the, of course the changed circumstances of having to figure out the risk that the 29 percent runs out and they can no longer use their quota pounds with the fixed gear. So that's a long way of saying I think that's, thematically I was going to propose it like that too but also with latitude with of course, within the analysts to do is as they felt most economical but, yeah, it's easy, the main comparing and contrasting is that okay what if we don't disrupt those business relationships versus what if we do? And then with the added thing of will the timing of this fishery change, and I think there's a near term part of that and we heard from like Bob Alverson and others that, you know, we don't, they don't expect more boats from Alaska to come down, which is one big concern about stability, but then how this behavior over the long run. So, I'm repeating myself now but, yeah, that's how it fits with Alternative 1 and...

Marc Gorelnik [00:24:56] All right, thanks very much. Christa.

Christa Svensson [00:24:59] Yeah, thank you Mr. Chair. And my apologies, the adrenalin is kind of wearing off now, but I will speak to the freeze, to the freeze the footprint piece. That is how I do see this motion fitting in with Option 1. My intent in that regard is that it does provide the most flexibility while addressing the issue of trying to freeze the footprint, and it also in many ways reduces my question of who are we trying to help? It would allow people to operate however they chose to and address that need of, 'hey we don't want to see all of the sablefish going to the fixed gear sector or any sector necessarily'. I mean I know we keep talking about groundfish but, you know, if somebody else decided they had a better opportunity, the potential could be if they were willing to pay more, and I've spoken to that past testimony as well. I just think freezing the footprint could be a possible solution forward, but this does provide more flexibility.

Marc Gorelnik [00:26:12] All right before we have further discussion I just want to see if there are any other questions for the maker of the motion? The questions for the maker. Marci.

Marci Yaremko [00:26:22] Thank you Mr. Chair. I have a question. I'm not sure if Christa is the appropriate person to answer it, but my question surrounds the language in the motion about inseason action and I can't see it on the screen any longer, but my question is, is an inseason closure action analyzed in the current document? And then secondly, I think my understanding of how an inseason prohibition of fixed gear use would work is that that would require an automatic action on the part of NMFS to implement. And so, I'm just curious if these concepts are explored or if this is a new, a new, basically a new alternative that would require significant description and analysis working with National Marine Fisheries Service. Thank you.

Marc Gorelnik [00:27:30] Jim.

Jim Seger [00:27:31] Thank you Mr. Chair and Miss Yaremko. Yes, so these are new features that have not been analyzed and we would have to work them through with National Marine Fisheries Service. I do know that one part of the language has been discussed with National Marine Fisheries Service OLE, so it's phrased as is taken or projected to be taken. So, they've already kind of been thinking about things like, well the observer data comes in late. But, yes you're correct, it has not been analyzed and we would have to do that exploration and provide that back to you.

Marc Gorelnik [00:28:05] Bob Dooley's not yet spoken, so you have a question for the maker of the motion?

Bob Dooley [00:28:10] Yes, I believe it's a question.

Marc Gorelnik [00:28:13] Okay.

Bob Dooley [00:28:14] My concern with the language of it is that it creates a race for fish with no regard to safety going forward. It creates an open access fishery inside of an ITQ system and I'm concerned that there's some safety requirements. We've tried to get away from derbies but this seems to get you to a derby and so I was curious if you thought about that at all.

Christa Svensson [00:28:44] I had considered that. I also considered the fact that we looked at the range of averages and this is not the highest, which was I believe 35 percent, but more in line with what we have traditionally seen the fixed gear community in more recent years take. I think we have the ability with our observer data and at least with my experience in HMS. I'm not advocating we do call-ins like they do for bluefin, but I do think we have the ability to communicate kind of where we're at to prevent some of that race for fish, and I do think that it would be something we would want to look at in the analysis piece should we take this up. And again, I'm not asking people to vote in favor of this. I may not, in consulting with numerous stakeholders, vote in favor of this. I've so far spoken to the need for no-action, but I am asking for us to consider analyzing this so that we have the possibility to get as many stakeholders within the groundfish community comfortable should we move forward with either Alternative 1, excuse me, Option 1 or what was Option 3. I'm sure we will have new numbers moving forward. So, it's really about giving people that ability to look at and make changes or make decisions should we not move forward with no-action that would probably be leaning heavily towards that outcome otherwise.

Marc Gorelnik [00:30:41] Phil Anderson.

Phil Anderson [00:30:42] Mr. Chairman, I respectfully request a five-minute recess to consult regarding procedure.

Marc Gorelnik [00:30:50] I think that is an excellent idea so we will take a five-minute break and we will resume at 9:20.....(BREAK).....I guess while we're waiting to get started I'll ask folks when they want to take their longer morning break because 5 minutes doesn't count really as a morning break to check out and whatnot. Right after? Okay. I'm told our Executive Director will be back shortly. All right, we're back from our five-minute break. Mr. Anderson has his hand up.

Phil Anderson [00:32:31] Thank you Mr. Chairman. I would like to raise a point of order as it pertains to the determination that the motion to reconsider passed. I believe we are all of the common understanding that a motion to reconsider requires a majority of the members present to vote in the affirmative. So, we have 14 members here including Mr. Oatman, who's on the, of course with us on the phone. So, it requires 8 votes, a majority of 14, for a motion to pass. The result of the vote, according to my records, was 7 people voted in favor, 5 opposed, and there were 2 abstentions. An abstention is a refusal to vote and so the abstentions don't count. And so, they're almost like a no vote given that they're not an affirmative vote, they're not a vote against it. So, the result of the, that motion and the vote, again was 7 in favor, 5 opposed and 2 abstentions. That does not constitute a majority of the members present and as a result that vote failed. I believe that the appropriate interpretation or conclusion is that vote failed. Therefore, the motion to reconsider failed and it does not then bring this motion back up before the body to consider amendments or other actions. And I am, my opinion is informed by reviewing the Robert's Rules of Order. There was a question that came from Mr. Burden

about whether 7 to 5 and 2 abstentions constituted the motion passing. There was an opinion expressed, I believe by Christa and myself that I believe that we thought it did, but in further examination of Robert's Rules of Order I think that was in, I believe that to be an error. And so bottom line here is... Mr. Chairman, I don't think that reconsidering this motion is appropriate to do given that the motion to reconsider failed.

Marc Gorelnik [00:35:30] All right. Thank you for that. And I'm looking at the Robert's Rules of Orders, Robert's Rules dot com website that has a summary of the rules and it does state that an abstention will have the same effect as a no vote. So, the motion to reconsider fails and this discussion has been moot. Mr. Niles.

Corey Niles [00:36:02] Well since we're having a teaching moment here learning about Robert's Rules, given that some people may have been under the misimpression, not that they were, but maybe if they were under the misimpression of what the effect of abstaining would be, is it ever possible to reconsider your vote given the new information and teaching moment. Not asking people to reconsider but it seems like the best of us, those of us with the best knowledge of Robert's Rules were mistaken and I would have been mistaken myself, but just would that ever be possible is the question?

Marc Gorelnik [00:36:38] I'm not sure what you're asking?

Corey Niles [00:36:41] Could someone who abstained on the motion to reconsider if they were under the false impression of what the effect of that was, could they change their vote?

Marc Gorelnik [00:36:51] I don't think there's a process for changing votes. All right, before we leave this, I want to give everyone an opportunity if they wish to comment and I'm not seeing any. Christa Svensson.

Christa Svensson [00:37:18] Yeah. No, I will just comment and say thank you for everybody considering both the original motion to reconsider and then the movement forward and I'm just appreciative of everybody willing to work together on this topic. I know that it is a difficult one for all of us so thank you.

Marc Gorelnik [00:37:42] All right. So, we will take our long morning break here.

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

Brad Pettinger [00:00:00] All right, well that will take us to Council action, which is before you. So, I'll open the floor up for discussion. Heather Hall.

Heather Hall [00:00:13] Sure. Thank you Vice-Chair. I'll just get the discussion started here and maybe restate my appreciation for the work on the discard mortality rates. I think the GMT with Dr. Wetzel's help did a really good job and I think we have good options to look at here. Appreciate the public comment on the citizen, science and cooperative effort to get good data to support our stock assessments. Appreciate the work that was done on the model reviews here for the ODFW Hydro-Acoustic Survey and just wanted to mention here a little bit on the WDFW Hook and Line Survey Workshop, I think there was some really good feedback that WDFW learned through that workshop in improving our hook and line surveys. So, thank you.

Brad Pettinger [00:01:13] Thank you Heather. Marci Yaremko.

Marci Yaremko [00:01:17] Thank you Mr. Vice-Chair. I'll go ahead and offer discussion here noting that we will have some motions at the end to wrap this up, but just wanted to speak to the work of the depth dependent mortality rates for, and the new species that are being added through the guilds. We've had a lot of discussion and copious reports in the record about the new information that now is incorporated into the recommended rates that will update the information that's been in use since 2014. There were four new barotrauma studies that helped inform this updated analysis and those studies covered 22 species, which is far more than what was used back in the 2014 analysis. I think we can... while this, the outcome, you know, makes some improvements certainly, we need to keep in mind that this is not a solution to completely eliminating our release mortality, but it certainly makes us feel better that the efforts to release fish are quantified appropriately in our calculations of our recreational catch estimates. On that point, I just want to note that the states have been talking in sidebar about our plans for how we will incorporate the Council's recommendations to modify the mortality rates in use today. It's a complicated process. I know on our end in California we, when we produce our recreational catch estimates each month the, basically it's a series of programs and the mortality rates are kind of baked into how we do those calculations each month. And so, once we receive, or once we take action here today, we'll be bringing these revisions back into our state arena and working with our data folks and our database managers to incorporate the rates and apply the three new guilds into the estimates that we make each month. So, there's still some work on the back end to get this done, but we're hopeful that we'll be able to incorporate all of the database changes in time to when we finalize our 2022 catch estimates that we'll have gone back and revised our estimates for the month of January 2022 forward so that in fact this new information will apply to the year in total in 2022. And then, of course, we'll also be applying the new rates forward into 2023. I also want to acknowledge that, you know, at the base of this is the information that our recreational fish samplers collect at the docks when they're conducting interviews of anglers and whether a descending device was used. That information is, you know, part of our ongoing survey and we, you know, certainly appreciate anglers taking the time to report those occurrences of descending device use to us so that's, you know, that's an important element. We're talking about the citizen science piece, but I didn't want to overlook that really critical element that's involved in how we calculate the savings that should accrue from the use of descending devices. It's by folks cooperating with the surveys and taking the time to participate in them. The methods, again I appreciate the SSCs work and the time that they spent in their discussion and their review of the methods and I think this is a great improvement and I just want to thank everyone again.

Brad Pettinger [00:05:51] Thank you Marci. Jessica Watson.

Jessica Watson [00:05:53] Thank you Mr. Vice-Chair. I just want to expand a bit from an Oregon perspective on Marci's comments as well as echo my appreciation to the GMT members and Dr. Chantel Wetzel on the work here on these descending device mortality rates. At ODFW we will be, after this action we will be working on coordinating with our ORB's Dockside Sampling Program as well to gain the information needed on these species and guilds so that that can be used in the management for 2023 and incorporate them into our estimates on the back end, like Marci mentioned, of incorporating those into how we do our projections and estimates for the season. Thank you.

Brad Pettinger [00:06:36] Thanks Jessica. Further discussion? Motion? Marci.

Marci Yaremko [00:06:50] Thank you Mr. Chair. Sandra, I believe you have a motion? Thank you. I move the 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. Number 1: The updated species-specific rates for canary rockfish, cowcod and yelloweye rockfish and new species specific rates for black rockfish. Number 2: For all other species adopt the GMT recommended guild-based rates for demersal, pelagic and dwarf rockfishes. Number 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.

Brad Pettinger [00:07:57] Thank you Marci. Is the language on the screen accurate?

Marci Yaremko [00:08:00] Yes, it is.

Brad Pettinger [00:08:01] Looking for a second? Seconded by a Chair Gorelnik. Please speak to your motion.

Marci Yaremko [00:08:06] Well, I think I already did. But just to refresh, we have been using species specific rates for canary, cowcod and yelloweye since 2014 and now we're adding black rockfish as a species for which we have specific information. The other species will be included in one of three guilds. I appreciate the hard look at what species belong in what guilds. I know there were some changes made to some of the previous determinations of species that were in the pelagic guild and moved to demersal and what have you, so I know that was a focus of the SSC and the subgroup working on the analysis, so appreciate that so that the guilds are appropriate for the species. And then regarding the cumulative mortality rate equal to the 80th percentile, I asked this morning in delegation what's the reason for the change from the 90th to the, the 80th and I thought the response was that we have new information. This is our second go at it. We have more to draw upon and so there's all good reason to be more confident in the outcome this time around, especially noting they're using the same methodologies, so this is just a second look at it and now we're more confident because we have more data added. Regarding the Trip Limit Model review that's described, this is something that the, the Council and the GMT and all of us rely on at every meeting in our inseason actions. Sablefish is a highly attained species in most sectors and improving that model is certainly in the best interest of all sectors and will aid us in our decisions under inseason so that we achieve harvest limits without exceeding them. Thank you.

Brad Pettinger [00:10:08] Okay. Thank you Marci. Further discussion or questions for the motion maker? I do not see any. I'll call for the question. All those in favor signify by saying 'aye'.

Council [00:10:24] Aye.

Brad Pettinger [00:10:25] Opposed, nay? Abstentions? Okay. Motion passes unanimously. Thank you

Marci. So... Jessica.

Jessica Watson [00:10:36] Thank you Mr. Vice Chair. I also have a motion. I move the Council adopt the SSC recommendation in Supplemental SSC Report 1 to use the ODFW Video Hydro-Acoustic Survey Design Based Biomass Estimate in the 2023 Black Rockfish Assessment.

Brad Pettinger [00:10:58] Thank you Jessica. Is the language of the screen accurate?

Jessica Watson [00:11:01] It is.

Brad Pettinger [00:11:03] Looking for a second? Seconded by Heather Hall. Thank you Heather. Please speak to your motion.

Jessica Watson [00:11:09] Yeah, I want to echo the SSC's commendations to our ODFW staff on their hard work to not only conduct, analyze, but synthesize this information included for this methodological review. It was no small task given the extent of the statewide survey. In general, the lack of fishery independent survey data on nearshore rockfish species continues to be a problem for their sustainable management and that's what we continue to hear during some of these discussions. Even though some of these species are cornerstones to the fisheries and are both ecologically and economically important, specifically for Oregon this is the case for these semi-pelagic species like black, blue, and deacon rockfish, and they're so vitally important not only for our recreational but our nearshore commercial fisheries as well. This project really provides a fishery independent population estimate for black rockfish in the State of Oregon and fills in some vital information to help inform the gaps in the knowledge that were identified in the last assessment. And we hope that with future funding we can continue this survey and help refine the model-based approach in the future.

Brad Pettinger [00:12:21] Very good. Thank you Jessica. Questions for Jessica on her motion? I don't any see any hands. We'll call for the question. All those in favor signify by saying 'aye'.

Council [00:12:35] Aye.

Brad Pettinger [00:12:35] Opposed, nay? Abstentions? Motion passes unanimously. Thank you Jessica. Okay, any further discussion here before.....Marci.

Marci Yaremko [00:12:53] Yeah, thank you Mr. Vice-Chair. Before we leave this one, I should have mentioned this earlier, but we will work sometime over winter to try to update our CDFW webpages with information on barotrauma. One of the key needs that we have is to keep our information current on the rates, and we get questions from constituents quite frequently about how they can help and how they can minimize discard mortality, and we have a barotrauma webpage but in response to this new recommendation today we'll be working to update that over winter so that we can get the word out and do a little better to actually show folks numerically how the new rates are incorporated and how their efforts as individuals to release fish on the water, how that plays out in terms of the mortality estimates that drive our fishery management, so that is a priority for us. It's on our list. We're making progress but we're, got some work ahead of us. Thank you.

Brad Pettinger [00:14:06] Very good. Thank you Marci. And with that I'll turn to John to see how we're doing here.

John DeVore [00:14:13] Thank you Mr. Vice-Chair, Council members. You've done a very good job here and completed your task at this meeting. You've adopted the review of the proposed Sablefish Trip Limit Model as recommended by the GMT and SSC. And you adopted those methodologies that were

recommended by the SSC and how they're applied to inform future decision making. So, and my personal observation on that whole process is I really admire the professionalism of everyone that was involved in all of these endeavors. Very good work indeed.

Brad Pettinger [00:14:52] Well said John. Okay, with that, good job everyone. We finished within the allotted hour and with that I will pass the gavel back to our Chair.

5. Stock Definitions

Brad Pettinger [00:00:00] We're back in session on H.5 Stock Definitions. And with that I'll turn to John DeVore to just kind of recap where we're at and the work before us, what needs to be done and we'll go from there.

John DeVore [00:00:11] Okay, thank you Mr. Vice-Chair, Council Members. We completed the first part of Agenda Item H.5 yesterday and got through the advisory body reports and from my understanding there's no public comment so we're on to Council action now, which is to adopt a range of alternatives for detailed analysis to prepare for the March Council meeting where your decision there will be to decide a preliminary preferred alternative for each of the species that are prioritized for Amendment 31.

Brad Pettinger [00:00:46] Okay, thank you John. And with that I'll open the floor for Council discussion. So, Jessica Waters.

Jessica Watson [00:01:02] Thank you Mr. Vice-Chair. I just want to start with a little overview in my mind and some thanks. I think that back in March of this year as the Council kind of thought about this process, really decided to address the issue of stock definitions in a deliberate and holistic approach with making sure that this process was thorough and complete, and all of the steps needed for all of the groundfish stocks. And given the timeline, Council decided to move forward with this process and this phased approach is where we're currently sitting now, and the goal is to have as much public input as well as coordination with the SSC, Science Centers, and West Coast region. And I just want to acknowledge the work and thought put into the stock definition roadmap from September as well as the White Paper under this agenda item. And given the timelines I feel like that we have continued to make progress to meet the stringent deadlines ahead of us, and that being said, I also feel that given the complexity of this issue there still needs to be some clarity in the process in order to take kind of that next phase in the review as well as how we move forward moving from ROA to PPA and then FPA at the timeline that we have adopted. I know we heard yesterday in the GMT report that Council is being asked for clarification about what the GMT will be expected to produce for the March 2023 meetings and I view the GMT is an integral part of these discussions, given their knowledge and expertise. And after yesterday's update I just wanted to kind of have potentially some clarity on that process. If there's any more on what the GMT's role is thought of to be in this process kind of as we move into March, if possible, if we could have that discussion.

Brad Pettinger [00:02:49] Thank you Jessica. Anyone else? Caroline McKnight.

Caroline McKnight [00:03:01] Thank you Mr. Vice-Chair. Thank you, Jessica, for those comments as well. Yeah, I just wanted to make a few general observations and comments about the Attachment 1 document. I appreciate it was laid out very clearly with the alternatives and the trade-offs between them. I am looking at these three alternatives as the ability to, regardless of which were chosen in the long run, there's the option to roll up stock assessments and evaluate them under each of these various stock definitions. I think the Table 2 is pretty representative of what we might want to be looking at. I'm wondering, though, if there's possibly some other options or some, some other ways that we could possibly evaluate stock definitions that allowed flexibility for assessments and incoming information differently than just a hard definition, but I'm open to more discussion on the floor about that but I understand that these are FMP amendments. To make these definitions we may not be necessarily looking at a lot of information changing quickly such that we would need to change them, but recognizing that it would be an extra lift. I'm not sure how the timing and process would work for that. So just some thoughts at this point. Thank you.

Brad Pettinger [00:04:45] Thank you Caroline. Further discussion? Corey Niles.

Corey Niles [00:04:54] Yeah, thanks Mr. Vice-Chair, and thanks Caroline and Jessica. Yeah, I think just adding I think what we've been doing here and continue to do is get a range of alternatives set up whereby we can, we can have, you know, a good look at our options here in terms of science and policy of how we define stocks. Appreciate the information put forward by the project team in Attachment 1 and all the efforts. And I understand the plan to get the discussions moving forward from here on and with the goal of final action by June, so it's shaping up nicely in my mind. I do have a motion to offer when discussions over. We had some, there were some side discussions going on before we broke so I'm not sure where those ended up but just say I have a motion if helpful in getting those discussions out there.

Brad Pettinger [00:05:57] Okay. Thank you Corey. Anyone else? Well, I guess we could probably go with that motion and let's get it out there and see where it takes us.

Corey Niles [00:06:15] Mr. Vice-Chair I sent it just a moment or two ago, a minute or two ago so I don't know if Kris or Sandra has received it yet. I used Sandra's wrong email again for the nine-hundredth time. Apologies Sandra but I think I resent it to you. Seeing it on the screen here I'll go ahead and read. I move that the Council adopt the range of alternatives in Table 2 of Attachment 1 with the additions of the new alternative recommended by the SSC in Supplemental 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.

Brad Pettinger [00:07:09] Thank you Corey. Is the language on the screen accurate?

Corey Niles [00:07:13] Yes sir.

Brad Pettinger [00:07:16] Okay. Second? Second by Phil Anderson. Thank you Phil. Please speak to your motion Corey.

Corey Niles [00:07:21] Thanks Mr. Vice Chair. I'll speak just briefly here. Ask colleagues to, this was the product of some discussions with colleagues so hoping they'll jump in and explain some of the rationale. But I think it was, you know, again, speaking to the project team, Attachment 1, I think the range of alternatives does set up a good.....it's a good framework for having, looking at our options thoroughly between now and final action and hopefully in June the SSC has a recommendation on vermilion and sunset, which I think I believe the GMT agrees with and I think my colleague from California can explain the rationale for better. And the GMT I believe is the one adding, they suggested the squarespot be added to the Alternative 1, which is labeled coastwide. And then that last sentence, I don't know if it was, it's necessary or not given, necessary only in whether we already have this ability now and doesn't need to be added to this action, but it is the essential piece of the approach we would take, for example for a species, nearshore species where we do separate assessments by state and as you may remember the exchange with the SSC yesterday where we're not sure exactly.....we're pretty sure that these, there's some substructure within the stock. It could be more of a continuum, a cline or whatnot but you wouldn't expect, for example individuals at the northern end of the range being able to replenish the population in the southern end of the range. It's again a continuum so what we would, what we would likely do if this, you know, if this were alternative in the end is the one we choose is we would still use the information from individual assessments and as was recommended for quillback for example, use different harvest control rules or at least apply them differently based on the results of each assessment where, for example quillback rockfish was more depleted in California than Oregon and Washington and we use the more conservative SPR for the California area. Again, this is just setting

up the discussion to have these, have this science policy and this will all need to comport with National Standard 2 and so on and so forth so I believe that explains it, if not hopefully happy to answer questions and again hoping the colleagues who worked on this will speak up as needed.

Brad Pettinger [00:10:13] Thank you Corey. Questions for Corey on his motion? Keeley Kent.

Keeley Kent [00:10:20] Thank you. Thank you for the motion, Corey, although I'll note your nametag says Heather. I was just wondering if you could speak a little bit more to the last sentence of the motion, just in terms of how you envision this perhaps on a continuum of structured within the FMP versus unstructured and just kind of how you would envision that working, assuming you're talking about one big stock and then separate portions of it being dealt with separately for different harvest control rules. Could you explain that a little bit more?

Corey Niles [00:10:56] Thanks, Keeley, and thanks for the nametag tip. Well, I guess this is one of what I was referring to as... I don't know. We had some good discussions before, you know, over from the last time we ended and before we started up again and I'm still unclear on what is needed to, you know, what discretion we have under the FMP now versus what would need to be added and so I would, this motion, the intent would be to leave that up to the project team and you all working with the project team or if you're part of the project team, a distinction without a difference there, but so I don't know is the question in terms of, I forget what you said, structured, unstructured but I just the intent here is that to use this coastwide label for a nearshore stock or a stock that has, we think has some spatial differences. The key to that is to do the smaller area assessments and then use the specific information from those assessments to target your harvest rates and your management measures to those differences. You know that's, if you remember the exchange with Dan Holland and on the SSC, that was what the SSC would advise if there were multiple area assessments that were rolled up to be one stock and the stock was declared overfished for example. So yeah, the intent is to have spatial management and match it to our best available science on differences in abundance between, you know, along the coast. So, I don't know if that's helping at all Keeley, but I'll stop there and you can come at it from a different angle if not.

Brad Pettinger [00:12:47] Okay. Thanks Keeley. Further discussion? Caroline McKnight.

Caroline McKnight [00:12:57] Thank you Mr. Vice Chair. So, Corey, if I could provide an example and in a question form maybe you could help me make sure I'm understanding the intent of that last sentence. So, if we were to say a particular species was coastwide under Alternative 1, but we had three separate assessment areas and each of those three assessment areas came back at varying different depletion levels, each of those would be separate harvest control rules and management measures tailored specific to those harvest control rules, and if one were to be overfished or in a precautionary depletion level, that assessment area would be a standalone status determination. Is that how that could possibly be an outcome, or would the status determinations still be for the entire coastwide area? And maybe that's not a question for Corey but someone else. Thank you.

Brad Pettinger [00:14:18] Yep. Corey, I see John has his hand up so, but I'll let you....

Corey Niles [00:14:22] Yeah, thanks. Well let me just quickly say I think the answer to that question is I hope the project team will work, needs to come back to us with an answer. But what I heard the SSC say and they confirmed what I heard was that I think this action is all about, John DeVore it's all about the OFL so I think it would be, the status determination would be for the coastwide. All areas would be considered overfished and under the rebuilding plan, but that doesn't mean that you couldn't use different SPR rates among the areas. John, again this is not intended to answer the question. This is intended, the motion as intended is to set-up the, you know, get the information back to us. But that's

my understanding of what the answer would likely be.

Brad Pettinger [00:15:12] Thanks Corey. John.

John DeVore [00:15:18] Thank you. Yeah, I think Corey you characterized that well. The real decision here is the geographic area for a population of the species where you're going to set the OFL and determine the relative biomass, because those are the metrics used to, for NMFS to make status determinations. The relative biomass, of course, gives you the status of the stock relative to Bmsy or the minimum stock size threshold and then the OFL is used to determine whether the stock as defined in the FMP is subject to overfishing or not. So, working in a finer spatial scale to those stock definitions, we've got that ability. That ability is used all around the country but for the key things are where you're going to set the OFL and make those status determinations. The analysis will certainly have to work through our complicated management framework and how that really, you know how the rubber hits the road. And as I see it this last sentence in the motion kind of speaks to, you know, how you do finer scale spatial management under the different alternatives and it's certainly one of the management implications.

Brad Pettinger [00:16:45] Thank you John. Okay. Further discussion? Keeley.

Keeley Kent [00:16:52] Thanks. I am thinking about this last sentence in the motion and, you know, trying to assess whether or not it's within the scope of what we've been discussing thus far. I am hoping that perhaps between now and March we could get some input from the action team about whether or not this addition should be captured within the purpose and need if it's not already and if looking at this aspect, which I think is a step further than just defining stocks, needs to be captured within the purpose and need statement. I will also say, I think, you know, we haven't had enough time at the moment to really scope what this would look like in terms of the pathway forward. We'll need to look at how this would impact our NEPA coverage. I'll just note in general that potentially starting to talk about new structure, I'm thinking about substocks or whatever word you want to use, that that would probably be a change to Amendment 24, which is the FMP amendment that we use to set up the specifications EIS that every spex cycle since then we've been working under, and so we need to make sure that we wouldn't be stepping outside the bounds of that EIS, and if we were we would need to be considering additional NEPA coverage. So, I think there's a couple of details that need to be worked out in terms of thinking this through about whether or not it's okay. But, you know, my question to Corey was really to get at... I think we would want to consider more structure if this was a pathway to go down. I think something like thinking about substocks or, you know, considering populations of a stock to have different harvest control rules would really benefit from setting up that framework in the FMP to allow the Council to do that. I don't think that that is really clearly there right now, and I think, you know, as part of this range of alternatives, that's what I would assume we would need to look at developing. I think that's more than what we were planning on doing and so I just want to note that, that that is kind of, might create some extra workload. I certainly will be thinking about, you know, our workload and ability to undertake that. It would be great to hear as well from the Executive Director if there's any, you know, concerns about expanding the scope from their ability to staff that just knowing that we're still working under this time clock of trying to finish this action by June 2023 in order to have these decisions in place for the development of the 25, 26 specifications.

Brad Pettinger [00:19:38] Thank you Keeley. Okay. Executive Director Burden.

Merrick Burden [00:19:46] Yes, thank you Mr. Vice-Chairman. And thank you Miss Kent for mentioning workload concerns, that is always something that we are considering. And certainly, this last sentence has also captured my attention. I believe I understand what Mr. Niles is after here, and it conceptually makes sense to me. I don't have a clear answer at the moment about whether we can indeed

do all of this in our workload consideration, because I have some of the same questions that you had about whether we start to need a bigger analysis. But my suggestion is that we can try if it's the, the wishes of this Council. We can start putting one foot in front of the other and if we get to a point where we need to flag for you that there's something that would delay this action, we would let you know as soon as possible. I don't have a better answer than that at the moment because it's not immediately clear to me exactly what the workload considerations are because I have some of the same questions that Miss Kent raised.

Brad Pettinger [00:20:46] Thank you Merrick. Corey.

Corey Niles [00:20:46] Yeah, fair enough, but I think when you all put your thinking caps on you'll find out that this is not more workload. This is, you know, to many of us... and I don't want to put people on the spot, but this was always part of it. I wouldn't even put the sentence in there if not told that there was differences in opinion but that is the approach we took with quillback this recommended this last cycle, that is, we've always used specific assessments, the information from specific assessments to, you know, apply our harvest control rules, and I didn't, now I'm not liking how exactly worded the last sentence, could just say apply separate harvest controls but it's, the intent is there and yeah if we don't have this then Alternative 1 for many stocks is just is....doesn't work. So, and on the EIS I understand what they're saying, but again this would be an improvement to our management at a finer scale all within the same framework of keeping catch below ABCs and OFLs and I don't see how that would change our understanding of how this fish, this set of fisheries we manage under this FMP significantly impacts the environment. But again, we're just, that's you're all purview and I hope you think about it. I'm a little pretty... I'll just say frankly I'm surprised that people do not know that this would be part of it. And again, just including it in there because you can't do the, the spatial management without it. And I do think there are some people who believe that we already have this ability now.

Brad Pettinger [00:22:31] Thanks Corey. Further discussion? Caroline.

Caroline McKnight [00:22:36] Thank you Mr. Vice-Chair. Thank you Corey. I think that whether or not it was existing or not I won't comment on, but I'm reading this last sentence and I'm wondering if the broader flexibility that it might provide is to the benefit of all species regardless? So, I'm cognizant of workload implications that it may create, but in the long run that might be worth it. I did want to speak just to a few minutes on some rationale for the addition of vermilion and sunset being added at Point Conception that was recommended by the SSC for very clear, genetic information that says that it should be there. I think adding a new Alternative 4 is in addition to what could be analyzed, but in discussion about this alternative, one ability where separate assessments could be used, it could be encompassed in both but to make sure that we have all bases covered I'm comfortable with adding an Alternative 4 at Point Conception for vermilion, likewise for squarespot through the recommendation of the GMT. And also just noting that the flexibility that this Alternative 1 change might provide, I think that it makes a lot of logical sense to have squarespot underneath that one as well, just so that it's included. So yeah, in discussion at this point I feel comfortable supporting the motion. Thank you Corey.

Brad Pettinger [00:24:17] Thank you Caroline. Okay, further discussion? If not, I'll call for the question. So okay, all those in favor signify by saying 'aye'.

Council [00:24:31] Aye.

Brad Pettinger [00:24:31] Opposed? Abstentions? Okay, motion pass unanimously. And with that I'll turn to John DeVore for his final summary of a groundfish item.

John DeVore [00:24:53] Thank you Mr. Vice Chair, Council members. You have completed your task under this agenda item by adopting a range of alternatives. We've had a good discussion to help stage the analysis that will be done this winter in preparation for the March meeting. And I'd say that with that you have successfully completed your task.

Brad Pettinger [00:25:19] Thank you John. Jessica.

Jessica Watson [00:25:24] Thank you Mr. Vice-Chair. Thanks John. I guess I'm still interested in some clarity on what the project team's plans are for addressing what we have identified as a very complicated issue and what that timeline looks like to keep us on our strict timeline that we're currently under.

Brad Pettinger [00:25:44] John.

John DeVore [00:25:44] Okay, thank you. Thank you for that. Well, we do have two GMT meetings scheduled. I don't know if we have exact dates. I believe we do for the November meeting. We have one scheduled for late November and then one in January. And the main task there is to invite other folks from the Science Centers, the Regions and some other experts there to really just set up the framework for the analytical approach and talk a little bit about the key information that will help inform that analysis. I think it would work out well if that was like the primary focus of the November meeting, although I'm not in charge of that GMT agenda, but conceptually going forward that's my understanding of the plan and I think it's a good one. You know we should do that and so that we have a good framework to start, a good skeleton to start adding the meat.

Brad Pettinger [00:26:45] Caroline. I mean Jessica.

Jessica Watson [00:26:47] Thanks Mr. Vice Chair. Thanks, John, for that additional information. Just for clarification, is it my understanding that the project team will be moving forward with what's developed out of that analysis framework and moving that forward? Or do you envision that that's also the GMT that moves that forward or is the GMT just advising with as well as these additional experts?

John DeVore [00:27:12] Yeah. Thank you. The way we're envisioning it is that the GMT would have an advisory role at this stage. You know they're certainly experts and we'll tap that expertise, or I keep saying we... it's a habit. The project team will tap that expertise certainly in this analysis, but the GMT would serve as advisors, not the primary movers.

Jessica Watson [00:27:39] Thank you.

Brad Pettinger [00:27:40] Thank you Jessica. Okay. Anyone else? All right. Well, thank you all. It's a lot of work went into this and well you're, we're way ahead of schedule here and just a well done.

6. Inseason Adjustments Including Pacific Whiting Set-Asides – Final Action

Marc Gorelnik [00:00:00] A reminder we are on agenda item H.6. We received our reports. We received public comment. The reports included specific recommendations, and with that I'll open the floor for discussion and eventually a motion. Jessica Watson.

Jessica Watson [00:00:23] Thank you Mr. Chair. I want to thank all of the report writers and all of the public testimony we received under this. Specifically with regards to the ODFW report, I had a couple of questions I was hoping I would be able to ask Mr. Wulff if that's appropriate?

Marc Gorelnik [00:00:45] I assume your questions were directed at NMFS. Well, I see someone sitting in the NMFS chair, Mr. Ryan Wulff, so I think he, whether he likes it or not, he's going to get some questions. Go ahead, please.

Jessica Watson [00:00:56] Thank you Mr. Chair. Mr. Wulff, as was stated in our report, ODFW is requesting NMFS provide us guidance on two points. One, how to move forward with an inseason bag limit to increase the longleader fishery, and also how best to move forward with consideration of natural bait in the recreational longleader gear fishery. So, I was just hoping you could provide some guidance there.

Ryan Wulff [00:01:25] Yep, through the Chair, thank you Miss Watson for the questions. Let me take those in order. Regarding the bag limit changes with the longleader gear request. That's a tool that's in our inseason toolkit. You, meaning ODFW, has demonstrated the projected effects are within the recreational mortality estimates that were analyzed in spex, and so we are comfortable with the Council making a recommendation on this issue under this agenda item, if it so desires. Regarding the natural bait, we would recommend the Council consider whether or not to add this to the workload and new management measure list when that gets taken up this spring as opposed to dealing with it under this agenda item. I'd also note that the 2023 Emley-Platt EFP and if finalized and implemented, the non-bottom contact gear bait provision in the non-trawl RCA as part of that non-trawl RCA package may offer comparable data on impacts. The Emley-Platt gear is similar to the longleader gear and will be allowed to use natural bait first under EFP in 2023 and then potentially in 2024 under regulation, so if the Council added this item to the new management measure list, we could evaluate the data applicability and availability at that time.

Jessica Watson [00:02:53] Thank you.

Marc Gorelnik [00:02:56] Further discussion? Questions of NMFS? And if there isn't, if there are not any further... oh, Marci.

Marci Yaremko [00:03:11] Thank you Mr. Chair. I'd just like to make a few remarks if I may. So, I just want to respond to the copious public comment we received on the California rec fishery measures for 2023. What we've heard here today is a request to undo the specifications package that we just spent about 18 months on, and the regulations for that package are slated to take effect in January. Over that course of time the topic of copper rockfish was deliberated by the scientists, the stakeholders, advisory bodies and the Council, and we recommended an FPA last June which formed the basis for the 23-24 biennial spex regs. In that process a couple of key decisions were made. The copper rockfish stock off of California was assessed in two areas, one South of Conception and one from Conception to the Oregon California border. The assessment South of Conception was determined by the SSC as best available science in June of 2021. After further examination and extra meetings, that assessment was approved by the Council for use in management in November. That assessment indicates the fraction

of unfished biomass at the start of 2021 was estimated at 16 percent, which is well below the rockfish biomass target of 40 percent as well as below the minimum stock size threshold of 25 percent. When groundfish stocks fall below 25 percent they meet the overfished criteria. The portions of the population off California, both the southern and the central, are estimated to be the most depleted. With the assessment of North of Conception being in the precautionary zone, so less than the management target of 40 percent but above the MSST of 25 percent. In the 22-23 spex process, the Council agreed that the best pathway forward was to roll up the two assessments off California for purposes of determining the specifications and management measures. So, from there, over the next several months in the development process, stakeholders were heavily involved with developing alternatives and supported the alternative that is scheduled to go in place with the 23-24 spex rulemaking. But I just want to remind everyone, had we treated the population South of Conception independently, a review of the assessment shows on page 17, or I'm sorry, page 57, Table 17, shows what the resulting specifications would have been, an OFL of 23 tons and an ACL of 9.93 tons. However, instead using the roll-up, which was our preferred recommendation and everyone else's preferred recommendation, the advisors and the Council recommended a 2023 ACT for copper rockfish South of 40 10 of 84.6 metric tons, and it was that ACT that we used to design the season structures accordingly. I just want to reference the June 2022 GAP report. The GAP supports the CDFW recreational fishery season structure FPA. While this option is far from ideal for participants in the fishery, it is the least worst of available options according to stakeholders. Thank you.

Marc Gorelnik [00:07:57] All right. Any further comments or discussion? Don't want to cut that short, but I know we need to get to motions at some point and sometimes that sparks some discussion. So, I'm not seeing any hands so I'll invite motions at this stage. Marci Yaremko.

Marci Yaremko [00:08:22] Thank you Mr. Chair. I believe Sandra has a motion. Thank you. I move the GMT recommendations identified in the following action items described in Agenda Item H.6.a, Supplemental Revised GMT Report 1. Number 1: A 750 metric ton Pacific whiting set-aside for research in pink shrimp for 2023. Number 2: Increases to sablefish trip limits North of 36 North latitude. 3: Increases to canary rockfish trip limits North and South of 40 10 North latitude. And 4: Increases to lingcod trip limits North of 42 North latitude.

Marc Gorelnik [00:09:09] Marci, is the language on the screen accurate and complete?

Marci Yaremko [00:09:12] Yes, it is.

Marc Gorelnik [00:09:12] And I'll look for a second? Seconded by Jessica Watson. Please speak to your motion.

Marci Yaremko [00:09:17] Yeah, thank you Mr. Chair. I just want to acknowledge the work of the GMT and the GAP in coming up with the recommendations and considering them in light of the need to get the specifications effective first and then we will be working under those new specifications beginning January 1 and any inseason action package will need to follow thereafter so we can't expect these to take effect right away. And so, I appreciate they've thought through the implications of the timing and think that they've considered the situation with potential effort increases accordingly. We heard that they've provided some additional opportunity here for fisheries to operate at a little higher level than the spex initially will specify, but those projections all will keep us within the respective ACTs and ACLs and other limits based on the information presented in the GMT report. I also appreciate that they've considered the pending development of the commercial mid-water hook and line fishery, targeting mid-water rockfish and have kind of accounted for that in the increases that are being provided for canary rockfish. And relative to the set-aside for Pacific whiting, I appreciate the math and the attachment, recognizing that there was a much higher level of research catch in 2021, but looking

at the, both the five and the ten-year average, using that average 750 metric ton value seems appropriately precautionary and reasonable for 2023. Thank you.

Marc Gorelnik [00:11:23] All right. Thank you Marci. Are there questions for the maker of the motion or discussion on the motion? Corey Niles.

Corey Niles [00:11:37] Yeah, thanks Mr. Chair. Thanks, Marci, for the motion. Just a very small comment on the first one. I think my sense, I think I said this last year or recently, that 750 is probably very unlikely but with whiting tacs where they are I agree this is a reasonable place to be, but in the future, I was just... if the whiting tacs go down it could be given more scrutiny but not a high priority at this time. But thank you for the motion.

Marc Gorelnik [00:12:07] Any other hands up? I don't see any. And if there's no further discussion, I'll call the question. All those in favor say 'aye'.

Council [00:12:16] Aye.

Marc Gorelnik [00:12:16] Opposed, no? Abstentions? Motion passes unanimously. Thank you for the motion Marci. Further motion? Jessica Watson.

Jessica Watson [00:12:29] Thank you Mr. Chair. I move the Council increase the longleader gear fishery daily bag limit from 10 to 15 fish per day.

Marc Gorelnik [00:12:45] Language on the screen accurate and complete?

Jessica Watson [00:12:46] It is.

Marc Gorelnik [00:12:47] I'll look for a second? Seconded by Marci Yaremko. All right, please speak to your motion.

Jessica Watson [00:12:55] Thank you. So, Oregon has experienced a record bottomfish effort in 2022, continuing the trend of high effort since 2015 as I've mentioned in previous reports here to the Council. As you have all heard, extremely favorable weather and sea conditions have contributed to this increase in recreational fishing effort for 2022. This year we have reduced bag limits as well as implemented non-retention of several nearshore rockfish species in an effort to extend the fishing season through the end of the year. Increasing this daily bag limit is intended to entice additional anglers to participate in the longleader gear fishery to help reduce effort on our nearshore reefs and the nearshore stocks that are there such as black, china, copper and quillback rockfishes. The 2023-24 harvest limits for some of the nearshore rockfish stocks are very small, even when non-retention and the updated discard mortality estimates for fish released with descending devices are applied. Additional restrictions could be necessary in 2023 and as you heard from Lynn with ODFW in our supplemental report presentation, the impacts of this action to yellowtail, widow, bocaccio is expected to be well within the non-trawl allocation and the impacts to yelloweye should be within the Oregon recreational harvest guideline. Additional impacts of canary will need to be watched closely as have been, as we've been getting closer to the Oregon recreational share for the non-trawl harvest guideline. And our impacts to salmon variable with the salmon season but should be well within the non-whiting portion. So, in conclusion, with this action we are hoping to be shifting effort and catches off the nearshore towards the more plentiful offshore species to reduce potential for further restrictions and or closures to our regular bottomfish fishery.

Marc Gorelnik [00:14:49] All right. Thank you. Are there questions for the maker of the motion or

discussion on the motion? Marci Yaremko.

Marci Yaremko [00:14:56] Yes, thank you Mr. Chair. Thank you, Jessica, for bringing this motion. Thank you, Lynn, for your analysis and just wanting to say that California is watching with some envy the development of your mid-water fishery and we are encouraged by this move to increase your bag limit and in hopes that it will entice some additional effort. We, too, are looking for ways to get folks interested in opportunities beyond just the nearshore. We, too, had considered at one point a mixed-shelf mid-water species bag limit that is higher than the baseline for California, and it's something that we might consider yet again. So, we're really encouraged by your recommendation today and we look forward to talking with you in sidebar on issues like canary and on the improved productivity of this fishery. So, thank you for bringing it to the Council.

Marc Gorelnik [00:16:05] All right, thank you Marci. I'm intrigued by your comments. Any further discussion on this motion? Not seeing any hands, I will call the question. All those in favor say 'aye'.

Council [00:16:21] Aye.

Marc Gorelnik [00:16:21] Opposed, no? Abstentions? Motion passes unanimously. Thank you very much for the motion, Jessica. Are there further motions? Is there any further discussion? Bob Dooley.

Bob Dooley [00:16:43] Thank you Mr. Chairman. We heard a lot of testimony by the Southern California group that in above about copper rockfish issue and I heard Marci's explanation of what's been done. I think the request I'm understanding from the California recreational fishery and in the GAP report is it'd like to at least have this revisited as an inseason action maybe later next year. And I don't know enough about this, the details, but if information comes forward that things have changed a bit, maybe there's a way to help that. I think that we heard, and we've heard in the past pretty impassioned, you know, requests to maybe look at this. We all know that the survey that produced this, as Marci said, was best available science and it was reviewed and it's kind of left us where we are, but I think my impression around the table is that people all have questions in their mind whether that survey should have gone forward with the lack of data. But that be that as it may we are, you know, this isn't a fast acting Council. It never will be. It's just kind of the way we have to do business, but we also got to, you can't shut fisheries off and on and expect our fishermen to survive in our communities, and I think we've, we're seeing that at various levels all up and down the coast so I would like to have an understanding here that we are going to look at this like we look at everything else in going into next year if there's something that's can be done. So, thank you.

Marc Gorelnik [00:18:39] Thanks Bob. I think what I've heard is when we have data we can take a look, but we don't have that data yet. That's my understanding. Jessica.

Jessica Watson [00:18:51] Thank you Mr. Chair. No, that was my question. It seems like there was some discussion in the GMT and GAP report with some direction from NMFS on the appropriate way for that to go forward, so I was just wondering if Mr. Wulff, is that something that happens in inseason at that time? Can you elaborate on that process?

Marc Gorelnik [00:19:10] All right, Ryan, you've been put on the spot again by Jessica.

Ryan Wulff [00:19:14] Where I love to be. Yeah, regarding inseason maybe just as a reminder, the inseason pathway must meet two tests. One is that the impacts have been previously analyzed and the second is there good cause to waive notice and comment rulemaking. So, if there is additional information, especially regarding the mortality impacts of the recent recreational changes available at some point later in 2023, then that would be appropriate for a future inseason action at that time.

Jessica Watson [00:19:51] Thank you.

Marc Gorelnik [00:19:53] Bob Dooley.

Bob Dooley [00:19:56] Thank you Mr. Chairman. That's kind of exactly what I wanted to explore and understand and at least have, have it on the record that we have addressed it and are still thinking about it, so and pending data, so thank you.

Marc Gorelnik [00:20:12] All right. I think I also understand there may be a new stock assessment coming on copper in June, so there will be data coming forward and we can act upon that data when we have it. Any further discussion on this agenda item? Todd, tell me we're done.

Todd Phillips [00:20:33] Yes. Thank you Mr. Chair. So, the Council has adopted yield set-asides for whiting. You have also adopted trip limit changes for sablefish, canary, and lingcod as well as adopted the increase in bag limit for the longleader fishery off of Oregon. So, I would say that based on the actions that are in front of you, you have completed your tasks. So yes Mr. Chair, you are done.

Marc Gorelnik [00:20:54] All righty.

7. Electronic Monitoring

Pete Hassemer [00:00:00] That concludes our public comments on this agenda item and will take us into Council action. Up there on the screen before us adopting a range of alternatives and then some guidance or discussion on a process and schedule for further action. So, with that slight pause, Ryan Wulff.

Ryan Wulff [00:00:25] Thank you Chair. I thought I'd go first since I didn't give a NMFS report and thought it might be helpful to frame Council discussion just to give a little bit of feedback. I do want to echo all of the thanks that you've heard to all the members of the GEMPAC, GEMTAC, to Kate and Lisa, who I've worked a lot with on that Subgroup 2. To Phil it might have been a moment of weakness, but we have greatly appreciated you stepping into this role and appreciate all the many documents and conversations that we've had. So, I do think that Phil did a very good job giving an overview of the report so I'll just kind of touch on some of the key components that he outlined and that we've discussed that would be, I think considered here for your discussion under a proposed range of alternatives. And these are not in priority order, just in the order of what's... I'll just start with what I think are the two main reg changes, and that would be the first changing the feedback report time from 3 weeks to, I think I heard Phil say 60 or 90 days. So, from our perspective, right, the intent when we originally came up with 3 weeks, right, the 3-week turnaround was to provide operators with timely feedback, vessel operators, and to address any potential issues so that subsequent fishing trips could be corrected if need be. We've also had some instances where longer wait times for EM data uploads can and have resulted in changes to vessel account balances requiring vessels to transfer in pounds to create late deficits. So, I'm just noting this. These are, maybe I should caveat as Phil mentioned, right, NMFS has been charged with coming up with a list of questions, a list of not necessarily concerns but just things we would like further discussion on at the GEMPAC and that the Council could also consider. So, one of these requests would be for the Council, the GEMPAC, GEMTAC in their coming deliberations just to consider how a backlog of up to 3 months may affect individual vessel owners in regards to feedback reports in their account balances. For the second reg change from two business days to seven days for logbook data, again, I completely understand the intent here is to sync this timeline to current practices under the EFP and as a potential additional cost saving that don't have any concerns necessarily, but again just like the other... wouldn't mind hearing from vessel operators or anyone else if they thought that that might have any impact. All of that, I think, will help build the rationale as we get to final action. So those are the two main reg changes. I know there's a third one here that may be, and I think we can explore if there are any additional ones clarifying reg changes as we continue this work in the GEMPAC. The elimination of the business rules that currently exist in the draft manual I am proposing a 10 percent review for bottom trawl fixed gear. Again, that's not a reg change, that is a change to the manual. As I think someone correctly stated, the manual is a NMFS document. It's on our website. It's good to have guidance here if there are processes we're talking about that required changes, but again this is different than a change in regulations. But I will say that the original intent well may go the other way. And I believe the intent of reducing this review rate is two-fold, right? It's to lower review costs and also ensure accurate reporting without the possibility to have that increased review that we had in the business rules that would have had additional costs. So, the kind of questions we have are if you don't have those business rules and you don't have what we had built in what we thought was a cost savings incentive for accurate reporting, if you don't have that then how would you assess vessels that either consistently under-report or just under-report on the hauls that you do review? So, if you review them on 10 percent and you see under-reporting, how do you treat the remaining 90 percent of hauls or assumptions you might make for non-reviewed hauls? Again, these are questions that we will be posing to the GEMPAC just to have some discussions on. I would think it also would be helpful as we get towards final action for some of those, especially those three main changes that I just walked through, to see some sort of analysis or cost savings estimates when we come back to final action since that's the

main rationale of what, why we would be making those changes, and I think there, we've had some discussions on the GEMPAC on that and that is the plan over the winter to have that as also part of our charge. And then finally for secondary review, I appreciate the way that Phil explained it in his initial presentation, and I completely agree, right? I think there is a direct link between secondary review and, if you want to them established providers. But taking a step back I think it is important to reiterate, based on the dialogue we've had earlier, you know, this and some of the public comment that we are not trying to do something big or new or more onerous than what we do for observers right? Similar to observers, this is an oversight role that NMFS would have to ensure the information for catch accounting is of a level of quality that's acceptable, mainly a QA/QC role as noted. And again, our goal is to keep this at the lowest level possible hence the lowest cost. And we have said both nationally and regionally that we would, we very much believe that these levels would be lower for new, or excuse me, lower for established versus new providers. And we will continue to explore this further with the GEMPAC and the GEMTAC over the winter and happy to continue those discussions as we move towards the next time we discuss this at the Council. So those are at least NMFS overarching remarks. Again, I'd like in the spirit of the collaboration and discussions that we have had, to take those remarks as things that I think we need to still discuss, maybe have some conversations on, further explain the rationale, like I said over the coming months. But I do want to say that NMFS remains committed to this process and appreciate everyone both in the GEMPAC and the GEMTAC that have gotten us to where we are at this point. Thank you.

Pete Hassemer [00:07:31] Thank you Ryan. Further discussion? I'm looking around the table for any hands, discussion, comments, motions. Phil Anderson.

Phil Anderson [00:07:49] Was waiting for you to get to the M-word. I do have a motion if it pleases the Vice-Chair?

Pete Hassemer [00:07:59] Please go ahead.

Phil Anderson [00:08:04] Thank you Sandra. I move the Council adopt the following range of alternatives for public review relative to 50 CFR Part 660, Subpart J, West Coast Groundfish Electronic Monitoring Plan. First is modify Federal regulatory language regarding the data submission deadlines. Applies to all EM providers. Alternative 1: Status quo. Alternative 2: 60 days. Alternative 3: 90 days. And this is to submit feedback to vessels in the EM summary to NMFS. Second is modify Federal regulatory language regarding logbook submission deadline. Applies to all EM providers. Alternative 1 is 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 operator. And the third and final one is modify Federal regulatory language regarding determining estimates of discards. Applies to all EM providers. Alternative 1: Status quo. Language to remain as quote, "The EM service provider must process vessels EM data according to a prescribed coverage level or sampling scheme as specified by National Marine Fisheries Service 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: Just modify the language to be quote, "EM service provider must process vessels EM data in logbooks according to a prescribed vessel, excuse me, according to a prescribed review methodology as specified by NMFS in the EM manual on its website". The language on the screen is accurate and correct. Thank you.

Pete Hassemer [00:10:14] Thank you for that confirmation. Is there a second to the motion? Bob Dooley. Please speak to your motion, as necessary.

Phil Anderson [00:10:24] Yeah, thanks Mr. Vice-Chair. So, this just plays off the report from the GEMPAC, TAC, where we identified the changes that would need to be made in the regulations to be

consistent with the revised service provider manual. It gives us an opportunity to take a look at, in the case of the first one, a longer timeframe to, for vessels to, excuse me, to submit feedback to vessels in the EM summary reports. We've heard that there are potential concerns that we need to think about relative to lengthening that out to either 60 or 90 days, but it is a potential option for us to reduce cost while maintaining the integrity of the system that we think is worthwhile exploring. The second one similarly, actually this, what we have found is that the seven days is more consistent with what is the actual practice now, which is really what we're trying to do is mimic what is being done in what has demonstrated itself as being successful. And then the third one is one that I mentioned in my report that we did not have an opportunity to talk about extensively within the committee but came up kind of late in the game once we looked at it, and so by simplifying this language it eliminates some of that language there that we think would, could be contradict what's in our revised manual. So that's the rationale for bringing this forward for Council consideration. We understand that we have a target of January 2024 to have the EM program under regulation and so we, this is a first step in this process of considering modifications or amendments to the current regulations and would look forward to the Council's favorable consideration of the motion.

Pete Hassemer [00:12:58] Thank you. Are there questions for the maker of the motion? I don't see any questions so we will open it for discussion on the motion. Bob Dooley.

Bob Dooley [00:13:16] Yeah, thank you Mr. Vice-Chair. Thanks, Phil, for the motion. I would just want to add that, you know, these weren't developed in a vacuum by the GEMPAC, the people that were charged with putting this together included Pacific States Representative Dave Colpo. And the focus was to, was our charge was to find ways to reduce costs in this and to make it more efficient. And I think these are really well thought out requests. And I think they're, you know, these are here because we need to get this in the system, get it going so that we can have a regulatory package ready for January 1st or implemented January 1st 2024. So that's all I wanted to add is that, you know, this isn't some wish list, I wouldn't look at it as that. I look at it as a well thought out process and really appreciates Phil's ability to put it into words. Thank you.

Pete Hassemer [00:14:31] Further discussion? Give everybody a little bit of time to think about this and make sure I don't miss any hands, but I'm not seeing any more. Oh, excuse me. Ryan Wulff.

Ryan Wulff [00:14:46] No, I don't under discussion, but I think since we have all the people listening for this agenda item and I'm going to raise this again tomorrow, but I can support this motion. I think you've laid it out cleanly. I'll just put a marker that we'll probably want to revisit when we would come back for final action on these range of alternatives. And I think the way you've set this up would allow us to potentially address this with final preferred alternative as appropriate in March. Thanks.

Pete Hassemer [00:15:19] Marci Yaremko.

Marci Yaremko [00:15:21] Thank you Mr. Vice Chair. I want to speak in support of the motion. Modifying elements of the Federal regulatory language I think they're pretty straightforward and very happy to support them. I do have a few other questions or comments related to the, the bigger issues surrounding EM, including some of the public comment, but I figure that we're talking about the motion right now so I'll hold them till we wrap this part up. Thank you.

Pete Hassemer [00:15:52] Further discussion? And that was a fair pause and I'm not seeing any hands so I'm going to go ahead and call for the question on this. All those in favor signify by saying 'aye'.

Council [00:16:07] Aye.

Pete Hassemer [00:16:07] Opposed? Abstentions? Motion passes unanimously. Thank you very much for that work. Phil Anderson.

Phil Anderson [00:16:21] Thank you. I just wanted to speak to a couple matters here that are the second part of our action here. We had, we, the GEMPAC had requested the ability to meet one time between now and March. I'd like to up that to two. We may not need it, but we may. A lot of times it takes discussion of what the issue is and make sure everybody understands what that issue is and then the second opportunity to look for a solution. The other thing that we've talked a little bit about and I am anticipating that Ryan spoke to is, there are likely going to be a couple of other questions that come from NMFS that we will need to, we will need to look at and address. And I'd like to have the opportunity to have a thoughtful deliberation about that and recommendation or a solution to it, so that's that piece. The piece about the review rate. You know, I certainly heard the Enforcement Consultant's concerns and one of the questions I asked Captain Chadwick is let's take a look at the data. That we're talking about bottom trawl. I'm not going to say I know with certainty the number of tows that they make on a particular trip, but generally it's not a lot and so our suggestion here is that at least one would be subject to video review and no less than 10 percent. So, if you had four for example, four tows in a trip for example, you'd have a 25 percent review rate under what we've proposed. I won't go through the math and what you do for six or eight but, and so it's, to me it's going to be important to go back and take a look at a little bit more carefully what are the number of tows that are typically taken in a trip and what would this mean and does it have an adverse effect on the integrity of the review to ensure that the logbooks are accurately reflecting the discharge of those seven species, because that's what we're talking about. And as Mr. Wulff mentioned, this is in the manual. It is something that we don't need a regulatory change for so, and I don't know if it's been called a living, breathing document but it is a, it seems like it's a living, breathing document. And so, we would have, you know, we have the opportunity to change things if they're not working, but I think that careful look at that review rate's going to be important before we land on a particular number, if it is something other than 25 percent. So, and again, as Mr. Wulff mentioned, we may be in a position to come back with a final before June. He mentioned March. I'd like to think that's possible, but because I think it's going to be important to have 99 percent of the issues worked out in the manual that coincides with the final one on the amendments to the regulations which are more, I mean I won't call them minor, but they're, it's a package. So, thanks Mr. Chair, or Mr. Vice-Chairman for indulging me in those comments.

Pete Hassemer [00:20:26] Okay, thank you. Further discussion? Bob Dooley.

Bob Dooley [00:20:30] Just a comment on that. I did speak with Dave Colpo about this a little bit just in anticipation of this and asked him the question about what percentage of, you know, what, how many tows there are in the average trip of bottom trawl, and he's going to be looking into it. He hasn't gotten back to me yet, but I think it's a reasonable thing to look at and analyze and figure out what the proper rate is. Is it 10? Is it 15? Is it something? Or is it 25? So, I think that we're trying to get to efficiencies so I think that's a cost efficiency. So anyhow and accurateness, it's a balance. So, thank you.

Pete Hassemer [00:21:18] Okay, thank you. Marci Yaremko.

Marci Yaremko [00:21:20] Thank you Mr. Vice-Chair. First, I want to thank the members of the GEMPAC and TAC. There's been a substantial amount of progress on the issues at stake over the last few months and I know there'll be more to come. I guess just I have a few sort of overarching things that I'm thinking about as the program progresses, and certainly support the work and support the further program development, but just maybe it's a flag or just a pause in my mind about the situation with Pacific States and the establishment of the trust account. While it may be minor in the scheme of obligations that Pacific States will be assuming, it's a permanent one as I understand it, and I think about Pacific States and its priorities. I just want to, you know, I'm cognizant of, you know, setting up

obligations that are there and recognizing that Pacific States has changing priorities and obligations. This is just something that will be there. I'm thinking about the situation with catch monitors. We heard the testimony today from Mr. Conger pertaining to Bill Blue, who is probably the southernmost participant in the IQ fishery. He's a gear switcher. He can't find a catch monitor. He's had trouble. I mean I appreciate hearing there's a short-term solution on the horizon. But there are, I guess what I'm getting at is there are other needs in the IQ program and there are only so many of them that we can accommodate. So, I'm just hoping that we're making sure that in moving forward with this priority that we are considering that there are others out there as well. I'm thinking about the changing fishery environment and the species that our fisheries are encountering now and that catch composition may differ over time, and what I'm thinking about is... are we building in some sort of periodic like five-year review of the program? And the reason I ask that is, you know, I think my, my biggest concern here is that in our endeavor to cut costs or build a program that is cost efficient, which is certainly a very important goal. I think we do want to retain mechanisms to review the program maybe on some sort of periodic five-year review basis similar to what we do for our LAP programs just to ensure that in fact the program itself is working as intended. I think about that, you know, thinking that some, you know, Pacific States hasn't.....you know oftentimes they're excellent at working at pilot projects and building new projects and doing test studies and, you know, I'm thinking about the personnel situation and we're losing some big capacity there, some change in staffing and, you know, as this program, you know, continues to develop and evolve, you know, I just hope that we will take the time in whatever fashion to ensure that it is meeting the goals that we intend for it to meet. I think that's it for now. Thank you.

Pete Hassemer [00:25:41] Thank you Marci. Further discussion? Barry Thom.

Barry Thom [00:25:51] Thank you Mr. Vice-Chair. I just had a, maybe trying to clarify the question given that we will be helping with the workload associated with doing some of the review related to Mr. Dooley's comment and having our folks go back and do some analysis, I was wondering if it would work to specify to provide a histogram of the number of tows per trip for each year for the past few years as a way to look at that histogram of, you know, where's that cut off point? Is it, you know, is it four or is it five tows per trip? Because I think that would give us a real good estimate of does it really matter or not to be at 10 percent or 25 percent or in 95 percent of the cases do you almost always end up with a minimum of 25 percent coverage just based on how the fishery operates? But I just wanted to clarify that question a little bit so we could do that analysis.

Pete Hassemer [00:26:47] All right. Thank you. Butch Smith.

Butch Smith [00:26:51] Thank you Mr. Vice-Chair. And I'm never quite sure during these discussions what you can enter or not enter in and so I apologize if I cross some union line. But I, you know, after hearing public testimony it'd really be my suggestion but maybe the whiting representatives and the EC sit down and maybe have a cup of coffee together and talk things over a little bit. I think it would be appropriate to do so to make sure, you know, everything is on the upper up. I certainly don't look at the whiting industry as a bunch of crooks. I don't think the EC looks like, you know, thinks are a bunch of crooks, but there's some disconnect right there in the process so I think it's important that you get on a level playing field again and make sure everybody's comfortable with where their places in the world. I think it would be a good thing. So anyway, just sorry if this is in the wrong place but I think it need to be mentioned.

Pete Hassemer [00:27:59] Thanks Butch for that comment. Further discussion? While you're pausing, I'm going to look to Brett and ask him for a summary. I think we've got a little bit of input on a process, the suggestion for two GEMPAC meetings, but Brett why don't you summarize what you've heard.

Brett Wiedoff [00:28:19] Thank you Vice-Chair. You've adopted a range of alternatives. That's great. It's possible that the process to finalize that could be straight to final preferred alternatives in March. We have that drafted on the March agenda already so we'll hear more about that at workload planning and see if we can get there. As far as GEMPAC meetings, it's a bit challenging to schedule any in-person meetings right now. I know with the holidays coming we'll do what we can. If we have any new information to discuss or just further discuss what we've discussed here and what we've further developed, we could do that as soon as possible. I'd love to have an in-person meeting. We'll see what we can do to schedule something between now and the March meeting. Maybe even look at possibly meeting in-person in March. We'll have to discuss that. I'll discuss that with Phil and find some time to... IPHC has some meetings in January and there's some commission meetings in January and the Salmon Commission, I think, so January is pretty full. So, we're going to be struggling, and briefing book is early February, the first week of February, so all these things to consider trying to get together, get the materials together, hopefully not too, hopefully in the advance briefing book versus supplementally. We'll do our best on that end. I've heard some good discussions on some future things too that we should continue to consider. The catch monitor issue has been asystemic. One of the things that that came out in the very first year that we were discussing Electronic Monitoring and how that might, that idea of monitoring shoreside, but there are some challenges there because there's some fish handling that needs to happen, especially with protected species. So, using Electronic Monitoring may not be the, silver bullet there, and we've had those conversations before... so I recognize Marci, that issue it's especially in those smaller remote ports so we keep trying to think outside the box and figure out a way to meet that need. Outside of that I think we're pretty squared away on what we've done here today. And I do appreciate everybody's work on behind the scenes in front of everyone. I really do feel reinvigorated that we might get here now by January 1, 2024, so that's good, that's good in my mind anyway.

Pete Hassemer [00:30:42] All right. Everybody agree with what you've heard from Brett? Looking around I don't see any disagreement. I think if there was disagreement, I'd see a hand. So, with that I think we're ready to close out this agenda item. Thanks everybody for their efficient work on it. And I will pass the gavel back to our Chair.

Marc Gorelnik [00:31:05] Thank you very much Vice-Chair Hassemer. Somehow we're back on schedule.

I. Coastal Pelagic Species Management

1. National Marine Fisheries Service Report

Marc Gorelnik [00:00:00] That concludes public comment on I.1, takes us to our Council action, which is discussion and guidance as appropriate. There was not much of an update in terms of regulatory process from NMFS. We did receive a science presentation and we have had a public comment. So, let's see if there's any discussion or guidance to be provided by Council members. Briana Brady.

Briana Brady [00:00:30] Good afternoon. Thank you Mr. Chair. I just wanted to say thank you to Annie for the presentation and to acknowledge that it was great to have fish and wildlife staff out on the CalCOFI cruise and I look forward to having that happen again. Thank you.

Marc Gorelnik [00:00:50] Anything further from the Council? Jessi, how are we doing?

Jessi Doerpinghaus [00:00:59] Mr. Chair, I think you all have completed your action for today.

Marc Gorelnik [00:01:05] All right.

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

Marc Gorelnik [00:00:00] All right, we've had our reports. We've had our public comment. We have our action before us, so I'll ask for any discussion or comments and or a motion. Briana Brady.

Briana Brady [00:00:21] Thank you Mr. Chair. I just wanted to say thank you again to CDLPA and the West Coast Pelagic Conservation Group and the fishermen along with the Science Center for all their efforts in providing better science in support of this sardine stock assessment. As has been noted, these EFPs will provide data to continue to help inform Pacific sardine assessments and CDFW supports these exempted fishing permits and moving them forward for public review. So, I can put a motion forward if you're ready for one.

Marc Gorelnik [00:00:54] Well, let's just see if there are any other hands and if they're not, then your motion will prompt some discussion perhaps. So... I'm not seeing any hands, so please go ahead.

Briana Brady [00:01:05] Thank you. Hopefully something is coming through to Kris or Sandra. I got a bounce back from Sandra so maybe Kris has it? I can read it too. Would you like me to read it Kris? I move that the Council adopt the preliminary exempted fishing permit proposals in agenda item I.2, Attachments 1, 2, and 3 for public review. Thanks Kris.

Marc Gorelnik [00:02:28] All right. Well, that's getting cleaned up a little bit. Is the language on the screen accurate and complete?

Briana Brady [00:02:37] Yes, it is. Thank you.

Marc Gorelnik [00:02:38] All right. I'll look for a second. Seconded by Bob Dooley. Please speak to your motion.

Briana Brady [00:02:43] Thank you. These EFPs, the proposals provide for opportunities to help maintain time series for biological data that have been used in the stock assessment. And these EFP proposals also help to address data gaps related to nearshore biomass by allowing for industry run acoustics and aerial surveys to collect corresponding biological data to inform species and size composition of the nearshore schools. Additionally, our advisory bodies, the MT and the AS are supportive of these proposals being adopted for public review. Thank you.

Marc Gorelnik [00:03:20] All right. Are there any questions for the maker of the motion or discussion on the motion? I'm not seeing any hands. I will call the question. Wait, I'm sorry, Christa I didn't see your hand.

Christa Svensson [00:03:35] That's okay. I was a little slow. I just want to say, well... one, I would be supporting this no matter what, but I think it is really worth acknowledging the work of California Wetfish Producers in terms of looking at how to get at the scientific data in a new way that makes more people more comfortable. And I think it's encouraging to hear Oceana come up here today and say, we're willing to look at this and be supportive or more supportive. That's certainly not something we've heard on these prior, at least in my tenure on the Council, and I just, I do think it's important to reflect on that for a moment and to acknowledge it. So, with that in mind, I've said my piece and I'll be supporting the motion.

Marc Gorelnik [00:04:32] All right. Thank you. Anything further? Now I will call the question. All those in favor say 'aye'.

Council [00:04:40] Aye.

Marc Gorelnik [00:04:40] Opposed, no? Abstentions? Motion passes unanimously. Let me ask the Council if there's anything further on this agenda item, either discussion or motion? Jessi.

Jessi Doerpinghaus [00:05:01] Mr. Chair, you all have completed your Council action for today. You adopted our three EFP proposals for public review and we will take final action on those in April.

Marc Gorelnik [00:05:12] All right, thanks. Thanks very much.

3. Fishery Management Plan Housekeeping Amendment

Pete Hassemer [00:00:00] That completes all our reports and the public comment which takes us into Council action and begin I'll look for any hands to kick off discussion on this item. I guess I'm going to have to be the tiebreaker here. Corey Ridings followed by Briana Brady.

Corey Ridings [00:00:24] Thanks Mr. Vice-Chair.

Pete Hassemer [00:00:26] They were both at the same time.

Corey Ridings [00:00:28] Thank you Briana. I just wanted to put a couple of things out on the table as we're discussing this. The first thing I was going to bring up under a later agenda item, but Jeff brought it up just now, and that's the concern about the difference between the northern and southern subpopulation. There is in the red line... a change to take it from sardine to specifying the northern subpopulation which, as I understand it, is from a bit of a historical artifact going back some time but it does bring to the surface the concerns about these two different subpopulations and how they need to be addressed, both from a conservation concern about what's actually going on there as well as some management concerns in terms of our harvest levels and availability to sectors even like the bait sector. So just wanted to note that and look forward to the workshop that Dr. Yau talked about and, you know, this Council's aware of, so hopefully we'll be able to see the results of that soon and be able to discuss possible needed conservation and management. Pardon me. I also wanted to voice some concerns just about this concept of a housekeeping amendment in general. The red line is really more than just copy edits. I was anticipating more copy edit style amendments but that's not what I'm seeing here. So, I'm not suggesting we should stop work at this point or anything like that, just noting that maybe this is an opportunity to think about sort of when and where we want to address issues as part of CPS management. I heard the CPSMT briefly note considerations about information that should potentially be in the SAFE as opposed to the FMP. I'm not going to claim expertise or have recommendations at this point, but that seems like a good idea, and potentially maybe there's even reason here to think about adding to the COPs a more formal definition of what housekeeping means. So, I just wanted to put those concerns out. And I think I will stop there, and I hand it to Briana.

Pete Hassemer [00:02:44] Thank you. Briana Brady.

Briana Brady [00:02:53] Thanks Mr. Vice-Chair. Thanks, Corey, for those comments. I wanted to say thank you to the CPSMT for making revisions and to the advisory subpanel and the public for providing comment. I'm supportive of moving the draft FMP forward for public review with the one edit proposed by the CPSAS to add a sentence to section 4.6 regarding COPs and for the Council to take a look at the FMP at the April Council meeting. And I think I'll leave it there.

Pete Hassemer [00:03:31] All right. Thank you. Further discussion? Heather Hall.

Heather Hall [00:03:41] Thank you Vice-Chair and thank you Briana. I just want to comment, I think that seems like a good way to keep this going. This is public review and it'll give the opportunity for comments to come back in April and more discussion on that after the public's had time to think about it. So, I'll support that. Thank you.

Pete Hassemer [00:04:04] Thank you Heather. Further discussion? While you're contemplating that, just a reminder we would need a motion on this to move it forward. Briana Brady.

Briana Brady [00:04:17] Thank you Mr. Vice-Chair. I have a motion if Kris or Sandra could post it,

please. Thank you. I move that the 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.

Pete Hassemer [00:04:54] Thank you. Is what's on the screen accurate and complete?

Briana Brady [00:04:58] Yes. Thank you.

Pete Hassemer [00:04:59] Thank you. Is there a second? Chair Gorelnik seconds that so please go ahead and speak to your motion if you would like to.

Briana Brady [00:05:08] Thank you. So, this housekeeping effort has been in the making for a few years now. And as noted in the sitsum, the changes were limited to items such as improving clarity and consistency across sections and making format changes and revisions, and also incorporating references to the anchovy framework and that none of the proposed changes are intended to change the management of CPS fisheries. I think at this time we should adopt the housekeeping revisions for public review and ask the MT to work with Council staff and NMFS to ensure that the proposed revisions do not make substantive or non-housekeeping revisions, and then ask the MT to bring the FMP back to the Council in April for final consideration and approval.

Pete Hassemer [00:06:01] All right, thank you. Any questions, clarification for the maker of the motion? I don't see any hands so discussion on the motion? Corey Ridings.

Corey Ridings [00:06:17] Thank you Mr. Vice-Chair. Thank you, Miss Brady, for the motion. I plan to vote for this motion but wanted to note in regards to some public comment we heard today about the anchovy management framework and flowchart that is currently in the COPs. This Council had discussed giving that a two-year test drive to see how it worked before we considered moving that back into the FMP. And just want to note that I still see the logic to that and hope to see that and hopefully next year we can start a process to check-in and see how it's doing and hopefully move it into the FMP. So, thank you.

Pete Hassemer [00:07:00] Thank you. Further discussion on the motion? I don't see any hands so I'm going to go ahead and call for the question. All in favor signify by saying 'aye'.

Council [00:07:13] Aye.

Pete Hassemer [00:07:13] Opposed? Abstentions? The motion passes unanimously. That takes care of part of our task here on moving this forward for public review. There was still the discussion potentially on providing guidance for future work and schedule. I'm going to turn to Jessi and see what we might have heard there.

Jessi Doerpinghaus [00:07:51] Mr. Vice-Chair. Yes, so thank you. Actually, Miss Brady provided some guidance in April, and it seemed to be like there was consensus around that. So based on that, I believe you have finished your Council action for today. So, you adopted Attachment 1 for public review with the inclusion of the statement related to the COPs from the CPSAS report. So, we'll work on getting that posted for public review and work with the MT and NMFS staff in reviewing those changes and bringing back in April for potential final action.

Pete Hassemer [00:08:28] All right, thank you. One last chance. No comments? We're going to close out this agenda item then and move on to I.4.

4. Stock Assessment Terms of Reference – Final Action

Pete Hassemer [00:00:00] That's all our reports and the public comment and takes us to Council action, which is up there before us on the screen, adopting Final Stock Assessment Terms of Reference. I'll look for anyone to kick off discussion on this item. Briana Brady.

Briana Brady [00:00:25] Thanks Mr. Vice-Chair. And thank you to the SSC for creating a separate Terms of Reference for CPS. I agree with the provisions noted in the SSC report and support adopting the final stock assessment TOR for CPS with those revisions. So just wanted to put that out there. Thanks.

Pete Hassemer [00:00:43] All right, thank you. Further discussion? Everybody's got heavy arms here today, but we can wait. Briana Brady.

Briana Brady [00:01:02] I have a motion. If Kris or Sandra could please put it on the screen.

Pete Hassemer [00:01:09] Great. Go right ahead.

Briana Brady [00:01:11] I move the 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.

Pete Hassemer [00:01:26] Thank you. Is what's on the screen accurate and complete?

Briana Brady [00:01:30] Yes, thank you.

Pete Hassemer [00:01:31] Is there a second for the motion? Seconded by Bob Dooley. Go ahead and speak to your motion as you desire.

Briana Brady [00:01:38] Thank you. The SSC and the CPSMT recommended a couple of years ago to separate the TORs for each fishery management plan. And having separate documents will help to streamline and improve coordination of the revision process and will allow for shorter documents tailored to each species group. And I think that's all I have for this right now. Thanks.

Pete Hassemer [00:02:04] Thank you. Questions for the maker of the motion? I'm not seeing any questions. Discussion on the motion? I don't see any hands for discussion here so as I look around, I'm going to go ahead and call for the question then. All in favor say 'aye'.

Council [00:02:25] Aye.

Pete Hassemer [00:02:26] Opposed? Abstentions? Motion passes unanimously. Thank you very much. Jessi, how are we doing?

Jessi Doerpinghaus [00:02:38] Y'all are doing fantastic Mr. Vice-Chair. So, you've completed your action for today. You adopted our final TOR for CPS stocks to be used in 2024-2025. So, we will get that up to our website and you are done with this item for today.

Pete Hassemer [00:02:56] All right, thank you. That closes out Agenda Item I.4.

5. Stock Assessment Prioritization

Pete Hassemer [00:00:00] There is no public comment so that moves us directly into Council action. And there is the action before us on the screen, adopt Stock Assessment Priorities and Provide Other Guidance as appropriate. So, I will look around the room for a hand to start discussion. John North.

John North [00:00:22] Thank you Mr. Vice-Chair. I'm very new to coastal pelagic species but based on the information provided, my understanding that in 2020 the Council adopted a biennial schedule for priorities for the 22 coastal pelagic species assessments, and that was to guide the priorities and the survey design and long-term planning while also providing flexibility. I believe today's agenda is the first time we do the same thing for assessments in 24-25. The Table 1 in the situation summary for coastal pelagic species captures those recent and proposed surveys for the CPS species. Of note, the management team does recommend that modification for Table 1 be amended to include the Pacific sardine update in 2025. So, updating this schedule makes sense to me and I'd be prepared to offer a motion whenever it's appropriate.

Pete Hassemer [00:01:34] Thank you John. Before we get to the motion let me look around for hands for further discussion. No one is raising their hands so I'm going to turn back to you, John, for a motion.

John North [00:01:53] Okay. Thank you Mr. Vice-Chair. So I would move that the... let's see we have the language? Yes, I would move that the Council adopt the stock specific 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 CPS Management Team located in Agenda Item I.5, Supplemental Report Number 1.

Pete Hassemer [00:02:30] All right. Is the language on the screen accurate and complete?

John North [00:02:35] I believe it is.

Pete Hassemer [00:02:36] All right. Is there a second? Seconded by Corey Ridings. Go ahead and speak to your motion as desired.

John North [00:02:49] Thank you Mr. Vice-Chair. I don't have a lot to add to my opening comments. I think I used most of my material. It seems appropriate to have a schedule like this in place for planning purposes, transparency and coordination. I didn't include any proposals beyond 2025 because it sounded like we had another opportunity to address this in 24. That's all I got.

Pete Hassemer [00:03:20] All right, thank you. Questions for the maker of the motion? And I'm not seeing any questions. Discussion on the motion? Heather Hall.

Heather Hall [00:03:36] Thank you Vice-Chair. And I just want to say that I appreciate the information from the CPSMT and the advisory subpanel and setting up this schedule. It seems like a good process. I think John spoke to a lot of the good rationale, but just say I support the motion. Thank you.

Pete Hassemer [00:03:59] Thank you. Further discussion on the motion? I don't see any hands so again I am going to have to call for the question then. All those in favor signify by saying 'aye'.

Council [00:04:16] Aye.

Pete Hassemer [00:04:16] Opposed? Abstentions? The motion passes unanimously, and with that I

turn back to Jessi. Oh, excuse me, Jessi. Briana Brady.

Briana Brady [00:04:33] Thank you Mr. Vice-Chair. I just wanted to note in the MT report they speak to corrections that need to be made in COP 9 regarding Pacific mackerel and the SAFE and I would just give a head nod that I think Council staff could probably make those corrections and bring it back to us under a COP item if that's okay?

Pete Hassemer [00:04:58] Jessi, can you respond to that?

Jessi Doerpinghaus [00:04:59] Mr. Vice-Chair, yes, we'll definitely look at bringing forward those corrections related to Pacific mackerel. The SAFE change is something the MT has been discussing and so we could bring back proposed revisions to that as well. So, at a future meeting on both.

Pete Hassemer [00:05:19] All right, thanks. Before I turn back to Jessi to see how we're doing, any other comments or discussion? I don't see any hands so, Jessi, how did we do there?

Jessi Doerpinghaus [00:05:32] Y'all did great. So, we are done. Completed your action. You adopted your stock assessment priorities for 24-25 and we will communicate those with the Southwest Fisheries Science Center. In addition, we'll look at those proposed changes to COP 9 and bring those forward at a subsequent meeting.

Pete Hassemer [00:05:52] All right, thank you. And that closes out this agenda item.