

COUNCIL MEETING TRANSCRIPTS
272nd Session of the
Pacific Fishery Management Council
June 21-27, 2023
Hilton Vancouver Washington
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In-Person Meeting

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Contents

Meeting Transcript Summary.....	3
A. Call to Order.....	4
3. Agenda	4
B. Open Comment Period.....	5
1. Comments on Non-Agenda Items	5
C. Administrative Matters.....	7
1. Council Coordination Committee Meeting Update.....	7
2. Council and Process Efficiencies.....	8
3. Marine Planning Update.....	18
4. Legislative Matters	25
5. Fiscal Matters	26
6. Approval of Council Meeting Records.....	30
7. Membership Appointment and Council Operating Procedures.....	31
8. Future Council Meeting Agenda and Workload Planning.....	48
D. Habitat Issues	58
1. Current Habitat Issues	58
E. Pacific Halibut Management	59
1. Scoping Topics for Catch Sharing Plan and Regulation Changes.....	59
F. Ecosystem Management	81
1. Fishery Ecosystem Plan Initiative 4 – Ecosystem Workgroup Update	81
G. Coastal Pelagic Species Management	83
1. National Marine Fisheries Service Report.....	83
2. Pacific Mackerel Assessment and Biennial Management Measures – Final Action.....	84
3. Essential Fish Habitat Amendment - Final Action	86
H. Groundfish Management	89
1. National Marine Fisheries Service Report.....	89
2. Sablefish Gear Switching – Initial Preliminary Preferred Alternative	90

3.	Amendment 31 Stock Definitions – Final Action	113
4.	Limited Entry Fixed Gear Follow-On Actions and Fixed Gear Marking - Scoping	117
5.	Electronic Monitoring Implementation Update.....	124
6.	Groundfish Endangered Species Workgroup Report.....	127
7.	2025 – 2026 Harvest Specifications and Management Measures Planning	130
8.	Inseason Management – Final Action	134
I.	Salmon Management	142
1.	Sacramento River Fall Chinook and Klamath River Fall Chinook Conservation Objectives - Scoping 142	
J.	Highly Migratory Species Management	153
1.	National Marine Fisheries Service Report.....	153
2.	International Management Activities	154
3.	Exempted Fishing Permits – Preliminary	156
4.	Drift Gillnet Bycatch Performance Report	161
5.	Swordfish Fishery Management Workshop – Scoping	163

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

3. Agenda

Marc Gorelnik [00:00:00] Before we get started we need an agenda, and an agenda has been provided. Agenda Item A.3 is the detailed agenda. Let me see if there are any changes to the agenda or a motion to approve the agenda. Mr. Phil Anderson.

Phil Anderson [00:00:21] Thank you Mr. Chairman. I move the Council approve the Council meeting agenda as printed in the Agenda Item A.3, June 2023.

Marc Gorelnik [00:00:29] All right, thank you for the motion. Looking for a second? Seconded by Bob Dooley. Please speak to your motion as necessary.

Phil Anderson [00:00:35] I don't feel it's necessary.

Marc Gorelnik [00:00:37] All right. Any discussion? All right. All those in favor say 'Aye'.

Council [00:00:42] Aye.

Marc Gorelnik [00:00:43] Opposed, no? Abstentions? The motion passes unanimously. Thank you for the motion. We have an agenda. That means we can get started.

B. Open Comment Period

1. Comments on Non-Agenda Items

Marc Gorelnik [00:00:00] That concludes public comment. We typically don't have much... we don't have Council discussion after this, but I first want to... there are a couple of significant issues that were raised. One having to do with the National Standard guidelines and the other having to do with sanctuaries, and I'd like to ask our Executive Director Merrick Burden to talk about what staff feels is a way forward here.

Merrick Burden [00:00:28] Yes. Thank you Mr. Chairman. First, I guess in regards to the advanced notice of proposed rulemaking, as you heard the CCC did pass a motion and I am drawing a blank as to whether a formal letter has been transmitted to the agency, but it did ask for an extension to October 15. In some unofficial discourse with, I believe with Wendy, it sounds as if NMFS is not entertaining the idea of extending that comment period, and so in some further discussion with them they have basically said, 'do the best you can and if you don't quite make the deadline go ahead and send in your comments anyway'. So, I would expect that is where we find ourselves and that the likely closure of the ANPR comment period overlaps, I believe, with our September meeting. So, I would still say that the plan forward for us as a body is to aim to gather our thoughts at September and after that point, your trusty staff would be happy to transmit whatever thoughts you have on the ANPR. After that September meeting it's unlikely to specifically make the comment period, but my understanding is NMFS will take them anyway. So that's where I will maybe pause there and see if that's what you're looking for Mr. Chairman, but that is what I have in mind for a way forward on that issue.

Marc Gorelnik [00:02:00] All right, thank you, and I'll look around the table. I think the putting this on the agenda for September gives the public an opportunity, gives us an opportunity, and so we won't be offering any comments to NMFS at this meeting. And sanctuaries?

Merrick Burden [00:02:23] Yes Mr. Chairman. So, the sanctuaries item, as we heard, we had some discussion here with Miss Reyna from the Office of National Marine Sanctuaries. They have also submitted a comment under our Future Agenda Planning item later this week and so the reason that we orchestrated it that way was to get some of the sanctuaries thoughts in front of you at the start of the week and allow those thoughts to germinate so that when we come back on our last day that we would have had a chance to of think, to have thought about this item and the sanctuaries plans for coral propagation and what that might mean for what we want to do and how we want to work with them moving forward. So, our intention then was to tee this up so that we can wrestle with this in the back of our minds throughout the week rather than having it land on the last day and try to deal with it then. So, hopefully that addresses what you are looking for Mr. Chairman.

Marc Gorelnik [00:03:23] I think so. Bob Dooley.

Bob Dooley [00:03:27] Thank you Mr. Chairman. I think I heard, Merrick, that you said that the agency knows we're going to be outside of the deadline that they have for the National Standards comments. Is it, if not, if that's incorrect, should we inform them that we, our Council process, our comments will be late but they will be forthcoming. Is that worth doing so that they don't assume that we just have no comments?

Merrick Burden [00:03:56] Yes. Thank you Mr. Dooley. The way that I would typically handle this is to submit a very brief comment within the public comment timeline saying, you know, on behalf of the Pacific Council we haven't had a chance to fully consider comments, but we will be sending them. So that is on the record within the public comment period and then to follow up as quickly thereafter

as we're able with our official comments.

Marc Gorelnik [00:04:23] All right. Is there anything further under this agenda item? We did have a couple of public comments that did not deal with National Standard guidelines or sanctuaries, but I'm not seeing any hands here, so I think we have concluded this agenda item. Thank you. Next, we have the ICC meeting update. I'll be handing off the gavel to Vice-Chair Hassemer, but I think we're going to take a break here, our morning break, and then we'll come back and work until noon or whatever. So, I have 10:21 on my computer here so can we be back at 10:30, 10:35? Mr. Anderson.

Phil Anderson [00:05:12] With your permission I'd just like to go back to the open public comment for just a moment.

Marc Gorelnik [00:05:17] Of course.

Phil Anderson [00:05:18] And I'm sorry I wasn't quicker. I just wanted to acknowledge the testimony we heard from Dr. Giles regarding Southern Resident Killer Whales. I think this Council's on record as sharing the concerns about the status of Southern Resident Killer Whales and looking at our various fishery management plans to ensure that we have measures in those plans and in our annual specifications that provide safeguards for Southern Resident Killer Whales. Our most recent action to look at thresholds, look at the annual abundances of Chinook salmon for the October through September timeframe and establishing thresholds whereby if we were below a threshold, additional management measures would be considered by the Council to provide adequate prey base for Southern Resident Killer Whales. Also, just through the Pacific Salmon Commission process and the biological opinion that I mentioned earlier that came as a result of the agreement, the 2018 agreement, there's been a consistent 5 to 7 million dollars allocated and utilized in an increasing hatchery production for Chinook salmon in the Pacific Northwest. And while all of these measures together that we've done so far are only partially addressed the issue, the population continues to struggle and I think there's, from vessel interactions to noise issues, particularly within Puget Sound, there's work ongoing to try to minimize those effects. So, I just didn't want to give Dr. Giles the impression that we're, that her comments are falling on deaf ears or that we don't share her concern for the status of that population. Thanks.

Marc Gorelnik [00:07:46] All right. Thank you very much Phil. All right so we'll be back at 10:35.

C. Administrative Matters

1. Council Coordination Committee Meeting Update

Pete Hassemer [00:00:00] We have no management or advisory body reports, and we have no public comment so that'll move us directly into the discussion, then if there's any other discussion Council members want to have on this. And I don't see any hands, so I think that completes this agenda item. Again, thank you very much Executive Director Burden. Before I close it out, I do want to add two comments. One, I appreciated being able to participate in the meeting, connect on names and faces and interact with people, but I think more importantly, as Merrick pointed out on the last day, Miss Lauren O'Brien from the MREP program gave a presentation, and over the course of the entire meeting that is the one presentation that had the most interaction from the participants in the meeting. I think all the Councils provided comment. There was a lot of discussion. It was very well received, and people recognize the value of that. And I just wanted to bring it up because two people at our table right now, Vice-Chair Pettinger and Mr. Bob Dooley, are very active instrumental in that program and I just want to acknowledge their efforts. I know there's a lot of other people, previous, or prior Council member Dan Wolford also, but for those two at the table all that effort is being recognized as a very successful program. So, I just wanted to note that it was extremely well received by the CCC and all the participants. So, with that I will close out this agenda item.

2. Council and Process Efficiencies

Pete Hassemer [00:00:00] That completes our reports and there is no public comment on this so that will move us into Council discussion and action. There it is summarized on the screen before you. Any direction to staff regarding the scope of analysis, the consideration of the process outlined and potential dates for a potential committee of the whole meeting. So, I will look for any hand to initiate discussion. Bob Dooley.

Bob Dooley [00:00:44] Thank you Pete. Might as well jump in and get it going. A question on committee of the whole. I guess, you know, I've thought about it and the public part of it, in particularly making it a public meeting. My initial view of this was that it would be, you know, an ability for the Council to look at this and together, and actually have committed time to do it and come up with maybe some recommendations that would then, no decisions, but then that would go before, at a Council meeting go before the public and our advisory committees and such would weigh-in on that. But then understood maybe there's some value of having everybody in, you know, in attendance or having whoever wants to be there in attendance. And I guess the question is, is there a legal responsibility to make this a public meeting or is it something we could just do? And I'm looking at it as an efficiency to get us at least a starting point with Council recommendations and the Council members being part of this Council and staff obviously or some hybrid thereof. It seems like it could turn into a multi-day mini Council meeting if we have too many people involved. So just that's, that was my thoughts and I guess there's that question in there. Is there a legal responsibility to do that?

Pete Hassemer [00:02:22] Merrick, do you want to respond?

Merrick Burden [00:02:25] Yes, thank you Mr. Vice-Chairman. And thank you for the question, Mr. Dooley. Maybe to paraphrase or break down your question, I hear a couple of pieces to it. So one, I guess I would pose it to Miss Stanley, could we have, could we structure a committee of the whole meeting in a way that is entirely closed session? I think that's one way to interpret it. I don't know if you have a response right away Miss Stanley, but it would be related to budget, but not entirely about budget is what I would have in mind.

Rose Stanley [00:02:59] Thank you for the question. I'm not sure I can answer off the top of my head, but I will look into that.

Merrick Burden [00:03:07] And then maybe the second part that I hear your question Mr. Dooley getting at, is that depending on the way that we would structure a public meeting it could be quite involved, and you're right there are a lot of ways that we could structure the meeting. What I would have in mind is a meeting that, you know, I don't imagine advisory bodies coming and giving testimony. It's a discussion of Council members and a committee of the whole. And so, if it is a public meeting, we would structure the agenda so that there are times for public comment. But in general it's structured so that the committee is having a discussion, and that's doesn't look to me like a Council meeting... if that, I don't know if that addresses your question but I've thought about that and I don't see the need, and I think it would be for this purpose, it would be counterproductive to have lots of advisory bodies in attendance. The time for that would be at the follow-on Council meeting where the report from the committee of the whole is available and everyone else can comment on that.

Bob Dooley [00:04:14] Thank you for that. That's kind of what I wanted to dig out of this is to understand both those questions so it clarifies a lot for me. Thank you.

Pete Hassemer [00:04:27] Further discussion? Lynn Mattes.

Lynn Mattes [00:04:34] Thank you Vice-Chair. Appreciate the work the Council staff did in looking at floor time for things, but the piece that seems to be missing as we've been talking is the times that our advisory bodies put in on these things. It's not a 1 to 1 ratio. An hour on the Council floor doesn't mean the GMT only talked about it for an hour. I've likened it to my Council members kind of like a college course. For every hour you're in class you spend 3 to 5 hours doing homework. So, in addition to what can we do with our efficiencies, what else can we do to help our advisory bodies and their workload moving forward? And, yes, I still have my GMT hat on a little bit with that one. We've tried to provide them guidance on what they should focus on and what not, but I think we need to make sure we're considering them in this process as well and how we can make their time more useful, more efficient maybe.

Pete Hassemer [00:05:36] Corey Ridings.

Corey Ridings [00:05:38] Thank you Mr. Vice-Chair. Thanks Council for, Council staff for the I think it's the second bullet in the additional thoughts slide that this is not intended to preclude questions related to Council strategy, form or function. I know this agenda item in the larger conversation that led to it was wider than just thinking about the budget and trying to save money and being efficient. So, you know, and frankly like listening to the Budget Committee discussion, you know the budget's a moving target largely for us anyway. So, I think it's also about asking questions about how we're doing. Many of these questions have been bent like in that we've seen that from the change both environmental and social, especially over the last five years and ultimately just leading to a better Council process that serves our fisheries and fishing communities better. So, I wanted to highlight the section in the report, The Council Process and Information flow section. I thought that covered a lot of what the Council had been talking about in the previous years and meetings on this topic, and just wanted to express my support for seeing the bullets in that section further fleshed out and brought to us at another time.

Pete Hassemer [00:06:51] Marci Yaremko.

Marci Yaremko [00:06:53] Thank you Mr. Vice-Chair. Bob's question got me thinking a little bit about the required engagement of the Council in developing the grant or providing recommendations on the development of the grant. And I'm thinking back to the last cycle and I'm just wondering is what exactly is the requirement for the actual Council in terms of review of the proposed grant? You mentioned you want to have a, you know, a conversation or have folks have dialogue in the course of this committee of the whole meeting, but what exactly is it that is expected of Council members in this dialogue? And is there a requirement that it be vetted? Like the grant be thoroughly vetted by the Council? Like what's driving the motivation for the detailed review?

Merrick Burden [00:07:54] Yeah, thank you for the question, Miss Yaremko. Sandra, can I ask you to pull back up my presentation? And then there is a slide that has the timelines on it, that Gantt chart. One more back. So maybe to start your, the answer to your question Miss Yaremko. There are a couple of milestones here where we're asking the Council to essentially adopt or approve the budget, and so each of those milestones is one of these diamonds. And so, you see a few steps where we're saying we want the Council to weigh in and say, yes, this is what we want to do. And so, one of those is in essentially at the March meeting next year, that's the first time. There's another step then, approval by the Council, you see the next diamond down halfway through. And then there's a... another step where we work with the Budget Committee Chair to finalize the submission, but that's, you know, taking what the Council has already approved and just fine tuning it. And then you see another step where the no cost extension is put in front of the Council and that's the fall of next year, so the September time period. And then there are a couple of other steps thereafter. So, I hope that's answering some of your question about when the Council needs to weigh-in. And so, we have a few milestones. The other part of your question that I heard was the... what's the need for the detailed review? And I took that to mean the

committee of the whole discussion, is that correct? What's driving this is the likelihood that I see that we will need to make some fairly substantial changes to start to close some budget, close a budget gap, and if those changes are substantial it may affect our form or our function, I would not be comfortable making those decisions on my own and so I want the Council to grapple with those questions because they may affect how we do work. So that's what motivated this idea of the committee of the whole is to create a space for Council members to have a discussion about what we need to do and some of those discussions may be difficult, and that's something that's appropriate for you all to tell us what you want rather than staff to do it, if that makes sense.

Pete Hassemer [00:10:43] Rose.

Rose Stanley [00:10:45] Thank you. So, looking into the question, I do not think it would be appropriate for the Council to meet as a committee of the whole in a closed session. It would need to be a public meeting that is noticed and again open to the public. Thank you.

Pete Hassemer [00:11:01] Chris Oliver.

Chris Oliver [00:11:03] But if it were just the Budget Committee they could meet in a closed session, is that right?

Rose Stanley [00:11:17] Just a minute.

Pete Hassemer [00:11:19] While you're looking into that, Marci Yaremko.

Marci Yaremko [00:11:23] Yeah, I think I have a related question. Rather than it being a closed session of the Budget Committee, I would view it being a closed session where we might consider fiscal and personnel matters. I mean this is a fiscal matter which, as I understand, would be appropriate for a closed session discussion of the Council.

Chris Oliver [00:11:49] I, if I might?

Pete Hassemer [00:11:51] Chris.

Chris Oliver [00:11:52] I know that some of the other Councils have closed sessions to discuss finance and personnel issues and there are certain personnel implications to this process but that's all. I don't want to dispute what Miss Stanley is saying but I do know that other Councils have either finance or budget committees or essentially closed sessions of the Council, which is essentially a committee of the whole to do budget discussion. Maybe I'm getting them in trouble and should have kept my mouth shut.

Pete Hassemer [00:12:36] So there are a couple of questions to lead General Counsel there. And while you're looking into that, Phil Anderson.

Phil Anderson [00:12:49] Yeah, thanks Mr. Vice-Chair. Well, I would, I believe that we need to be very careful here about excluding the public and maybe more specifically our members of our advisory group from listening in to our discussion about Council efficiencies. I think it needs to be.....so I think we need to be very, very careful before we were to move in that direction. There may be some....we may think about some hybrid where we have a portion of it that is a closed session where it's specific to fiscal and personnel matters and then have a portion of it that is an open public meeting. But I would caution us about using a closed session for the majority of the deliberations on the topic.

Pete Hassemer [00:14:20] Chair Gorelnik.

Marc Gorelnik [00:14:22] Thank you Vice-Chair Hassemer. I think that there's two questions. One is whether we may be closed, and the other is should we even if we may. And I think that this Council has a good reputation for having an open and public process so I guess I would echo Mr. Anderson's comments that we should be very careful here. And if we're going to have a meeting that is closed or in part closed, we should circumscribe that closed portion very carefully.

Pete Hassemer [00:15:06] Further discussion? I know there's two questions. We're giving General Counsel time to research this and can we do it side. Miss Stanley.

Rose Stanley [00:15:18] Thank you. So, looking into this a little bit more, you know there are limited reasons under the Magnuson Act under regulation for which the Council can close a session, and those are limited to issues of national security, employment matters, briefings on litigation and under the regulations, other internal administrative matters other than employment. But it does appear that that should be limited to issues where there are privacy interests at stake, and so I am not at this juncture seeing that a budget reason would be enough to close the session.

Pete Hassemer [00:15:59] Thank you. That provides a little clarity on the part of that, can we? Heather Hall.

Heather Hall [00:16:09] Thank you Vice-Chair Hassemer. And I just wanted to share how I'm processing this too, and thinking of a committee of the whole it's a new term for me so I appreciate the discussion. In particular, Merrick, when you said you're, you kind of envision it as like an advisory body meeting or a Council meeting, and so as I think about some of the advisory body meetings that are held in advance of a Council meeting and how they, it seems like they function very well. There's a public comment opportunity that's well defined in the agenda. It seems like that if I think of it in that way, in terms of it getting to be too big to handle or too big to manage or going over multiple days, if it's, when I think of it as one of these advisory body meetings and the way it's structured, that's how it's making sense to me. So thanks.

Pete Hassemer [00:17:15] Vice-Chair Pettinger.

Brad Pettinger [00:17:18] Yeah, thank you Vice-Chair Hassemer. Open to public meetings can be held different ways. You could have a lot of opportunities for input from the public for comment during it. You could have virtually none if you wanted to, I believe. It depends how we want to do it. I certainly appreciate what Merrick has laid out here, but I think that if they open up public comment too much it might kind of interrupt the flow of how things are going and sometimes we need to work things, through stuff. Maybe have a have a open comment maybe at the end of the day or something like that for people kind of sleep on, chew on. But certainly, as far as, you know, being open and transparent, people just need to hear what we're doing. I mean you could have it where it just could be remotely public, right? And so, it's different. I think we need to be careful about putting ourselves in a box about what that open and public part is and how it might facilitate us to do the best job we can do at this stage before we move forward to approve something so.

Pete Hassemer [00:18:28] Further discussion, hands? Marci Yaremko.

Marci Yaremko [00:18:34] Thank you Mr. Vice-Chair. Just a question on budgeting for this special session in January. Is there a line item identified in the current or the '24 calendar year budget for this particular extra meeting at this point, or what's the thought on that? I'm just thinking about efficiencies and budget and, you know, perhaps the easier choice is to add a special half day session to the March

meeting. I'm just wondering if you've thought through or worked through those concepts. Thank you.

Merrick Burden [00:19:14] Yeah, thanks Miss Yaremko for the question. Patricia and I have, we have thought through that. We have, you know, expensed it out. We originally had it in our original budget for this year, and just due to the timing and the nature of things have stripped that out of the budget, but it's definitely in our thoughts. I do think that we would have to have this before a Council meeting to stick with the schedule that we're outlining here and so I do think January and February is the right time. Maybe this is where you're going but it's an expense that we can handle if that's the, your concern.

Pete Hassemer [00:20:04] Lynn Mattes.

Lynn Mattes [00:20:06] Thank you. I know we're still talking about format but January, February gets busy for a lot of us on multiple levels. Would there be a remote participation option for the committee, the whole members, not just public, but like how we can do with RingCentral with Council members who have to leave early, catch a flight or things. Would that likely be an option as well to maybe save some wear and tear and travel on some of us?

Merrick Burden [00:20:36] Yeah, thanks for that question, Miss Mattes. We can certainly provide a remote option. If we were to do so we would host the meeting in Portland at our office. I don't, I guess I don't see a lot of... I don't have the interest in packing up our van and driving to San Diego or something for a one- or two-day meeting of the committee. One- or two-day to do a remote option, which I think is a fine idea, we would just host the meeting in Portland.

Pete Hassemer [00:21:07] Vice-Chair Pettinger.

Brad Pettinger [00:21:10] Well I'd just like to say that I like the direction we're going. I think given the financial issues before us, I think it, and the culture that this Council is, I mean talking about the Council family and I think that's pretty important as far as the relationships that we build over time and that interaction that people have. I think it's pretty special and I think we ought to be very careful about how we address changing that. I think a two-day session for some real thoughtful discussion would go a long ways to retaining what we have and because I think it's... I would hate to lose that. I would hate to lose that. So, I'll just put my two bits in and I think that I like what was laid out before us and I'll just, I'll stop there.

Pete Hassemer [00:21:58] Okay. Chair Gorelnik I think your hand... and before you begin, Sandra, if you could put back up our Council action again, not to push this along but just so we keep that in mind on what we need to accomplish here so Chair Gorelnik, please go ahead.

Marc Gorelnik [00:22:17] Yeah, thank you. I think it's always a good time to consider and review our processes to be more efficient. Where I'm a little bit confused is that this is being done in concert with our new grant cycle and we don't know what the numbers are going to be in the new grant cycle. So, you know, in the world of mathematics you have independent and dependent variables. So, are we going to come up with review our process, come up with efficiencies and say this is the number we need, or is NMFS going to come back to us and say this is the number you have? Those are two ways to approach the issue and I'm not sure what direction we're going in, where we're starting and where we're ending.

Pete Hassemer [00:23:16] Merrick.

Merrick Burden [00:23:17] Yeah, thanks for the question, Mr. Chairman. If you'll recall the chart that we were looking at, the, the first row there gets at that question. And so, the process that we would

work through is that Kelly and I and Patricia would sit down with NMFS leadership and talk through what a reasonable number should be to start that grant renewal discussion and NMFS would give us some guidance and there's usually a small percentage increase that we start to assume and then we work from there. And so that's one of the first steps. And of course, there's what Congress does later that year and who knows what that will be, but we do start with a budget number.

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

Corey Ridings [00:24:09] Thank you Mr. Vice-Chair. I just wanted to add I was looking at the Habitat Committee Report and they have a recommendation for outside expert support for someone who's a business management expert. I... at this point in the process, I don't think I have a specific recommendation, but just throwing that out that at some point it could be beneficial as we move through this to bring in someone who has that management expertise, perhaps organizational expertise that can help us move through this.

Pete Hassemer [00:24:48] Bob Dooley.

Bob Dooley [00:24:51] Thank you Mr. Vice-Chair. Just adding on to the in-person or remote conversation. I think a lot gets done when we're in-person and being able to actually physically interact with each other. And in context of that this isn't envisioned as a formal like Council meeting format, I think it could be detrimental to have, to be totally virtual. I think it really, I think people should make the commitment where they can to be there. And I think, you know, and if it's going to be a two-day session, it gives us a chance to reflect on the conversations of the day and talk about it and maybe come up, you know, in the final analysis here what we're bringing forward is hopefully guidance to ourselves and to, you know, a format or a something to discuss on the Council floor with our advisory bodies and everybody in public involved ultimately, and this is more like a scoping session almost in my vision. So, it's trying to help us along so it's easier to deal with in the Council format. And to that it's, I see it as more informal and in that case, I think, we all should make best efforts to be there. And so that's all I got to say.

Pete Hassemer [00:26:21] Thank you. Looking around and maybe I'll provide some of my thoughts on this too at this time while you think about it and how we want to move forward. As Executive Director Burden and I have discussed this it's a difficult topic to mesh these two and figure out how to look through, but we're looking for that Council support and approval, letting the Council as a whole decide what the priorities are and how we do our work into the future, but using this committee of the whole as a starting point so we don't have to have that discussion around the whole table that the committee of the whole can do some of that work and bring it back. I think Marci asked an excellent question at the beginning. When we look at the grant renewal process, what's the requirement of the Council weighing in on that? My recollection in having gone through it once or twice is there is none, but that's something we do as part of our transparency as the staff builds that whether it's an annual budget that goes through our process or every five years the grant renewal builds this product that comes back and the Council has an opportunity to review and look and see if it's consistent with what the Council wants to do. So, you know here I think with what Executive Director Burden and the staff have put together in a paper is how we can mesh those two processes getting through the next grant renewal process recognizing, as Chair Gorelnik pointed out, we don't know what the next budget is right now, but at the start of this process that's built in that there is the discussion with NMFS on what those budgets might look like and then fleshing out what are the Council priorities for work and building in what we learned coming through COVID on some of the efficiencies that we can generate to make sure that our annual activities can fit within the budgets that are provided with us. So, if that didn't confuse it I guess we do have, again, what the staff proposed in the Budget Committee Report. You saw support for moving forward with that. So, you know, again, I'll look around and see the Council's support for how we move

forward with this. And part of that, the decision that I would ask Executive Director Burden decisions about the committee of the whole, can we come back to this in September but at least now providing staff with some initial direction on what we want to see develop to help move this forward. So, I'll turn to Executive Director Burden unless Chair Gorelnik?

Marc Gorelnik [00:29:49] No, I was simply going to suggest that we ask staff to proceed along the lines suggested in the report and that we plan for a public meeting.

Pete Hassemer [00:30:13] Further thoughts? Sorry. Lynn Mattes.

Lynn Mattes [00:30:21] I think I'm in agreement with Chair Gorelnik on the general process. Skipping down to number three on the dates, I appreciate that the week of the IPHC annual meeting isn't listed as a number of us will be there. We get to go hang out in Anchorage in January. But also when thinking of that, the week prior and the week after, if the week of the 15th is chosen if it could be in the early part of the week or if the week after it could be a little later so that we're not traveling on Friday and then again on Sunday, that would just be some consideration because I think there's three or four of us that are going to have to be at that meeting. So, I would just appreciate some additional consideration for that travel, but overall I think the process you all have outlined is agreeable.

Pete Hassemer [00:31:08] Butch Smith.

Butch Smith [00:31:13] I wasn't going to weigh-in, but I don't know... I think I'm being the only elected official on the Council that's done budgets that are under both state and Federal rules at the Port of Ilwaco and the city when I was on the City Council but if you... when we have our budget meetings open to the public, they're called special meetings. Special meetings indicate that you only talk about that subject. If you just simply say it's going to be a Council meeting, then you can open yourself up to if they want to talk about the birds in the sky. And so, if you want to focus it to budget then you probably, I mean my recommendation it's called a special, special budget meeting, which hones it down to just that. The other thing that, you know, I've listened and I completely agree with Mr. Anderson that we need to be very careful here. But we also need to be very careful, you know, just an example, if there had to be, you know, some budgetary cuts on all the advisory meetings, that would be in a public session at our special meeting. But if there was some specific personnel or department that was, you know, talked about, then you would break into an executive session or a closed, we would call it executive session within that meeting and to discuss that part, then come back into the public making no decisions obviously. A little bit confused on, you know, using the Budget Committee versus using the budget or using the Council in a special meeting but that's because I'm from Ilwaco and things get confusing in Ilwaco. So I... but I just want to point out that you probably want to specify this meeting if you just want to hone it down to the budget and anyway that's just a, just comes from my elected official running budgets for seven years now. There's only three people in Ilwaco so I got elected into one of the three spots. But anyway, that doesn't say much for Ilwaco, but I am the Port Chair of the Commission so anyway we have to do this every year so. Anyway, just a fun fact for you and thank you Mr. Vice-Chair.

Pete Hassemer [00:33:57] All right, thanks for that Butch. And maybe, I want to ask Executive Director Burden to respond to something and just getting back to what Lynn mentioned that the schedules and I think as part of this process we realize that everybody has lives outside of this and responsibilities and roles and it's difficult and excited that people are interested in participating that, but Executive Director Burden maybe you can flesh out a little more the ideas and the size, the structure of the committee, because again it's not intended to be everybody but this committee of the Council to do some work. So, can you just define that committee of the whole a little more?

Merrick Burden [00:34:52] Yes, certainly. So, the committee of the whole concept is, what it is is that each seat that's part of the Council would have a seat on the committee of the whole. And so, what we'd be looking for is one person from each agency in addition to the at-large and obligatory members to participate in the committee of the whole. That's the size. Is that answering your question Mr. Vice-Chairman?

Pete Hassemer [00:35:19] Yes, I think so. Further thoughts on moving forward. I just have seen... heard support for proceeding as the staff has indicated, and I'm going to look around and ask if there is, well let me ask Executive Burden to summarize what he's heard.

Merrick Burden [00:35:50] Yes, thank you Mr. Vice-Chairman. I believe what I'm hearing is it sounds like there's support for the process as outlined and recommended by the Budget Committee. There has been some additional thoughts put forth about making sure that, you know, we don't just consider this the end of our Council efficiencies item, but I think recognition that we do need to address the fiscal issues and so that's all in alignment with the staff proposal also. The largest remaining question I have is about timing. Our calendars are always quite full and if we can get some more guidance on timing that would be helpful for us. I did propose some dates in that presentation that you have in your briefing book now. And just to recap, if I look at those dates, January 1st, the week of January 1st is really hard. The week of February 5th is really hard. And so those two weeks in the middle to late January, which would be I think preferred by us on staff. And I did recall Miss Mattes' comment about meeting, I don't remember which week you're speaking to Miss Mattes, but looking at early in the week and that had been where I was looking to, is tending to be a Monday, Tuesday type of an affair. So, if there are any further thoughts on the timing of that meeting, I do think it's good to start to block that time off on our calendars before we get them filled up.

Pete Hassemer [00:37:30] Phil Anderson.

Phil Anderson [00:37:33] I have a Pacific Salmon Commission meeting the week of January 8th for whatever that's worth.

Pete Hassemer [00:37:44] Okay. Bob Dooley.

Bob Dooley [00:37:48] Yeah, thank you Mr. Vice-Chair. Question on the Monday, Tuesday type approach. Are you thinking of starting 8 o'clock Monday morning? And if that's the case does that mean travel Sunday to get there?

Merrick Burden [00:38:05] I guess I'm open to either option. Right now, I guess I did have in mind, yeah, starting first thing in the morning and so that would entail a Sunday evening travel. I'm not wedded to that of course. We could start... we could look at a Tuesday, Wednesday affair if people would rather travel Monday. So just to recap, what I was looking at in terms of actual weeks that I'm aiming at was the week of January 16 and the week of January 29. And I think those do not overlap with the PSC or the IPHC and that was the reason for those two weeks.

Pete Hassemer [00:38:51] Any thoughts on staff pursuing something during those weeks? I know other things will pop up on calendars but... Lynn Mattes.

Lynn Mattes [00:39:04] Given that the general weeks and a few other odds and ends, would it be good to do a doodle poll, a doodle poll of when folks seem to be available? That way we could get a gauge of Monday, Tuesday or Tuesday, Wednesday would work better. I don't know if you're trying to get the exact dates right now, but that might be an option to let us all go home and look at our calendars and get back, but just have a general range that might be this week or that week and we'll figure out the

exact dates.

Pete Hassemer [00:39:42] Bob Dooley.

Bob Dooley [00:39:43] Just another comment. Sorry about that. Just to note January 15th is Martin Luther King Day and it's a holiday. So, consider that in travel parts too that you might have people, you know not traveling on the Monday. So just brought it up just so people are aware.

Pete Hassemer [00:40:08] Yeah, I realize that's some time off in the distance, but for planning purposes Merrick has identified those two weeks to explore further and amongst all the restrictions that come within the week and other meetings, but is there some agreement that at least start looking at those as indicated. It would be best to accomplish this prior to the next Council meeting, the March Council meeting, so we are somewhat constrained on dates but I'm not seeing any opposition to that. So Merrick, is that enough to go forward with?

Merrick Burden [00:40:59] Well, we're getting close. Maybe what I'll do is I'll just follow Miss Mattes' lead and hone in on those two weeks and circulate a poll to us all to see if we can get a little more specific if you're amenable to that? Okay, so we'll aim for the week of either June I guess, or not June, January 16 because I don't think we want to overlap with the MLK holiday and the week of the 29th, and so look for a poll on those two weeks.

Pete Hassemer [00:41:41] All right. Further discussion on this? And again, I will turn to Executive Director Burden and ask if there are other parts of this he would like to explore and need some input on?

Merrick Burden [00:41:56] Yeah, thank you Mr. Vice-Chairman. What I'm hearing is that I'm gathering that everyone is comfortable with the staff proposal that we hashed out in the Budget Committee in terms of the process and how to move from the end of this meeting through January and then into their usual budget process. So, if I'm getting that wrong it would be good to know that now, otherwise what we'll do is after this meeting adjourns we'll start looking at what we call the low hanging fruit type of things that we can do that will help to address some of our budget challenges, but that we don't anticipate really affecting the Council process and will identify those in anticipation of our September meeting. So that would be our next step. If you all are not in alignment with that thinking it would be good to know that now. Otherwise, I think we have a process and next steps and look for a poll regarding a meeting of the whole meeting of the committee of the whole in January. And I think that's where we're at.

Pete Hassemer [00:43:02] All right, thank you. Marci Yaremko.

Marci Yaremko [00:43:04] Thank you Mr. Vice-Chair. Thank you Merrick. I don't know if now is the time or if there was a plan to discuss at all in open session the content of the white paper? We took some questions, but I don't know that we had dialogue or if that's even on the table for this agenda item.

Pete Hassemer [00:43:26] I believe that's part of this agenda item so if you want to discuss it, we're in discussion.

Marci Yaremko [00:43:32] Great. Okay. Thank you. Just a couple of remarks. I appreciate the information that's summarized and presented for our consideration. I'm looking at Table 8 and the duration of the selected issues across the meeting agenda items and I see agenda planning at the very top of our, of the top category in terms of the number of hours that we spend. Not super surprising, but I will just note that CDFW has really appreciated the opportunity to be able to participate virtually on

this item. It is much easier for us to have the respective Council designees be able to speak with individual voices and yet kind of share the seat, so to speak, virtually. It's much easier than trying to convey notes from one designee to another on how to maybe provide input on agenda planning. So that's been really effective and really efficient for at least us back home. And I know I've noticed in a few recent Council meetings that folks will actually, you know, in order to catch flights and such leave and attend that session virtually and participate. Kind of thinking about the content that we address in agenda planning and is generally a lot of overview, a lot of presentation walking through future agenda items. There's not a lot of public comment. We'll get some on occasion, but there's not kind of this need for a lot of face to face or sidebar discussion oftentimes. So just thinking about cost savings and thinking about efficiencies. I don't know if this would save cost, but you know I certainly have found that virtual sessions of agenda planning work just as well if not better than in-person sessions. So anyway, that was, I know other Councils structure things somewhat differently. Perhaps we end early, go home, and do an agenda planning session two days or a day after the end of the Council meeting. Just an idea but in any case, just some thoughts from us and again we appreciate the flexibility that the Council's allowed us in terms of sharing the seat concurrently with multiple designees with virtual participation. Thanks.

Pete Hassemer [00:46:23] Okay, thank you Marci. Lynn Mattes.

Lynn Mattes [00:46:27] Thank you. This is also sort of a general overarching thing. Today we are very focused on this one aspect of the Council and process efficiencies. I don't want us to forget or lose momentum on the other stuff we've talked about over the last few meetings. Our advisory bodies have provided us a lot of good input and I just want to make sure we still keep that in mind as we're looking at this bigger picture how we improve our overall process that we don't get focused, so focused on this we miss that other piece. Thank you.

Pete Hassemer [00:47:00] Thank you Lynn. Yes, at our prior discussions we had a lot of advisory body reports, and they are still part of the record and valuable to the staff, I think, as they move forward and do their work. Further discussion on this? Closing comments? And not seeing any hands I think that completes our work on this agenda item. So, I thank you all for that and will pass the gavel back to our Chair.

3. Marine Planning Update

Marc Gorelnik [00:00:00] Council action is on the screen there. One, to consider a report and provide guidance and two, talk about the future of the MPC. So, who wants to get us started? Corey.

Corey Niles [00:00:18] Thanks Mr. Chair. I have a... first, I'll just start with an update. I don't believe Mr. Conroy mentioned this as part of his MPC report, but Washington in Washington we did have a WCMAC meeting June 14th, which was after the, the MPC had met. There was... the offshore wind... BOEM did come and make a presentation and you heard the same updates we heard today and if folks are interested you can... the first WCMAC meeting I believe that was recorded and you can get it on TVW's website if anyone wants... needs the link please let me know. That our Governor did speak to the... Governor's representative spoke to the WCMAC, just give an update and the message was, you know, they're looking really hard at how the state could be engaged in the supply chain of offshore wind but didn't have a position on the unsolicited lease requests or offshore wind and generally off the state, in general, I should say. They did, as Mike mentioned, WCMAC did send some principles of engagement we called them to the Governor's office. They were looking at those and found them helpful but were still early stages thinking about stakeholder and tribal engagement. So that was an update that we didn't have at the time of the MPC report.

Marc Gorelnik [00:01:52] Thank you Corey. Corey Ridings.

Corey Ridings [00:01:57] Thank you Mr. Chair. This is actually a question for Council staff, if that's okay?

Marc Gorelnik [00:02:03] Okay.

Corey Ridings [00:02:06] Kerry, I'm referring to the SAS report, and they noted that a particular concern was a lack of response to the Council's letter by BOEM and talking about how these efforts to communicate are really important and feeling that it's futile. So, I was wondering if you could provide for the Council and let us know of the letters that we have sent to BOEM. Have we gotten a response?

Kerry Griffin [00:02:34] Thank you Miss Ridings, Mr. Chair. Yeah, we have sent several letters to BOEM in recent months and I'm not aware of us receiving any responses yet. I would guess that, you know, had we moved forward with the wind energy, draft wind energy areas, we might have heard some of the sort of technical feedback in those meetings but, no, I'm not aware of receiving any written responses.

Marc Gorelnik [00:03:04] Go ahead.

Corey Ridings [00:03:05] Thanks Mr. Chair. Thanks Kerry. Would it be possible to ask Mr. Boren to come back up to the table given that answer?

Marc Gorelnik [00:03:14] Well, since he's here and if he's willing to come up to the table and...

Doug Boren [00:03:32] Thank you Mr. Chair. Again, Doug Boren, Regional Director at BOEM Pacific Region. I didn't think I was going to get off that easy. I will say, no, we have not provided a written response at this time. As Council staff, Kerry said, you know, our original intent was, you know, we would be able to show our work and answer some of the technical questions in response to the letters, you know, when we presented on the draft wind energy areas, I can't say at this time. You know BOEM is planning to respond to the Council letters that we did receive in writing.

Marc Gorelnik [00:04:09] Go ahead Corey.

Corey Ridings [00:04:11] Thank you Mr. Boren. Given that lack of response, it sounds like the lack of planning to respond, you know, the SAS and I think others have expressed frustration about the lack of response and lack of engagement in general. I'm wondering if you could maybe provide us, if you have any, some ideas about how to improve that in lieu of the non-responses that we're getting?

Doug Boren [00:04:37] Thank you, through the Chair, I would say that's on me. You know one of the.....you know we received the letters and, you know, as my call on not providing a written response at the time because, you know, again we were going to, the plan was for us to be here with the Council at this Council meeting and present, you know, the entire how we went from in Oregon from the planning through the call area development, through the wind energy area development, we were going to address the, you know, 13 hundred meter concern. So, all that wrapped up into a presentation we were planning to do at this Council meeting. You know then when that didn't come through, we had to, you know, change course and so we are preparing a response to the Council at this time.

Marc Gorelnik [00:05:32] All right. Thank you for that response. Since Mr. Boren is up there to see if there are any questions? All right thank you very much. See if there are any further discussion around the table on Number 1 before us? Corey Niles.

Corey Niles [00:05:58] Well, I think, and being part of the committee myself, I continue to agree with what's in there. I think maybe ask Mr. Griffin, Kerry, if you had any thoughts there on how we might follow, what following the MPC's recommendation might take. I think the CPS suggested a letter might be called for but, Kerry, if you had any thoughts. I think support, I would support the recommendations but if you had some thoughts on what form that might take, those that recommend, excuse me, those recommendations might take that'd be nice to hear.

Kerry Griffin [00:06:42] Sure. Thank you Mr. Niles, Mr. Chair. Yeah, as you see in MPC Report 2 there are three recommendations that really circle around building communications, a line of communications. The first recommendation specifically suggests that we ask the California lessees to include us in their audience so that the Council would receive the regular updates, notices of meetings and so presumably that would take the form of a letter, probably a QR letter from the Council to the five lessees. We have their contact information. The, I think, it's the SAS report suggests also reaching out to BOEM along the same lines that we would probably cc BOEM on that. And as I mentioned before, and I think Mike Conroy did too, at the June 6 meeting we had really good engagement with four out of the five lessees. One of them wasn't able to make it. I think they appreciated the opportunity to engage with the MPC. So, I think that they would probably welcome that opportunity. So anyway, to your question, it seems like writing a fairly succinct QR letter would capture that.

Marc Gorelnik [00:08:10] So is there a further discussion on Number 1? We do have recommendations in the MPC report, and I think have been outlined by Kerry that could be addressed with a QR letter if I'm understanding this correctly, and I want to see what the sense of the Council is on that through an affirmative expression. Phil Anderson gives a thumbs up. I'm going to look around the table and see if everyone is... all right so we can task, or we can ask Council staff to put that letter together and then have it circulated. Is that okay, Mr. Burden?

Merrick Burden [00:08:53] Yes, that'd be fine. Thank you.

Marc Gorelnik [00:08:54] All right. And let me see if there's anything else on Number 1? Ryan Wulff.

Ryan Wulff [00:08:58] Yeah, thank you Mr. Chair. And I think this is probably most relevant under

Number 1, but wanted to let you have that discussion regarding the Council action. But there was some questions as well as comments in the HMSAS report regarding the analysis and work that NMFS did with ODFW and so I just wanted to update the Council. You know we are very aware that BOEM and NCOS appreciated the work that we did with ODFW on the state and Federal fishery spatial analyses that we provided and that they along with NMFS support what's in the AS statement to do a similar process with CDFW. And we have started those conversations and both with CDFW but also with BOEM and NCOS along that front, as well. So, I just wanted to update the group since there was some comments back and forth when the AS report was given. Thanks.

Marc Gorelnik [00:09:57] All right, thank you for that Ryan. So let me see if there's anything further on Number 1 and ask Kerry Griffin if he believes he has what he needs in terms of guidance.

Kerry Griffin [00:10:15] Thank you Mr. Chair. Yeah, for Number 1, that seems pretty straightforward. I will capture the recommendations in MPC Report 2 and initiate a QR letter process.

Marc Gorelnik [00:10:27] All right, thank you very much. So, let's move on to the future of the Marine Planning Committee and its membership. So, I'll look for suggestions or comments. It was, when we originally established it, it was for a two-year period so we have to decide what to do here, and it's been two years, so just so you know. Let me ask, well, let me try to prompt this by asking, is there... let's see if there's anyone who disagrees on continuing the Marine Planning Committee, given how much work is being done by that committee? And I'm not seeing any negative expressions. Phil Anderson.

Phil Anderson [00:11:16] Well I would just say that I think the Marine Planning Committee has been a very effective group in tracking the activities off the 3 different states in providing sound advice to the Council in terms of engagement and clearly the need for us to, for the Council, to stay engaged in marine planning is just as pertinent and needed today as it was two years ago. And if this committee were not to, or if we decided not to continue the committee, I think it would leave a big void. And in terms of our ability to have a voice and be educated and informed on what's going on and how we might influence outcomes that are associated both with the science side of our responsibilities as well as the fishery management piece, so I just think there's a lot of reason for us to renew it, if that's what, if that's the right term for another two-year term, and we can review it at that time and see if it should continue or we should do something else to accomplish our objectives relative to the marine planning issues.

Marc Gorelnik [00:13:02] All right, thank you Phil. John Ugoretz.

John Ugoretz [00:13:06] Thanks Mr. Chair. And since it's the first time I'm talking I'll stop and check my mic.

Marc Gorelnik [00:13:11] It's loud and clear.

John Ugoretz [00:13:12] Thanks. Yeah, I agree with Mr. Anderson. I think the committee is providing a valuable source and ability for the Council to track and comment on the many processes that are going on outside the Council. I think at some point we need to look at whether, you know, this sort of quote, unquote temporary committee becomes a permanent committee, I don't think we need to do that right now. I also wanted to recognize the comment, and I can't remember which advisory body made it, regarding the membership on the MPC and whether it's a workload issue for people who are also on other advisory bodies. I would leave that to the individuals and hope that they'll let us know if they don't feel they can do both and if so, you know, find new membership then. But I do, just wanted to recognize that comment and the fact that it's something we should be, you know, continuing to check in on as we move forward.

Marc Gorelnik [00:14:21] All right, thank you very much John. Well, I think there's consensus on continuing the MPC. And I think that we should now try to address the membership, in particular the comment that was made by the Salmon Advisory Subpanel about workload. I'll offer a few comments. I think when we set this up the notion was that we wanted to draw on our existing brain trust, if you will, of the advisory bodies. And I think that was the goal and that was the reason why we didn't create a brand new membership of a new branch of the Council family, if you will. But I also think that the goal was to have the MPC capture the input from the various advisory bodies, and instead what we have seen, and this may be contributing to the workload perhaps unnecessarily, is that we're saying we're getting a very good report from the MPC and then we're getting additional reports from the advisory bodies, which was not the goal when we set this up. The goal here was that the MPC would be, as a whole, would share the load of putting together a report and that would, rather than in a doubling up, and oftentimes when we do get reports from advisory bodies I'll just have to say, not completely, but in large part they are repeating points made by the MPC and again that contributes to the workload on these individual advisory bodies and it also increases floor time on the Council. So, I don't know what the answer is to the workload concern of the SAS and perhaps other advisory bodies, but I think the goal when we set this up was to try to create a more efficient process and, you know, maybe in the next two-year term we can ask our advisory bodies to maybe work more in that direction. I don't know if that's an answer or not, but I'd like to get input from folks on the Council. Christa Svensson.

Christa Svensson [00:16:54] Yeah, thank you Mr. Chair. I am in agreement with you. I was appreciative of the SAS for bringing this issue up. I had some concerns on the front end of setting up this committee or panel simply because there is so much information and we were getting a lot of reports at the time and it was taking a lot of floor time, which it still is, and we structured it so that we could get that input. And I think we should listen to the input and perhaps have a bit more flexibility just based upon the way we're scheduling meetings. It's kind of hard if the advisory panels don't have the information beforehand to contribute to that report. You know it's kind of a chicken or egg thing, so I think getting more input from them is important but I will also say that the last two years have really demonstrated the need, and I realize that it isn't FMP, I realize it isn't necessarily completely in our wheelhouse, but I do agree that it is such a critical, overarching issue that we should continue on. But I just, I don't feel strongly that it must be tied specifically to the advisory panels that if they would like to have somebody else represent them or some other such approach, perhaps we could provide a little bit of flexibility there.

Marc Gorelnik [00:18:39] Phil Anderson.

Phil Anderson [00:18:42] Yeah, thanks Mr. Chairman. Just a couple of thoughts on this one. I, I think we... I mean it's apparent in that most all of our members of our various advisory panels care about marine planning and they have potential adverse effects on their fisheries and so I think to try to gain some of the efficiencies that we were hoping for, having Merrick and Council and the staff officers that support those APs have a conversation with them about our... the strategy was to not burden them with having to develop reports on the subject matter that the Marine Planning Committee is dealing with and they shouldn't feel compelled to have to do that. And so just not to say that they can't, but I think in some cases because of the high degree of interest virtually everybody in the fishing industry has in this issue, when they talk about it at their committees, they want to be sure the Council is aware of their concerns, even though it may be repetitive of what's in the Marine Planning Committee's report. So, I just think maybe some communication with those, with our APs as to what our objective was here might help in reducing the number of reports that we get and they're feeling that they are, they need to respond or need to comment.

Marc Gorelnik [00:20:52] Thank you. Corey Niles.

Corey Niles [00:20:58] Well, I might ask Kerry for some help with memory here, but I think if the committee has discussed this or not, but I think part of the issue is just the sequence of things and the MPC meets in advance of the meetings with the idea of getting information out there that for other people to respond to, so I think to change it the MPC would have to meet twice in terms of putting the information out there, getting some kind of discussion for the advisory bodies happening and then the people coming back to the MPC with the material to put in another MPC report, but I don't, that is I think the essential issue I've seen and I don't know Mr. Griffin had some response to that.

Kerry Griffin [00:21:44] Thank you Mr. Niles. I agree with you. It's been a little bit of a challenge to, you know, meet 5 to 6 weeks ahead of time and prepare a report for the advanced briefing book with the speed at which some of these offshore wind and aquaculture and other, you know, notice and comment opportunities happen, sometimes it's hard to be out in front of it. You know I can't say that I could work with the Co-Chairs of the MPC and the staff officers and, you know, the Chairs of the other ABs to sort of make sure people are as informed as possible ahead of time and, you know, we do our due diligence to, you know, adhere to the guidance from the Council on, you know, make... doing our best to have the MPC reports convene and compile the information. But I do agree, you know, timing is a little bit of a challenge. It's been a learning curve but we can always strive for improvement. I will, if I may, another thing that has been helpful along these lines is that the Habitat Committee often contributes to the QR letters, the sections that are habitat impacts focused. We do have a Habitat Committee rep on the committee but, you know, he's not a habitat scientist and so I think that's been a good, you know, sort of collaboration having that HC support, you know, the MPC's efforts and comments, so for what it's worth.

Marc Gorelnik [00:23:16] Bob Dooley.

Bob Dooley [00:23:18] Thank you Mr. Chairman. I agree with your take on this exactly. That's what I had envisioned that we would, you know have a collaboration between the advisory panels and come out with one real marine planning report, but I wasn't anticipating the amount of material that comes in late and the effect that has. I really do commend the agility I guess of that committee to inform us and to keep us in the loop and to also be so helpful, at least from my perspective, of putting together QR letters, because none of this seems to neatly fit into our schedule of Council business. And so, to that end I agree it would be really nice to have a Marine Planning Committee and not have a bunch of advisory panel, you know, comments at a regular basis. Understand when we're, when we have late breaking news and not time to do that, but I think in general I would hope, at least my vision of this to begin with, was that you would send a dele... each advisory panel would to their, if they could, if they so chose, send a delegate to the Marine Planning Committee and that was the, you know, that was their... the content or the makeup of the committee. And they would come to, you know, an agreement on a report and that would, that's what would go and it would hopefully would be, it wouldn't take too much comment from the committees to add to that because it's, they've had their bite at the apple. And I think that to a certain extent, but then, you know, also I would hate to program a second advisory panels, you know, individual meetings to consider what the, what was considered at the Marine Planning Committee then come back again. That's a lot of moving parts. So, all that being said, I agree. This committee is really helping us do our work on something we really hadn't planned on, you know, being we had envisioned this being this much but I think it's, I think they're doing a very good job at it. I also think and understand from the SAS comments, it's been in the back of my mind for a while, you know, we have our advisory bodies that are, you know, through the workload that they come in to their thinking, you know, they sign up to be on the advisory panels and they're pretty much, particularly advisory panels or industry folks, and this workload keeps piling up. And generally, they all have, you know, they're fishing or whatever they're doing and it gets to be too much, and I'm worried that we're going to run out of people that want to take on that much responsibility and that much time commitment to do it, and that's a serious issue in my mind. I'm always worried about that and it's kind of, it pokes

up every once in a while but I think we should be concerned about that in the long run, so that we can continue to do our job as wood keeps getting added to this cart and we have more and more work to do things that maybe don't directly relate particularly to fishery management we... that's a concern. So overall I think the Marine Planning Committee is functioning as well as it could, and I think the advisory bodies are doing well, but I think we should maybe, to the extent they can agree and not weigh in on every issue, I think we could be better off. So, thank you.

Marc Gorelnik [00:27:25] All right, thank you. John Ugoretz.

John Ugoretz [00:27:28] Thanks Mr. Chair, and I'll keep it short. Much of what I was going to say has been said and I agree wholeheartedly with the sentiment around the table. I wanted to point out, especially based on Mr. Dooley's last comment, that I think there's significant overlap in what we're talking about with regard to Council efficiencies and advisory body reports in general, and I just want to raise that and put it on people's radar that we might be well-served to get some better advice to advisory panels and in our advisory bodies on what and when and how to comment, and to not feel like they have to put in a comment telling us that they received a report from Mike and they agree with it. So just a thought on that.

Marc Gorelnik [00:28:26] All right, thank you John. You know I don't want to diminish the additional workload that does exist because of this Marine Planning Committee obligation. Five years ago, ten years ago, this wasn't on our radar. We didn't have to worry about 30 by 30. We didn't have to worry as much about aquaculture. We didn't have to worry about wind energy. So, it's been an additional workload for everybody, but we undertake the work because it's critical to our mission. Corey Niles.

Corey Niles [00:29:04] Well, bringing it down to a smaller picture first in a second, but, yeah, I would, just seeing the committee from the inside and I think the Council has recognized this before already and these individuals, but everyone's contributing good ideas, but I don't think this committee would work as well without, you know, without Kerry and Mike Conroy and Susan. They do an amazing amount of work in putting these reports together and so thanks to them. But on number one, we didn't... there's some recommendations not in the Marine Planning Committee report like the Habitat Committee and my... I can't remember if I've got them all in my mind, but I just want to recognize, I think, and looking for Kerry's, if he has thoughts, but just I think like the Habitat Committee's recommendation that the Marine Planning Committee take up, to elevate that issue they brought, I think I'm seeing these things as that staff can bring to the Marine Planning Committee for further discussion. And I did want to call that out and I don't have an opinion on it right now, but it does seem like that recommendation is one that the MPC could look at closely, more closely.

Marc Gorelnik [00:30:15] Mike Harrington.

Mike Harrington [00:30:17] Yeah, thank you for the time. And it's... it's a little odd for me to make comments with my lack of history with this group. But my history so far does, it is an impressive group and I think there's a lot of benefit from this, and I think as with anything there's always some improvements that could be made. I mean, for instance, I think we would like the ability to, you know, review some of these Quick Response letters that are maybe a little more species or Oregon-centric prior to Council. But overall, I think this group does provide that nimbleness that's required of these topics that we're working on. And also, just kind of the representation to industry that the states have that the voice that they didn't have prior. So, thanks.

Marc Gorelnik [00:31:11] Thank you Mike. So, I think what I've heard is we're going to continue the Marine Planning Committee and we're not going to make any changes to membership at this time. Continue the same membership scheme as we've had. Kerry Griffin how are we doing?

Kerry Griffin [00:31:36] Thank you Mr. Chair. I think you're doing pretty well. You've had a good discussion. There's a couple of take homes from this. One is to generate this QR letter based on the recommendations in MPC Report 2. We heard Mr. Boren say that BOEM is working on a response to the letter sent by the Council, so that's good news. And then we heard from John Hansen with West Coast Oceans Alliance. There's stuff that's on the horizon. You know an offshore wind summit and they're all hands meeting in the fall and the tribal meeting. So, there's opportunities for continued engagement there. And we know that there's, that NMFS and the Science Centers and BOEM and all sorts of other entities and agencies are working on things like impact analysis and science and the economic impacts of offshore wind. So that's all informational. The main action would be this QR letter. And just so the Council knows that we... our next MPC meeting is scheduled for July 27th. And then just be ready for what may be coming with site assessment plans and fishery communications plans with the California lessees and, you know, all the other planning activities in the offshore wind area. The other thing that will be coming back to us at some point is the Aquaculture Opportunity Areas. We're expecting a draft programmatic environmental impact statement I think in early 2024, so that's out on the radar screen a little bit. But unless there's no further guidance or discussion, I think you've completed your business for this agenda item.

Marc Gorelnik [00:33:26] All right, thank you very much, Kerry, and good work Council on this agenda item, which frequently is quite challenging.

4. Legislative Matters

Marc Gorelnik [00:00:00] All right. We have no reports. We have no public comment. So... well, no reports other than the Legislative Committee Report. So that will take us to any Council discussion that may be had. It was not a terribly involved meeting. We expected some requests for comment and that didn't come. So, I'm not seeing any hands. There is one. Mr. Dooley.

Bob Dooley [00:00:36] Don't have anything to do this afternoon anyhow Mr. Chairman, thank you. I think it's very important that we keep apprised of all the legislation and I think that the committee did a very good job of going through it. I think it's important that people pay attention to that but understanding that we don't have an action unless we're requested to do so, and we weren't at this time. So, I would say that it's good information to have and I appreciate the work of the committee.

Marc Gorelnik [00:01:07] All right, thank you. Is there any further discussion on this agenda item? Not seeing any, Mr. Burden, I believe that concludes this agenda item.

Merrick Burden [00:01:21] Yes, Mr. Chairman, that does conclude Agenda Item C.4.

5. Fiscal Matters

Pete Hassemer [00:00:00] There's no public comment so that will take us right into Council discussion and action, and that is to consider the report and the recommendations. And just a reminder, if there was one recommendation in there, it's that time of year when the Council approves or adopts an operational budget. So, I'll look for any hands. I'm not seeing any. I would like to ask, I know Executive Director Burden is busy there, but there was the note in there about the IRA funds, the Infrastructure Act funds that would be coming to the Council, and I think since the Budget Committee met there's been some development. The Executive Directors of the Councils will be meeting in the future to discuss that. Merrick, did you want to mention anything about that or...?

Merrick Burden [00:01:13] Yes, thank you Mr. Vice-Chairman. Let's see, we are planning for a meeting with NMFS headquarters mid, early July. The actual date is escaping me, but we as Miss Kelly Denit's shop and the Executive Directors of the Councils. And at that time what we expect to have a discussion with them is regarding how they plan to distribute the 20 million that has been set aside for the Councils. There have been some unofficial sort of word of mouth of things that have come our way about those potential plans and I understand there's a couple of ideas out there. One is an idea to distribute some portion of that funding according to the existing allocation of funding that's made to the Councils. So, we have an agreement across the Councils about how funding comes our way. So, for example, the North Pacific gets most of the money, we get, or not most of the money, but the largest percent. We get the second largest percent and it tiers down from there. There's another idea out there too, which would be more specific project-based so I'm not sure if it's an RFP process or what, but the idea is to say, here are some of the projects that we would plan to pursue with some funding and then NMFS would allocate funding accordingly. So, the plan is to have a detailed discussion with the Sustainable Fisheries Division at Headquarters regarding these mechanisms. And what you referred to Mr. Vice-Chairman, is a plan for the Executive Directors to organize our thoughts a bit in advance of that conversation. We do these types of meetings very routinely. We have a pretty tight group so what we intend to do is organize our thoughts before we go talk with NMFS about funding so. All of that is pretty typical stuff except for the way that we will receive these funds, which we don't know yet. So that's where we are at the moment.

Pete Hassemer [00:03:17] Thank you Merrick. I just apologize for putting you on the spot there but, you know, learning that these funds would be available is fairly new and then even during the course of the past week we're learning things about that so it's, I just wanted to highlight. It's an active process and our Executive Director right now is involved in that process and maybe by September we'll know something. So, Phil Anderson.

Phil Anderson [00:03:48] Thanks Mr. Vice-Chair. And I just wanted to acknowledge and maybe call your attention to the Supplemental Budget Committee Report 1. Appreciate the thought that Council staff, led by the Executive Director, has devoted to looking at process efficiencies and but also appreciate the Budget Committee talking through that and noting that in the second paragraph of that, of the committee's report on that that the Council staff analysis of cost efficiency measures necessary to achieve a budget that is in line with expected income. And then there's a second point there that this process envisions a meeting of the committee of the whole to discuss potential changes in our Council structure process that's necessary to align the revenue with our expenses. It goes on to talk a little bit about thinking about the scope of the issues that would be considered at a meeting of the committee of the whole and then suggest that we think about when that might occur. And I know there was some discussion. I had to leave the Budget Committee meeting a little early, but I know there was some discussion about some potential dates, I believe, in January, if I recall that. So just... and then at the bottom of that, just calling your attention to the recommendations tasking the Executive Director to

work on the proposed analysis as outlined in his report. Report back to the Budget Committee in September and then identify dates for a committee of the whole as appropriate. So, and I had to ask what the definition of a meeting of the committee as a whole was and you probably all already know the answer to that, but it's a committee made up of the Council members. So, I just wanted to inquire in terms of that second piece, the dates for the committee of the whole, is that something you want some feedback on during this discussion or at a later date? Or is there contemplated work on a doodle poll or just wondering how that works?

Pete Hassemer [00:06:52] Executive Director Burden.

Merrick Burden [00:06:54] Yeah. Thank you, Mr. Vice-Chairman, and thank you, Mr. Anderson, for that question. Stemming from our discussion of the Council efficiencies topic, I've asked Renee to put together a poll for all of us. So, I believe, she is just about ready to hit send on that poll. And so then depending on the responses to that, we'll get back to you on a preferred set of dates. If that's no longer a preferred course of action I'm happy, of course, to entertain the discussion here now, but that's what we have in the works at the moment.

Pete Hassemer [00:07:28] Thank you.

Phil Anderson [00:07:28] Appreciate that.

Pete Hassemer [00:07:28] Further discussion? Lynn Mattes.

Lynn Mattes [00:07:35] Thank you Vice-Chair. Again, this may be another daft question because that seems to be my role today. Are the Budget Committee documents, the documents that were presented to the Budget Committee available anywhere online? I can't find them. And I was in another meeting so unable to attend the Budget Committee meeting. The second part of that question is once we find them, I can look for some information, but as part of this budget proposal, does that have our advisory bodies in person, remote or a combination of the two? And if this question is not appropriate at this time, just let me know and I'll ask somebody offline. Thank you.

Merrick Burden [00:08:15] Yeah, thank you Mr. Vice-Chairman, Miss Mattes. Could you elaborate on your second question? I'm not sure that I understood it.

Lynn Mattes [00:08:24] Mr. Vice-Chair, Executive Director Burden. Maybe I'm misunderstanding what we're looking at here, but the budget totals and what we're looking at here, does that include having all of our advisory bodies in-person at all meetings, or is that not getting into this kind of detail yet?

Merrick Burden [00:08:45] Yeah, thank you Mr. Vice-Chairman. Let's see the actual details of which groups are in person and which are not I don't have off the top of my head, but all of the meeting formats that we've contemplated are in there. So, there are some in-person meetings. There are some remote meetings. We tend to default toward budgeting for in-person meetings just because it's easier to come down from a number rather than add expenses part way through the year. But the answer to your question is, yes, that thought process is in there but what it looks like exactly I don't have off the top of my head.

Lynn Mattes [00:09:25] Okay, thank you. I appreciate that. And if at some point somebody could direct me to where I can find these documents, I would appreciate it. It doesn't have to be right today. I'm not going to have time to look through them all in the next few minutes.

Merrick Burden [00:09:35] Sure. Thank you.

Pete Hassemer [00:09:38] Right. Thank you. Further discussion? I haven't looked left. I'm looking right. Chair Gorelnik.

Marc Gorelnik [00:09:52] Well, if there is no further discussion I was going to offer a motion.

Pete Hassemer [00:09:56] Please go ahead.

Marc Gorelnik [00:09:58] I move that the Council adopt the recommendations contained in the Budget Committee Report. Oh, there it is. How about that? Took the words right out of my brain. All right. That is my motion.

Pete Hassemer [00:10:24] All right. Could you please, I'm going to ask you to read it in its entirety.

Marc Gorelnik [00:10:29] Okay. I move the Council adopt the recommendations of the Budget Committee as contained in Agenda Item C.5.a, Supplemental Budget Committee Report 1, June 2023.

Pete Hassemer [00:10:43] Thank you. And the language appears accurate. Is that so?

Marc Gorelnik [00:10:47] I believe it does.

Pete Hassemer [00:10:49] Is there a second? Seconded by Butch Smith. Speak to your motion as necessary.

Marc Gorelnik [00:10:55] I don't think it's necessary to belabor the point. I think it was adequately covered in our discussion and in the report.

Pete Hassemer [00:11:05] Thank you. Any questions? And I'll move immediately to discussion. Phil Anderson.

Phil Anderson [00:11:20] Well, I apologize I'm struggling finding that second document that I was just referencing and asking questions about but the... and I believe this motion includes those two additional recommendations in addition to the budget itself. Is that correct?

Pete Hassemer [00:11:47] My understanding, and I'm trying to go back in time here. We don't have our transcripts, but the other one we took up under an Agenda Item C.2, which was the Council Process Efficiencies, there was a separate Budget Committee report and without paging back in my notes I believe the Council, I'm not sure via a vote or but guidance adopted the recommendations of the Budget Committee in that report at that time. And I look who was our staff officer on that? Merrick, can you add to that?

Merrick Burden [00:12:43] Yeah, I'm happy to add to that. Well, let me see, let me start with the, the Council Efficiencies agenda item. So, in that item, which seems like ages ago now, the Budget Committee did have two recommendations. So, one was to continue to have staff continue to work on the timeline that we were organizing those thoughts around that build up to the five year grant renewal and we were going to bring in the Council efficiencies item or at least part of it into that process. And so, you all made a motion to approve that schedule so we will go ahead and do that. And then the second recommendation was your question earlier, Mr. Anderson, about the committee of the whole. And we have elected to pursue that through a doodle poll process. So, I'm not sure if that answers your original question, but that's what the Council did under that item as it relates to budget.

Pete Hassemer [00:13:42] Phil.

Phil Anderson [00:13:43] I think the answer is, no, that's not included in the motion. And that leads me to conclude that I missed my chance to amend that task that said task staff to work on. And it should have read in my mind to ask the executive or Executive Director to continue work on. But that's water under the bridge. I'm prepared to support the motion.

Pete Hassemer [00:14:13] All right, thank you. And the Budget Committee did throw everyone a curve ball because we submitted two reports, which in my history here has not been done. One was under Agenda Item C.2 and so there was action taken relative to that. And so, the motion on the floor behind us then is simply the recommendation to adopt the budget that was presented in there as the operational budget. Further discussion? And seeing none I will call the question. All those in favor signify by saying 'aye'.

Council [00:14:54] Aye.

Pete Hassemer [00:14:54] Opposed? Abstentions? The motion passes unanimously. Thank you. And I will look to Patricia, but I believe that completes our work under this agenda item?

Patricia Hearing [00:15:10] It certainly does. Thank you.

Pete Hassemer [00:15:11] All right. Thank you. And seeing nothing else I can think of no other way to stall because I'm hesitating passing the gavel back to the Chair. For the last time I will be able to pass it to Chair Gorelnik.

Marc Gorelnik [00:15:28] All right. Thank you very much Vice-Chair Hassemer. I believe that completes our business for the day.

6. Approval of Council Meeting Records

Marc Gorelnik [00:00:00] All right, let's see if there are any corrections to be offered to the meeting minutes. Mr. Anderson.

Phil Anderson [00:00:11] I have a motion.

Marc Gorelnik [00:00:13] All right. Well, I'm not seeing any corrections because the staff did a great job. So please proceed with your motion.

Phil Anderson [00:00:23] Thanks Mr. Chairman. I move the Council approve the meeting record as shown in Agenda Item C.6, Attachment 1, Draft Council Meeting Record 270th session of the Pacific Fishery Management Council, March 4 through 10, 2023. And Agenda Item C.6, Attachment 2, Draft Council Meeting Record 271st session of the Pacific Fishery Management Council, April 1 through April 7th, 2023.

Marc Gorelnik [00:00:56] All right. I believe the motion on the screen is accurate and complete. I'll look for a second. Seconded by Bob Dooley. Please speak to your motion as you feel necessary.

Phil Anderson [00:01:09] Great job by Council staff of keeping track of our doings.

Marc Gorelnik [00:01:16] Yeah, for sure. Any discussion? All right I'll call the question. All those in favor say 'aye'.

Council [00:01:24] Aye.

Marc Gorelnik [00:01:24] Opposed, no? Abstentions? The motion passes unanimously. Thank you for the motion. That concludes our action on this agenda item.

7. Membership Appointment and Council Operating Procedures

Marc Gorelnik [00:00:00] Well, that concludes public comment. And if we can get our Council tasks up on the screen under this agenda item that would be terrific. So, we will take these in the order suggested by staff. And so, the first action we have is to appoint a member, a commercial, to the commercial troll position on the HMSAS. Vice-Chair Pettinger.

Brad Pettinger [00:00:35] Thank you Chair Gorelnik. I believe she's... Sandra's going to pull it up. But I move the Council appoint to Mr. Clayton Wraith to the commercial troll position on the highly Migratory Species Advisory Subpanel.

Marc Gorelnik [00:00:50] All right. We don't have it up on the screen but I think it's a pretty short motion. Let's see if there is a second? Seconded by Christa Svensson. Please speak to your motion.

Brad Pettinger [00:01:04] Thank you. Mr. Wraith was recently named Executive Director of the WFLA, replacing the previous longtime Executive Director Wayne Heikkila, who was a longtime member of HMSAS. Clayton has extensive experience in the HMS fishery, having worked on his family's vessel during his childhood years and through college. His educational background also add real value to his representation of the commercial troll fishery on the advisory panel and I believe that he will be an exceptional addition to that body. So, thank you.

Marc Gorelnik [00:01:31] All right. Thank you very much. Are there any questions for the maker of the motion or discussion on the motion? Christa Svensson.

Christa Svensson [00:01:40] Not a question, but I do want to say I am supportive. I'm appreciative of Brad making the motion. Really a difficult decision. Both gentlemen have a lot to add. I don't think we could have made a wrong decision with either. And I've had the privilege of working with both of them on management-type issues and really hope that we can keep both of them engaged in the Council process because, I think, long term it would serve us well.

Marc Gorelnik [00:02:14] All right, thank you. I'm not seeing in other hands so I will call the question. All those in favor say 'aye'.

Council [00:02:21] Aye.

Marc Gorelnik [00:02:21] Opposed, no? Abstentions? The motion passes unanimously. Thank you for the motion. Congratulations Mr. Wraith. Next, we have a vacancy on the Oregon Department of Fish and Wildlife. Well, the ODFW position on the Groundfish Management Team. Lynn Mattes.

Lynn Mattes [00:02:46] I move the Council appoint Mr. Christian Heath to the Oregon Department of Fish and Wildlife position on the Groundfish Management Team.

Marc Gorelnik [00:02:55] The language is accurate and complete. Look for a second? Seconded by Brad Pettinger. Please speak to your motion.

Lynn Mattes [00:03:01] Mr. Heath has worked in the Groundfish Halibut Project for about 7 years. He has been helping behind the scenes on GMT analysis, both on commercial and recreational issues. He has completed several month job rotation in the project leader position, which he has been in now since June 1st. And last year he had the opportunity to be in a job rotation where he served on the HMSMT and the Ecosystem Work Group. So, this has provided him a pretty good view of what the Council does

and I think he will fit in personality-wise and skill-wise he will be a great asset to the GMT.

Marc Gorelnik [00:03:39] All right, Thank you very much. Are there any questions for the maker of the motion or discussion on this motion? I'll call the question. All those in favor say 'aye'.

Council [00:03:48] Aye.

Marc Gorelnik [00:03:48] Opposed, no? Abstentions? The motion passes unanimously. Thank you for the motion. And congratulations to Mr. Heath. Returning to our list of items. Next, we have some vacancies. We have two vacancies. We have the CPSAS commercial and the EAS, Washington at-large positions for which we don't have nominees, so I think staff has suggested that we advertise these and take up any applications at the September Council meeting. So, everyone's okay with that? Mr. Dooley.

Bob Dooley [00:04:37] Thank you Mr. Chairman. Good morning. I also noticed we had some resignations from the Groundfish Advisory Subpanel and wonder if that should be included in the same breath.

Marc Gorelnik [00:04:48] Yeah, if I could ask Miss Ames to review all of our vacancies, including our recent vacancies and just so everyone's on the same page. And we all know when we go back to our respective home locations we know where, which bushes we need to beat to get nominees.

Kelly Ames [00:05:09] Thank you Chair Gorelnik. Yes, just to recap, we have the positions here that are listed on the screen, the CPSAS commercial, one position. The Ecosystem Advisory Subpanel, Washington at-large, one position. I called those out specifically because we had advertised them for about five months and not received any applications. So, I was looking for some Council guidance if you had any recommendations on how to proceed, whether it was just simply to re-advertise them and remind the remaining folks on those committees to reach out and see if they could drum up some support. The additional two vacancies I mentioned were two on the Groundfish Advisory Subpanel. It was the Oregon charter boat position and the trawl at-large position. Both of those are currently being advertised so no additional action is needed here. You'll consider any nominations at your September meeting.

Marc Gorelnik [00:06:15] All right, well, does anyone have any brilliant ideas on the two that are listed here other than re-advertising? Heather Hall.

Heather Hall [00:06:23] Thank you. This is not a brilliant idea, just an offer and appreciation for you putting the nomination back out again for the Washington at-large on the EAS and just confirmation that we'll do some legwork on that and see what we can do leading up to the September Council meeting. Thank you.

Marc Gorelnik [00:06:44] Thank you Heather. Lynn Mattes.

Lynn Mattes [00:06:45] Somewhat similarly we were made aware shortly after the last Council meeting of the GAP charter, Oregon representative resigning. And we were trying to reach out with our contacts within the State of Oregon to try to fill that vacancy.

Marc Gorelnik [00:07:01] Thank you. Bob Dooley.

Bob Dooley [00:07:05] Thank you Mr. Chairman. Just in that vein, Marine Resource Education Program, MREP, typically reaches out to alumni from, and makes them aware of these vacancies so that people, it's brought to their attention, so I just wanted to add that to it. Thanks.

Marc Gorelnik [00:07:22] Yeah, I guess I would encourage anyone to use whatever resources they have, because the more applicants we have, the choosier we can be and at this point we have no choices to make. So, all right anything further on Number 3 here? All right I'm getting the thumbs up from Kelly, so I guess we did a good job. Let's move on to Number 4. This has to do with the Marine Planning Committee. We had a pretty thorough discussion under that agenda item, and we decided to continue the committee for another two-year term. And I don't recall that we elected to make any changes in membership structure or function. And I want to look around the table and make sure that that is consistent with everyone's understanding? I don't think we need a motion here. So, I just want to make sure we knock that off and we're clear. So, let's move on to Number 5. Pardon me. I'm sorry. Lynn Mattes.

Lynn Mattes [00:08:28] Thank you. Sorry I didn't get my hand up quick enough. In our delegation meeting this morning we did have some discussion about this remaining an ad hoc body or becoming a long-term standing body. I don't think we have to make that decision at this point. But there was some interest from the Oregon delegation that this is likely going to be a long-term issue and after this next two-year cycle we may want to reconsider how we operate this body. Not anything for today but just as our long-term thinking and planning.

Marc Gorelnik [00:08:58] Thank you. And I think it's worth reiterating here that when we established the committee, the goal was that it was going to be a committee of the various advisory bodies, so it would function to collect together those inputs. And, you know, I guess we want to continue to encourage advisory bodies to work through the MPC so that we don't end up with, you know, a number of repetitive reports or a number of reports where the input could have been provided to the MPC. I realize timing is an issue but we have to do the best we can. Now let's turn to our two new ad hoc workgroups, the Klamath River and Sacramento River Workgroups that we established yesterday. There is a position on each workgroup for the Council. And it's not described in the White Paper who that person might be, what qualifications. So, we need some guidance there, or I need guidance as Council Chair to figure out who, who's the right person for that position. So, I'd like to get some input from the Council. Susan Bishop.

Susan Bishop [00:10:38] Thank you Mr. Chair. Just a note, I went back and did some digging before sort of where the language came from, what we had done in previous workgroups, and what I found was that the language that was in the draft TORs yesterday is identical to the language that's been in most of the previous TORs that we've had on salmon-related workgroups going back until I think actually until about 2012. So, looking at the roster of those workgroups, the Council representations were varied depending on what the issue was that was discussed. But in general, there wasn't a Council member per se that was appointed. In most cases it was the STT Chair that served, not all cases but most cases, and I think that the point there was to have someone in a position on those workgroups that all dealt with very important salmon items that understood both the technical aspects of it but also could, knew enough about the Council process and what the Council discussion had been around the formation of that workgroup to help guide the discussion within those workgroups. So, I don't know if that provides some additional information or not in terms of appointments, but that's sort of been the history as we've worked through these workgroups themselves and recognizing, I think Mr. Anderson made the point yesterday, this is a technical workgroup as have been the ones in the past.

Marc Gorelnik [00:12:07] Thank you for that background. Phil Anderson.

Phil Anderson [00:12:13] Thanks Mr. Vice, or Mr. Chair. I agree with Miss Bishop's perspective on this and would encourage you to consider the STT Chair for to be the Council representative on the workgroups.

Marc Gorelnik [00:12:39] All right. Is there any disagreement with that? I think that's a good course here. We're all smart people around the table but we're not technical salmon people. So, I also would note that the, much of the composition of that, how that committee seems to be driven directed towards current membership on the STT so... John Ugoretz.

John Ugoretz [00:13:01] Thanks Mr. Chair, and I am channeling my inner Yaremko here so please bear with me. But my understanding is that Mr. Farrell is a National Marine Fisheries Service employee and should be representing National Marine Fisheries Service not the Council. So, I'm not sure that that's appropriate.

Marc Gorelnik [00:13:28] Well, I do know that there's a membership on the ad hoc workgroup by a member of the Southwest Fisheries Science Center, which is where Michael is. But that position could be taken by someone else in the Southwest Center and Mike could still be Chair unless there's no one else interested at the Southwest Fisheries Science Center. I would suggest that we... I understand where your inner Yaremko is coming from, but if indeed this language is identical to what we've had in the past, then I'm not going to go back and look. And if in the past that has been the STT Chair, then there seems to be a history of how those words are interpreted. So, what I would suggest is, well, let me see if there's any other further comments and then I'm going to offer my suggestion... is... oh, Merrick Burden.

Merrick Burden [00:14:34] Yes, thank you Mr. Chairman. Maybe just a point of clarification for Mr. Anderson, who recommended that the STT Chair be appointed. Was that your intention that Mike O'Farrell would be on both of those working groups or one or the other?

Phil Anderson [00:15:01] I had not thought of that. I suspect that asking him to do both is maybe beyond his capacity with all the other things that he has on his, on his plate. But I would, yeah, so I don't... if there, if there is a, if that, if those two could be shared by someone else on the STT so that we're not asking Dr. O'Farrell to do both, that seems to me to be something that the Chair could explore in looking at the other people that are on the STT. And I understand that, you know, there's the, I don't have the composition of both of those committees in front of me, but in thinking about what they... reflecting back on what I think they were, that almost everyone on there is working for an agency or entity and so I don't, I guess I don't view having the person that's representing the Council being an employee of one of the management entities or Science Centers as a problem.

Marc Gorelnik [00:16:47] Well, I think it's... I'm reluctant to appoint anyone without having spoken to them first. And we haven't yet heard where these, who these agencies intend to appoint, and hopefully that will be done in the near term. And so maybe we see how those appointments shake out and then see, because there's a pretty broad spectrum of technical capability on that list aside from the anonymous Council member or Council representative so, you know, maybe we see where these agencies go and then we fill in that spot. Does that make sense? I see one nodding head. I don't... okay. All right, so that's what we'll do. And then because this workgroup, we can't wait till September for this these workgroups to get started, I guess we'll just have to be in touch as a group. Just if I get a nominee for that position, I will certainly run it by the Council for any reaction or to make sure that there's been a consultation, unless it happens after August 10th in which case that'll be Brad's job. All right, is there anything further on Number 4? Oh, that was 5? Well indeed, nothing further on 4 or on 5. So now we're on to Number 6. I'm going to temporarily hand the gavel to Vice-Chair Brad Pettinger.

Brad Pettinger [00:18:37] All right.

Marc Gorelnik [00:18:41] So we have the task of appointing the Chair and Vice-Chair, so if you'll call on me?

Brad Pettinger [00:18:47] Chair Gorelnik.

Marc Gorelnik [00:18:48] All right. I move that Brad Pettinger serve as Council Chair and Mr. Pete Hassemer serve as Council Vice-Chair for the Aug 11, 2023 to August 10, 2024 term.

Brad Pettinger [00:19:01] Is the language of the screen accurate?

Marc Gorelnik [00:19:05] It seems to be, yes.

Brad Pettinger [00:19:06] Okay. Please....oh, looking for a second? Seconded by Bob Dooley. Thank you Bob. Please speak to your motion.

Marc Gorelnik [00:19:13] Well it's been an honor serving as Chair of this Council, it truly has. But it's time for Brad Pettinger to move up to the Chair position where I know he'll do a great job. And Pete Hassemer, who has already done an excellent job as Vice-Chair, will continue as Vice-Chair. And I'll move back to where I used to sit and try not to make too much trouble for our new leadership.

Brad Pettinger [00:19:43] Questions for the motion maker? Phil Anderson.

Phil Anderson [00:19:50] I think on behalf of all of us around the table, we want to extend our appreciation to Marc Gorelnik for his serving as Chair of this body for the last three years. You've done an outstanding job in representing us, both in running, managing our meetings, both here as well as outside this, outside the Council table such as at the CCC. You've made us all proud and I want to thank you for all the time that you've put in as Chair and Vice-Chair of the Council.

Marc Gorelnik [00:20:32] Thank you.

Brad Pettinger [00:20:33] Thank you Phil. Anyone else? Bob.

Bob Dooley [00:20:38] I just want to reiterate what Phil said and agree with you totally. I also want to acknowledge you led us through some pretty dark times with COVID and all of that and the virtual meetings and done a fantastic job and I really appreciate it in other venues as well, so thank you.

Brad Pettinger [00:20:57] Butch.

Butch Smith [00:21:00] Thank you Mr. Vice-Chair. Yeah, as hard as this is for me to say... (laughter)... Marc you've done a most excellent job and I just want to reiterate what everybody said. We knew we had a shining star when you were in the SAS and you've done that committee proud. And I just want to congratulate you on a real successful Chairmanship. Thank you. Thank you Mr. Vice-Chair.

Brad Pettinger [00:21:26] Thank you Butch. Anyone else? Okay, well, I'll call for the question. All those in favor signify by saying 'aye'.

Council [00:21:36] Aye.

Brad Pettinger [00:21:36] Opposed, no? Abstentions? The motion passes unanimously. So, I guess before I had the gavel back, I would say that it has been an honor to be his Vice-Chair. And he's been a fantastic mentor and really done a great, I mean really a great example of how to be a Chairman and I hope I pick up some of that and through at least osmosis, if nothing else. But he's just, he's been a great friend to me, and I think to our entire Council family and I've just been proud to be, serve as his Vice-Chair and just anyway. Thank you. Pete.

Pete Hassemer [00:22:22] Thank you Vice-Chair Pettinger and similar. What an incredible honor it was. An opportunity to sit next to this gentleman and learn his leadership and from his leadership skills and that and move forward. So really appreciate the honor to do that. And again, I'm humbled by the confidence, the respect that the Council has in electing me as the Vice-Chair for the next term. And I think I'll say again what I believe I said when I was first elected, my task for myself is to do better than my best and help this Council. So, thank you very much.

Brad Pettinger [00:23:10] Thank you Pete. Okay. Well, I'm going to hand the gavel back to our Chair. Marc? What's that?

Marc Gorelnik [00:23:18] All right, well, thanks very much. That... I've got just a few more items here. We'll move on to considering the proposed changes to the Council Operating Procedures, which as Deputy Director Ames described as housekeeping changes. So let me see. Pete Hassemer.

Pete Hassemer [00:23:54] Thank you Mr. Chair. I don't want to cut any discussion short so if, I'll allow you the opportunity to look if others want to weigh-in but there are, everything we do is important. Some things are a little easier than others and whenever you're ready I do have a motion on this item.

Marc Gorelnik [00:24:14] All right, great. Let me just see if there are any discussion before we have a motion? I don't see any hands so please move forward.

Pete Hassemer [00:24:24] Thank you. And Sandra... I move the Council adopt changes to Council Operating Procedures 1 through 4, and 6 as proposed in Agenda Item C.7, Attachment 5, June 2023.

Marc Gorelnik [00:24:41] All right, the language on the screen is accurate and complete?

Pete Hassemer [00:24:45] Yes, it is.

Marc Gorelnik [00:24:46] I'll look for a second? Seconded by Lynn Mattes.

Pete Hassemer [00:24:51] Thank you. As I said, well, as Miss Ames indicated when she went through this, these are a series of changes just to reflect our current practices in the hybrid meeting environment. I read through those and some of them caused me to think a little bit. I won't go into that now, but yes, they are all appropriate and there are other changes down the road we can make to those. We bring those up on a routine basis, but for now this is great to cover those routine practices there in the hybrid meeting format. Thank you.

Marc Gorelnik [00:25:36] All right, thank you for the motion. Are there any questions for the maker of the motion or discussion on the motion? Lynn Mattes.

Lynn Mattes [00:25:43] Yeah, I agree with what Mr. Hassemer said, and I actually had the exact same motion ready to go if nobody else did. I guess I should have communicated better there. I think this also helps us take advantage of the technology and some of the things we learned during COVID. And additionally, as an agency staff member, we are being asked to do more and more with less and that may mean we have some limitations on travel because of other commitments. So, this reflects us being able to have people participate remotely if they, for one reason or another, can't attend. So, I know as an agency person it helps us in our planning and who we have in the seat. So, I think it's good to reflect our current practices and what we learned during COVID. Thank you.

Marc Gorelnik [00:26:30] Thank you Lynn. Any further discussion on the motion? All right I'll call the question. All those in favor say 'aye'.

Council [00:26:38] Aye.

Marc Gorelnik [00:26:38] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much for the motion. That takes us to our last point on this agenda item. And this is Number 8, which is to consider additional measures to promote a respectful and harassment-free work environment and to provide guidance. We have material in the briefing book and we received a number of comments from the advisory bodies as well as a public comment. Brad Pettinger.

Brad Pettinger [00:27:15] Yeah, interesting that the reports we got today that it seems to me that the management teams did not receive the Council training and the APs did, and I'm assuming that's because they work for state agencies who probably have given that already. So, it seems to me that we've kind of got into this, I guess, with those bodies not understanding what the APs, the training they received. And so, I'd like to confirm that if that's the case and what we might do in the future so.

Marc Gorelnik [00:27:57] Merrick Burden.

Merrick Burden [00:00:00] Thank you Mr. Chairman. And thank you for the question, Mr. Pettinger. You'll recall last year and actually going all the way back to the start of my tenure, we began developing harassment policies through the CCC. As part of those policies, NOAA then offered some training to the Councils around the matter of harassment and that there were limited spots available for that training. So due to that limited number of spots, we did have to decide who should receive the training and who should not. And your... your insight is correct. What we decided to do was to assume that, A: NMFS representatives have had access to that training, which they did, and that, B: The State agency staff also had access to training and we received confirmation that they had. And so by and large, and our Council the training was distributed to folks that are not employees of federal or state agencies. Our Council, each Council approached this a bit differently. Our Council had the largest number of folks that took a training of any other Council. And that was, I guess, my philosophy that we should try to saturate our Council process with this training. Other Councils took a different approach, and they were very deliberate in who should take the training versus who should not. So, if you have further thoughts about this training and how we distribute it in the future, I think that would be good to hear. We are in discussions with NOAA ongoing about future training possibilities and it does look like that is a possibility that we will have training afforded to us. Thus far the philosophy that I've taken in distributing the training is to try to get it out to as many people as possible, and if there are thoughts about any more specificity, I'd welcome them. Hopefully that answers your question.

Marc Gorelnik [00:02:05] Vice-Chair Hassemer.

Pete Hassemer [00:02:08] Thank you Chair Gorelnik. Yes, as I went through the materials too some of the reports caused me to reflect on this for a while. And since our action is to consider additional measures, I think as we talk about moving forward on this a little context and maybe history is appropriate here. I guess I was first introduced to this as Executive Burden said. He's been working on this since he came here, but when I was elected Vice-Chair last year, because that role initiated August 10th in the CCC, the Council Coordinating Committee was bringing up this policy and working on it so I had the opportunity to sit in on one of the national CCC calls and discuss this. And so, in terms of development of these policies, what I learned is it did originate at a high level because we were working with NOAA, the NMFS headquarters staff, their legal Counsel, General Counsel, and those working in the arenas that were important to this. So, there was, you know, high level input, a lot of consideration to put into this across all of the Councils and it developed into these items that were brought to us. And, excuse me while I find my presentation here, that in Miss Ames overview gave us the history that the Coordinating Committee discussions and what was passed to the committees and our adoption of that. So, the other piece of it, and I really respect the consideration of the advisory bodies in those reports on

how to move forward, but as part of that history and... and maybe this is part of coming out of the CCC, is our Communications Committee talked about some efforts to expand the visibility of what the Council's do in the Coordinating Committee. And so there is this website out there, Fishery Councils dot org, and all the CCC materials are on there. And at the last meeting we had in May when the CCCs got together, one of the presentations by Miss Stephanie Hunt was on the harassment training that Executive Burden was just talking about and so if anybody is interested, they can go to that website and the presentation at least is posted there, just like all of our presentations on what came about. And I just, I do want to highlight a couple of things, again, as where we've been so we can think about where we need to go as the next step, and so on the larger across all the Council's training was assigned to 466 individuals and at the time of our CCC meeting, 80 percent of the people assigned had completed that training. So that's a fairly good success rate. If I read this right in this Council there were 110 individuals that were invited to take that. 74 of them completed the training. NOAA had provided some money and you know, and so the CCC had a discussion. The whole discussion was focused about what do we do next? What are some of the challenges associated with that? An interesting finding, I thought, was that no one who took the training took advantage of optional training, and the example they gave was managing bias. And so, you know, it was pretty obvious that I took the training and if nobody took additional training, I didn't do it either. But when I went through that, I've been through a lot of these trainings, and I thought this was very valuable and helpful and I learned some things. And maybe it's the admission about not knowing unconscious or implicit biases is that that thing really piqued my interest there and how that operates in these environments and that's something that we should look into. As part of the CCC discussions and about moving forward, there was a discussion about potential training in the future. What should we do beyond what was done? And some of the ideas that were presented there and discussed, preventing harassment and discrimination, recognizing and managing bias, diversity inclusion, belonging, bystander intervention. So, a lot of these things that have been mentioned in those reports, maybe it's just important to point out that at the national level, at the CCC level, this is being discussed. How do we move forward? Which things are important to people and what frequency should this be done on? And I really appreciate also the comments of Miss Tara Brock who came up here, and I'm going to go back and listen to the words she gave to us, because it's very important to get that type of input to try and shape this training as we move forward. So maybe it's just the, you know, the important points are that this isn't the end, this is the beginning, and the Councils are working collectively to look at a path forward with NMFS leadership, and there's opportunities for input through this Council on how this Council addresses it and which things are important for this Council to take to the larger body, the Council Coordinating Committee, and think about how all of this is put together so it's meaningful for us. I think these things are getting a lot of attention that this is less or important. But recently in Idaho, I know there's a lot of people who have been in the fisheries career, the international organization, the American Fisheries Society, the Western Division meeting was held in Boise. There was a follow-up survey and part of it they did talk about the environmental justice, the harassment and those things, but they sent out a questionnaire... what types of future training would people look for? And one of the things was this unconscious bias or implicit bias training. I checked that box that, you know, there are areas to look into. So it goes beyond this. But as just a closing then, I support what is in the staff's paper there. I think we're mapping out a good future. It doesn't end today but we have to think about that and incorporate that into some of our future procedures. So, I just wanted to give a little bit about the history to indicate that this is a very active topic and we will continue to discuss that. Thank you.

Marc Gorelnik [00:10:24] Phil Anderson and then Bob Dooley.

Phil Anderson [00:10:30] Thanks Mr. Chairman. I appreciate the work that has been done up to this point in time in terms of modifying and suggesting additional language in our policy on this topic. For me it... we need to do some additional work. I think the five points that were made in the SSC's report that we need to address each one of those five points, not necessarily today, but as a follow-up and I

wouldn't put it off very long. I think we need to address those. They were supported by the STT. I think most of them were supported by Tara in her remarks. The consultation with other experts and the review of literature on best practices is an important one and how might we do that? I think the point on effective training is essential to harassment prevention is spot on. On the training piece, I think we need to have our own training program. There's, I mean we had it. At the Washington Department of Fish and Wildlife we have online training. It is mandatory for employees to take. I think it should be mandatory for everyone that's appointed to the Council as part of the Council committees, subpanels, anyone that's officially appointed to a position within our Council structure, it's mandatory for them to take it. The 74, whatever it was out of 110, that doesn't cut it for me. Everybody's got to take it and if you don't take it then you lose your position. I just feel strongly about that. I also think it's on the training part that you need to take it periodically. It's... I've taken I don't know how many but a number of them, and every time I take it, it reminds me and causes me to think about how I'm interacting with my fellow colleagues. And if you take it once and you call it done, I think over time you begin to forget about some of those key points that the training causes you to think about. So, I think periodic training, a requirement is something that would be important. There's, you know, the other points that they made about the specifics of reporting process, and outcomes of investigations should be better defined in document. They make that point. We ought to be thinking about how to respond to that. I do think that the common set of ground rules, rather than separate ground rules is a wise recommendation. I heard support for that. That doesn't mean that individual advisory bodies couldn't add to it if they wanted, but I think there does need to be a standard that they all have. And the process for anonymously reporting is also an important one to do. So, I think we need to have someone within the Council staff, I think the Deputy Director is a reasonable person to do that, but it's up to, obviously up to the Executive Director to have... we don't have a human resources program where maybe they do within the Council staff structure, but that's... in terms of that applies to the broader Council family. So, we need to have someone that is that point person, I think, that tracks what we're doing and how we're doing on the various actions and protocols and policies that we have in place to prevent harassment of all kinds. So again, we have some additional work to do. And as I mentioned in my question of Miss Ames, I don't think in all cases you need to... you have to repeat the behavior before there's a consequence or potential removal. And I would like to have that word removed as part of our action. Thanks for the opportunity to comment.

Marc Gorelnik [00:16:27] Thank you Phil. Bob Dooley, then Heather Hall. And then at some point we can take a break, but people have a lot of things on their mind right now. Let's get them out. Go ahead, Bob.

Bob Dooley [00:16:37] Thank you Mr. Chairman. I totally agree with Pete and Phil's comments. I think that they're spot on. I just want to make another comment on the training we have been offered. In November, I believe it was, we were told by Merrick that there would be training available, offered and to, you know, if people wanted to take it. And I was really quite happy after that she was, right after that meeting that it wasn't, got an email that it was assigned, which and to be done by, I think, February 23rd, I think was the date which I took that as a mandate. I didn't take that as an option. You know it was an assignment. And so, I took it seriously, got it done and took great value from it. I think it's a great thing. My question is, why is that limited? It's an electronic deal, it's online, why does it have to be just a certain number from the Council? And I agree with Phil, it should be everybody and it should be required. And I will just make one other reference here. You know we do safety training for vessels and it's Coast Guard training and you're expected to do drills once a month. If it was set it and forget it, we'd do it once and forget about it, but there's prescribed training and it's important to keep doing it and refreshing because you learn every time and you maybe do a self-assessment of are you, are you, is this working and are you complying? Are you considering these things? So, I agree with Phil totally and I would like to understand why we don't have this as mandatory to everyone including state officials, including federal, anybody who's in this Council process. I don't think it's too much to ask... to be, to

fill out that. That survey maybe takes an hour at the most. It's not a big, big burden so I think it's well worth doing and I think you can't do it enough. So, thank you.

Marc Gorelnik [00:18:42] Let me just quickly answer the question, or I'll let Merrick answer your question about why it was limited.

Merrick Burden [00:18:50] Yes, thank you Mr. Chairman. And if you would humor me I also have maybe a follow-up question for you all related to this training if that's okay? I guess, first, to your question Mr. Dooley. The training that we received was licensed by a private corporation and so they have different fees they charge for different number of trainings. And so, because it was bundled with NOAA largely and then with the Councils, we only had so many spots to go around and NOAA offered that to us for free so we didn't, we weren't in a position of adding to it. In hindsight maybe we should have asked for more or offered some funding. This was our first time at that. This discussion right now is very timely because we are, I actually just received a calendar invite from Headquarters where the Executive Directors and Headquarters were going to meet to discuss the future of this training possibility. And so, I think, this also relates to some of the comments that Mr. Anderson had made. The path that we are going on now is to have a training for the Councils. It would be just the same training for each Council. Some of the things that are on my mind is that the training that we took last fall and early this winter weren't really tuned to the Council process. They were more organized in a corporate structure where you had clear lines of reporting, and so while I think it was valuable, there's some fine tuning I think we should do to make it appropriate to the Council's process. So, there was a comment, Mr. Anderson, that you had made saying we need our own training. And I don't believe that having all of the Councils together with a common training is different from that vision, but if you think that we need something unique to the Pacific Council, I guess, that would be an important point of clarity. The route that we're going down now is to pool our resources as Councils and secure a training into the future, and we're debating how frequently we should do that.

Marc Gorelnik [00:21:05] All right. I'm going to go to Heather and then Joe, and then we're going to take a break and... okay Heather and then Joe Oatman and then there are other hands up. Please save that for after our break.

Heather Hall [00:21:24] Well, thank you Chair Gorelnik. I just wanted to first offer appreciation for Pete's introduction and Phil's comments and those that have come before this on this topic. And I also just wanted to thank the management teams and advisory subpanels for their really excellent input on this topic. I think it's really helpful and appreciate that they are engaged and providing their input to us. I also wanted to just call out the STTs statement. And I read it after reading the SSCs statement and just appreciated the alignment that was there and just wanted to flag also the concluding sentences in the STT statement where they are linking this harassment issue back to the diversity, equity, and inclusion issues and how we hire and that linkage, and I just thought it was really important and wanted to give it extra attention here as we start forming our recommendations to the Council. Thank you.

Marc Gorelnik [00:22:39] Thank you Heather. Joe Oatman.

Joe Oatman [00:22:45] Yes, thank you Mr. Chair. I appreciate the opportunity to provide some comments on this item. As was noted previously, the tribes previously commented on the need for more specificity regarding defining harassment, as well as reporting and response procedures. At the March 2023 meeting provided some suggestions on how to improve the model policy on addressing harassment of Council employees and Council process participants and how it could be incorporated into our Council Operating Procedures. These tribal suggestions were acknowledged and summarized in the supplemental staff presentation that we received earlier from Miss Ames. While more work and detail has been provided on the effects and the materials under this agenda item, the tribes remain

concerned that these are still vague in a March 2023 Harassment Procedures Policy, as well as the recommendation outlined in Attachment 6 under this agenda item. We appreciate that advisory bodies were included in the conversation as recommended. However, we note that the expertise and best practices for preventing and responding to harassment are not areas of expertise that advisory bodies possess. It is not enough to develop leading protocols around respect. The Council once anticipated, provide safeguards against the type of harassment that may happen outside of the meetings, the tribes recommended that process that utilizes outside expertise to inform policies so that they include accepted best practices, training for those that will be tasked with responding to and following up on reports of harassment or inappropriate behavior and diversity in those tasked with dealing with reports. We support the recommendations from the SSC on this point. Without training from experts, it is likely that any Council protocols or response mechanisms regarding serious allegations could result in unintended consequences... including retraumatizing victims, enabling perpetrators, and increased legal liability for those agencies and individuals involved. Tribes would like to remain engaged in ongoing efforts to ensure that Council meetings and related functions are respectful and properly responsive to harassment. I do note, as Mr. Burden just mentioned, on the training that those who were able to participate in that late last year and early this year, that it was designed more for a corporate setting and one who took that, you know, may have to try and translate, you know, those sorts of examples and scenarios to a Council setting and Council activity. And so, creating our own training program on this that's specifically designed for the Council process and participants would be important. I appreciate this opportunity to share these comments on behalf of the tribes and those tribal representatives and individuals who participate in this Council forum and process. Thank you.

Marc Gorelnik [00:26:37] Thank you Joe. So, we'll take a break now. Is 15 minutes okay? Does anyone need more than that? Okay, we'll take a 15-minute break. We'll be back here at 9:55. And the charge here is to provide guidance. It's not to articulate new standards, just basically, I think, in line with I think the discussion we've already had. So, we'll see you back here at 9:55.

Marc Gorelnik [00:00:00] (Marc continues following the break). On Council discussion item number 8. Keep in mind our task here is guidance and we've received some good comments already so... but I don't want to cut off any discussion. I think there were some hands raised. I'm going to go to Christa and then John Ugoretz and then Susan Bishop.

Christa Svensson [00:00:26] Thank you Mr. Chair. And I am appreciative for the thoughts that have been around the table. I do want to just speak briefly on some discussion we had this morning in the Oregon delegation on this topic. And that management teams and advisors have been very cognizant of not duplicating reports. There were a number of people... I'm not going to say the entire team because they did not have the discussion in their entire team, but we do have a number of members who are supportive but recognize that, hey, we don't want 12 reports on the same topic and I just don't want the lack of reports to be taken as unengagement or not interest. And I think it would be helpful moving forward on this topic or other sensitive topics if the Council would prefer to have even a very short statement saying we're in support of, to let our advisory bodies know that so that they can comment appropriately.

Marc Gorelnik [00:01:37] Thank you for that Christa. John Ugoretz.

John Ugoretz [00:01:41] Thanks Mr. Chair. And I want to follow on some of the discussion that I agree with wholeheartedly regarding training and mandatory training several people have mentioned. As a long time civil servant who's worked for state, federal government, as well as private institutions, I have received and continue to receive training a lot on these items. I have benefited from that training. I think it is worthwhile. I do think people have pointed that out and I do appreciate online platforms for their ease and ability to reach a lot of people. I think the Councils writ large across the country should

be working with NOAA to ensure consistent training across the board for all participants that are appointed to the Council's advisory bodies, et cetera, so totally supportive of that. At the same time, I will note that online training is only as effective as the person viewing it gives it. You can easily check the box without gaining much if you want, or if you're too busy or if anything else is getting in the way. And I would suggest that perhaps across the Councils there might be some discussion about also considering some in-person training during Council meetings for both the Council itself and advisory bodies. And what I could envision is having some kind of contracted support come to each Council, into each advisory body or groups of advisory bodies together during Council meeting time, spend about an hour providing us with some specific training that is more designed for the Council process that gets to issues that are perhaps better relayed in person that you get feedback immediately. I have found that type of training to be extremely useful. The other benefit of doing something like that is that the audience could view and receive the training as well. And that is the one place where we don't have much control over. We can't mandate training for audience participants in Council meetings, and those individuals have a significant role in the way people are treated at the Council. And while we can't mandate it, I think it would behoove us to have some way to have them witness that so that they know what we're receiving and they know what we're expecting of them. So just a thought. Moving forward I know there would be a cost associated with that and I think it's worth considering in the long run. All of that cost, I think, should be borne in a way that the Councils are not put in jeopardy for all of the other things that we have to do with our budget. So, it needs to be looked at from the agency perspective about how to fund the Councils to do this. Thanks.

Marc Gorelnik [00:05:05] Thank you John. Susan Bishop.

Susan Bishop [00:05:08] Thank you Mr. Chair. Everyone else has spoken very eloquently about the need for training, and I don't have anything for it to add there. I think it's extremely important. I think it should, I agree with some of the comments that were made. I think it should be mandatory. It should be very clear about what the Council is expecting. But I also agree with what John just mentioned, that it's really what you do with it afterwards. We can all take training and then we can fall back, right? Either because it's not something that we have learned yet or because we just did what was required and we don't really believe in it. So many of the other things that are in the reports speak to that tone that the Council sets, the expectations that the Council sets, the ground rules, and also the way that the Council members hold themselves as role models to the rest of the participants in the Council. I want to acknowledge all of the work that the Council staff did from the Council, from the advisory body reports that we got and the additional comments that I received as well as engagement of the Council. It underscores what an important topic this is. The Council staff obviously has put in a lot of effort on this. I'd like to particularly give a shout out to Kelly on that. As most things that we do, there is a lot more of what was done than what might have been reflected. You know I noticed in the, the materials that were presented, the links to various other documents, agency documents, the information that the tribes presented, for example, that was a lot of work and I want to acknowledge that. I also want to acknowledge that this... these are big steps. You know, we talk a lot about where we need to go. We do need to go further. We do need more work to be done. But there has been a lot of work done in the last several years on this and I just want to make sure we don't lose sight of that. I think the last thing that I want to acknowledge and this has come up in, you know, testimony that I've listened to over at least since March if not since last year on this, and that is that we are lucky enough to have a lot of new people coming in to the Council. Many of them are young. Many of them are from other communities that aren't familiar with what we do. And as Tara mentioned, it can be a very intimidating place to come, particularly if you are a young professional just starting out in your career and you are interacting with people that have been here for decades. I used to be one of those people. I can vaguely remember what that was like. And so you are, and you are hearing from some of the comments that you got, I think, with regard to the anonymous reporting in particular, somewhat of a lack of trust. And I guess I will just be blunt about that. You know we are making great strides. We are trying to remedy past

wrongs, but people are concerned, you know, about can I can I really report? Can I really trust that people are going to do the right thing? You know, many of us have reported in the past, not necessarily in this process, but others and been dismissed or have heard what our competence has been reported other places. And so, I want to acknowledge that that is there and it will be important for the Council, I believe going forward to try to address. It also reflects potentially a sort of lack of knowledge of what the process is and what the options are. And if someone encounters a situation where they are harassed, assaulted, abused, the types of things that these policies and procedures are designed to address and they're young and they're in a situation where there are a lot of people that may have influence on where their career goes, then they are going to be reaching out for options. What do I do? What are my options? What can I do? What are my choices? And try not to be sort of victimized again. So, I support the anonymous reporting. But I would also consider as we move forward and as we continue to work on this, consideration of a coordinator or somebody that someone who has experienced this can go as a first step and talk to you about what their options are. So, they can be very deliberate about what their options are and what their choices that they want to make going forward. So, I'll just stop there. Again, just to reiterate my appreciation for the way all the work the Council staff has done and the way that the Council body has embraced this topic.

Marc Gorelnik [00:09:48] Thank you Susan. Lynn Mattes.

Lynn Mattes [00:09:50] Thank you Chair Gorelnik. Most of what I was going to say others have already said, but I want to echo the appreciation to Kelly and Merrick especially, reaching out to the states to see what we already do. And while our agencies do require training, I suspect what I get in Oregon is slightly different than what Heather gets in Washington and what John gets in California and what Susan gets in at the NMFS. So having some sort of consistent training, yeah, it'll be a little duplication for some staff having to take it at the state level, but also taking it here. That way everybody is aware of the same standards, the same ground rules. And I think others have mentioned that this isn't a one and done thing. This is something that we are going to have to continue to work on. It's going to be an iterative process. Information in this field, in general, is changing rapidly so I hope we do continue to work on this. But again, appreciate the work that especially Merrick and Kelly have done in getting us going and moving on this.

Marc Gorelnik [00:10:49] Thank you. Let me just say it's regretful we have to go through this training, but it's the human nature, I guess. Corey Ridings.

Corey Ridings [00:11:00] Thanks Mr. Chair. A lot has been said. I have some draft guidance if that's helpful at this point?

Marc Gorelnik [00:11:09] Yeah, I think that we've had a lot of discussion. I think there's... we're kind of on the same page. It'd be nice to see those words on a page so.

Corey Ridings [00:11:25] Thanks Sandra.

Marc Gorelnik [00:11:30] So please go ahead when you're ready.

Corey Ridings [00:11:31] Yeah, thanks Mr. Chair. This is just some guidance that I hope can build off of the Staff report that was provided to us and the discussion that we are just having now and the reports of the advisory bodies. I just want to echo others and say thanks to the Council staff for that, especially Kelly. Just noting that this paper was based on, as she noted, a review of similar state and federal policies and approaches and appreciate the states also for providing that information to her. Hoping that this can move us forward, making sure that the Council process is inclusive and respectful for all people based on the history that Pete mentioned earlier and everything that we've heard this week and in

previous months on this topic. I don't know that this work is ever done. It's always a process of self-reflection and improvement and continuing to make sure that we're the best Council in the nation. So, I'll speak to what's on the screen here. Request that the Executive Director direct staff to update the COPs regarding protections against rude and disruptive behavior. To expand from the assigned Council staff and advisory body members to all Council participants I just described in Attachment 6, which is the Staff Report on Recommendations For A Respectful And Harassment-Free Workplace on Page 1. As Miss Ames covered, the COP edit expands expectations around rude and disruptive behavior to all process participants. And I agree with Mr. Anderson's earlier comments and edit regarding removal of the word "repeatedly". 1.B. Modify the Intent to Serve form to ask advisory body members to commit to following the procedures outlined in the COP and in the Harassment Procedures policy as described in Attachment 6, Page 2 as modified by the SSC Report Number 1. Similarly, as Miss Ames described, this edit would add to the Intent to Serve form, thus that incoming AB members are required to review the COPs and the Harassment Policy. I think Council staff should also investigate ways that this update could also be signed or at least reviewed by existing members, ensuring that they're held to the same standard. Seems smart to me. That's also likely a good touch point and reminder, as we've just discussed on the floor, repetition is good in this process. Also note the SSC suggested an edit to change "Council funded travel" to "Council related travel". 1.C. Modify the decorum section of COP 1 to include language that addresses harassment and retaliation as described in Attachment 6, Page 3. As suggested, this is an edit that just adds the new Harassment Policy to the decorum section of the COPs. 2. Adopt overarching draft PFMC advisory body ground rules as described in Attachment 6, Page 2 for all advisory bodies as modified by the Supplemental SAS Report 1. As we've heard today, having shared ground rules will help create a culture of respect across all of our ABs. The SAS Report suggested modifying the last bullet in the draft ground rules from "moderate the length and number of times an individual speaks" to "allow for a balance of time". This seems like a good edit to me to allow some discretion at each AB and sort of the individualism that exists there while making sure that everyone has a chance to speak and have their viewpoints heard. 3. Request that all advisory bodies develop committee specific operational guidelines. As noted in the report, some advisory bodies have already begun to do, ask our ABs to document the unique operations and culture of each AB, thus that there is an opportunity for reflection. All participants can learn and repeat the committee norms and be part of welcoming new process participants into the room. I think this can also facilitate shared learning and sharing between the ABs. And I'd work on the staff idea of posting on the website or posting in the ABs rooms as these develop. Also, I would recommend that assistance is offered to these groups from Council staff and any experts the Council might bring on in this process to help with this group. As just stated, some have already begun this process, but I think as the groups potentially move forward with this work expert assistance is valuable. 4. Add examples of harassment to the Council Harassment Policy via a new attachment. This suggestion was made by the Tribal report from March 2023 and supported by the advisory bodies. Number 5. Request that NMFS, NOAA or the Department of Commerce continue to coordinate with Council staff and provide experts to advise and work with the Council and Council staff as recommended and described by SSC Report 1. To ensure that all Council harassment and respectful workplace policies and trainings are comprehensive and consistent with currently accepted norms. I think we've talked about this, the SSC recommendation to bring in expert support. This was supported by other ABs and I believe I'm echoing Mr. Oatman here. I think this is a good reminder that we are experts on fish and fisheries, not on HR, harassment, or necessarily workplace professionalism, but there are other people who are probably at other meetings right now who are experts talking about this and let's talk to those folks. 6. Explore and report back to the Council regarding further trainings on harassment prevention and reporting for Council members, staff, and advisory bodies. We've heard from several ABs and previous discussion about the value of trainings. I think it's worth noting asking the members of Council and ABs to take the Implicit and Explicit Bias Tests and Trainings is helpful and is also a really good opportunity to do your own professional growth. Additionally, Bystander Intervention Training will improve the ability for everyone who was able to receive it and promote a safe and productive meeting environment. And I think I'm echoing Pete's

comments here about figuring out how to move this forward and shaping trainings that really fit our needs. And some of the comments we've heard about the CCC moving forward with this work as well. Also, as Miss Brock noted, all Oregon State Board and Commission members are required to take annual trainings. I think Mr. Ugoretz pointed this out as well that these have been helpful and help prevent discrimination and harassment. And yeah, just echoing multiple comments that the repetition of these trainings is valuable. I also wanted to echo Mr. Ugoretz's thoughts and I agree with the value of in-person trainings. And I see the value of those in-person trainings potentially happening either here on the floor or during Council meetings, and that they are a way of being inclusive of our public and extending some of those values and cultural norms out to the public who otherwise would not be able to participate in these trainings. 7. Develop a process for anonymous reporting to further reduce barriers to reporting and allow Council staff to track patterns of inappropriate or unwelcome behavior. The Tribal report recommended this in March. We heard this from our ABs and also from Susan just now. Anonymous reporting is an important option. I know personally that both of my employers offer it, as does the National Marine Fisheries Service, and will offer an avenue beyond official reporting for those who are experiencing harassment or unprofessional behavior and gives them the ability to provide input to the larger process and ideally receive support and can be helpful for them to understand if they want to make an official report or not. I think this is also a moment to echo Susan's comments on new and young folks coming into the process. I think all of us want to make this space as unintimidating, safe and welcoming as possible. And I think that anonymous reporting can help us do that. 8. Explore improvements to the reporting process and outcomes of investigations. The Tribal report from March spoke to the need for diversity in the identities of the people to whom participants are supposed to report harassment. The Council leadership here and elsewhere has largely been white, male, cisgender, straight and often the victims of harassment are people who don't fit these identities. The Habitat Committee also requested to have more clarity around the consequences and accountability for violations. And I'm pretty sure I heard this from Mr. Oatman earlier, I think exploring what this could look like and how to communicate it with the family would be valuable. 9. Explore a code of conduct that applies to ABs and MTs, Council members, Council staff, and the public. I think it's important to explore how all Council participants can attend meetings knowing it will be a safe and respectful working environment. As Miss Brock responded to Miss Svensson's question earlier, there will always be a balance between encouraging difficult and contentious discussions while remaining respectful. But it is exactly what the Council process and participation by AB members and the public is so critical to what we do. Sharing and learning makes a better product at the end of the day. Disagreement and compromise is hard work, and I think that as a Council we want to encourage it and we can encourage it by doing it well, because that is the absolute crux of what we do here. I think that a code of conduct could help us do that even better and get us there even better. And 10. Draft a statement of intent to protect those who are most vulnerable, for example historically marginalized people, and to increase retention of these individuals by providing both institutional support and a safe workspace culture through this initiative. I think, as we heard earlier today, it's important for the Council to publicly acknowledge how this is intrinsically linked to diversity, inclusion, and retention. This was noted by the STT and talked about by Dr. Safiq. Exploring a statement of intent to recognize this would, I think, help us address that. Regarding timing, I'm not sure that we need timelines at this point. My thinking was just to give flexibility to Council staff in hopes this would be done as soon a time as practicable, recognizing it's important to the Council and stakeholders. And I think I will just quote Mr. Anderson by saying hopefully it won't take not too long, so...

Marc Gorelnik [00:22:52] All right. Thank you Corey. So, you have captured some recommendations, some guidance. And I want to look around the table and see if there are any additions, subtractions, comments on this? Lynn Mattes.

Lynn Mattes [00:23:13] Thank your Chair Gorelnik, and thank you, Corey, for putting this all together. I appreciate you working on that to get it written down. What's there seems to reflect all the guidance

we've been hearing from our ABs and from our guidance around the table here this morning. I don't have any comments or edits at this point but just express the appreciation for getting it written out for us.

Marc Gorelnik [00:23:45] Christa Svensson.

Christa Svensson [00:23:46] Thank you Mr. Chair and thank you, Corey, for the thorough outline of what I think is a very appropriate path forward. I am also appreciative of the statements around anonymous reporting. I know that it can be a difficult topic because there's always concern in terms of what happens if somebody reports anonymously and how is that handled? And I am appreciative, particularly of the points around that of developing a process so that it is very clear to the person that is reporting anonymously what is going to happen and what that entails, but that it is also very clear to people that if a report is made anonymously about them, how that is followed through and how they can appropriately respond to that. So, thank you for the thoughtfulness and the thoroughness and I fully am appreciative of moving forward this way.

Marc Gorelnik [00:25:02] Vice-Chair Pettinger.

Brad Pettinger [00:25:04] The deal with anonymous reporting. What would the body do with that? I'm just kind of curious. Kind of in line with what Christa says, I mean I look around the table and I see a lot of diversity around the table. I mean we've got... this is historically it's been dominated by white males. I would say it's probably fairly accurate, but that's not the case today. So... deal with anonymous. I mean I don't like that aspect of it, but I guess it's fairly common. I guess National Marine Fisheries Service has that according to what Corey's brought up. I wasn't aware of that, but given that, what would the Council do with an anonymous complaint? I'm trying to understand what, is it hidden away? Is the person, would the person be, would it be addressed, right? Because my thing is I think if there's an issue, you address that issue, you go to that person. If something comes up and you... you fix that and don't let it linger. I'm just kind of curious what would happen if you got an anonymous complaint? What would be the action from that? I'm just, try to help me guide me through how that would, how that would work?

Marc Gorelnik [00:26:31] Butch Smith.

Butch Smith [00:26:36] Great job Miss Riding. And I'm going to support this motion. But having a couple different public lives, the first bullet there, rude behavior. And I totally agree with that but the courts have supported rude behavior as free speech and First Amendment and I just don't want to change the motion or anything, but I think we want to make sure we're on, have some, you know, some definitions or some grounds of what we consider rude behavior. I witnessed some pretty rude behavior on TV at school board meetings this last year and they ended up being protected by free speech. And I just don't, I just want to make sure we're covered. Not changing what you've said, but I think maybe look into it with our lawyers and or whatnot to make sure we are on solid ground if we do cut someone off or do whatever what we consider rude. Somebody might consider it free speech, and that's all. But I am supportive of this motion, and I will be voting for it. So, thank you.

Marc Gorelnik [00:27:57] All right. Corey Ridings, and then Lynn Mattes.

Corey Ridings [00:28:04] Thanks Mr. Chair. Butch, thanks for that. I was just going to very briefly respond. The SSC did note something similar to that in their report. I just pulled it up. It says, for example, academic institutions have experiencing distinguishing between academic free speech and inappropriate behavior. So certainly, as part of this I would, hopefully, we'd get a chance to look at that.

Marc Gorelnik [00:28:28] Lynn Mattes.

Lynn Mattes [00:28:31] Thank you Chair Gorelnik. To what Vice-Chair Pettinger was bringing up about what happens. I think this, what some of the advisory body reports and what this is trying to get at is we need to develop that and figure that piece out. I don't think that piece is there yet, but it's something we want to continue to work on. At least that's the way I have seen this and the discussions I've been having. So, I think we're all there with you. We don't know what happens yet, but we need to figure that out as we move forward.

Marc Gorelnik [00:29:00] All right, well, I'm not seeing any other hands at this point. We've got some very thorough guidance. Thank you to Corey Ridings. And let me just see if there are any last comments on this portion of the agenda? And I will turn to our Deputy Director to see if we have provided adequate guidance?

Kelly Ames [00:29:24] Yes, thank you Chair Gorelnik, and thank you Council members for a really thoughtful discussion on what can sometimes be challenging issues. I really appreciate the attention and the clear guidance. I think we know how to proceed and we will do so as soon as practicable.

Marc Gorelnik [00:29:42] All right, terrific. Well, I think that concludes agenda item C.7.

8. Future Council Meeting Agenda and Workload Planning

Brad Pettinger [00:00:00] Okay, with that I'll open the floor for Council discussion. Okay Merrick, I'll turn to you. I mean, I think, you did a pretty good job of lining things up.

Merrick Burden [00:00:16] Caroline McKnight.

Brad Pettinger [00:00:17] Caroline.

Caroline McKnight [00:00:24] Thank you. Can you hear me? Just doing a quick soundcheck?

Brad Pettinger [00:00:27] We got you.

Caroline McKnight [00:00:29] Thank you. I did have some comments relative to the ONMS item, but I wanted to make sure there wasn't something else that Mr. Burden was going to add before I started.

Brad Pettinger [00:00:44] Okay. He didn't.

Caroline McKnight [00:00:47] Okay. Thank you. So just sort of dovetailing off of that last comment. On the September agenda item we currently have the ONMS item scheduled as an administrative. I'd like to propose adding to that a groundfish item which was on our prioritized workload list. It is the Cordell Bank and Associated Conservation Area item. It is currently listed as a workload, an analytical workload as medium however CDFW has been working behind the scenes quite a bit to make sure that we have completed as much as frontloaded work as we can. It's a relatively straightforward fix. It's administrative more than anything because there's some regulatory complexity in the language where there's overlapping conservation areas in one area. I've had some sidebar discussions with our friends at ONMS and they are comfortable with the approach to combine those two together, so that's what I would propose for September and hopefully that can be accommodated. Thank you.

Brad Pettinger [00:02:01] Merrick.

Merrick Burden [00:02:01] Yeah, thank you Mr. Vice-Chairman and thank you for that suggestion, Miss McKnight. Looking at our September meeting, it is quite full and so I think if we're going to be adding items we'll have to be looking at certain trade-offs and whether we need to drop something or if you have more insight than we do into H.1 as currently scheduled, and you believe that could fit into a two-hour timeslot that would be, it would be good to know your insights. If we were to take this item up, I would agree with what I think your sentiment is going is that the Cordell Bank item that you are suggesting be adjacent to the ONMS Coral Planting item. Typically, we don't schedule things for anything less than 30 minutes and that is often pretty rare, so we'd be looking at maybe an hour or so. That would put us over time for that day. So, one thing that is standing out to us is the MSA confidentiality proposed rule. We don't have much insight into that and whether that would indeed come up. I'm not sure to what degree we'll be looking for Council input. So, one solution is to strike that from our agenda to make way for the Cordell Bank item, so that's one possibility. The other is if you have insight into some efficiencies that could be gained between H.1 and the Cordell Bank item you suggested that would be good to know.

Caroline McKnight [00:03:34] Thank you. Yes, I appreciate those, all those suggestions, Mr. Burden. I would add that the addition of the Cordell Bank item for September purposes should not take more than an additional 30 minutes worth of time, which you've already identified somewhere that could be taken through that H.4 item. I would also add that one comment we've heard sort of repeatedly at the

start of this is under Tuesday G.6's agenda item that's underlined for the Trawl Cost Project Final Report and Catch Share and Allocation Review Next Steps, that item has been previously identified as needing to be on pause until additional decision-making for the gear switching item is completed. So, I would support pushing the G.6 item to some future meeting until such time gear switching decisions have been made and therefore giving some more time and flexibility within the schedule. Those are two ways I see making room for the Cordell Bank package attached to that H.1 item.

Brad Pettinger [00:04:45] Merrick.

Merrick Burden [00:04:45] Thank you Miss McKnight. So just referring to, let's see a couple of steps here. On Monday, if we were to add the Cordell Bank item and it does take a half hour, we would be, I guess I would just look to the Council and see if folks are okay going a little bit long that day. On the, the G.6 item, there's a couple of different things to be aware of here. One is the Trawl Cost Project will be completed and so we would be hearing the final report on that item and the next steps for phase two of that work. And as part of that what we'd like to do is just be clear on how this will inform the allocation review. So, it's different from what I've addressed earlier, which is a desire to hold off on the review writ large due to the, until the gear switching matter is wrapped up. So, I think those are two issues and I know that's confusing, but I would not want to strike G.6 at this time. That's a separate item from the pause I've asked for until gear switching is done.

Caroline McKnight [00:06:03] If I may?

Brad Pettinger [00:06:07] Please.

Caroline McKnight [00:06:07] So if I heard you correctly then, is there potential for G.6 to be separated such that the Trawl Cost Project relative to allocation review could be separated out from Trawl Program Review, which needs to be delayed perhaps thereby reducing the overall time needed for G.6?

Merrick Burden [00:06:29] Yeah, thanks for the question. If we, let me turn this on its head a bit, if we were to take up the Trawl Cost Project and a full planning development of the Trawl Catch Share Program Review, that would have taken about 3 hours. And so, this has already been pared down to talk about the Trawl Cost Project, the completion of it, the next steps of it, and how that takes place within the context of the Trawl Program Review. So, I don't think there's any more time to be gained from G.6 at this time.

Brad Pettinger [00:07:06] Caroline.

Caroline McKnight [00:07:09] Okay thank you Merrick. That's helpful. It seems like we still maybe have some ability to squeeze some time out of the H.4 agenda item that you identified as possibly not needed at all, which would still provide some compensating time under H.1 to add Cordell Bank, if I heard you correctly.

Brad Pettinger [00:07:35] Merrick.

Merrick Burden [00:07:35] Thanks Miss McKnight. Potentially. I'm actually going to look at Kelly here for a second. I know she has been in closer contact with some NMFS folks on the proposed rule development than I have been or maybe even look to Susan Bishop to see if she has any insight on that item. I don't have a lot of clarity on it right now. I know it's under development. I know there are some questions about the timeline. Wondering if any of my colleagues over there have more insight than I do?

Brad Pettinger [00:08:02] Kelly.

Kelly Ames [00:08:02] Thanks Chair Pettinger, Mr. Burden. We did hear back this morning from National Marine Fisheries Service that there is a high likelihood that the proposed rule on Magnuson Confidentiality, changes to or additions to the Magnuson Confidentiality Rules would be out during our September Council meeting.

Brad Pettinger [00:08:34] Merrick.

Merrick Burden [00:08:34] So with that being said then, you know, like I indicated earlier, a typical agenda item, unless it's a short administrative item, we usually don't schedule for anything less than an hour. You will see a couple of matters on here that are 30 minutes but those are the exceptions. So, an hour usually exists due to the overview. You know I would anticipate there being a NMFS person on hand to speak to it, potentially some advisory body reports, that gets us to an hour pretty easily. So as much as I hate to be the bearer of bad news, we would be looking at a long day on Monday if we add the Cordell Bank matter, but I do see Miss Bishop has her hand up too.

Brad Pettinger [00:09:14] Susan.

Susan Bishop [00:09:14] Just a thought. My understanding, I was going to just confirm that on Wednesday, item I.4 had been sort of revised per the discussion on J.5 to be DGN Transition Update rather than scoping. It was originally scheduled it looks like for 2 hours. If it's an update it would probably more, my understanding is... be more likely an hour. There is an agenda item on Wednesday morning under H administrative and would that buy the hour that you're looking for?

Brad Pettinger [00:09:52] Thanks Susan. Merrick.

Merrick Burden [00:09:54] If I'm following correctly, so the I.4 you'd be looking at a different title that is an update and your impression is that that would take an hour, and if so that drops Wednesday down to seven and a half hours and gains us 30 minutes. So, the trick would be in moving things around to gain us time on Monday with that additional 30 minutes. I don't have a magic wand right now, but it sounds like that would gain us a little bit of time, if that's your main point.

Brad Pettinger [00:10:34] Okay. Lynn.

Lynn Mattes [00:10:39] Thank you Vice-Chair Pettinger. I wanted to address the items that were in the HMSMT report to show support for their request to.....we've already I think just addressed the DGN Transition Consultation. They also requested that we unshade the opah item and be supportive of webinars for the MT and the AS to meet separately and jointly in preparation for September. I'm sure Council staff will need to check with hotel... see about hotel availability to add a day to the MT and the AS for that joint meeting that they have requested take place on September 10th. And then as we start to plan November add a check-in item, I'd be supportive of those items that the HMSMT requested.

Brad Pettinger [00:11:30] Okay. Merrick.

Merrick Burden [00:11:33] Yes, thank you. I don't have off the top of my head the room block list. I would note, and I think you made note earlier, we already have three days scheduled for HMS and AS and HMSMT and one partial day of agenda topics, many of whom I wouldn't imagine there being much to comment on. So, I guess what I would... my response is I'll take that under advisement and I would ask for the latitude if we look into this, and can't justify that extra day that we be cognizant of our expenses and continue to hold that as three.

Lynn Mattes [00:12:11] I concur with that latitude. Thank you Mr. Burden.

Brad Pettinger [00:12:15] Thank you Lynn. Anyone else? Christa.

Christa Svensson [00:12:23] I'll just say that I'm supportive as well. I think we heard a lot of testimony this week. Had a lot of discussion this week about what that path forward looks like and unshading both of those agenda items would be helpful. I'm also supportive of the November potential add-on and the flexibility for our Executive Director, just being mindful of if we're asking people to meet in the margins on something that isn't in the margins that we make sure that we do build in that bit of extra time that we might not otherwise, but certainly not advocating that we need an extra day. I will say we should leave that to you but just putting a pin there.

Brad Pettinger [00:13:08] Great. Thanks Christa. Merrick.

Merrick Burden [00:13:16] I'd just like to go back to make sure I'm not on a different page from the Council here. So, where I think we're leaving things is that Monday would be a slightly long day and we would add the Cordell Bank matter. That's what I'm drafting at the moment. And so, I would envision the day flowing in a way that would go H.1 Coral Planting. And then we'd have a new H.2, which would be the Cordell Bank issue, and then Marine Planning, Chumash Sanctuary and then finish the day with the Proposed Rule, and that would get us to about eight and a half hours on Monday. Just want to make sure we're on the same page there.

Brad Pettinger [00:13:57] I think you are. Okay, Susan.

Susan Bishop [00:14:03] I just had an editorial comment. My understanding from the sanctuary is that the title under H.1 should be Coral Research and Restoration Plan rather than Coral Planting. So, it's just editorial comment.

Brad Pettinger [00:14:19] Okay. Very good. Thank you. Lynn.

Lynn Mattes [00:14:24] Thank you Vice-Chair. I know we had a few minutes discussion about G.6, and I feel like I'm playing either Bingo or Battleship here. The Trawl Catch Project and the Catch Share and Allocation Review... it's my understanding from a discussion with Miss Kent from NMFS that we have to start the Trawl Catch Share Review Program, we have to start that review by November at the latest. So, it's current, I think that's what this item is trying to do is get it started. There's nothing on the November agenda so if that item were to get struck from September it would have to be inserted into November. I think we left it that we're keeping it on September, but I just wanted to throw that out, but it's my understanding we have to start that review by November of this year.

Brad Pettinger [00:15:13] Merrick.

Merrick Burden [00:15:14] Yeah, thank you Miss Mattes. You are right... we do have a timeline that we have to adhere to when it comes to these program reviews; however what is meant by starting them can be liberally defined and so what we are doing is trying to make sure that we are being cognizant of that timing and so the way that we view the Darrell Brannan Cost Project is he is investigating a core aspect of that review and it will be folded into the review. And so, I would actually say we have already started. That's my interpretation.

Lynn Mattes [00:15:48] Okay. I appreciate that additional clarification. I just... I had Keeley in the back of my head reminding me of that deadline so I wanted to make sure we were all aware of that. Thank you.

Brad Pettinger [00:15:56] Okay. Anyone else? Merrick. Oh, John Ugoretz.

John Ugoretz [00:16:03] Yeah, thanks. I just want to circle back to the HMSAS and MT request and understand that you're taking that under advisement. Right now, you have three days, one of which they are on the floor the entire day. They appear to be requesting for an additional day on the 10th to specifically address the SMMP, which is its own topic and will take significant workload. I'm supportive of that and it's in addition to those three that you're showing.

Brad Pettinger [00:16:43] Merrick.

Merrick Burden [00:16:43] Thank you Mr. Ugoretz. Yes, I understand your point and I have the same view.

Brad Pettinger [00:16:54] Okay. Heather.

Heather Hall [00:17:01] Thank you. This isn't necessarily a scheduling in the near-term issue, but I did want to flag the comment from the GAP and their interest in a meeting with the SSC Groundfish Subcommittee on the closed area data gathering and large spatial closures. I dropped the ball in asking Dr. Holland a question about that, but I think their statement is pretty clear that they are super busy so there's a lot of stock assessments and STAR Panels and all of that that seems to have them very busy through the end of the year at a minimum, and but did want to highlight it and make sure that that doesn't get buried and just sort of wanted to elevate it again to highlight that request from the GAP to be in sometime in 2024.

Brad Pettinger [00:17:56] Thank you Heather.

Heather Hall [00:17:56] Thanks.

Brad Pettinger [00:17:58] Okay. Corey.

Corey Ridings [00:18:01] Thank you Mr. Vice Chair. I just wanted to see if we could agendize the recommendation from the CPSAS to look at sardine stock structure. We heard that this is important for industry members and we're also we heard from Dr. Yao earlier in the week about even a new sardine coming to our waters. So, looking at the YAG I would throw out potentially November could be a good time for that.

Brad Pettinger [00:18:37] Merrick.

Merrick Burden [00:18:39] Yeah, thank you Miss Ridings. Let's see, let me, give me a second to organize my thoughts here. I appreciate the question. I would propose that I reach out to the Science Center and have them report back in November about the status of the science that will lead to informing that stock structure discussion. I think at this point where we're at is there are a lot of questions and there's a lot of interest in defining this and rightly so. We're in need of certain scientific products before taking up that discussion and I'm not sure where they're at. My impression is that they would not be available in November. If that's incorrect, I think we could schedule that potentially in November, but at this time I think it would be, it seems a little bit premature to put that down from my vantage point. I may not have all the information, but that would be my suggestion.

Brad Pettinger [00:19:46] Corey.

Corey Ridings [00:19:48] Thank you for that. That's helpful. Thanks for offering to look into that and

checking that. Would it be possible for us to have some of that information from the Science Center brought back? I'm not sure if a report is the right format for that or just some ability to have the information from the Science Center that you're able to gather that we can address either as sort of an informational report in September or, you know whatever you see fit moving forward.

Brad Pettinger [00:20:19] Merrick.

Merrick Burden [00:20:19] Potentially. Yeah, but let me have that conversation with them and we'll see what sort of information we can bring to the Council.

Corey Ridings [00:20:27] Perfect. Thank you.

Brad Pettinger [00:20:30] John.

John Ugoretz [00:20:32] Thanks Mr. Vice-Chair. Yeah, I think on that note, this sounds like something that if NMFS has staff and availability and information to share, they could bring it in in the NMFS Report and provide us with an update that way rather than a separate agenda item and then we can figure out what the next steps are.

Brad Pettinger [00:20:54] Okay. Thank you. Susan.

Susan Bishop [00:20:58] Thank you Mr. Chair. I've just been asked to, as a reminder to the Council that apparently this was discussed in April. NMFS's view is that a more holistic view of CPS science needs to be reviewed next year. So, I think it was flagged for next year, and in particular with regard to sardine, it would be beneficial to wait for the benchmark assessment to be completed, which I think is maybe what Merrick was referring to.

Brad Pettinger [00:21:22] Okay. Very good. Thank you. Very helpful. All right. Well Merrick, I think they're done with you, I think. I guess not. Lynn.

Lynn Mattes [00:21:42] I'm sorry. One more thing that came up in our morning delegation meeting this morning as we're doing some planning, is a request from the Marine Planning Committee to try to have an in-person meeting at some point. Don't know when that would be scheduled but that group has only met virtually and several members this morning said they thought there would be some benefit to being able to meet in-person at some point this fall. I don't think there was a time period, but they just wanted to have it thrown on the radar. And that's it, I'm done for the day now. I don't have anything else for you all.

Brad Pettinger [00:22:16] Okay. Merrick. Susan?

Susan Bishop [00:22:24] Thank you. I have some other suggestions to make if that's, if the time is on the YAG.

Brad Pettinger [00:22:36] Okay.

Susan Bishop [00:22:39] So first of all I'm just going to discount what I just said and just I realize I may not have made an official request to change the title of in September for agenda item I.4 from DGN Transition Planning and Amendment Scoping to DGN Transition Update. I believe that's consistent with what the Council's already discussed, but I just wanted to make that an official request and affirmation. And then a couple of things as we're moving out on the YAG for, under salmon for November just a reminder to the Council that we will likely be, the Council will be receiving an official

letter from NOAA affirming the stock status determinations for salmon and we will likely be looking at a new rebuilding plan kick-off. We're suggesting that that will be, should be added or at least noted for November. In particular, you know, we'll have more salmon folks there and so people that would be interested will be there. In addition, several of our biological opinions require periodic performance updates. One of them is for Sacramento winter run. One is for Lower Columbia River tules, and one is for lower Columbia River coho. So, we'd like to add that agenda item to November as well. Those should be very quick. Typically, they're one pagers. We provide those to the Council as a draft report. We provide time then between November and March and then finalize those reports in March.

Brad Pettinger [00:24:26] Okay. Merrick.

Merrick Burden [00:24:30] Thank you Miss Bishop. Just a point of clarification before you go on. So, the stock status determinations, I'm assuming that would be part of the NMFS Report or you would like to make that a separate agenda item?

Susan Bishop [00:24:43] It could be either depending on the extent to, you know the importance of that to the Council.

Merrick Burden [00:24:50] Okay.

Susan Bishop [00:24:50] It should still be very short either way.

Merrick Burden [00:24:52] And then could you restate the second item, please?

Susan Bishop [00:24:55] So the second item are requirements that we have under several of our biological opinions on some of the listed salmon stocks. So, for Sacramento winter run for lower Columbia River tule stock and for the lower Columbia River coho stock we have requirements in those opinions that we periodically report to the Council on their performance, management for performance of those stocks. So, for example, have they met or exceeded any of their exploitation rate caps? And in general, relative to the provisions in those individual biological opinions. We've done this twice before for the Columbia River stocks. We've provided two of those performance updates. This will be the first time we'll have done that for Sacramento winter run as that opinion was only completed in 2018, I believe. So, what we're proposing... to just provide those reports to the Council under the same agenda item is they'll be very similar.

Brad Pettinger [00:25:56] Okay.

Susan Bishop [00:26:04] One more request. Just based on the conversation yesterday I note that Merrick noted that there is currently a Klamath River Workgroup Progress Report under the November agenda item for salmon. I would also add the Sacramento Workgroup Report. In particular, I think there was a lot of interest expressed yesterday in the workshop or potential workshop as the first step, so that would allow that workgroup based on the TORs, the draft TORs of yesterday, that workgroup will have convened at least once and be able to report out on their discussion with regard to the workshop and the likely timing of that workshop. So thought that that update would be useful.

Brad Pettinger [00:26:52] Okay. All right. Anything else? Merrick.

Merrick Burden [00:27:00] Yeah, thank you. On that I... mmm, let's see. I appreciate your... that suggestion. I start getting concerned about staff capacity when all of these things converge on to the same meeting. So, obviously the staffing of these workgroups hasn't been identified yet, but I can't imagine there's going to be too much difference across them. Probably a lot of similarity and we're all

pressed for staffing resources. The motion yesterday on the SAC group talked about November or early 2024 and so we've taken the liberty of saying let's separate the two so that we can manage the timeline rather than trying to keep them all together. If there is a, if there's more of a need to time that update for next year's fishing season that would be good to know. And if so, that's a detail that's escaping me at the moment.

Susan Bishop [00:28:01] Thank you Mr. Chair. Thank you Mr. Burden. I do think it will be important for the Council and NMFS to be aware of any substantive findings of those workgroups or work as we coordinate the work of those workgroups with our guidance. Next year we typically do speak to Klamath and those are not ESA-listed species, but we do typically speak to the Klamath and the Sacramento in our guidance letter. And so, it would be useful to make, it would be a good idea for those two things to be very well coordinated and for the Council to be very aware of the status of the work of those two workgroups, I think.

Brad Pettinger [00:28:46] Okay. Phil.

Phil Anderson [00:28:51] I note that we're at 5.8 days before those adds for the November meeting. I'm just wondering, I mean, are there for example the updates on winter run and the two Columbia River pieces, what would be the downside of having those in March given that March is our, a heavy salmon meeting and we have our advisers at the March meeting where I don't think we have them at the November meeting. I'm not sure about that. Or... if it... is it... may be a virtual meeting. I'm not sure what, if a determination has been made on that. So just trying to look for ways to stretch, you know to space these things out, so November continues to be manageable.

Brad Pettinger [00:30:08] Susan.

Susan Bishop [00:30:08] I don't see a problem with that. The alternative is we could include them in the November briefing book and just allude to the fact that they are there in the NMFS Report and that if there are comments, please provide those comments to and then I'll identify a NMFS staff member for that to happen. So, I think either of those options is workable.

Brad Pettinger [00:30:31] Okay. Thank you Phil. Okay. I'm not seeing any other hands, so Merrick do we have? Are you good with what we have?

Merrick Burden [00:30:51] Yeah, just let me just recap here. So, if we start with the September agenda, we would be, let's see first looks like a likelihood of changing Sunday to add a HMSAS and HMSMT meeting that day, but we will look closely at that. On Monday, let's see ONMS Coral Planting is retitled ONMS Coral Research and Restoration Plan and that would be followed by the Cordell Bank matter that Miss McKnight suggested adding. The other change I've made note of is on Wednesday, September 13 re-titling Agenda Item I.4 as a DGN Transition update and that would be one hour. And of course, that would be unshaded and the Opah Stock Considerations item would be unshaded. Let's see, I guess the other thing to make note of is we would go ahead and unshade the Proposed Rule on Monday under Agenda Item H.4. So those are the changes I've made note of on the September agenda. Is there anything that I have not captured?

Brad Pettinger [00:32:08] I'm not seeing any hands.

Merrick Burden [00:32:10] Okay, moving on to the YAG then. Let's see here, I did make note of the suggestions from Miss Bishop on the November agenda under salmon. So, adding, I've made note on my sheet here under the NMFS Report there would be a stock status determination update or stock status determinations from NOAA. I guess I'll confer with Kelly and see if having that as part of the

NMFS Report makes sense or not or whether it should be its own agenda item. I've also made note of the biological opinion performance reporting and the Sacramento winter run issue. And then I think what we'll do is have an update of the salmon working groups, have those as either an informational report or some part of the NMFS Report so that there's information in the briefing book but not schedule on agenda item in particular. I believe that's where we left that matter for November. Let's see, and then, yeah, no other changes that I've captured. So, did I miss anything on the YAG?

Brad Pettinger [00:33:25] Lynn.

Lynn Mattes [00:33:25] I thought the HMSMT had requested an update on the SMMP Workshop process for November if possible.

Merrick Burden [00:33:49] Yes, thank you Miss Mattes. I think that would be appropriate. So the logic here is that the... well, let me think here. Backing up to September there are a couple of ways to handle this. One would be the DGN Transition Update and the HMSAS and HMSMT joint meeting could have a little report out there but that only being one hour, perhaps that's not realistic. The other option is to have that in November. November is quite full already but there are several items that are shaded and may drop away as we get to the September meeting. So, I guess what I would propose is that we make note of that in November and we'll continue to look at November and find ways to try to become more efficient with time. My final question on that, you mentioned you titled it the SMMP. I feel like we're getting away from that title. Is there a different title we would prefer to call that?

Brad Pettinger [00:34:55] Christa.

Christa Svensson [00:34:56] I think that November is appropriate, particularly in line with the question I asked about the management team of will you be ready essentially in September? So, I think, September will build and we can keep it focused in November. I also think we should expand it from swordfish. I think we had a lot of conversation about other species within the HMS complex of not necessarily saying we need to have it be the HMS FMP Management Plan, and I see John shaking his head absolutely no, but I do think we need to figure out some other clever title that encompasses more than just swordfish.

Brad Pettinger [00:35:36] Thanks Christa. Okay. I feel we're close. Anyone else? Corey.

Corey Ridings [00:35:50] Thanks Mr. Vice-Chair. Maybe for the last time I get to say that. I just wanted to quickly close the loop with Director Burden. Going back to the CPSAS recommendation on the conversation that Director Burden offered to have with the Science Center in light of Miss Bishop's comments, just wanted to check-in and see and make sure you're still willing to have that conversation. It's not appropriate for the YAG I understand, but just looking to hopefully get that report back from you or the Science Center in the near future.

Brad Pettinger [00:36:30] Merrick.

Merrick Burden [00:36:30] Yes, thank you Miss Ridings. What I have in mind is I'm very willing to have this conversation with the Science Center and that a report back from them on their plan for scientific development so that it would inform stock structure that might be appropriate under the November NMFS Report and that might detail some of the things that Miss Bishop was referring to about the update assessment and how all these things come together. Does that sound fine to you?

Corey Ridings [00:36:59] Yes, that sounds great. Just noting as Mike noted on the floor this morning it's been eight years, so just looking to make sure that we're keeping that moving forward and appreciate

your efforts to do so. Thank you.

Brad Pettinger [00:37:14] Thanks Corey. John.

John Ugoretz [00:37:17] Yeah, just yes, it's been eight years for that item, however science takes time and the workload for these items take time. I think it is appropriate to hear from NMFS in a update in their NMFS Report.

Brad Pettinger [00:37:40] All right. I see people putting stuff away here so, Merrick, are you good?

Merrick Burden [00:37:53] I think I have what I need Mr. Vice-Chairman. Thank you all for bearing with us.

Brad Pettinger [00:38:00] Okay, really good. I think there's only one thing left to do here I believe. Someone needs to make a motion to adjourn. Isn't that how we usually do this? Okay, John Ugoretz.

John Ugoretz [00:38:07] Thank you Mr. Vice-Chair. I move that the June Council meeting be adjourned.

Brad Pettinger [00:38:25] Okay. Seconded by everybody. I'll take Heather Hall...(laughter)... Okay all those in favor signify by saying 'aye'.

Council [00:38:32] Aye.

Brad Pettinger [00:38:32] Opposed, no? Abstentions? Motion passes unanimously. Well, thank you all and safe travels and have a great summer and look forward to seeing everyone in Spokane.

D. Habitat Issues

1. Current Habitat Issues

Pete Hassemer [00:00:00] So... and there's no public comment so that'll take us to Council discussion and action here. There were no specific recommendations from the Habitat Committee. There are a number of items they are tracking, but I will look around for hands for any additional discussion on this agenda item. Corey Ridings.

Corey Ridings [00:00:26] Thank you Mr. Vice-Chair. I just wanted to note that the HC highlighted the Humboldt Bay Offshore Wind Heavy Lift Terminal. It seems like there's potential to damage some very important habitat for the state and the impacts on our stocks could be concerning. So, I just will look for the draft EIR when the time is right and just wanted to thank the Habitat Committee for discussing that and flagging that.

Pete Hassemer [00:00:49] All right. Thank you. Further discussion or comments? And I don't see any, so I look back to Kerry. Anything else you need to hear?

Kerry Griffin [00:01:04] No, thank you. As you mentioned there were no specific actions requested by the Habitat Committee. So, if there's no further guidance then that concludes your business.

Pete Hassemer [00:01:14] All right. Thank you. So that will conclude that agenda item.

E. Pacific Halibut Management

1. Scoping Topics for Catch Sharing Plan and Regulation Changes

Pete Hassemer [00:00:00] So that would conclude our public testimony then and take us into Council discussion and action. And I'll wait for the screen to come up and there's a summary of the Council action again so I will look for hands to start any discussion on this. Lynn Mattes.

Lynn Mattes [00:00:33] Thank you Vice-Chair. Just looking at the list in front of us on item one, pardon me, in my mind that's the long-term thing, the big picture long term that we were going to be talking about on how to make changes to the Catch Sharing Plan. As Mr. Tom Marking reminded us in his public comment a number of years ago when we did some adjustments to the allocations, moved some, moved 1 percent from Washington, Oregon and the commercial sector, we said we would let's let that go for a few years and see what happens, see how things shake out, see how things settle out. It's been a few years. Unfortunately, we have COVID in there that impacted fisheries, but it does seem like it is an appropriate time given the time since that has passed, that maybe we should take a look at the overall Catch Sharing Plan allocations. If this is a bigger process, that would give us time to come back with not just what's in Attachment 2, which to me is like writing a book report on the table of contents. There's a whole lot more to the book. There's a whole lot more to the story. While I appreciate that information being there, if we look at this bigger picture, we'd be able to all of us together look at what the season structures have been, what the restrictions have been in place, what are some of the factors that have played into getting quotas, catching quotas or not catching quotas. So just wanted to use that to maybe start the discussion.

Pete Hassemer [00:02:15] Thank you Lynn. Heather Hall.

Heather Hall [00:02:21] Thank you Vice-Chair. And I just want to add on to that a bit and really appreciated the public comment that we just heard from California fishermen, Washington and Oregon fishermen. And to me I thought the public comment was very respectful, but it also, as Lynn was saying, it doesn't reflect the history for how our fisheries are managed and how we got to the point where we can have a halibut fishery in Washington that we hope goes through Memorial Day. That is a success story for us. But we've gotten there by management measures that have helped us achieve that objective, and I feel like that needs to be part of the discussion about this allocation change. It needs to include the history for how we got there and the changes that we've implemented to do that, and I think they provide some experience that might be valuable as we talk about how other sectors achieve their objectives.

Pete Hassemer [00:03:42] Thank you Heather. Marci Yaremko.

Marci Yaremko [00:03:46] Yeah, thank you Mr. Vice-Chair. Looking at Council action, number one on the screen, provide guidance on specific items to move forward for potential change to the CSP. I think we've had a lot of really good discussion in the GAP report, the public comment, et cetera about the goal of improving the flexibilities... as right now there aren't really any flexibilities within the Catch Sharing Plan. It's more of an allocation plan. The overview discussed the situation with stranding fish and that maybe we can work to better utilize the Area 2A FCEY by adding in flexibility measures. And I think we all have some really good ideas about how that can be pursued and that at the end of the day we expect that those flexibilities are likely to overall benefit 2A as a whole and individual sectors all are likely to have some benefit in that more comprehensive, holistic approach. That said, I want to note a sentence in the SAS report that I think is a very, it sure helped clarify my thinking about the situation with the CSP and short term and long term. And this isn't a SAS recommendation, it's just a statement that reads, "Some SAS members would like a two-pronged approach. One to address the flexibility in

the CSP to shift unused quota inseason between various sectors and States to more fully utilize the overall 2A quota. And secondly, to investigate the... the fixed allocations". And I appreciate that the SAS had that depth of conversation in their discussions and really distinguish between those two prongs that we might consider, and I view the Council action in number one as leaving the door open to both. I think that we've heard through the exchange with Robin that the flexibilities, I think, that we all have generally agreed are desirable are certainly on a longer timeline and will require additional scoping. This has been an initial really good first step at it, but clearly it's going to take some work and some time, I think, to get our ideas together and to come up with solutions that we can all get behind. But I think as... as Robin acknowledged, I think we can get behind all of those and it is actually a much softer landing than difficult decisions to move allocations from one pot to another. But with that said, I cannot ignore the immediate needs that we've heard loud and clearly from the California fishery stakeholders with regard to interest in attaining a minor adjustment in allocation to increase the available California quota. The GAP referenced the California fishery recommendation of an increase of 3 percent, which would bring about a total of 7 percent to California. That wasn't a GAP recommendation. That was clearly stated in the report, but that that was the request from the California fishery sector, I think as little Wallace put it for us, we're not asking for the moon just a little bit more. I'm sensitive to that and I guess with that I am going to go ahead and offer a motion for the Council's consideration, if I may?

Pete Hassemer [00:08:42] All right. Well, why don't you go ahead since you've offered that at this point.

Marci Yaremko [00:08:48] Thank you Mr. Vice-Chair. Did the process work? Test case on the new email. Thank you Sandra. So, this is one of two motions that I'll be offering. I move the Council direct at staff to prepare an alternative and supporting analysis for the 2024 CSP that moves 2 percent from the Oregon sports sector to the California sports sector. This minor change to the Catch Sharing Plan allocations among area 2A sport fisheries has the following purposes and is expected to aid with the following needs. Improved utilization of the 2A FCEY. Increased harvest opportunity for the California sport fishery and is not expected to negatively affect current fishery performance or opportunity in Oregon sport fisheries as reflected in Agenda Item E.1, Supplemental Attachment 2.

Pete Hassemer [00:10:07] Thank you Marci. The language on the screen is complete and accurate?

Marci Yaremko [00:10:13] Yes, it is. Thank you.

Pete Hassemer [00:10:14] Is there a second? Seconded by Chair Gorelnik. Go ahead and speak to your motion.

Marci Yaremko [00:10:23] Thank you Mr. Vice-Chair. As the overview and supporting documents in the record for this agenda item have identified, California GAP members, recreational anglers and CDFW have been seeking guidance from Council staff, from NMFS on both the process and the timeline that we might look to, to help us improve our California harvest opportunity. As I mentioned earlier, we're a hundred percent behind a process to develop the Catch Sharing Plan into something other than just an initial allocation plan and have the Catch Sharing Plan become a tool that responds to changing needs and available opportunities inseason, looking at tools like rollovers, quota transfers and other sharing arrangements that might be available between sectors. Those measures can certainly offer softer landing places, improve fairness and equity, and even offer new opportunities where none exists today. I want to go back to the exchange with Robin about the flexible mechanisms and just note that I appreciate her candid response. I, too, entered in these discussions sometime last year thinking it would be a lot easier to achieve consensus on content and a path forward that would benefit all of us or many of us in some way, but when I learned the detailed regulatory work and analytical work it might involved, it might involve, it became clear that we can't develop those flexible measures overnight.

Consequently, I'm considering the near-term needs and that we're unable to build in flexibility in our normal annual two-meeting process to consider amendments to the Catch Sharing Plan. That tool isn't available in time to afford relief next season. I wish that weren't the case but work on holistic revisions to make the Catch Sharing Plan true to its name is something we're very eager to begin. But as I've mentioned, this doesn't change the situation facing the California fleet today and we're looking here with this motion to a more immediate yet minor adjustment to allocation to better meet the needs of today. It's been conveyed to me in a number of discussions with other agency staff that I just need to ask the Council. I need to ask the Council to consider an adjustment to the allocation. California, both the department and our industry members have been patient and waited for the right agenda item, the right venue, the right opportunity to make that ask. We've been working as part of the team in Area 2A on management of the fishery resource and we've actively participated each year since 2015 in annual meetings, Council work teams and management coordination, and we'll continue to do that. The fishery, the fishing communities, the fishery needs and the distribution of the halibut resource has changed since the allocations were last considered in 2015, and I think I heard Lynn acknowledge that as well. The Pacific halibut resource isn't owned by sectors that are allocated percentages of harvest under the CSP, and it is the Council's responsibility to periodically determine if the allocations are fair and equitable. Given that we do review, evaluate, and modify the Catch Sharing Plan annually with an eye toward utility and meeting fishery and bycatch or incidental needs. So now is the time to initiate a request that the Council consider the adjustments to the California sport allocation for 2024. And several factors have intersected this year in 2023, including the very apparent importance to the fishery to California and increase public interest and engagement in this topic. As a number of the public comments have mentioned, there is no ocean salmon fishing off Northern California or anywhere off California this year and the groundfish seasons were constrained in the 23-24 specifications process. The limited opportunities for salmon and rockfish has resulted in increased pressure and interest and community reliance on the halibut fishery. Historically Fort Bragg, which is a southerly port for Pacific halibut, we usually sample one or two fish from that port a year, hasn't been a significant contributor to the harvest of halibut this year with no other opportunity. The CPFVs and the private anglers out of Fort Bragg are targeting and successfully catching halibut. About 10 percent of the fish that we've seen so far this year have been from the Fort Bragg area. Looking further south, there are anecdotal reports that at least one CPFV out of the Bodega area is prospecting for Pacific halibut, and there are rumors people as far south as the Santa Cruz area are showing increased interest in locating historically, or areas that historically have held halibut on occasion. Looking to our briefing book comments, there are more than 90 written comments on this topic, including one from a member of Congress. All but two of the comments were in favor of reallocating some quota to increase the California amount. Do want to flag the one comment in the record from a stakeholder in Oregon that mentioned being opposed to allocation changes that reduce sportfishing in Oregon, and just want to note that that's been the sentiment that we've heard in the hallway discussions and other conversations, a general sense of unwillingness to consider shifts and allocations because providing an increase in allocation to California would mean a decrease for the areas that that allocation came from. I just want to note that back in 2022, November meeting, the department submitted a report that when the current 4 percent of the non-tribal fishery CEY was allocated to California, there were concerns raised in that process that California's fishery may not have the capacity to fully catch that amount and that fish could be stranded in California. That's certainly something we'd be concerned with as well and I think that sentiment is shared around the table that we find some mechanisms to work to avoid that in the future. But that said, I think that the history of the California fishery since that allocation was made that the quotas lasted the entire season in now only one year, in 2019. That was the one year where we started our fishery and ran all season and had a situation where we just didn't run into halibut. Folks would target them and not have success and so the quota did last all year in that case and we came in short for the year. But more recently we have certainly seen an increase in our harvesting capacity and the productivity and the catch per unit effort. In 2022, a lot of discussion about attaining the quota and closing the fishery early August, August 7th to be exact. Our department's projections based on the catch that had accrued and the catch rates that we

witnessed, is that had the fishery conducted itself through the season that went the full length through November 15th, we expected that we may have had a fishery that took between 54,000 and 92,000 net pounds. Really what we're getting at with that point is that the fishery performance from 2015 through the present suggests that we do have more reliance, more capacity, more interest and more success than perhaps was envisioned back in 2015 when the Council, or that was our first year of active quota management. Looking at the situation in Oregon, the motion that's on the screen that proposes to shift 2 percent of the non-tribal FCEY from the Oregon sport fishery, that amount is just under 20,000 pounds of fish that would be shifted. That would leave 273,000 pounds of fish available to Oregon sport fisheries under the current FCEY. Looking at that number and then looking at the Supplemental Attachment 2 and the average amount of fish that has been remaining in Oregon sport fisheries would be less than a quarter of the amount of fish left unharvested by the Oregon sport fleet recently. And finally, while we had some discussion this morning about the Pacific halibut fishery not being subject to MSA and therefore the National Standards don't apply directly, I think we do have an obligation to ensure that our allocations or our recommendations on allocations are in fact fair. National Standard 8 guidelines clarify that quote, "all other things being equal where two alternatives achieve similar conservation goals, the alternative that provides the greatest potential for sustained participation of such communities and minimizes the adverse economic impacts on such communities would be the preferred alternative". A shift of the 2 percent of the non-tribal FCEY from Oregon sports, California sport is likely to provide a greater potential for sustained participation to California communities while minimizing impacts to the Oregon fleet since the fisheries have underutilized the allocation for several years in a row. Looking at the Northern Pacific Halibut Act of 1982, it states in Section 773C, quote, "If it becomes necessary to allocate or assign halibut privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen based on the rights and obligations in existing federal law reasonably calculated to promote conservation and carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges". It's also important to consider the needs of other users, such as new fishermen who would like to enter a fishery. Heard a bit about that from Dave Kasheta. Those that are displaced from other fisheries like salmon and groundfish and existing fishermen who are catching new species in their historical fishing grounds. The California halibut fishery was new in 2007 and '08 and now we see it expanding further south and potentially involving more anglers further toward the San Francisco Bay Area. Just want to speak to the first phrase in the motion about directing staff to prepare an alternative and supporting analysis since I understand that that suggests work and just wanting to convey that it would be our expectation that should this motion pass, the analysis that, I believe, can be prepared is essentially done and can be drawn from materials provided in Supplemental Report 2 as well as comments received and reports received to the Council under this agenda item. That concludes my remarks. Thank you.

Pete Hassemer [00:25:04] Thank you Marci. Are there questions to the maker of the motion for clarification? Lynn Mattes.

Lynn Mattes [00:25:09] Thank you Vice-Chair Hassemer. Miss Yaremko, the language on the screen seems to be a little bit different than what you spoke to and that this may seem pedantic, but the math is going to be different as you alluded to. The way I read it, it moves 2 percent from the Oregon sports sector. To me that reads you're taking 2 percent of the Oregon sport allocation, which would be 2 percent of approximately 300,000. But what you said in your speaking points was 2 percent of the non-tribal allocation, which would put that closer to 20,000 pounds. I don't know if we need to clarify that or if that's just me being a math geek, but I want to make sure everybody's on the same page about what you're asking for here so thank you.

Pete Hassemer [00:25:58] Marci.

Marci Yaremko [00:25:59] Thank you Mr. Vice-Chair. Thank you Lynn. You are the expert when it comes to the numbers so I appreciate the question. The intent would be to move 2 percent of the non....is it the non-tribal allocation from the Oregon sport to the California sport. Thank you for the clarification.

Pete Hassemer [00:26:25] Heather Hall.

Heather Hall [00:26:27] Thank you Vice-Chair. I would like to offer a substitute motion.

Pete Hassemer [00:26:37] Excuse me. Has that been translated?

Heather Hall [00:26:42] Yes it has.

Pete Hassemer [00:26:48] We'll wait for that to come up.

Heather Hall [00:26:56] Thank you Sandra. I move that the Council direct staff to conduct a preliminary analysis of the following alternatives. Update and improve where needed the management objectives in the Pacific Halibut Catch Sharing Plan for each sector or subarea with a specific allocation. Request California review their fishery objectives to achieve a longer season. For example, delay the season opening or open fewer days per week. Expand the PFMC catch, Pacific Halibut Catch Sharing Plans flexible inseason management provisions to allow transfer of projected unused quota between all Washington, Oregon, and California recreational subareas and commercial sectors after August 15th. Move .5 percent of the Washington sport allocation and 1 percent of the Oregon sport allocation to the California sport sector in years when, Option 1: When the 2A FCEY is 1.5 million pounds, and Option 2 when the 2A FCEY is 1.3 million pounds. And regulatory changes as recommended by the Enforcement Consultants under Agenda Item E.1a, Supplemental EC Report 1, June 2023.

Pete Hassemer [00:28:32] Thank you. Is the language on the screen complete and accurate?

Heather Hall [00:28:41] Thank you. I didn't include this in my motion, but in reading it through under Option 1 and Option 2 after million pounds I would add, or greater. And 1.3 million pounds or greater. Thank you, Sandra, that's... thank you.

Pete Hassemer [00:29:05] Okay, now it's complete.

Heather Hall [00:29:07] Yes, it is.

Pete Hassemer [00:29:09] All right. Is there a second to the motion? Phil Anderson. Thank you. Go ahead and speak to your motion.

Heather Hall [00:29:17] Thank you Vice-Chair. And thank you Marci for the motion. This goes a bit to our conversation at the start of this agenda item and trying to think about what we're doing at this meeting and how we are looking toward the long term or the short term, but what I was interested in achieving is a range of alternatives. So not just an allocation change, but some of these other issues that we've been talking about in a motion and include the regulatory changes that were recommended by the EC. In one package, I offered it as a substitute motion to try to avoid a bunch of amendments. So relative to... I kind of worked my way down in these bullet points, which is discussion and guidance. So, looking at management objectives, it's something that we have for the Washington sport fishery and thinking about that across all of our sectors where we can improve those objectives in the Catch Sharing Plan. And specifically for California, look at that fishery objective so that perhaps it is described to achieve your goal of a longer season. And then the third bullet is intended to get at this flexible, inseason management that we have been really relying on I would say since the pandemic and it's become

incredibly important for us and I think it's an opportunity to broaden that so that it can cross not just Washington and Oregon, but I include California, include not just the recreational sectors but also commercial sectors. The fourth bullet is an alternative that acknowledges the interest in a shift in allocation, but at a level that to me is minor for Washington and Oregon sport fisheries. And then also links that to the uncertainty that we have in the future of our 2A allocation so at the FCEY of 1.5 million pounds, which is where we've been since 2019, and then also another level where we might potentially see the 2A FCEY drop a bit just to give us a look at what those different allocation shifts look under different FCEYs. And then finally, including in this motion the regulatory changes that are recommended by the EC. Thanks.

Pete Hassemer [00:32:25] Thank you. Are there questions to the maker of the motion for clarification? Lynn Mattes.

Lynn Mattes [00:32:33] Thank you Vice-Chair and Heather. I'm going to ask you the same question I asked Marci because the language is similar. Point .5 percent of the Washington sport allocation to me implies taking .5 percent off the 300,000 pounds.

Heather Hall [00:32:47] Yes.

Lynn Mattes [00:32:47] Or is that intended to be .5 percent of the non-tribal allocations, currently Washington 30 point something to reduce it to 29 point something. I just, so that everybody's on the same page and I'm sorry to be pedantic about this, I just want to make sure we're all doing math the same way. And then a second clarifying question. Is all of this for the long term or is any of this for 2024? Thank you.

Heather Hall [00:33:12] Thank you for the great question. I do appreciate it. I was thinking of it differently than I think Marci was for the .5 and the 1 percent would be taken, .5 would be taken off the Washington sport allocation and 1 percent off the Oregon sport allocation. And then I didn't, I think the long term or short term to me is part of the conversation, I think we'll have to hear from NMFS and Council staff and what that looks like. I got a sense that it would be very unlikely that anything we put on the table at this meeting might be implemented for 2024, but I'm open for that discussion to continue.

Pete Hassemer [00:34:05] All right.

Lynn Mattes [00:34:06] That answers. Thank you.

Pete Hassemer [00:34:06] Further questions? Marci Yaremko.

Marci Yaremko [00:34:12] Thank you Mr. Vice-Chair and thank you, Heather, for your response on the last question. I, too, would be of an understanding that some of these more complex features that we might consider adding to the CSP would be on a longer time frame, which leads me to my question to the parliamentarian. Is this an appropriate substitution in light of the original motion? Speaking specifically to alternatives for the 2024 Catch Sharing Plan.

Chris Oliver [00:35:00] I was going to say it amounts to a substitute motion with the next to the last bullet being that I think the pertinent part that if passed would subsume your original motion. But I'm not sure I'm understanding the nuance here between 24 and longer term, because I'm assuming this would have to go through some type of regulatory amendment process which it does and it's a framework.

Lynn Mattes [00:35:28] There's no FMP.

Chris Oliver [00:35:30] There's no FMP so it would, by what, it would be some type of regulatory action though would it be through Halibut Commission regulations? It would effect this for 24 was your original intent? Sorry.

Pete Hassemer [00:35:51] Marci.

Marci Yaremko [00:35:53] Yes. Thank you Mr. Vice-Chair. The motion that I offered spoke specifically to developing an alternative for consideration in our routine two-meeting annual process to adjust the Catch Sharing Plan while I believe the substitute motion speaks to longer term amendments to the CSP. And I guess I don't see the two motions necessarily in conflict with one another so I'm... that's why I'm asking if this being a substitute motion is appropriate?

Chris Oliver [00:36:36] And I guess I have to ask, I look over to this side of the table and ask, how is your intent in terms of the timing different?

Heather Hall [00:36:48] When I made the motion, I was going back to our discussion this morning that there was, we weren't... that it was open for whatever could be accommodated for 2024. So, whether the parts of this or some of it can be accommodated for 2024, I'm open to that. If it can't be accomplished for 2024 through the two-meeting process, I want this to be part of the, the longer-term analysis and guidance that we're, where we're headed. I don't know if that helps at all.

Pete Hassemer [00:37:28] So... and because we're looking for clarification on the motion, Phil, who has seconded the motion, had his hand raised. I ask Phil to please speak to this.

Phil Anderson [00:00:00] So a substitute motion is a motion when the desire is to make multiple amendments in nonconsecutive places within that motion, which is why I believe this qualifies as a substitute motion. On the question of whether it's for 2024 or 2025 or beyond, this motion doesn't speak to that. It doesn't preclude the potential of it being of one or more of these pieces being implemented in '24. Maybe not all of them, maybe just some of them, but that's part of the scoping process, is to determine among these what measures can be accomplished in 2024 and what takes longer, and we're not going to know that until we flush these things out and understand what the implications are from an analytical perspective. And that's why my belief is this is certainly qualifies as a substitute motion. If Heather had only wanted to make the amendment to the 2024 piece of the motion, the main motion that is on the floor, then she could have made such an amendment and that it not apply to '24, but there were multiple amendments that she desired to make that were in nonconsecutive places and so a substitute motion and my understanding of Robert's Rules is appropriate and this complies with that.

Pete Hassemer [00:01:39] All right. Thank you Phil. Chris.

Chris Oliver [00:01:42] I think Mr. Anderson captured what I was originally trying to say, articulated it better than I did but I agree with what you said that it is appropriate as a substitute motion.

Pete Hassemer [00:01:57] So the question about a substitute motion has been answered. Are there further questions to the maker of the motion for clarification? Chair Gorelnik.

Marc Gorelnik [00:02:11] Thank you Vice-Chair Hassemer. Heather, I just wanted to be clear on something. I think Lynn, of course, asked the great question. And so, you're saying this, the half percent of the Washington sport allocation, it's not half percent of that non-tribal, it's a half a percent of the 35.6 percent of the non-tribal that Washington has.

Heather Hall [00:02:38] That's correct.

Marc Gorelnik [00:02:39] Okay. Thank you. Good. It amounts to between the two states about a half percent move to California in the non-tribal.

Pete Hassemer [00:02:53] Thank you. Frank Lockhart.

Frank Lockhart [00:02:57] For clarification. So, the very first line, "conduct the preliminary analysis" and directing Council staff to do that. And I'm just wondering, were you intending to expand on what kind of analyses you're looking to see on each of these items, or are you leaving it to Council staff to do the analysis that they can do in time for September?

Pete Hassemer [00:03:31] Heather.

Heather Hall [00:03:31] Thank you. Yes, thank you for the question, Frank. And this is again going back to the idea that we're discussing and providing guidance. This is some guidance in the form of a motion. Some of these the analysis is really more asking California and for all of us, the States, myself included, to look at the Catch Sharing Plan, so I wouldn't expect Council staff to be looking at the Catch Sharing Plan and the objectives, maybe just facilitate that discussion as we work our way to September. On the third bullet, you know this would be, I think, largely focused on maybe some input from NMFS on what that would look like and that flexible inseason management. The analysis on the fourth bullet is probably more clearly understood as analysis. What does the season look like in California? Can it get more, more days with this shift in allocations, so that's maybe an area where it's more easily interpreted as some, as an analysis and then the analysis for the regulatory changes is what is needed to do that. What's the vehicle for the regulatory change and all of that? So, it's really the analysis is exploring these, this range of alternatives that look at more than just an allocation shift and coming back in September with some more information on how we achieve these recommendations. Thank you.

Pete Hassemer [00:05:26] Thank you. Further questions for clarification? And I'm not seeing any, so before we get into the discussion I just want to pause and ask the Executive Director a question here.

Phil Anderson [00:05:51] You can't do that.

Pete Hassemer [00:06:02] My apologies for taking that break. I hope you've had little time to think about this and we can move into discussion of the motion that's on the table, which is the substitute motion. So, I'll look for hands to initiate discussion. Phil Anderson.

Phil Anderson [00:06:22] Thanks Mr. Vice-Chair. Well, my first comment is I don't like when we preface motions with Council direct staff. This Council does not direct the Council staff. The Executive Director does. So, I think, and I know the previous motion or the main, the motion that was on the floor and this substitute had the same language, I just think we need to be careful about that. We don't direct Council staff. It should say that I move that the Council conduct a preliminary and then it's up to the Executive Director to figure out how to do that. But that's a small point, well... it's not a small point. I worked for a Commission at one point in time and so I'm sensitive to that. Anyway... so I think that the first and third bullets are connected in my mind. We need to specify our management objectives for each of the sectors that have a specific allocation. That is done in some cases within the current Catch Sharing Plan. There's other places where there isn't any language to describe the fishery objective. And the reason I believe it's connected to the third bullet in terms of the inseason potential for transfer of quota to achieve management objectives through an inseason management action, I think it's important for us to be able, for the, in order to make that decision to understand how this, the management objectives are being achieved between the sector that is being maybe considered to take quota from versus the sector that the quota would be transferred to. So, I think the first bullet can be accomplished

by 2024. I don't see why we can't update those management objectives in that kind of timeframe. I don't know why we need a longer timeframe to accomplish that. I'll leave the timing on the second bullet to California Department of Fish and Wildlife. My guess is that can also be achieved prior to us making our final decisions in November for the 2024 and beyond. I'm hoping that during the timeframe between now and September, giving National Marine Fisheries Service and others a chance to think about how this might work from an inseason flexibility perspective, whether or not we could get this in place in time for 2024. We already have it to transfer quota between subareas in Washington. We have it to a smaller degree between Washington and Oregon. We don't currently have it between Oregon and California. Seems to me that there is a potential that we could get some additional flexibility built into our Catch Sharing Plan in time to utilize in 2024. And it may not be the whole enchilada, if you will, but if we could get some additional flexibility to ensure that we get so-called stranded quota to the place where it could be utilized, it seems to me that that could be accomplished. But I know there's some more time to deliberate on that and understand what the process would, process needs are to get to that point. But we're a long ways from the 2024 point where we would use inseason flexibility to transfer quota, and it seems like that's something we might be able to accomplish, at least in part. On the allocation piece of moving the half percent and the 1 percent. I know there's been some discussion around the math and perhaps there would be some wisdom to looking at both approaches, looking at the outcome utilizing both the response that Heather gave as opposed to looking at something at the other part of the math, which someone's going to have to restate that for me, but it does result in a larger percentage being transferred to California, and I'd be, I'm totally comfortable with looking at both of those mathematical approaches and evaluating what the potential effect would be on where it's coming from versus where it's going. Appreciated the Enforcement Consultants discussion and their recommendations on the regulatory changes and specifically their consideration of the VMS question in the logbook in the salmon troll fishery and the conclusion and recommendation that they brought forward. So those are my thoughts. Thanks.

Pete Hassemer [00:12:03] Frank Lockhart.

Frank Lockhart [00:12:07] I almost asked this during clarification, but I think it's more of a rationale behind things. And then, I then I do have another clarification question. Sorry, I just thought of it. Maybe I'll start off with the other one. So, on bullet number three, just trying to clarify, this is completely independent of the, the next bullet, the move .5 and 1, and so what I'm asking is that if, you know, flexible inseason management, it's not necessarily limiting it to these .5 percent or 1 percent, it could be something beyond that.

Heather Hall [00:12:45] Thank you. Yeah, they are completely separate, and I think at a minimum that flexibility would be something that we would want to include in the Catch Sharing Plan regardless of anything else that we achieve.

Frank Lockhart [00:12:59] Okay. Thank you.

Pete Hassemer [00:13:01] Go ahead Frank.

Frank Lockhart [00:13:01] And on the specific numbers, I was just wondering could you expand on how you arrived at those numbers?

Heather Hall [00:13:11] Yeah, thank you. That's another good question too. And there's been a, using the word minor in terms of this allocation shift. I've been challenged when I think about what does it mean to be minor, and I don't even mean to suggest that .5 or 1 percent from Washington and Oregon sport is minor. I think they're significant. Our fisheries have shown that we can achieve the allocations

that we have. It was really just taking the, what I was, the 3 percent down to one and a half percent to California taking it in half and that was as simple as it was.

Frank Lockhart [00:14:00] Thank you.

Pete Hassemer [00:14:02] Thank you. Further discussion? Marci Yaremko.

Marci Yaremko [00:14:09] Thank you Mr. Vice-Chair. Question for National Marine Fisheries Service on bullet four regarding the options. I view these options as trigger mechanisms that upon an event occurring something happens. I think we do have other trigger mechanisms in the CSP currently, like if we're above a certain level the incidental sablefish fishery gets X amount of pounds, but this option, these options for California are extremely important in terms of whether this move can happen in 2024 or not. And I realize that you need time to think and to evaluate what can be accomplished in the 2024 Catch Sharing Plan. What regulatory language needs to be developed? What rules fall in which Federal Register Notice? I understand that that's a complex analysis, but it is very difficult for me to make a decision here without having some idea from National Marine Fisheries Service if these allocation moves are going to be possible in 2024. We're needing immediate relief or close to immediate relief and it's difficult for me to evaluate if this can become reality or not for 2024.

Pete Hassemer [00:15:58] Frank.

Frank Lockhart [00:16:00] So a couple of assumptions. So, assuming that the Council comes to a final decision on whatever, you know the things we're talking about here and in those is this fourth bullet where .5 percent from Washington and 1 percent from Oregon would be transferred under these kind of criteria. So I think given all of that, that it is possible because what would happen at the annual meeting, well we would know what the final decision is by the IPHC and that would allow us to make those final allocations at that point in time and so we then, usually there's the IPHC makes a decision and then we provide them with the final numbers, if you will, and so that they put into their regulatory package the final allocation. So I don't see anything that would make that more difficult as long as it's clear because it's, it is a trigger, you know, so if it's 1.5 and above it would be, those would go into place or 1.3 and above, you know, so there would be some final decision by the Council in making that transition and so we would just implement it. I don't think it's very complicated to do that because it is just transferring fish from one place to another. So, I think it is possible and it could if again, you know, a lot of assumptions, if the Council makes a final decision on all of this by the November Council meeting and makes that recommendation to us, it could be put into place. Again, that's assuming a lot of analyses up front that will go into support all of that, so I don't want to gloss over the fact that there's a lot of discussion and analysis that's got to happen, but just assuming that we get there by November, I think the actual making that transfer as part of the IPHC regulations is possible for 2024.

Pete Hassemer [00:18:49] Thank you. Further discussion? Chair Gorelnik and then Lynn Mattes.

Marc Gorelnik [00:18:56] Actually I'd like to offer an amendment if that's appropriate at this time.

Pete Hassemer [00:19:00] Please go ahead.

Marc Gorelnik [00:19:01] So, I actually in the first line, actually, I want to take to heart Mr. Anderson's comment so if we could delete the direct language if you scroll back up. So just delete "direct staff to" those three words. Oh, or just delete "direct staff". Well actually delete the word "to" It should simply read, "I move the Council conduct a preliminary analysis". So, get rid of the word "to" as well. At least that makes sense to me. And then I'd like to add an additional bullet after the fourth bullet to expand the, and I'll provide a range of alternatives so to speak, and that would be to move 1 percent from the

non-tribal Washington sport allocation and 2 percent from the non-tribal Oregon sport allocation to the California sports sector in years when, colon, and then include the same Option 1 and 2 as from the bullet above.

Pete Hassemer [00:21:08] All right, now I'll have you look at that and make sure that language is accurate and complete.

Marc Gorelnik [00:21:16] I believe it is.

Pete Hassemer [00:21:19] All right. Is there a second to that? Corey Ridings seconded. Thank you. Go ahead and speak to your motion.

Marc Gorelnik [00:21:30] Yeah, I just think it's a matter of providing a range here between what Miss Hall had suggested and what Miss Yaremko suggested. And this is for purpose of analysis. We're not adopting anything here, but I think it's reasonable to take a look at the full picture.

Pete Hassemer [00:21:51] Thank you. Are there questions to the maker of the motion for clarification? Marci Yaremko.

Marci Yaremko [00:22:01] Thank you Mr. Vice-Chair. I guess I'm thinking about the range that you've now suggested and wondering if, I guess point of clarification, we will have ability, these are alternatives for consideration that we would then adopt as a range in September so we would have an opportunity for modifying or adjusting these when we know more over this period between June and September.

Marc Gorelnik [00:22:49] Right?

Marci Yaremko [00:22:49] Is that correct?

Marc Gorelnik [00:22:50] It's, we need to provide some bookends here so...

Pete Hassemer [00:22:58] Marci, was there more?

Marci Yaremko [00:23:00] Thank you. Yeah, because we may learn some things over the next few months and have a somewhat different range but thank you. I think we're in an okay place.

Marc Gorelnik [00:23:12] Can't anticipate everything right now so.

Pete Hassemer [00:23:15] Further questions for clarification. Heather Hall. Oh, I'm sorry. Lynn Mattes had her hand up then Heather Hall.

Lynn Mattes [00:23:25] My initial hand was prior to this but I do have a clarifying question on this, and maybe I missed it. I tried to make a quick run to the restroom while you all were huddling. At the top where it says Council staff. If Council staff isn't doing this work, who is it? I apologize if you're having to repeat something.

Marc Gorelnik [00:23:41] Yeah.

Lynn Mattes [00:23:41] Who's going to be doing the work?

Marc Gorelnik [00:23:44] It, we don't direct staff.

Lynn Mattes [00:23:50] Thank you for the clarification.

Pete Hassemer [00:23:53] All right. I'm sorry. Heather Hall now.

Heather Hall [00:23:55] And excuse me, I don't have a question. I was just going to make a comment.

Pete Hassemer [00:24:00] All right, I'll just look around quickly for further questions for clarification. Bob Dooley.

Bob Dooley [00:24:10] Understanding, thank you Mr. Vice-Chair, understanding this is going out for analysis and gives us bookends and options. With the Option 1 and Option 2 in both the original motion and the amendment, does that not leave us the choice then to drop the options totally and just and have it, you know, without those options? Are we stuck then without analysis of saying no options? And so I would, you know, I'm just curious. I mean because we don't have a bookend of no options, Option 1 or Option 2, there's no zero option or, you know, eliminate the options.

Marc Gorelnik [00:24:59] You are correct. So, it was my intention really to address the first part there, the percentages, and I did not suggest in my amendment providing further flexibility in terms of the options.

Pete Hassemer [00:25:19] Okay, Phil Anderson.

Phil Anderson [00:25:22] I'm a little bit confused with Mr. Dooley's question. I thought no-action is an option that would be, or maybe... I didn't understand the question, so I didn't understand the answer.

Pete Hassemer [00:25:44] Well, let me.....I probably shouldn't, but intervene that there are options here to move the allocation when those conditions are met, but what about just moving the allocation and there are no terms and conditions or whatever you want to call it, it's just that. Is that correct for clarification?

Bob Dooley [00:26:13] Yes.

Pete Hassemer [00:26:13] We're not in discussion yet.

Bob Dooley [00:26:15] That's the way I'm trying to explain it. And what I'm really trying to get to is there a way to eliminate the triggers that caused that? And I don't see it here unless we...

Pete Hassemer [00:26:27] And your clarification, Marc, was you did not have that in there. The triggers are there. So, Marci do you...

Marci Yaremko [00:26:36] Yes, thank you Mr. Vice-Chair. If it's proper I would offer an amendment to the amendment to accomplish the objectives that we're seeking here.

Pete Hassemer [00:26:47] Mr. Oliver.

Chris Oliver [00:26:52] Yeah, I believe you can have an amendment to an amendment to the main motion, and now that this is a substitute motion you could make one more amendment before you need to dispose of that one.

Robin Ehlke [00:27:03] Mr. Vice-Chair.

Pete Hassemer [00:27:06] Robin.

Robin Ehlke [00:27:07] Very minor but I want to make sure it's right before we go forward. I believe the word "Oregon" is missing from the yellow highlighted text that was added so I just want to make sure it's clear. It should say, "Washington sport allocation and 2 percent from the non-tribal Oregon sport allocation". So capital OR.

Marc Gorelnik [00:27:30] That is correct. My apologies for not catching that. I believe I read that, but I'm sorry I didn't catch that. It was verbalized so I think we're okay.

Pete Hassemer [00:27:54] All right Marci.

Marci Yaremko [00:27:56] Yes, thank you Mr. Vice-Chair. I would propose an amendment to the amendment to strike the text on the screen that begins on the second line of that bullet. So, no, no, no, in year, beginning with "In years when" and then strike Option 1 and strike Option 2.

Pete Hassemer [00:28:53] So I'm waiting for this to complete. Marci, can you restate your motion so it's clear what you intend here?

Marci Yaremko [00:29:07] I move that the language shown in blue highlight and strikeout in fact be struck out.

Pete Hassemer [00:29:19] All right. And that is accurate and complete on the screen?

Marci Yaremko [00:29:30] Yes, it is.

Pete Hassemer [00:29:31] All right. Is there a second? Seconded by Bob Dooley? Speak to your motion.

Marci Yaremko [00:29:39] I think as Marc described, our intention here is to provide a full bookend of the alternatives and this would accomplish that objective.

Pete Hassemer [00:29:46] All right. Thank you. Questions? Frank Lockhart.

Frank Lockhart [00:29:54] I guess when you started to make your motion, I thought that you were going to add an Option 3 that basically said, you know, zero pounds or greater or something like that and then that would provide some bookends and analyses on different levels. You know, basically do it all the time. Do it when it's 1.3 and do it when it's 1.5 and that would provide some information to the Council, more information to the Council than what your motion is. And so I'm just, given that overall rationale of providing more information to the Council, why are you proposing this versus, you know Option 3, so to speak?

Pete Hassemer [00:30:39] Marci, go ahead. And I'm sorry to interrupt, but there was a question. Can you indicate I believe Bob Dooley did second this?

Bob Dooley [00:30:47] Yes.

Pete Hassemer [00:30:49] I'm not sure if it's... yeah, it's on there. So, I'm sorry for that interruption. Go ahead Marci.

Marci Yaremko [00:30:57] No problem. Thank you Mr. Vice-Chair. The distinction between the

alternative shown on the screen and a simple, for example, amendment to the bullet above that would say provide a range of the numbers of .5 to 1 and 1 to 2. Like that could have been an amendment if that, if we were intending just to consider a range to the numbers themselves. But the bullet that is reflected on the screen by eliminating Option 1 and Option 2 suggests that the move can happen without a trigger with regard to what the 2A FCEY amount is. So, our intention would be for the alternative to go to be considered in that way. Thank you.

Pete Hassemer [00:32:00] Other questions for clarification to the maker of the motion? And I'm not seeing any, so I'll look for discussion on this amendment to the amendment. Lynn Mattes.

Lynn Mattes [00:32:20] Thank you. I'm keeping notes on my questions for the other things too. This agenda item is listed as scoping. We are well into a range of alternatives. To me, I know my industry members were not prepared for any of this. I appreciate where we're going and why, but this item is listed as scoping. So how appropriate is it to get into a full range of alternatives moving forward and on the timeline? Again, this was couched as a long-term scoping item. Along with that the September Council meeting advanced briefing book deadline is August 9th. That is approximately six weeks away. How much work is going to be done in that time period to analyze all of this range of alternatives? So, it's sort of a process question about going into this range of alternatives instead of the overall big picture scoping.

Pete Hassemer [00:33:25] Thank you. And I will ask Executive Director Burden to address the issue. As our Council action indicated, we're looking for guidance because it is scoping as you mentioned. That can be done simply through guidance without motions or using the motion process to include more specificity, and I'll just ask Executive Director Burden to address them.

Merrick Burden [00:00:00] Yeah, thank you Mr. Vice-Chairman. I guess I have a couple of thoughts running through my mind. One is, I did encourage folks to make a motion here on this item because as we've discussed this item over the last few months there are different interpretations of what the Council guidance has entailed and given the, I guess, focus on this and the, you know, I'll just say allocation questions are never easy. So, the idea was that a motion would make it clear to everyone, including ourselves, how we should move forward so that's why I've suggested we try to do this through a motion. In terms of Miss Mattes' comment, I've been sitting here waiting to raise the issue and since she asked the question, I'll just speak to it now. In looking at the substitute motion of this whole package with the several amendments passes, it's difficult for me to see completing all of this by the September meeting advanced briefing book. So if it's appropriate now, and I'm not sure that it is, perhaps we should just focus on the amendments and then when we get back to the full package, assuming that they pass, I would be looking to the maker of the motion to help understand if you'd like us to try to prioritize those things that would help us consider 2024 or whether you want us to do this all in one big package and wait till it's all done before bringing it back to the Council. So, there are a couple of ways to do it. The, the message that I would like to convey is that it's difficult for me to say, yes, we can accomplish all of this in time for the September briefing book and keep us on pace for doing something in 2024, if the intention is to do this all at the same time. So, I hope that addresses Miss Mattes' question. I would maybe suggest that we do this one step at a time, though, and first take the amendments and we scale back up to the big picture of the entire motion then we have that discussion.

Pete Hassemer [00:02:16] Thank you. So still looking for clarification. Butch?

Butch Smith [00:02:22] Discussion.

Pete Hassemer [00:02:22] Okay, just because there are a lot of questions here, I want to make sure we clarify the intent of this amendment to the amendment first, that's the first piece we're looking at now.

So not seeing any other questions, discussion on Marci Yaremko's amendment that is before us now. Butch.

Butch Smith [00:02:47] Thank you Mr. Chair. This might be appropriate or not, but I've sat here and counted to a thousand so I'm going to say it. I just want to remind this Council I don't really think this is passing the red face test. I can concur with, you know, helping fishermen out if we have fish. I think that's a....we've done that in the State of Washington between sectors for a long time in salmon and in halibut, but when I go back home in the State of Washington and then I heard, I'm not speaking for Oregon, but I heard all the can't fish on minus tides and all the management they use and you're asking our sport fishermen to step up and give you fish, California, on basically a 75 to 100-day season and growing while we have 9, 10, 12 days. That quota drops below a million we'll be back down to three and four and five days. I'd just like to have people look at themselves when they're carving up fish where people don't have 20-day seasons. I just kind of, I'm having a hard time swallowing that. You know I would have supported Heather's motion as written reluctantly but, you know, let's just go window shopping and dogpile on and take fish from the have nots and give it to the haves. I mean we have weather days in Washington. So far, we're four Sundays. Four Sundays, you know, on a 17-day season. You know we don't get to fish Fridays and Saturdays because we're managing our fish for an end goal. I wish we could have a 7-day a week, 90-day. I wish we could have a 7-day a week, 30-day season but we can't, and now you're asking us to help you out and I think my record shows from my SAS to this day that I am willing to help people that need help, but this is like giving Bill Gates a loan and you're on welfare. So, I just want to put a little fisherman perspective on what we're going to face when we go back to the people that we got to look at in the face. Just so you know. You know if California came up with some management regime, and I'm not putting our values on California, but I'm just telling you I'm having a real hard time with this because of those reasons. So, take away for modeling but and I guarantee you, we too, at the end of the day we'll have a letter writing campaign if that's what you want. We can do that too. But I just want to put a little fairness in this and a little reality of what really happens in the State of Washington compared to the State of California. You know, if you guys ran out of quota in August this year and we had 23 and we had fish to give you, I'd give it to you. I have no issue with that. I have no issue with helping the sport fisheries of California. But to be taking quota away from the have nots, the way I see it, is pretty disingenuous in my perspective from where I come from, and we too, you know, come July we'll probably have a four fish limit in Oregon on bottom fish. That's where we fish out of the Columbia River. You know, got El Nino coming so next year Washington could be in the same place as California as far as salmon goes, we've been there. So anyway, I'll get off my soapbox, but I just wanted to put that kind of perspective of where I'm coming from on this issue. And thank you Mr. Chairman, and I'm sorry if I overstepped my bounds.

Pete Hassemer [00:07:08] Thank you. Phil Anderson.

Phil Anderson [00:07:11] Thanks Mr. Vice-Chair. I appreciate the discussion. I am going to vote against this amendment. My bookends had already been achieved. This goes beyond what I think is a reasonable range. I'm not going to repeat some of the things that Butch said, but when we're between, you know, one... three, when we're below... we're already, and Butch described where we are. We get down below one three and it's going to get worse fast, and to make this kind of a reallocation in years when we're below one three is not fair from my perspective. So, the bookends in my mind we've got these, we have what's in the motion as amended by Chair Gorelnik. We have the inseason flexibility piece on here that I think is really, really important and one that I'm hoping we might be able to get in place for '24. But this in my mind, this goes beyond where I'm willing to go in terms of a bookend.

Pete Hassemer [00:08:32] Thank you. Further discussion? Lynn Mattes.

Lynn Mattes [00:08:38] I still have a question for NMFS on the flexibility piece that may be more

appropriate once we talk about the amendment to the amendment to the substitute motion. I think that's probably the more appropriate time, but I just wanted to double check. I'm still going to play the new Council member card a little bit, but since it's to the flexibility piece, which is not what we're talking about now, I just want to make sure I'm in the queue.

Pete Hassemer [00:09:02] All right. I'm hearing what you're saying. The flexibility piece is not what's in the blue highlight and what we are discussing is the blue highlight and strike out there so save that. Thank you. Further discussion? Corey Ridings.

Corey Ridings [00:09:23] Thank you Mr. Vice-Chair. I will be voting for this. I am failing to see why in leaner years that California should be cut out of any future potential sharing agreement or how that's arranged so I think this makes sense to me. Definitely open to further discussion about that. Looking to further analysis, which is why I like this overall motion because we'll have more information to come back and discuss this in November. So, I guess I should have started by saying thank you, Heather, for providing this. And I'd also just like to point out in response to some comments that Mr. Smith just made. California's fishermen, you know, they're not, we're having a hard year too. There's no salmon and there's decrease in groundfish. There's a lot of less opportunity for folks up and down the coast so I don't think it's particularly accurate to characterize this as stealing or taking from folks that necessarily have less. Especially at this point I think a further analysis can help us understand that. And I hope that if we do, in that analysis, we can get the relevant economic and social data we need to better make that decision. So, with that, thank you.

Pete Hassemer [00:10:46] Thank you. Further discussion? Not seeing any hands I will call the question again. Just to be clear, we are voting on the amendment that strikes out what is highlighted on the screen before you in blue and also indicated with strikeout. So, all those in favor signify by saying 'aye'.

Council [00:11:12] Aye.

Pete Hassemer [00:11:12] Opposed?

Council [00:11:17] No.

Pete Hassemer [00:11:19] Abstentions? I'm going to ask the Executive Director for a roll call vote. My ears could not discern the difference.

Merrick Burden [00:11:51] Okay. Yes Mr. Vice-Chairman. This is a roll call working from voting sheet number one. I will call this Agenda Item E.1, amendment to the amendment. Let's see, we'll start with Phil Anderson.

Phil Anderson [00:12:08] No.

Merrick Burden [00:12:10] Butch Smith.

Butch Smith [00:12:12] No.

Merrick Burden [00:12:14] Robert Dooley.

Bob Dooley [00:12:16] Yes.

Merrick Burden [00:12:18] Corey Ridings.

Corey Ridings [00:12:20] Yes.

Merrick Burden [00:12:22] Marci Yaremko.

Marci Yaremko [00:12:23] Yes.

Merrick Burden [00:12:25] Heather Hall.

Heather Hall [00:12:27] No.

Merrick Burden [00:12:28] Joe Oatman.

Joe Oatman [00:12:30] No.

Merrick Burden [00:12:32] Frank Lockhart.

Frank Lockhart [00:12:34] Yes.

Merrick Burden [00:12:36] Christa Svensson.

Christa Svensson [00:12:37] No.

Merrick Burden [00:12:39] Brad Pettinger.

Brad Pettinger [00:12:41] No.

Merrick Burden [00:12:43] Virgil Moore is not here. Lynn Mattes.

Lynn Mattes [00:12:48] No.

Merrick Burden [00:12:51] And Marc Gorelnik.

Marc Gorelnik [00:12:54] Yes.

Merrick Burden [00:13:05] Seven no votes. Five yes votes. The amendment to the amendment fails.

Pete Hassemer [00:13:13] All right, thank you. That takes us back to the amendment provided by Chair Gorelnik, which is going to take a little time to get back to the original amendment which includes, and we'll just pause so the screen accurately reflects the amendment. You can highlight that in yellow also. Of the two bullet points options are also part of that amendment. And in addition to that just remember, if you can scroll up to the top real quickly, there was that slight edit up there. Please highlight that in yellow. An editorial piece. All right. So now we're back to discussion on this amendment to the substitute motion and I will look for hands for any discussion on that. Heather Hall.

Heather Hall [00:14:50] Thank you. I appreciate this amendment. I think it does get at the spirit of having some bookends. And I just wanted to offer that and say I'll support this amendment.

Pete Hassemer [00:15:05] Further discussion? Lynn Mattes.

Lynn Mattes [00:15:10] Thank you Vice-Chair. I'm still a little torn with this one. So much of the other one. I see these as being range of alternatives for the long term where what was in Heather's substitute

motion was I saw it as sort of a stopgap to get us started for 2024. I'm overall supportive of the idea. I just, we don't have enough information yet with the range of alternatives. That being said, I'll figure it out in the next couple of moments. I appreciate the range of alternatives that was in the blue text. I just want more information before saying, 'Yeah, let's go with that one', which I thought was going to be part of this big picture scoping we were going to be doing over the next few months and coming out with this range of alternatives. And I don't mean to be stuck on process. I know it seems like I'm harping on that. I'm not trying to so thank you for letting me speak for a moment.

Pete Hassemer [00:16:06] Thank you. Further discussion? Chair Gorelnik.

Marc Gorelnik [00:16:11] I just want to say I appreciate your perspective, Lynn. I think that when we saw some numbers put up it was a matter of providing a range. Whether numbers ought to be there or not I guess is a separate question. So, thank you for your comments.

Pete Hassemer [00:16:28] Further discussion? Phil Anderson.

Phil Anderson [00:16:36] Ditto what Heather said. On the process piece, can I ask a question now or do you want me to wait on the process piece for this? I'm going to eat up the time anyway you might as well take it.

Pete Hassemer [00:16:50] All right. If the process pertains to the amendment go ahead.

Phil Anderson [00:16:57] My understanding is what we're doing is we're scoping these out. We're going to get these back in some sort of a package with some preliminary views on analysis and then we will decide what we're going to send out for public review between September and November, take an action in November, and we will at that time have a sense of what we can implement in '24 and what needs to take longer. That's where I thought we were headed here. And I think doing it by motion has been good advice, but I think that's where we're headed, or I thought we were.

Pete Hassemer [00:17:41] Okay, further discussion? Marci Yaremko.

Marci Yaremko [00:17:44] Thank you Mr. Vice-Chair. I'm sitting here very torn about what to do on this proposed amendment in light of the failure of my proposed amendment to the amendment. But I think if I think about the spirit and intent of the motion overall, I can get around to a position of support. I think this amendment does at least identify that we're talking about some range. I think we have our action to look forward to in September where we actually adopt alternatives to put them out for public review and some of these alternatives may or may not be ripe for 2024 and I think we're going to learn a lot about that over the next few months. There's a lot to like in the main motion and I think, you know, I look forward to further input on this particular alternative from National Marine Fisheries on the question about the trigger. I appreciate Frank's initial response. My concern is that this alternative we may learn in the scoping that we can't hitch the move of an allocation to a trigger and so that's my concern with voting yes on this amendment. But in light of the fact that I believe we will still be able to add new alternatives in our discussions in September, brand new ones that we may not have contemplated here so far in our scoping activities this week, I am open to the fact that we may learn more that may change this alternative entirely. So, in that spirit and thinking about our goal here and thinking about the next steps between now and September, I'm prepared to support this proposed amendment, noting that more alternatives may come in September. Thank you.

Pete Hassemer [00:20:17] Thank you. Further discussion on the amendment? Not seeing any hands I'll call for the question. All those in favor signify by saying 'aye'.

Council [00:20:27] Aye.

Pete Hassemer [00:20:27] Opposed? Abstentions? The amendment passes unanimously which brings us back to the substitute motion as amended. So, we'll have a look for any further discussion on that. Lynn Mattes.

Lynn Mattes [00:20:52] Thank you Vice-Chair Hassemer. This is where my question to NMFS on the flexibility piece is going to come into play so thanks for the patience. And Mr. Lockhart and Josh, please don't take this as trying to call you all out, but I'm going to call you out a little bit. I think we all need to be a little realistic on what flexibility means. Both Washington and Oregon have been working with NMFS over the last several years. We have a number of triggers that are already in the Catch Sharing Plan. If A happens then B can go into place. Even with that it used to be able to do that in 2, 3 days. A phone call, email with NMFS and IPHC. Then it went to 2 weeks. Then it went to a month and now we're 6 to 7 weeks for something to happen, even with it specified in the Catch Sharing Plan. I don't know if there's more we need to do to put the flexibility language in, but I think we all need to be aware that on an August 15th date, if we decide on August 15th at the current rate of a month to 6 weeks, we'd be looking at the end of September before any allocation could be changed. Is this protracted timeline for changes going to continue? I don't know that, it won't change my vote on this particular discussion, but I think it's something we all need to have in mind as we move forward because it could eventually change what we are thinking about in this long-term process. So, I don't know if Frank or Josh has anything to respond to on that one.

Pete Hassemer [00:22:25] Frank Lockhart.

Frank Lockhart [00:22:28] Well, I'll make a question out of your comment and answer it. And I won't dispute what you said about the timing. I mean it is not 2 to 3 days. Under IPHC, their authority, they basically put out a press release and that accomplished it and so that is not what we're going to be doing. You know we have a different process, and you're right it has taken anywhere from 2 weeks to 6 weeks or so. And it, really again, it depends, and some of this will come out in the analysis that will be brought forward to the Council, it depends on how the Council wants that flexibility to work. There is potentially a way that the Council could decide or we could decide up front that at some percentage we will release some amount of quota, okay? In that case where it's already kind of hardwired in the regulations that could happen very quickly with a Federal notice because that process is already in regulation. If you want to do something along the lines of what how we're doing it now with the states, yes, that will take longer because it's, you know, you have to figure out exactly what you're going to do when you're going to do it and then get that through the process, so one can be done relatively quickly, other one does take some time. So, I'm basically just supporting what you're saying here so but, yeah, it again though, the specifics really matter and how we want to proceed on that.

Pete Hassemer [00:24:10] Lynn, follow-up?

Lynn Mattes [00:24:12] Thanks Frank. I appreciate that. And again, I wasn't trying to call you out but just so everybody knew, understand the timelines. And something you said just made the hair on the back of my neck sort of stand up. You said no longer under IPHC authority. When... it's my understanding we haven't changed the recreational fishery authority from IPHC to NMFS. Or have we done that, and I missed it sometime in the last few years? That maybe doesn't need to be answered right now, but probably should be answered by when we get through the Catch Sharing Plan process in September, it would be good to have that information at hand. So y'all don't need to scramble right now. I just would like it by September.

Pete Hassemer [00:25:00] All right. Would you like to respond to that or defer to the future?

Frank Lockhart [00:25:07] Well, probably... well, you're right that the transfer of authority wasn't for the recreational, but we have kind of instituted a process to try to get those changes out in the Federal Register process, and I think that's where we're going to stick as we go forward.

Lynn Mattes [00:25:23] Thank you for the clarification.

Pete Hassemer [00:25:25] Okay. Further discussion on the motion as amended? Bob Dooley.

Bob Dooley [00:25:33] Yeah, thank you Mr. Vice-Chair. I'll be supporting, I think, this motion. I believe that, you know, what I heard originally from Heather was that there's flexibility here and in implementation or in.... we can take parts we can do now, parts we can do later, but ultimately, it's a package, although it may be disjointed in implementation. So that's the spirit I was coming at this. And then I heard that the discussion about potentially triggers that could be an impediment against something we might want to do subject to the Council wanting to do it, and so that was my support for Marci's amendment, is that to give us places to go should we get caught up so we have a wider suite of analysis going forward and options that roadblocks that may occur wouldn't be roadblocks, so that was my thought there. But now, I'm understanding when Marci made the comment that, you know, when this comes back in September we still have an option to change things, so that changed me back around. So now I think this is really good to go forward with. I think it covers a lot of issues and I respect Butch's comments a lot. I respect everybody's comments around the table. But I also believe that California has got some points. I think everybody's got some points in this and I think we need to work through it, but I want to make sure we have all the pieces on the chessboard to be able to play with, and that's, was my intent so I'm pretty happy with the way it is right now so I'll be supporting this. Thank you.

Pete Hassemer [00:27:27] Thank you. Further discussion. Butch Smith.

Butch Smith [00:27:32] I'd just like to put out one of the smallest quotas on the coast will be losing not 1 percent, not 2 percent, but 3 percent because we're shared management zone on the Columbia River with Oregon and Washington so that happened to us last time when we had the 1 percent deal from each state so just want to let you chew on that for a while. So, thank you Mr. Chair.

Pete Hassemer [00:28:02] Further discussion? Executive Director Burden.

Merrick Burden [00:28:10] Yes, thank you Mr. Vice-Chairman. Just want to make sure we're all on the same page, because that was one of the purposes of asking you all to make a motion. So, if this were to pass, it's our understanding and it would be our plan to bring back what we're calling an analysis, and that can be interpreted in many ways. And so just in the interest of clarity, we wouldn't be looking at a NEPA analysis or an in-depth regulatory package in September. We're still thinking of this as like a more detailed iteration of scoping, so we'd be investigating what you've put together here. We'd be asking our partner agencies to help provide some data so we can show what's going on behind these numbers a little bit more. And then, I believe, as Mr. Anderson outlined, we'd be coming back again in November with something that would be more akin to a regulatory analysis package, whatever we call that I'm not sure under the Halibut Act, but that's the process I have in mind. And I want to make sure that we're all on the same page there and I want to make sure Robin is not about to strangle me when I articulate this picture. So, if that is where you all are at as well, that's great, but I want to just put that out there on the floor to make sure we're all of a similar mind about what we expect to see in September and the help that we'd be asking for to get there.

Pete Hassemer [00:29:36] Heather Hall.

Heather Hall [00:29:38] Thank you. I'll just start by saying that you're capturing, Merrick, my intent

here and the idea behind not trying to prescribe a range of alternatives now but to have a holistic look at some changes that we want to think about as we move into September and November so that we're open with the public and streamline that process for September and November the best we can. I realize, I mean I look at this motion and I see as a halibut manager for WDFW responsibility on my part to respond to some of these bullets, you know, as we prepare for the September Council meeting and meet with our stakeholders. So that's my understanding of where we are, which aligns with what you just said. Thanks.

Pete Hassemer [00:30:31] Thank you. So, I'll look around to Lynn Mattes.

Lynn Mattes [00:30:34] With the discussion that's just occurred I just want to make sure we're managing expectations. I think we're going to try for some of this for 2024 but maybe not all of this is going to make 2024, and I'm not just talking the allocation pieces, it could be the regulatory pieces because we still are... I know we're trying to get away from short term and the long term, but manage expectations both on ourselves and for our industry members that not all of this is going to be in place for 2024. We'll get what we can done, but some of it may take a little bit longer timeframe and I think others may be on that same page, but I just want to make sure that expectation is tempered.

Pete Hassemer [00:31:15] All right. Phil did... or Marci.

Marci Yaremko [00:31:23] Thank you Mr. Vice-Chair. Yeah, I would agree with that certainly. There are a number of bullets here that I think may be easily achievable in the 2024 Catch Sharing Plan. Some we need more information and research from NMFS on and potentially more analysis and public comment. And then I look at the bullet on the screen regarding the regulatory changes recommended by the EC, which we had quite a bit of discussion about and heard from the SAS, and I'm glad to see it's included in this motion, but I think looking, at least speaking for California, we're not expecting that to be an element of the actions that we consider under annual Catch Sharing Plan adjustments. So, I guess my question, probably not for the maker of the motion but maybe and maybe for the Council staff, will we be taking up those commercial fishery measures in agenda planning in terms of scheduling those as independent actions? And if so, is there any effect of it being part of the motion here and now. I mean I think the intent here is to express that we move this forward.

Pete Hassemer [00:32:57] There was a question there and I'm not sure either Merrick or Robin would address that, but this is scoping things that you would like to see go forward, so maybe on the time element, Robin, can you provide any insights there?

Robin Ehlke [00:33:17] Thank you Mr. Vice-Chairman, Miss Yaremko. I've been thinking about the regulatory aspect of this scoping exercise. We did hear from the EC and I think some things have been resolved, but there are still some things that the Enforcement Consultants would like to see changed. In my mind I would look to bring those things back to the Council in a truncated form in the sense of including the things that have not been resolved and then the Council can decide what process would be best to move those forward, most typically something outside of the annual September, November. It would essentially be something that the Council says, 'yes, these are things we want to move forward' and then speak with NMFS on what that process might look like, but most likely would not specifically follow that September, November Catch Sharing Plan timeframe, if that helps at all.

Pete Hassemer [00:34:24] Marci.

Marci Yaremko [00:34:25] Thank you Mr. Vice-Chair. Yes, that helps. I guess I'm just looking for input as to whether we need to bring that piece up in agenda planning this meeting and think about putting it on the Year-at-a-Glance or should we wait for further development offline of the proposals.

Pete Hassemer [00:34:50] Executive Director Burden.

Merrick Burden [00:34:54] I appreciate the question. How about I huddle with Robin and Kelly and we'll just figure that out, yeah.

Pete Hassemer [00:35:02] And that's good. I think regardless we can bring that up in agenda planning. So I want to make sure everybody's clear with Executive Director Burden's explanation and what Robin laid out and what the product of this motion would be. We have a sense the implementation times ultimately are a little bit unknown, but we're still working on a process and schedule. So, any more questions? Is it clear in everybody's mind what we're going to get with this? It's a dangerous question, but not seeing any other hands I'm going to call for the question on the motion before us as amended. All those in favor signify by saying 'aye'.

Council [00:35:55] Aye.

Pete Hassemer [00:35:55] Opposed? Abstentions? The motion passes unanimously. Thank you. Robin, I'm going to turn to you. This has been a long discussion. Is there more you would like from us?

Robin Ehlke [00:36:18] Thank you Mr. Vice-Chair. My thought has been it takes a village and I think the items that we've listed here will need help from everyone, the states and the Feds and Council as well, and to work through it. And I think there's been, you know, mention of we're going to do the best we can within the 6 weeks allotted to us and we'll see where we get, but look to provide the Council with as much information as possible. So, I think if we all commit to that, then yes, we have everything we need, and we'll pick this back up at our next Council meeting. Thank you.

Pete Hassemer [00:36:59] Thank you. Any closing comments anyone wants to make? I'm not seeing anything. We're going to close this agenda item.

F. Ecosystem Management

1. Fishery Ecosystem Plan Initiative 4 – Ecosystem Workgroup Update

Pete Hassemer [00:00:00] And that takes us to Council discussion and guidance. I think we've all heard in the EWG Report that it was just simply an update. They're not asking for anything new. We will hear back from them in September, but as we just heard there was this request for the Council partnering for a workshop to address some of these things. So, I'll just look around for any hand to initiate the discussion on this topic. Heather Hall.

Heather Hall [00:00:37] Thank you Vice-Chair. Yeah, I appreciate the update from the working group and the advisory subpanel, public comment. I know we asked for just a brief touch down here. It sounds like things are moving forward and we can help facilitate moving forward on some workshops. I guess that sounds good to me. And it sounds like with these topics in the TNC public comment letter align with what we've heard so far on the potential topics, but it doesn't preclude any of the work that the Ecosystem Working Group is doing over the summer. So, I think that looks like a good path forward. I guess a question to Executive Director of being able to facilitate the public process that Gway mentioned... holding the meetings at the, potentially at the Council office and facilitating the Federal Notice if that's doable. Thank you.

Pete Hassemer [00:01:46] Yes, Executive Director.

Merrick Burden [00:01:48] Yes, thank you Mr. Vice-Chairman and thank you Miss Hall for that question. I did have an opportunity to discuss this idea with Miss Kirchner a couple of times. You might recall the last time we partnered with Nature Conservancy it was a, well, I guess I wasn't involved, but it looked like a much more involved process with some funding from the Council, and that's not what we would be doing this time if this is the route that you want to take. What we'd be doing is, you know, filing some of the basic FR Notices and things like that. We do lots of that so adding another one or two of those is not really an issue. And we'd be happy to host a meeting at our office. We're set up well. Right before COVID hit Chuck had redesigned some of the meeting space so it's quite amenable to a meeting like this at the moment. So that's what we would be offering. We would not be offering lodging or travel or anything like that. More just a space to host the meeting and the filing of the public notices.

Heather Hall [00:02:50] Thank you.

Pete Hassemer [00:02:52] Lynn Mattes.

Lynn Mattes [00:02:54] Thank you Vice-Chair Hassemer. Miss Hall said pretty much everything I was going to say. I do want to echo thanks to Miss Kirchner and the TNC for offering to facilitate this and coming in with a report that had some specifics for us, hear a couple of topics we want to use as a starting place. Having those as the starting place, knowing that they could shift a little bit depending on what comes out of the EWG. So, like Heather, very supportive of this going forward with the assistance of hopefully Council staff office and IT technology.

Pete Hassemer [00:03:27] Okay, further discussion? Corey Ridings.

Corey Ridings [00:03:32] Thank you Mr. Vice-Chair. Just plus one to what Heather and Lynn said, just with the brief addition of thanking the EWG again for the webinars and for the comprehensive report in the briefing book that brought us all up to speed easily and looking forward to what comes next. Thanks.

Pete Hassemer [00:03:54] Thank you. I'm seeing some support around the table for this workshop concept to further develop that and come back to us. And I heard that on the TNC's part involves the establishment of some steering committee to help work through that, flesh some things out. Anything else we need, or I will turn to while I look around, turn to Dr. Dahl since there was no other action, just guidance, discussion and guidance as necessary. Is there anything else we need to do here?

Kit Dahl [00:04:36] I don't think so Mr. Vice-Chair. I think you pretty closely conformed to the estimate of the time we allotted to the agenda item, which was half an hour. So, I'm glad for the useful reports to you and your helpful and concise discussion of the matter. And so, I guess, we'll be expecting for a weightier topic in September as far as the EWG reporting back with specific, you know, products as described. And also, we'll be working with the Nature Conservancy on the organization of these workshops and look to Miss Kirchner to marshal whoever she hopes can help with that effort.

Pete Hassemer [00:05:26] All right. Thank you. I'll look around the table and see if there are any closing items, comments, or discussion on this? Otherwise, we'll consider our work complete on this agenda item. We'll close it out. And with that I will pass the gavel back to our Chair.

G. Coastal Pelagic Species Management

1. National Marine Fisheries Service Report

Brad Pettinger [00:00:00] All right that's finishes public comment and takes us to Council action, which is discussion, and we've had some already, but I'll look to anybody else. And if not, I will look to Jessi. Oh, sorry Josh. So, Josh first.

Josh Lindsay [00:00:19] Sorry about that Mr. Vice-Chair. Thank you. I just wanted to also thank Dr. Werner for coming both last night and today to provide the Council these important updates, both nationally and regionally, of what's going on on those fronts. And then just briefly also respond to Corey's question to Dr. Werner regarding the interface of management and science and that is an active conversation we're having at the Region with both Science Centers. There was also a national IEA meeting in May where this was an active agenda topic where all the different IA programs around the nation were discussing how best to assist in the CEFI process. So, it's an ongoing conversation. Thank you Mr. Vice-Chair.

Brad Pettinger [00:01:02] Thank you Josh. Corey.

Corey Niles [00:01:06] Well, thanks Mr. Chair. Since Josh brought that up, I think I heard you or someone, or Cisco suggest we should talk about that more tomorrow when Jennifer Quan's here. But we did talk about it in the Budget Committee a little bit and how we can plug into what Josh was talking about internally, how we can line up our thoughts. But just, yeah, I think tomorrow would, was the time we heard to maybe have more discussion, or Saturday, excuse me. I wish tomorrow was Saturday.

Brad Pettinger [00:01:39] Thank you Corey. All right. Jessi.

Jessi Doerpinghaus [00:01:46] Mr. Vice-Chair, yes, I think you've heard the reports from the Science Center and completed your action for today.

2. Pacific Mackerel Assessment and Biennial Management Measures – Final Action

Brad Pettinger [00:00:00] All right that concludes public comment and takes us to Council action, which will be on the screen here shortly. And with that I'll open the floor for discussion. Briana Brady.

Briana Brady [00:00:14] Thanks Mr. Vice-Chair. I just wanted to say thank you to Dr. Peter Kuriyama and the STAT for completing the full stock assessment for Pacific mackerel and also to the STAR Panel for reviewing the stock assessment. And I'm supportive of the CPSMT Supplemental Report 1 and can put forward a motion if you'd like one.

Brad Pettinger [00:00:38] Thank you Briana. Anyone else? I'd also entertain a motion, I guess, at this late hour. Just sayin'.

Briana Brady [00:00:58] May I please have the motion? Thank you. I move that the Council approve the Pacific Mackerel Stock Assessment for U.S. Management in 2023-2024, and 2024-2025. Adopt Tables 1 and 2 and Supplemental CPSMT Report 1. If the ACT is met, adopt a 45 percent incidental landing allowance when Pacific mackerel are landed with other CPS or up to 3 metric tons of Pacific mackerel per landing could be landed in non-CPS fisheries.

Brad Pettinger [00:01:32] Thank you Briana. Is the language of the screen accurate?

Briana Brady [00:01:33] Yes. Thank you.

Brad Pettinger [00:01:35] Looking for a second? Seconded by Bob Dooley.

Briana Brady [00:01:42] Thanks Mr. Vice-Chair. We heard from the SSC that they endorse the mackerel stock assessment as the best available scientific information for setting management measures for the next two seasons. And as far as using a Pstar of .45, that was recommended by the CPS Management Team and is consistent with previous Council action. And in terms of the management measures, providing a 45 percent incidental catch allowance will allow the fleet to fish other stocks if the ACT is met. And the 3 metric tons also allows non-CPS fisheries to take small amounts of mackerel if the ACT is reached as well. Thanks.

Brad Pettinger [00:02:19] Thank you. Okay, questions for the motion maker or discussion of the motion? Corey Niles.

Corey Niles [00:02:32] Yeah, thanks Mr. Vice-Chair. Thanks for the motion Briana. Excuse me. I do support it. I do just want to make some quick comments about, I think, there's been some good questions raised about the stock assessment and the uncertainty. And we heard from the SSC we should at some point be strongly considering possibly a different way of approaching this, setting the harvest for the stock. I guess given the, you know, and I think we still as a Council have not really got to a coherent place with what to do with the Pstar and yet but just given that the catch has been well below harvest guidelines, you know as Geoff just said in the past decade I don't think this is the time or there's a need to have that discussion now. If as Marc said, the market changes and we're starting to get the harvest guideline every year or ACT every year, then I mean, then moving towards that discussion of considering the uncertainty more closely would be very supportive of that. But again, supportive and thanks Briana for putting this together. And thanks to the team and the advisory subpanel of course.

Brad Pettinger [00:03:45] Okay, thank you Corey. Anyone else? Seeing no hands, I'm going to call for the question. All those in favor signify by saying 'aye'.

Council [00:03:57] Aye.

Brad Pettinger [00:03:58] Opposed, no? Abstentions? Motion passed unanimously. Okay very good. All right and with that I'll turn to you Jessi. How are we doing?

Jessi Doerpinghaus [00:04:24] Thank you Mr. Vice-Chair. You have adopted the necessary Pacific mackerel harvest specifications and management measures for the next two fishing years, and we will work on getting these transmitted to NMFS. So, you have completed your action for today.

Brad Pettinger [00:04:38] Okay. Good work everyone. Thank you.

3. Essential Fish Habitat Amendment - Final Action

Brad Pettinger [00:00:00] And I believe that is the end of public comment which takes us to Council action, which will be on the screen here shortly... and there it is. So, I'll open the floor for discussion. Briana Brady.

Briana Brady [00:00:15] Good morning. Thank you Mr. Vice-Chair. I just would like to say thank you again to our advisory bodies for their work and review on CPS EFH. And I agree with the comments supporting Alternative 1b as the final preferred alternative and also the HC's request to add krill and benthic associations to research and information and could provide a motion when ready.

Brad Pettinger [00:00:43] Okay, thank you Briana. Anyone else? Discussion? Corey Niles.

Corey Niles [00:00:55] Yeah, thanks Mr. Vice-Chairman. Question for Kerry and Josh or both. Geoff just testified and to the lack of analysis on the benthic contact with the gear. I was wondering if you had any responses? I'm blanking on us talking about this last time we discussed, but what Geoff gave some of the reasons but, you know, already at the point of the week where not everything is sinking in, but can you just respond on what type of, what you looked at? What was it in the scope and...

Kerry Griffin [00:01:32] Sure. Thank you Mr. Niles. Also, I'll look over to Eric Chavez, he might be able to add something to this but I'll take a shot at it. Yeah, you are supposed to evaluate potential adverse impacts from fishing activities and as I think we mentioned in our overview and Mr. Shester also mentioned that we looked at actually, I don't think we talked about other activities like trawl gear and fixed gear, but we did talk about that in April and we acknowledged that, and there were some maps in the briefing book materials from there that showed some of the management measures that are already on the books in other FMPs, like groundfish closures, you know, or bottom trawl closures, bottom contact gear closures, and that is part of the evaluation that you're supposed to do is to look at actions that are already on the books. So, to the extent that, you know, or with regard to CPS gear, as Geoff mentioned, it is not designed to have contact with the bottom and so there are other gears that like midwater trawl gear that may occasionally have contact with the bottom. It's not designed to do that and so a lot of that happens over soft sediment that it has a much faster recovery rate as well. And so, you know, we didn't quantify the impacts but we did recognize that, you know, A, there's already minimization measures in place, and B, that with regard to, you know, gear that's not designed to touch the bottom, that it appears to be, you know, no more than minimal and temporary. There's also a practicability standard in the EFH regulation so it does bring up the question of like, how would you quantify, you know, benthic impacts from gear that isn't designed to hit the bottom? So, there's some question. I'm not sure how we would go about that. So, I think Eric probably has a little bit more to add on this.

Eric Chavez [00:03:54] Yeah, thank you Mr. Vice-Chair. Eric Chavez, NMFS West Coast Region EFH Coordinator again. The only thing I would add to that is that when we were digging through, you know, again this is a two-phase process. You take all this literature from phase one and apply it in phase two. When we were looking at that literature to, you know, consider whether HAPCs for market squid were warranted, the literature did talk about removal of these spawning individuals, but there was nothing that I saw or anybody else noting the fishing impacts being a concern, you know, as far as impacts to the substrate. So, we're kind of going off of what we saw in the literature and there wasn't anything indicating concern there.

Brad Pettinger [00:04:40] Thank you Corey. Anyone else? Maybe a motion? Briana.

Briana Brady [00:04:49] Thank you Mr. Vice-Chair. May I have the motion displayed please? I move that the Council adopt Alternative 1b in Agenda Item G.3, Attachment 1 as the final preferred alternative and approve the proposed FMP amendment text and include the research and information recommendation regarding krill and benthic associations from Agenda Item G.3.a, Supplemental HC Report 1.

Brad Pettinger [00:05:21] Okay, thank you Briana. Is the language accurate on the screen?

Briana Brady [00:05:28] Yes, thank you.

Brad Pettinger [00:05:29] Very good. The second? Seconded by Bob Dooley. All right, please speak to your motion.

Briana Brady [00:05:36] Thanks Mr. Vice-Chair. We've been working on EFH for CPS for some time now and I think Council and NMFS staff have done a thorough job in providing the information needed to update EFH. Additionally, the proposed EFH revisions have gone through review by our various advisory bodies. And for guidance, I think Council staff could work with NMFS to finalize the FMP text, acknowledging there will be minor changes from what's in the briefing book to make any edits that are necessary. For example, one of the maps still says "Draft". And then also to include the Habitat Committee's request to add krill and benthic associations to the research and information section as well. Thanks.

Brad Pettinger [00:06:25] Thank you Briana. Questions for the motion maker or discussion on the motion? Okay, well if I'm not seeing any, I'll call for the question so... all those in favor signify by saying 'aye'.

Council [00:06:42] Aye.

Brad Pettinger [00:06:42] Opposed, no? Abstentions? Okay the motion passes unanimously. Okay thank you. Okay, with that I'll turn to Corey.

Corey Ridings [00:06:58] Thank you Mr. Vice-Chair. And apologies if I'm out of order here. Are we still in a discussion part of this agenda?

Brad Pettinger [00:07:06] We're still on this agenda item?

Corey Ridings [00:07:07] We're still on this. Okay.

Brad Pettinger [00:07:09] So if you would, please.

Corey Ridings [00:07:11] Okay great, thank you. I just wanted to quickly recognize the issues that Dr. Shester raised and thinking about this potential bottom contact noting what Dr. Chavez pointed out that the literature review didn't necessarily bring up any issues, but a literature review, you know, may not, might not include that. So just thinking more about can we bring more of this information and data forward to think a little bit more about this. The SSC, as noted, didn't get to weigh-in until sort of the final hour here so missed that larger conversation regarding sort of what's required to think about all impacts. So just putting it out there, that would be great. Maybe the Council could make a recommendation to have analysis to look at the fishery logbooks at the location and depths in which this gear type is used and look at that and compare that to the depths of the purse seine that's in the habitat maps as suggested by the CPSAS?

Brad Pettinger [00:08:10] Okay. Briana.

Briana Brady [00:08:12] Thanks Mr. Vice-Chair. Thanks Miss Ridings for those comments. California Department of Fish and Wildlife is currently meeting with our Squid Fishery Advisory Committee and we will be looking at this potential issue in the fall this year. So generally, we'll take a look at information and figure out if any further action is needed, potential gear changes. So, thanks.

Corey Ridings [00:08:37] Thanks Briana. That's great. Would it be possible to sort of get that for the Council in like an informational report when that work is done?

Briana Brady [00:08:45] I believe we could probably do that. Thanks.

Corey Ridings [00:08:47] Okay thanks.

Brad Pettinger [00:08:49] Okay. Corey Niles.

Corey Niles [00:08:53] Thanks Mr. Vice-Chair. Yeah, one just quick comment on what we heard from Dr. Green and the Habitat Committee about HAPCs and thinking about those more. I just want to support that as I think Mr. Anderson I spoke to last time. If this were Washington, we might have a different view on or wanting to know more at least on how squid HAPCs, you know, might have been beneficial. And then we didn't hear from our experts again that our discussion maybe didn't hit the right points and we were too focused on rarity or too focused on what might happen in terms of regulations on the fisheries. So, I just want to support what the Habitat Committee told us and when it comes up again that there are suggestions for clarification and, you know, a more thorough discussion of HAPCs and how they could be used would be good.

Brad Pettinger [00:09:48] Okay. Thank you Corey. Okay. Kerry.

Kerry Griffin [00:09:56] Thank you Mr. Vice-Chair. Appreciate it. That does conclude your business for this agenda item. You adopted the new EFH appendix that is Attachment 2 and approved the FMP amendatory language with minor modifications as necessary. I'll work with NMFS staff to get that dialed in and transmit the amendment. And then we'll also add in the research and information need as described in the Habitat Committee report. So, yeah, that concludes your business. I think this was a lot of work, a lot of effort and a substantial improvement, if I may add, over our previous EFH reviews of CPS. So, I think the Council should be, you know, confident and proud that while there are always improvements to be made, that this particular EFH review was much more robust and really did a sort of a thorough update of all the scientific information, all the life histories, and all the other associated elements, so I just wanted to put that in context. And, yeah, that concludes your business for this agenda item.

Brad Pettinger [00:11:12] Well, very good. Thank you, Kerry, and good work by everyone involved.

H. Groundfish Management

1. National Marine Fisheries Service Report

No transcription for this agenda item.

2. Sablefish Gear Switching – Initial Preliminary Preferred Alternative

Brad Pettinger [00:00:00] Okay, we're back in session here. In previous discussions that we've had public comment and then we've always before we had a staggered session where we finished up later in the week, we've always had a little time for the Council members to throw their thoughts out and so it'll get us something to think about it over the next day or two. So, with that I'll open the floor for hands, and we'll go to 5 o'clock or earlier. So, Phil Anderson.

Phil Anderson [00:00:29] Thanks Mr. Chairman. Just it would help me concentrate if Dr. Seger would turn his nameplate around so it's right side up. Thanks. I may have something else to offer later but that's it for now.

Brad Pettinger [00:00:52] That's an auspicious start... (laughter)... Lynn Mattes.

Lynn Mattes [00:01:00] Thank you Phil, that's been bugging me as well, but not enough to say anything. I just want to thank everybody who's come and testified and talked to us today and written public comment. It may not seem like I was asking questions to many people. I've been listening and absorbing but do want to thank everybody for taking the time to come and talk to us as we navigate this complex and difficult decision. I don't have any other opening remarks to get us to going but I did want to express the thanks.

Brad Pettinger [00:01:31] Thank you Lynn. Anyone else? We don't necessarily have to... I just thought I'd leave... Christa.

Christa Svensson [00:01:41] Thank you Mr. Vice Chair. I guess I'm on the other side of that coin. I am extremely appreciative of all the testimony we heard today. And I did ask a lot of questions and I'm appreciative of the Council as well for really letting me ask a question that was kind of a baseline question in terms of understanding where flexibility was, but it also gives, at least myself, a chance to really think about the testimony that was provided and possibly come up with another question or two as well. So, I think we heard a lot of really positive testimony for people that are in favor of a variety of options, but it was thought out. People have put the time in, and I do think it's important for us to recognize everyone that showed up today and that has shown up for the last eight years on this topic.

Brad Pettinger [00:02:46] All right, thanks Christa. Bob Dooley.

Bob Dooley [00:02:51] Thank you Mr. Vice Chair. Just a couple of thoughts. Just trying to, you know, sometimes we forget where we started when we go down a path like this and here we are... and we're kind of looking at the options before us. But, I guess, I'd start with a comment that, you know, that really appreciate the people that came up today and testified. I think the public comment really means a lot, at least to me, and I'm sure it means a lot to others. And I, you know, I'm not, my ears are always open and I, you know, I take all this to heart. I believe people making the effort to come here make a difference and I, you know, I'm not sitting up here with a closed mind. Secondly, I think, you know, I've been involved with this since it started with the community outreach in the CAB and into the SaMTAAC and two different seats I occupied in the SaMTAAC, one from an industry perspective and one from a Council perspective and on through... and all through this process. But the thing I'm really kind of running around in my mind are the principles that the SaMTAAC came up with and kind of weighing everything against those principles in my mind, and I would suggest others maybe want to revisit that too, because I think that, those were well-reasoned and I think they, you know, it was the thoughts of a diverse group that couldn't come to a conclusion but those principles mean something to me. So, I'm looking at this actually through that lens and I would hope that others do too. So, thank you.

Brad Pettinger [00:04:37] Thank you Bob. Anyone else? Pete Hassemer.

Pete Hassemer [00:04:47] Thank you Vice-Chair Pettinger. I, too, will echo the comments of others the appreciation for everybody that has participated and come up here and talked to us and... and maybe I'll go a little deeper at this time into some of my thoughts on this. I appreciate Bob Dooley's recognition of the principles in there because I'm heavily wedded to those also being a member of the SaMTAAC. And one of those was that unlimited gear switching in the trawl fishery is not desirable and so that indicates that we should look at limiting the growth of the gear switching. But there was also the principle of protecting the investments of those that people have made, and it's very important too that. A lot of this we've been at it for so long, for 7 years, that stock status has changed and a lot of times we're making our analysis now in the context of current abundances, which are very high. I mean the, the Dover sole ABC is about twice what it was 5 years ago, it's doubled, and I don't think that's a good framework for thinking about gear switching and the impacts it could have on the trawl fishery and trawl attainment in general, because in the next several years nobody's going to catch all the Dover sole that's available, and I don't think anybody's going to catch all of the sablefish, but it's that longer term perspective that we need to think of that these stocks are going to decline and what do we want to be prepared for at that time. So, the No-Action Alternative doesn't give us the opportunity to think as hard about the future and set us up in a better place. Some of the other thoughts I have here in the comments I heard that we need to focus on the causes of the low trawl attainment. We've been doing that for a long time and we haven't found solutions, but I think what I've gathered over the years and seeing the status of stocks, and being able to see some of the developments in the trawl, in the processing and the markets is now is when the time is ripe to allow the trawl fishery to demonstrate its potential to rebuild these markets and to go out and get the fish. So, I think providing an opportunity to, I hesitate to use the word maximize, but to exercise the greatest opportunity for the trawl fishery to demonstrate what it can do and to show us how many sablefish it needs to have to keep the Dover sole and the other species on the markets and sustain those markets and the fishery and the communities that depend on it. Bothersome for me, or maybe because I'm not an economist, when I hear the analysis, so much of the market analysis has dollar figures associated with that and I know for the people that buy permits, and we heard about going to the bank and needing to demonstrate that, that there's a heavy dependance on those dollars and needing to have those permits. But there are other aspects that have to, that are going to drive my decision on this and, you know, part of what we do here as the Council there are the National Standards and the Guidelines. And our National Standard 1, Optimum Yield, and then the guidelines define optimum yield is the greatest benefits to the nation. And it's not the greatest economic benefits, but the greatest benefits to the nation. And when determining that the National Standard Guidelines say one of those is the benefits of food production derived from providing seafood to consumers meeting our nation's nutritional needs, and I think that aligns with NMFS new National Seafood Strategy, trying to rebuild domestic markets, reduce some of this trade imbalance in the seafood industry. And when I look at these fisheries in the trawl fishery, it's a multi-species fishery that is depending on multiple species. You know, we've focused a lot on Dover, on thornyhead, on the DTS complex and so the National Standards also point out there's going to be some trade-offs as we go through this and make decisions. So, there's an economic argument, and I understand it needs to be viable for everybody, but I also have to take into consideration the benefits to the nation that include these viable fisheries for long periods of time and providing the fish in those markets. And so that comes back to, you know, now the opportunity is right to have the trawl fishery demonstrate its potential. There is an opportunity for them to show how they can do that, to rebuild these fisheries that at the start of these programs with overfished species and rockfish species being overfished, there wasn't that opportunity. None of that should be construed as negative towards the fixed gear fishery. I really empathize with all sides, all the arguments I've heard. The fixed gear fishery is, you know, a gold star or a blue-ribbon fishery in terms of what it does in these markets. But at this point as we look at this it's a little troubling, well, you know, the fact that the viability of some of the fixed gear fishermen becomes dependent on being able to access quota share in the trawl fisheries doesn't seem right to me. We've heard arguments over the years that

some of the new entrants in the fixed gear fishery, the only way they can get into that is buying, or buying or leasing a trawl permit and buying or leasing trawl quota share and that doesn't seem to, it shouldn't be a problem on the trawl fishery side. We need to look at that and we have, you know, we have another agenda item this week to look at things that can benefit the limited entry fixed gear fishery. We should really pay attention and do everything we can for that. But I guess I'm, you know, I'm certainly leaning towards action here that's going to provide an opportunity for the trawl fishery to rebuild some of those markets and rebuild viable and stable markets and put some of this domestic product that I'm very proud of out there for people to do. So that's where my thinking is. And again, it's not just an economic argument, there's also, as I said, looking at National Standards. We have to go beyond the economics of that. So, there are a lot of other notes there, but I'll just leave it at that for now. That's how my thinking on this is developing. Thank you.

Brad Pettinger [00:13:41] Thank you. Thank you Pete. Anyone else? Lynn.

Lynn Mattes [00:13:52] Thank you Vice-Chair Pettinger. Would it be okay to maybe ask Jim, Jessi, Maggie a question about potential impacts the question that I sort of teed up with Travis about what the, how would this impact the trawl folks, the actual trawl vessels that have always been trawl vessels that are investing in gear switching? Just trying to get some clarification on that. I don't know if this is the appropriate time or if that's just something I should track down Jim and Jessi in the hallway. I know it's only two or three vessels, but just trying to understand how any of these actions might impact those vessels as well as what, you know, not to keep calling Travis out on this but what he called the "sector switchers" as opposed to the trawl folks that are truly gear switching.

Brad Pettinger [00:14:41] Well, we have 11 minutes before 5 so, yes, you probably could. So... Jessi.

Jessi Doerpinghaus [00:14:49] Mr. Vice-Chair, Miss Mattes, can I get some clarification? So, you're wanting to know the number of vessels that actually like trawl and gear switch in like a single year or...? I'm just trying to get some clarification.

Lynn Mattes [00:15:07] I appreciate that. I didn't explain it well. How... say we choose Alternative 2... would the same things apply as far as percentages and quota share limits and all of that to those vessels as it would to the fixed gear boats that now have trawl permits? Would they be, would the ones who've always had trawl vessels, always had trawl permits, would they, would the limitations impact them the same way? And maybe this is something you and I should talk about to give you a chance to think about it.

Jessi Doerpinghaus [00:15:52] Mr. Vice-Chair, Miss Mattes, I'm... maybe let's talk later because I'm not a hundred percent sure of the question.

Brad Pettinger [00:15:59] Okay.

Lynn Mattes [00:16:00] It's late in the day and we've gained a lot of information today so I'm okay with that. Thank you.

Brad Pettinger [00:16:07] Corey.

Corey Niles [00:16:11] Yeah, thanks Mr. Vice-Chair. And I echo everyone who's appreciated the testimony today and all throughout. I know this has been a tough one, and I was about to jump over the table and high five Pete when he mentioned the National Standards because I think, you know, that is the way we should be thinking about it including. And, Bob, thank you for letting everyone know how about what principles you're looking to. And I would in my mind, you know, those SaMTAAC

principles obviously when, if the Council makes a recommendation it's going to go to NMFS and they're going to review it for consistency with the National Standard Guidelines. What I've been hoping for is that, you know, National Standard 1 is part of it, but as Jeff Lackey put it in his testimony, it's through National Standard 4 and others. But National Standard 4 most directly, that tells us to weigh the benefits and the costs of, we're going to, if we take away fishing privileges here from those folks who have participated, invested in the fishery or people like Poggy who have been leasing. If we're creating economic harm to those folks, the National Standard 4 guidelines say it's fair and equitable to do that but only if the benefits of doing so outweigh those harms. And I've been hoping we could get there and start framing the discussion around that kind of basic benefit cost. And I really appreciate, yeah, especially Jeff Lackey and others who are being responsive to questions I've been asking. And I think it pretty much frames up and Brad has been saying this for a while now is, in my mind the question is, do you think that bottom trawlers and then the processors, the processor fish can compete with the fixed gear boats and their processors or not? And what I'm hearing from Brad, in particular, and other is that, no, we can't compete. They are more efficient but don't... just like Brad made the analogy to the whiting sector and we don't let the catcher processors take all the whiting because we want some of the benefits to go to the shoreside communities. And that is a valid argument of, yeah, it may not be the most efficient, but it's, you know, there are benefits, you know, social economic benefits to bringing some of those to the shoreside. So that's the question in my mind of can the sector compete with the other sector? And if not, do we want to, do we want to address it by separating these sectors? And if you separate these sectors, the question, there's still a question, okay they should be separate. They shouldn't compete with each other. There's still the question of how much fish each should get. And I think as, I know it's more convoluted than this, but Paul Clappett and others have pointed out that decision was made, the main decision based on very much the same considerations like Paul saying talking about now that the trawlers get 58 percent and the fixed gear, the rest because trawlers made, you know, need more to get to the other species and they'll be benefits for that. That was, you know, when there was 200 boats in the fishery and maybe that's a percentage that makes sense now, but that's kind of the foundation of where we are. And lastly, I think we have, so we're kind of framing up, that's how the no action versus action debate is framing up in my mind. And then we get down to the lower-level questions of where we didn't, I don't think we have a meeting of the minds. You know this process works best when everyone understands the issues, says their views, weighs the trade-offs the best we can and does it. I don't think we've gotten there on some of the other lower aspects of Alternative 1 versus Alternative 2. For example, like why would you use quota pounds instead of quota share? An answer I heard clearly today is we don't want to compete at the quota share level. We don't want people coming in to purchase quota share either. And I get that argument. I don't now understand the argument of why we would use Alternative Two's permit-based way of allocating it instead of Alternative One's way which is meant to brought it up. And to me was why would we, someone who leases a permit out to someone else and that person does the fishing and the hard work, why does that, why does the owner of the permit get the credit? It's a point that I think there's more discussion to be had to understand the trade-offs in these approaches. And lastly, I'll try to stop here with the last point. I think there is a difference in view. And I'll say I try to review my biases. And I think the people, my biases I kind of, I believe that the IFQ mechanism is better at handling flexibility in moving fish around than the Council is. And so, we when we're looking for a long-term solution I couldn't, I would not have predicted this was going to happen. I would not predict that Chinook would be a bigger issue than canary rockfish in this fishery. There's so much that happens. The ACLs are going to go up maybe two or three times based on this assessment we're going to see. So, things are always going to change, and I think the industry is better at moving it around than we are and quicker, and you've heard people of that view. And the last thing is like I'm hearing two different kinds of line of thought. My thought is the IFQ is better. I don't think we should care too much about who owns the quota now or into the future. The important part is that the quota move around and be able to transfer like it has. And this other line of thought where, well, we don't think these people should... it's more focused on the people who have been participating and we don't think these people should be in this program but, you know, they did invest in and so because they did

that we will make an exception and leaving them in the program. That's a much different line of rationale than this, this idea of, 'hey, let's leave the quota intact, quota program intact largely and that's the best way of dealing with it'. And again, the reason for not leaving it that way would be, yeah, let's recognize that these two sectors can't compete, and by doing that this sector that's going to have benefits for our shoreside communities isn't going to do as well if we keep them separate.

Brad Pettinger [00:22:33] Thank you Corey. Okay, anybody else? I'm not seeing any hands.....Pete?

Pete Hassemer [00:22:41] Sorry. Thank you Mr. Vice-Chair. Not to prolong it, but I appreciate what Corey said. And there was something in there that reminded me of a statement I wanted to make. And that when we look at the sectors not being able to compete, and I'm just not using that as an example, but so much of our analysis is based on sablefish. And I think when we talked about some of the market comparisons, it was that how many, how much revenue does a pound of sablefish provide in the fixed gear fishery versus the trawl fishery? And that's why I bring up the National Standard 1. And again, in the trawl fishery there are multiple species that we're trying to get at. So, in my mind, not being an economist and I'm more than, I'd love to listen to other people's views on that, but really need to think of that, some of the trade-offs there, that it's not just sablefish that's the driver. And even when people are talking about let the free market decide this in the movement and the flow of quota share in the free market is really driven by sablefish and it ignores some of the need of the multiple species that are put into the trawl sector or the IFQ fishery that it's more than just sablefish, so that, you know, it complicates my thinking, but I think I look at more than just sablefish. And apologize for taking more time. Thank you.

Brad Pettinger [00:24:25] Okay. Thank you Pete. All right, well, I'm not seeing any more hands and it's still not quite 5 o'clock so Phil Anderson.

Phil Anderson [00:24:37] Are you anxious to adjourn for the evening?

Brad Pettinger [00:24:38] No, no I'm here for you.

Phil Anderson [00:24:41] Oh good. I have a question I think for Caitlin. And it has to do with the definition of an allocation or assignment of a fishing privilege and looking at National Standard 4. And the definition that's provided is that it is a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals. And I'm wondering from your perspective if the people who gear switch in terms of utilizing trawl quota meet that definition. And maybe you can think about that a little bit. I know I'm taking you off guard probably, but I would be interested in your thoughts about that.

Caitlin Imaki [00:25:52] Thank you, through the Vice-Chair. Mr. Anderson, I will take a look at that and think about that in light of the facts here. Thank you.

Phil Anderson [00:26:02] And my only other comment for today is that during public testimony, and I join the chorus of people who have expressed appreciation for all the members of the public and the GAP and everyone who is attempting to help us work through this issue, is that there were several different times when there was a comment was prefaced, well, if the Council feels like they have to do something, then here's what I'd recommend you do. And I just for myself, I've been a little bit struggling with that before I heard others talk about that, and I just hope that we don't do that. That we don't do something just because we think we have to. That's not an argument to do something or not do something, but it's just if that's what we're feeling that we've invested all this time in process and analysts and all the things that we've invested over such a long period of time. And so, at this point, if there's a feeling like we have to do something to make it feel like it was somewhat worthwhile, that's in my mind

not a good reason to do something. I think there's a lot of work that's been done that will be useful to the Council, both in resolving or deciding on what direction we're going to go on this issue. But we've also got a next five-year review pending, and there's a lot of information that was put together here that I think will be useful as we go forward. Thanks.

Brad Pettinger [00:27:56] Thank you Phil. Okay, Maggie.

Maggie Sommer [00:28:01] Thanks Mr. Vice-Chair. May I ask Mr. Anderson. I'm not sure I understood your question for Caitlin. She may have, but I'd like to also. I think we're asking, do the people who are gear switching within the IFQ fishery, do they meet the definition as identifiable discrete user groups or individuals within that fishery for the purpose of having fishing privileges allocated to them?

Phil Anderson [00:28:39] Yes, do they meet the definition of in terms of an allocation or assignment of a fishing privilege and that definition is a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable discrete user groups or individuals. Does, do individuals who participate in the trawl IQ program, by virtue of the fact that they use fixed gear to harvest trawl quota share or quota pounds, do they meet that definition?

Brad Pettinger [00:29:27] Okay, Maggie.

Maggie Sommer [00:29:30] Thanks Mr. Vice-Chair. Thank you Phil. In other words, can we consider them a discreet, and a discreet, identifiable user group if the Council wants to make a specific allocation of harvest opportunity to them? I guess my question is you're asking whether we can identify gear switchers as a discrete, identifiable group?

Phil Anderson [00:30:08] I'm asking because of the applicability of National Standard 4 in this case. That's why I'm asking is it, is that, if they don't meet that definition, then in my mind National Standard 4, well, I won't say it doesn't have any influence on our decision, but it would certainly lessen, at least from my perspective, if it doesn't meet that definition. So, I just I'd like to get a sense of their thoughts about that.

Maggie Sommer [00:30:47] Thank you very much. That was helpful.

Brad Pettinger [00:30:50] Okay Corey.

Corey Niles [00:30:54] Not... not to answer the question for Caitlin, and she might have different view, but I'm asking privately and publicly since early SaMTAAC days we've been told that, yes, it applies. You have individuals that hold quota in an IFQ fishery that are going to have economic harm if we change it based on their business plan is one way of thinking about it. But, yeah, maybe not saying the answer won't be different, but we have been asking and the answer we've heard from multiple times is, yes, it applies.

Brad Pettinger [00:31:25] Thank you Corey. Phil.

Phil Anderson [00:31:25] Well, appreciate that. I wasn't apparently listening to the number of times that that question has been asked and so I didn't hear the response, so it doesn't, I'm still interested in hearing your perspective.

Brad Pettinger [00:31:47] Thanks Phil. All right. I don't see any hands, so Jim I'll turn to you as far as this subject or item today.

Jim Seger [00:32:02] Thank you Mr. Vice-Chairman. Yes, I think you've gotten through your agenda item today. You've had your reports, heard the public testimony, had this introductory discussion, and we'll come back on Sunday and take action. Between now and then of course Jessi and I as always are available for consultation and questions and so forth whenever any Council member may like.

Brad Pettinger [00:32:30] Okay, thank you Jim. And with that I'll hand the gavel back to Chair Gorelnik to finish the day.

Marc Gorelnik [00:32:39] It seems like I've been mostly passing the gavel today rather than using it, but I'll make up for that later in the meeting. Thanks everyone. We're done with the work for today.....(AGENDA ITEM CONTINUES ON SUNDAY, JUNE 25th).....Grab a seat and we'll get started. We'll resume Agenda Item H.2 and I will hand the gavel to Vice-Chair Pete Hassemer.

Pete Hassemer [00:33:11] Thank you Mr. Chair. This is our resumption of H.2 sablefish, groundfish to Sablefish Gear Switching Initial Preliminary Preferred Alternative. I will just highlight Karla Bush, our virtual or online participant. Karla Bush from Alaska is online with us. And Sandra if you...there. When we finished last, two days ago, we had initiated Council discussion on this topic. So, on the screen before you is the Council action today selecting an IPPA. Other guidance on the alternatives is needed and guidance on the process and timeline for selecting the PPA. So, I am going to make sure that no other reports. So I'll look around and see if there is.....Phil Anderson.

Phil Anderson [00:34:24] Thanks Mr. Vice-Chair. Just a few thoughts here. Maybe all of them have been expressed before but a couple of them are maybe an important area to think about. I would say first that this issue has been one of the most difficult ones for the Council to deal with, at least in my memory. There have been others that maybe are in competition with it, but this one has been particularly difficult even after many, many months and years. We still have two pretty entrenched camps, if you will, on the issue within our stakeholders and I think the same thing is true of the Council members. And I think in most cases we're able to work through difficult issues and we generally come to a point where a majority, if not a supermajority or we have unanimity around the action that the Council needs to take. And when we don't have that, I guess, my personal policy has been to try to look for a way to get us closer together that so that we have a united front on how we're approaching problems and selecting our solutions. So, I find, well, the next maybe piece that is obvious to everyone is that this has been a bit of a moving target. What started out as the description of the problem back in '15, '16, '17, the circumstances around the fishery have changed considerably. And so, as we have been trying to find a solution to the problem as it was initially described, whatever the sports analogy is, the goalposts keep moving on us, and that has contributed in my mind to how long it's taken even to get to this point. We have, as a Council, made numerous attempts at setting up different sub-groups or committees or to try to remove it from the Council table and put it in the hands of our stakeholders and to a cross section of stakeholders and Council members, in part based on our... our past experiences that sometimes when we do that, a solution gets identified and brought forward to this table that makes it easier for us to get our arms around. But despite our best efforts to do that, we haven't gotten there. And maybe it's unrealistic for me to think that we could get there but I'm not giving up yet. I do think, as you will see in what I'm going to propose as a next step, that it's premature for us to try to select a single IPPA or PPA for that matter, because there is some additional work. I guess I can throw it into the analysis category, but to do in terms of, in particular looking carefully at how whatever solution we may think is the right one lines up with our National Standards. And you know National Standard 1 has been identified. National Standard 4 has been identified. And the guidelines that we have to interpret and take into account those national guidelines are found in our National Standard guidance. And as I look, as I have began to pay more attention to those, thanks to my colleague to my left, I realize that we really have not done yet, and it's not a fault, we just haven't got to it yet to do a careful evaluation of how the

alternative or alternatives that we might think is the right approach meets those standards. And so, I think it's important for us to give our process just a little bit more time and before we zero in on a single alternative. I'm also wedded to the process, to the Council process and I think if we get to a November point and we select a PPA of No Action, that as I understand it, that would end our deliberations on this topic, at least for a while. So, on the other hand, if we selected one of the alternatives to move it forward, there would be an additional step to get to a point where we were selecting an FPA, not to suggest that No Action doesn't stay in play, even if a different alternative is selected as our PPA. But as I understand it, that if we were to select a No Action, if we were to select No Action when we get to our PPA point, it would result in ending further deliberations on this topic for at least for now. I'm looking across at Caitlin to make sure she's not giving me the evil eye. So with that as a preface and I don't want to, well, I don't want to jump the gun, but I do have a motion prepared that in part utilizes some of that thought process and I think it will, if I'm allowed to do so and bring it up, it will stimulate the various discussions that we want to have around the table in considering and deliberating on it. But if it's the Vice-Chairs' wishes to hold for some additional opportunity for some introductory comments, obviously I will honor that.

Pete Hassemer [00:43:47] Thank you Phil. So, we have your motion in the queue. I notice that General Counsel wanted to make some comments. It might be in response to questions presented yesterday. So, I would like to take that up first. Miss Imaki.

Caitlin Imaki [00:00:00] Thank you Vice-Chair. Yes, I just wanted to take the opportunity. Mr. Anderson had asked a question at the end of the discussion two days ago and also alluded to it today in his opening remarks, so I thought it might still be helpful to just answer that in the affirmative based on the information I gathered in the interim. And so, the question that Mr. Anderson had posed on Friday was essentially whether National Standard 4 would apply to the Council's decision to adopt a gear switching alternative? And I believe the short answer is yes. As Mr. Anderson just stated, National Standard 4 does apply and should be considered as the Council weighs its alternatives and the decision at hand. I also wanted to just note that NMFS did articulate its position on this issue, including recently in its April 2023 report, that is Agenda Item G.5.a, NMFS Report 1 at Page 6. And it also articulated this position in its November 2022 briefing book item under agenda H.3.a, NMFS Report 1 at Page 10. And as a follow-up to that, if it's appropriate, I'd like to just walk through National Standard 4 for the benefit of the Council as you engage in your discussions. The National Standard 4 is codified, if anyone would like to pull it up and sort of read along, at 50 CFR Code of Federal Regulations 600.325. And I think the analysis is a two-part question. The first one is whether this is an allocation such that it would be subject to the standard and that that's the particular question that Mr. Anderson asked last week. And I do believe allocation is interpreted fairly broadly and I do think the text of the standard and the regulations supports treating this decision as an allocation decision. The language, if you look at 600 325 C 1, the definition of allocation also includes specific reference to gear type. So, if you are making distribution to a specific gear type that is considered an allocation or a quota, I should say, quota by gear type. So, if this does apply, there are three factors that must be considered in making allocations and those are articulated in the very beginning of the section and they include that the allocation be fair and equitable, that it promote conservation, and that it avoid assigning excessive shares to a particular group or individual. And the last thing I'd like to just walk through is the fairness and equity prong of the inquiry. And under the fairness and equity prong, the regulations give further guidance on what should be considered. And this part... I'm just going to read for accuracy, "the fairness and equity prong requires that an allocation of fishing privileges should be rationally connected to the achievement of OY or with furtherance of a legitimate FMP objective. Inherent in an allocation is the advantaging of one group to the detriment of another. The motive for making a particular allocation should be justified in terms of the objectives of the FMP, otherwise the disadvantaged user groups or individuals would suffer without cause. For instance, an FMP objective to preserve the economic status quo cannot be achieved by excluding one group of longtime participants in the fishery. On the other hand, there is a

rational connection between an objective of harvesting shrimp at their maximum size and closing a nursery area to trawling". And then the second provision under this fairness and equity prong, "An allocation of fishing privileges may impose a hardship on one group if it is outweighed by the total benefit received by another group or groups. An allocation need not preserve the status quo in the fishery to qualify as fair and equitable. If restructuring the fishery privileges would maximize overall benefits, the Council should make an initial estimate of the relative benefits and hardships imposed by the allocation and compare its consequences with those of alternate allocation schemes, including the status quo". And I'll stop there.

Pete Hassemer [00:04:52] Thank you. So there... Mr. Anderson has offered a motion which we don't have before us. Since that was response that was to a question that was presented at the end of the day two days ago, I'd like to see if there's just any follow-up, any further questions or clarification on that point? And I don't see any so I would like to ask you to go ahead with your motion since you offered to present that.

Phil Anderson [00:05:32] Thank you Mr. Vice-Chair. And thank you Sandra. I move that Council adopt No Action and Alternative 2 as outlined below as its initial preferred proposed alternatives to address gear switching in the trawl fishery. Regarding Alternative 2 it would be as follows. Gear switching control: Trawl-only and any-gear, in parens, unrestricted. Quota pounds: Northern sablefish quota pounds will be issued as trawl-only quota pounds and any-gear quota pounds, paren unrestricted quota pounds. Next, procedure for determining the amount and distribution of any-gear quota pounds: National Marine Fisheries Service will classify as legacy participants those individuals that own quota share on the control date and at the time of implementation based on the qualification criteria listed in the following section. Legacy participants: Legacy participation will receive any-gear quota pounds for their eligible quota share, paren eligible quota shares any quota share owned by a legacy participant that does not exceed what the participant owned on the control date. Quota share owned by non-legacy participants, parens and legacy participant quota share that is not eligible. Any-gear quota pounds and trawl-only quota pounds will be distributed as follows. Quota Pound Distribution Option 1: Increasing proportion of any-gear quota pounds. Each year any-gear and trawl-only quota pounds will be issued in a ratio such that the total amount of any-gear quota pounds will equal 29 percent. As legacy participants divest of their eligible quota share, the any-gear trawl-only quota pound ratio will increase to maintain 29 percent any-gear quota pounds. Quota Pound Distribution Option 2: In the first year of the program any-gear and trawl-only quota pounds will be issued in a ratio such that the total amount of any-gear quota pounds will equal 29 percent. As legacy participants divest of their eligible quota share, the any-gear trawl-only quota pound ratio will now change such that the total amount of any-gear quota pounds declines to less than 29 percent. Quota Pound Distribution Option 3 is not included in this motion. Legacy participants and qualifying criteria. Legacy participants are individuals that meet the qualifying criteria provided below. The designation as a legacy participant stays with the individual and is not transferable. As legacy participants divest themselves of quota share, the total legacy participant holdings of eligible quota share will decline. To qualify as a legacy participant. Qualification Option 1: As of and since the control date, an individual must have some ownership interest in 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, paren the control date, and had some ownership interest in northern sablefish quota shares in any amount. Qualification Option 2 is not included in this motion. Transferability and accumulation limits. As under status quo, all quota share and quota pounds would remain fully transferable and the existing quota share control limit, parens 3 percent, and annual vessel quota pound use limit, paren 4.5 percent, will continue to be applied for northern sablefish quota as a whole, paren without distinction by gear type. And Mr. Vice-Chairman that completes by motion.

Pete Hassemer [00:11:14] Thank you Phil. Before we move forward there were, I was going to ask

you if the language is complete and accurate, but there are super scripts in your motion that I have not seen footnotes that reference those.

Phil Anderson [00:11:36] Yes, thank you for that. And I noted that as I went through this. I had those sub-scripts listed earlier, but they weren't lining up with the numbers that were in that I had in here and I did not have time to make, to make sure I had those correct. They are in your written material under this alternative and that is why I deleted them. And what I should have done is also delete the reference to those numbers that reference them. So, the language is accurate and complete, however the number that was like number 12 that's being highlighted or has the cursor on it right now should be deleted. There's a 13 and so those should not be in the script.

Pete Hassemer [00:12:39] All right. So, Sandra is it possible, while there are not many of them, but so it is completely accurate. Sorry if you can go in the other direction there's a 13 right there under Qualification Option 1. And scroll downwards. Okay. Now I believe the language on the screen is accurate and complete.

Phil Anderson [00:13:32] Yes, Mr. Vice-Chairman. Thanks for pointing that out.

Pete Hassemer [00:13:35] Thank you. Is there a second to the motion? Seconded by Butch Smith. Thank you Butch. Go ahead and speak to your motion as needed.

Phil Anderson [00:13:49] I'm sorry to say it's needed but... so this alternative was developed with the Purpose and Need Statement in mind, and as well as the guiding principles that were developed in the SaMTAAC process. I'm not going to read the Purpose and Need or the walk through the principles there in your briefing materials. And we've looked at them a number of times and I suspect that many of you are familiar with them. I'm going to first speak to Alternative 2. It respects the trawl and processors interests that have voiced the importance of placing a limit on gear switching to give certainty that a large portion of the trawl sablefish is reserved for vessels using trawl gear. The alternative recognizes those gear switching participants that have made significant investment and landings up to the control date by preserving their opportunity to continue at levels consistent with the control date. This alternative, Alternative 2, preserves and an opportunity for quota share holders of trawl sablefish to catch or sell a portion of their quota pounds to people who gear switch to meet their business plan objectives. The alternative provides an opportunity for gear switching participants to harvest up to 29 percent of the trawl allocation of sablefish consistent with the average amount that was taken with fixed gear between the years 2011 and 2022. Since it creates annually issued gear specific quota pounds rather than permanently issue specific quota share, there would be no opportunity to further accumulated long term gear switching opportunity. At the same time, it allows annual decisions to be made by quota pound holders to retain or sell any quota pounds to either trawl or gear switching vessels. Legacy participants who don't receive a sufficient annual issuance of any-gear quota pounds to cover their typical or desired harvest levels will be able to go out onto the market and bid to acquire additional pounds. In addition to recognizing legacy participant historic fishing practices and dependence on the fishery, the alternative takes into account current and new participants. While there is a fleet limit of 29 percent, current participants and new entrants will have an opportunity to accumulate gear switching opportunity to the same levels as legacy participants through annual quota pound acquisition. Over time, as legacy quota share owners leave the fishery, all participants will be on an equal footing and competing for any-gear quota pounds. Consistent with the original Catch Share Program, Alternative 2 maintains the use of permit history rather than using individual or vessel history to determine the qualification status of certain privileges. It seems logical to me to maintain consistency with the original program's use of permit history rather than changing to another currency to qualify for legacy designation or the determination of pro-rata shares. Now, let me turn to and speak somewhat briefly to the No Action portion of this motion. With respect to the No Action component of the motion, it respects

the gear switch, the gear switching participants perspective that gear switching is not the cause of the low attainment of certain trawl species that are referenced in the Purpose and Need Statement. The Purpose and Need Statement proposed for this action identifies declining trawl vessel participation as a factor that might be affecting attainment of trawl allocations. Agenda Item H.3, Attachment 3, November 2022, evaluated the relationship between the number of non-whiting vessels using trawl gear, average vessel harvest for those vessels and total non-whiting trawl harvest. In general, it finds, first, participation by vessels using trawl gear to catch non-whiting species declined after the implementation of the program. However, average harvest per vessel has increased and the remaining fleet likely had the physical capacity to maintain pre-IFQ harvest levels. Second, economic data appears to show adequate profitability to support expansion of trawl harvest. Third, the general indication is that factors other than the capacity of participating non-whiting trawl vessels remaining in the fishery led to underattainment of trawl allocation. So again, that factors other than the capacity, in light of the significant increases in both the West Coast ACL for sablefish. In 2018, 5,475 metric tons. 2023, 8,486 metric tons. And the large increase in the sablefish ACLs in the North Pacific were in 2016, it was 15,600. And in 2023 it's 41,000 metric tons. And given the capacity of gear switching vessels and the markets that buy their fish and the low ex-vessel prices paid fishers, particularly when abundance is high, it is highly likely their catch will be less than 29 percent of the trawl sablefish allocation. With a high abundance of sablefish, the amount taken by the gear switch fleet is not contributing to the low utilization rates of species such as Dover sole. Taking an action to address a problem that cannot be demonstrated to exist does not necessitate the need to allocate the harvest opportunity of trawl sablefish between trawl permit holders based on the type of gear they use. Finally, with respect to the No Action portion of the motion, given that sablefish ACLs are anticipated to be at or above 2020 level for at least the next 3 to 5 years, the Council should focus its efforts on the groundfish Catch Share Program review, scheduled to begin in September, and develop alternatives that will address the, quote, real problems, not just the symptoms. Building upon the work that has already been done and expanding the analysis to include trawl participants would inform the Council of the programmatic changes that are needed to fully achieve the IFQ goals and objectives. The IFQ Program Review provides an opportunity to consider how groundfish fisheries may be affected in the coming years and a chance to develop, discuss and analyze regulatory changes affecting sablefish, a key stock for all groundfish fisheries. The Council could still consider a limitation on gear switching, but would be doing so with the benefit of a comprehensive analysis and, hopefully, through those discussions IFQ participants could at least come closer to collectively supporting an alternative that works for all. Selecting No Action now and considering future sablefish management in the context of the entire IFQ fishery could be a more timely and holistic approach and have a more holistic approach in addressing the issues at hand. I'm sure there are other points to support either No Action or Alternative 2 beyond those that I have just articulated. But I believe that there are, there is a rational reason to consider keeping both of these two and working through our process to the next step. Finally, with respect to the question that some may have in terms of what additional information or analysis we might expect to get to help us make an informed decision relative to selecting a PPA in November, the motion substantially reduces the number of alternatives that will receive the major portion of the additional analysis as I understand it. Staff have produced a lot of analysis over the years spread across many documents. That information, from my perspective, needs to be brought together to give the Council a single comprehensive picture and opportunity to evaluate the outcomes of each of these approaches or alternatives. I recognize that including the No Action Alternative and identifying an IPPA may be unusual, but in this instance, given that it has a significant amount of support and the need to contrast it with an action alternative that also has support, I feel it is an appropriate next step to further and complete the Council's lengthy consideration of this matter and the extensive public interest and engagement over the past eight years. My last comment is I am not putting this forward in an effort to force people or encourage people to try to reach some sort of a compromise. If that happens, great. But I'm not putting this forward with that underlying intent. I am putting this forward as the two ends of the spectrum that there is the greatest interest in. And I'm making the argument that it's worth our while after all that we have invested in this issue to make sure

that we have contrasted it to and that we understand how the two do or do not meet the National Standards and the other management objectives and goals of the groundfish plan. Thanks for indulging me and listening to my rationale for the motion.

Pete Hassemer [00:26:30] Thank you Phil. Are there questions to the maker of the motion for clarification? Corey Ridings.

Corey Ridings [00:26:41] Thank you Mr. Vice-Chair. Sandra, can you scroll up to the top? Thanks. Phil, I may be naive here. I'm trying to figure out, my understanding of Robert's Rules is that No Action is always on the table when we make a decision as a Council. Could you explain why you've included it here?

Phil Anderson [00:27:09] Thank you for the question, Miss Ridings. I agree with you that No Action is always on the table. But in this case, in this circumstance, No Action is, has received a lot of support and by a portion of our constituents that are interested in this issue. And it was my intent by including it here that our, that we would have additional work done to ensure that we can compare and contrast the outcome between No Action and Alternative 2 with the modifications that I made. In the absence of doing that, I think it would run, it ran the risk of not having a thorough evaluation of No Action compared against the National Standards, as well as doing the same thing for Alternative 2 and allowing the Council to make an informed decision in November on a PPA.

Pete Hassemer [00:28:32] Is that good? Okay. Thank you. Marci Yaremko.

Marci Yaremko [00:28:39] Thank you Mr. Vice-Chair. I have a similar question pertaining to the No Action Alternative, and that relates to the analysis that you just spoke of, the compare and contrast type of an analysis. As I look at the analytical document that was provided to us, Attachment 2 for this meeting, the summary of the No Action Alternative includes a conclusory statement that the total amount of gear switching might decline, remain at recent levels, or increase. So my question for you is what type of compare contrast analysis are you expecting to be done and how are we supposed to take anything away from it when the initial or the summary of the No Action Alternative leaves us in this place, with it being unclear whether the amount of gear switching might decline, remain at recent levels, or increase?

Phil Anderson [00:29:53] I believe that that same conclusion, if that conclusion is correct for No Action, that same conclusion is pertinent to an alternative we might choose. If one goes up, the other goes down, and we're uncertain as to exactly what will happen under either No Action or any of the alternatives. But what we haven't gotten, not through any fault of the analysts, but we haven't taken that next step to evaluate the pluses and minuses between the two, between No Action and this alternative as it relates in particular to the National Standards. And I believe, before we make a decision on this issue, we need to have that type of analysis done, taking a careful look at the points that Caitlin made so that we can make an informed decision on selecting a PPA. And I've also spoken with Dr. Seger, Jessi Doerpinghaus about, okay, if this were to go through what would you do? What would be the additional information that you would compile? And rather than me trying to paraphrase what they told me, I would through the Vice, with the Vice-Chair's indulgence, ask Dr. Seger to help me answer that question.

Pete Hassemer [00:31:34] Thank you. Dr. Seger, would you like to respond?

Jim Seger [00:31:39] Thank you Mr. Vice Chairman. Thank you, Mr. Anderson, for the question. In terms of the analysis moving forward, obviously that we will do the analysis as required for legal and procedural purposes for comparison of the range of alternatives that's in front of us, and beyond that

any contrasts that are requested by the Council. In terms of the, you know, we have a direction here to focus in on a No Action Alternative and Alternative 2, which really helps us out a lot with respect to not having to do further development on Alternative 1, and there were a bunch of outstanding questions and there were some on Alternative 3, and so that's going to give us more analytical time to focus in on a comparison of the alternative, you know, the development of Alternative 2 and comparison of that with No Action. But the document will still need to cover the full range of alternatives, I believe, unless the Council wants to explicitly start removing, which I don't, well, if you wanted to do that I don't see that you're there and ready to do that. I'm not expecting that. But that's how I would characterize it. Jessi, do you want to add anything there? Okay. So, you know, with respect to National Standards that were called out here, certainly as we evaluate the National Standards, we'll probably, you know, put a lot of attention to the No Action, Alternative 2, but the other alternatives won't be ignored in that. But we certainly will use this direction to help us focus in on what we bring to you.

Pete Hassemer [00:33:13] Thank you. Let me... Merrick, go ahead.

Merrick Burden [00:33:19] Yes, thank you Mr. Vice-Chairman. I just wanted to add a little bit more perspective about what is being considered here. I think the additional consideration is the important role that a PPA, or in this case an IPPA plays in a public process realm like ours. I think it's important to recall that one of the things that it does is it sends a clear signal to the public and says here is where the Council is thinking about going. And if you think of the two, the two option IPPA that Mr. Anderson has put forward, that is a signal saying we are honing in on these two. And I think that's an important part of our public process so...

Pete Hassemer [00:34:04] Thank you. Marci, does that answer your question? Okay. Further questions for clarification? Staring around and I'm not seeing anything so I would open it up for discussion of the motion before us. Give people a moment to ponder their thoughts. And Corey Ridings, then Bob Dooley.

Corey Ridings [00:34:43] Thank you Mr. Vice-Chair. Thanks for this motion, Phil. I really appreciate the work that's gone into this and the thinking that you've clearly done that has gone into this. Respectfully, I will not be voting for it. I remain opposed to any of the action alternatives. The Council has worked on this for, as you stated Phil, eight years. I think that while I agree there needs to be proper deliberation and information and signaling, I think that we've done enough of it. This has come at an incredibly high cost to the Council, both monetarily and in time that could have been spent working on other issues. The Council efficiencies document under agenda item C.2 illustrated the disproportionate amount of time the Council has spent on this, and I hesitate to ask for the dollar amount associated. More importantly than Council time, it has created uncertainty for fishermen and fishing businesses and similarly cost them in time spent lobbying this Council and resources that could have been put into their businesses instead. It has pushed the program review back by a year and will continue to do so if this topic continues. Delaying other analysis and work that could help strengthen the trawl sector and more appropriately address the need at hand such as underutilization given current conditions. According to National Standard 1, we can and do inflict harm as a Council, but it must be done with information and analysis, consideration, and deliberation. That is, we must have evidence that the benefits outweigh the costs. But at this point after eight years of information, deliberation, public comment, input from advisory bodies, and staff analysis, we have gone in circles and still do not have strong enough evidence. I have no doubt that this action might benefit some first receivers. As Jessi and Jim presented, vertical integration and market capture are well known ways to increase profit in any industry. I also believe that this action might benefit some fishermen. Many have shared their thoughts and analysis with the Council and with me personally, and I'm deeply grateful for that. There very well could be some benefits that even percolate through the supply chain. But we also heard from other fishermen who have made major investments and built businesses around this program feature about

the harms that will almost certainly will be done. I think we have enough information to know where we are, and we've made other decisions based on less in relationship to the National Standards. The reason that we have taken so long and why I don't think we need more time is that this issue is so broad, so deep that further analysis will not change the overall question we are answering here and the fundamental multifaceted nature of the problem that Jim and Jessi laid out in their bubble diagram two days ago. The solution simply does not solve the problem. Moving forward to the program review will allow us to look again, given new conditions, how to better solve those problems and other problems. I want to address that this is a trawl program. We heard that on Friday and it makes good sense. And even with that being true, gear switching was not a mistake. It was built into the program by mainly trawling interests to provide flexibility and options for an uncertain future. Everyone, fishermen, processors, quota owners of all types then made financial and business decisions accordingly. Today, the original set of environmental and economic circumstances have changed as they always do and will, and there are people who want to change the program to their benefit. That's understandable, but gear switching 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 and it would be unfair to change the rules now so that one group benefits and another loses. All action alternatives are effectively a reallocation of fishing privileges and I do not think pass the NS 4 test of being fair and equitable. Whatever influence gear switching and the ability to gear switch is having on trawl non-attainment, it is not major, that is not major enough to justify removing it from the program. I also want to briefly note that while this discussion is primarily economic and social in nature, when gear switching was created as part of this program, it was part of the conservation justification for action. West Coast trawling has very solid accountability, as we talked about earlier today, and has largely addressed the conservation issues inherent in the gear type, but unbalanced fixed gear has less impact and at the time this was part of the overall decision to launch the program. Thanks.

Pete Hassemer [00:39:54] Thank you. I believe the next hand was to my right maybe instead of my left. Was there a hand? Vice-Chair Pettinger.

Brad Pettinger [00:40:03] Yeah, thank you Vice-Chair Hassemer. You want to talk about why do we have underattainment in the fishery since the Catch Share Program was put in place? And the presentation that was given while I was Chairing the first session on H.2, I thought there's a lot of points that were missed. You know pre catch share we were not 100 percent accountable. There are a lot of discards in this fishery and that's one of reasons that the trawl fleet want to get rid of that. And so, we had high Dover limits or high Dover landings leading up to this program and then they started tapering off, but we had high Dover limits or Dover landings in a system where basically when you reached your sablefish trip limit you discarded. In 2009, September I believe it was, the Council meeting petrale sole was declared overfished, and the Council immediately took steps to limit landings through the end of 2009 and reduced the quota into 2010 to adjust for that new assessment, which amounts, like in 2010 that's 700 metric ton of petrale, which is one of the high profit functions or function inputs to a boats landing value and that considered, that's was 12 hundred metric ton I think it was I believe in 2011 and '12 and so a lot of money taken out of the fishery. And while crab landings has been high since 2002 or '03, and a lot of trawlers, or crabbers now. Shrimp landings and the market conditions blew up in 2009, 2010. So you had basically fishermen basically running to where they make the most money. And you can't blame them. So 2010 comes along or '11 comes along and now we're in a fully accountable fishery where every pound of sablefish you catch is accounted for, as it should be. And when you run out of sablefish you quit fishing. On top of that in 2012, '13, '14, we had a 30 percent reduction in the sablefish quota, so even less sablefish available to go with associated landings of Dover sole and whatever else you're going to catch. So everybody's got, so the bubble diagram are the reasons why we had 30 percent or so of the landings went to people who are gear switching. That fish wasn't available to the trawl sector. It's like the elephant in the room and it's so big we can't even see it and

we're wondering, why are we underattaining? I mean it's damn near comical if you think about it if it wasn't serious. Now, some people in testimony were saying that while the trawl fisherman have done really well in this program, they might, you know they shop, see how much money is being spent, but they're not spending it because they're on the bottom trawl fishery. It's that the whiting fishery and all of those guys crab and they shrimp. I know I participated in the fishery for, you know, for 40 years and any big improvement star vessel or big equipment was done on crab and shrimp landings, not trawl. People talk about major investments. Let's have a spreadsheet and show what the major investments people have done for this to be a participator in the trawl IFQ as gear switching, if you want to call it that, compared to the investment on the other side of the ledger, probably literally hundreds of millions of dollars. They don't even compare. I really appreciate the motion that Phil's put forward. Two reasons. I think it's good to put No Action up there and basically, as he articulated, it really kind of makes it for folks sit on that because what if we didn't have no... it's been 6 years since we've had a moratorium basically on people doing anything, right? We've had the...we've put our control date in place and people have stopped acting on a fishery that potentially be... would be wide open. So, we have to ask yourself what would that look like if we did not have that in place? Because once we start open things up again, we're never going back. We've got a chance right now to moderate the situation. We're not going back to zero. I get that. I accept that and that's fine. But we need to be very careful about what we do moving forward. We cannot design this fishery for what we see it today. You can't. I mean there are so many variables in this fishery. I mean in virtually every facet. It's easy for one, a single stock fishery to plan and move through that, but this is not easy and it won't be easy in the future. We've just got to find some certainty the best we can, and I think that Alternative 2 gives us something to really work with, because in my mind it's probably the closest thing that the Council, industry envisioned to begin with. And I wish we put an active trawler in there for gear switching because that would be truly gear switching because we're not gear switching here folks. Let's not even kid ourselves. But I do like what he's put forward. I think there's a lot of wisdom involved in this. You know, some years trawlers might not need that much sablefish to get to those other fish, but some years they'll be damn hell pressed to have enough. We have one of our boats fishing this year five, six, about half a year and he's caught 80,000 pounds of sablefish, and we're not trying to catch sablefish. We're trying everything we can do to not catch sablefish. Two or three of different scooters, going to bigger cod ends, different nets. So there's a lot of variables out there and I think Alternative 2 gives us the best chance moving forward. And Phil, I appreciate your motion and your thoughts behind it and I will be supporting your motion. Thank you.

Pete Hassemer [00:47:32] Thank you. Further discussion? Bob Dooley.

Bob Dooley [00:00:00] Thank you Mr. Vice-Chair. And thanks, Phil, for the motion. Just straight up front I will be supporting that. I think it's a pretty, it's a thoughtful move as we go forward to keep those going and in parallel. I would add I agree with Mr. Pettinger's statements. I think that that's something we should consider. And when you talk about what's been holding us down, holding this, holding the attainment or the use of gear switching down in this sector, since one is like Brad talked about the control date, that's been a signal, a real strong signal that hey, something, you know, you're not sure of the future here you better, you know don't, be careful to invest. So that's been a big damper. But I would also submit another damper is this Council's decision to limit it at 29 percent, and that limit of 29 percent. I'm a little concerned that if we go to No Action that disappears and we may see a lot more gear switching, particularly if some of the actions that are being contemplated in other sectors. If we allow four permits to be stacked in the gear, in the limited entry fixed gear, there's going to be capacity. That, you know, points to consolidation. There's going to be catching capacity in that fixed gear sector that will, looking for a place to go. I would also point to something that happened when we were back in the SaMTAAC. At the beginning of this we were talking about north and south and very thoughtfully south was taken out of this equation, sablefish south of 36. A couple reasons, at least in my view. One, there's virtually no trawling south of 36, virtually. It's been, there's a very few years as users of that

quota and the majority is being caught with fixed gear, particularly one, one particular user down in Morro Bay and he's probably the, probably you know, attributable to almost all the catch. I remember one of the public testimony on this a few days ago. You know, well, that's a long way to run. I wish you'd move the fish north of 36 so I can access it. But in the same breath said, I also fish in Alaska. Last time I checked it's almost 2,000 miles from Seattle to Dutch harbor. It's only 900 miles to Monterey from Seattle. I mean boats have propellers. We move for fish all the time. So, I see a win win here maybe if we could divert some of that effort to south of 36 and actually get that attainment above 10 percent or whatever the number is, it's very low and all that on unattained fish. Our goal here is OY, National Standard 1. I think that's, it should be paid attention to and I think that... so I like the fact we're keeping them both on the table here. Just a couple of thoughts here to have people think about. I think I do support Alternative 2 being in there. I think there's a lot of flexibility in the way it's presented here. So, I will be supporting this motion. And thank you, Phil, for bringing forward.

Pete Hassemer [00:03:52] Thank you. Further discussion? Christa Svensson.

Christa Svensson [00:03:58] Yeah, thank you Mr. Vice-Chair. And I'm appreciative of all the thoughts from those that have come before me. It's nice to see that we agree on some things, although we may not agree on everything. I have certainly had more than a few people ask me where I am on gear switching. And I am going to support this motion, particularly because it is including both options that people seem to be finding consensus around. We may not find consensus together, but at least we are finding consensus in those options, and I think, while I am in agreement with Miss Ridings comments of we have spent a tremendous amount of time on this topic, we may have a little bit more to do on the National Standards. In terms of letting that go on and on though, I do think the time has come to make the decision. I think we've had many, many years. I think we have so far had a myriad of alternatives and options and I myself have brought some of those forward. This is not to point fingers at anyone. But through all of that research, and I really commend you, Jim and Jessi, for how much work you've done on this topic. We really haven't found a smoking gun and I know, Brad, you may not agree with that, that's fine. I think we could every bit as easily point to pink shrimp and how much more money you can make in that as to why we are not receiving attainment as we could pick gear switching or a number of other topics, and I think that's why the review may be in order not specific to pink shrimp, but to I think that there are more things that are leading to underattainment than this specific topic. I also think that at the end this is going to be a policy call and I can appreciate the arguments that we need certainty and that we've had significant outlay and investments, but I think that we have created a lot of that uncertainty ourselves by not taking a decision. And I'm certainly not advocating for taking a decision today, but I do think we need to make a decision sooner rather than make it five years from now. I'm going to talk for a few minutes on why I'm supporting this even though I am the one that quite passionately advocated for Option 3 at the last meeting. Really, it's the preference of the stakeholders whose viewpoints I've been representing. That option for No Action would be their preference. They've provided Option 3 as an alternative so similar noting your concerns, Bob, about hey, that if it's No Action, 29 percent maybe where there's something that freezes and puts a bit of a governor on there. It also has served as a way for them to remain engaged in the process and not be seen as obstructionary because they are looking for a solution. I think it also serves the Council possibly as an economical and surgical approach for flexibility, and it's one that there are many shoreside bottom trawlers and fixed gear participants who are not in favor of it as their first choice, but are in some cases in favor of that approach as their second. I think that we don't need it as the primary. I do think it would be helpful to have some thoughts around a bit more analysis around it, because again nobody's picked this as their first choice. And those two pieces really have surfaced in the last week for me. The first would be concerns regarding racing for fish and the possibility for a delayed start date for fixed gear. And again, I'm not advocating for that today, but I do think that we may end up when we look at both of these options saying, you know what this is not our preferred but this is something we can live with, with some modifications. And so that would be one area that I think we may want to consider. And the other

I wanted to talk briefly about is the concept of cooperatives, which we heard mentioned in a number of cases. We have cooperatives currently in trawl fisheries. They are incredibly successful outside of the Council. And I certainly don't think if we are looking at any of these alternatives that we need to be prescriptive or that we need to require them, but I think it is something that we should be aware of in terms of opportunity. I also want to comment that it's not lost on me in the testimony this week that stakeholders who are in favor of No Action or Status Quo have indicated their willingness to be flexible, and that's in comparison to stakeholders who have been in favor of Option 2. And I think that with changes in climate and communities, we're going to need more flexibility rather than less when we're looking both at fisheries and in terms of our management. Action or advocates for No Action or Status Quo had a wide range, some of them preferred Option 2, some of them preferred Option 3. I think there might have been an Option 1 in there somewhere for you, Corey, or components of it, we certainly saw that in the GAP statement, and I want to commend them for that. I also want to highlight some of the testimony we heard. I think Bob Eder, in particular, stood out to me because he came in and he advocated for No Action, not because it was what was best for him, he said in some scenarios under the second alternative he would probably do better, but that he saw that it was likely going to be best for the majority of people in the group that he was connected with. I'm not going to say for everybody. I also think that it is important to acknowledge Gary Ripka. He, like every other fisherman, has an individual business plan and a unique set of circumstances and his preference, however, was for No Action. And I would say that he is not unique as a shoreside bottom trawler in that particular viewpoint. We've certainly had testimony a number of times from others indicating this preference in the process. And I'm also going to note that not all processors are in favor of Option 2. I spoke with Steve Fick this morning. He owns Fishhawk Fisheries and he's listed on West Coast Seafood Processors as a member. And I asked him whether his position had changed from No Action, as he's stated in testimony to the Council at prior meetings, and he was very clear that he was not. He was still in favor of No Action. I'm going to pivot here in my comments because I think there's been a lot of reflection on what the Council should have done or could have done when we implemented the program, particularly from stakeholders who are unhappy with how some components operate. In many cases it's how the program design allocated assets. I mean some people are content. Some people didn't get the share that they were hoping for and some people were excluded entirely. We've heard a lot about the negative unintended consequences that the decision to allow gear switching created from some members. But it really wasn't until Poggy's testimony this week that I thought about and some of us, well, I guess all of us heard about the unintended consequences of creating additional barriers for future generations who are entering our groundfish fisheries. Poggy is part of a generation who worked every bit as hard as those who've come before him but due to age missed the allocation windows. I think Council members need to be sensitive to what investment and participation looks like. And it's vital not only to think about what we have traditionally called vested, this would be our original invested participants, but also any participant that's invested time and money into the ITQ program. I'm certainly not advocating that we disband the current system and bluntly this wouldn't be appropriate under this agenda item even if I were. But I do think we should pause on the fact that our new entrants are trying to forge a path forward that doesn't fit the traditional mold because of decisions made by this Council, including some of the members here today. I believe the Council's decision and the development of the ITQ program isn't perfect. If it were, I think our meetings would likely be shorter, but that it was the right decision at the time and that the Council should uphold that body of work and the conclusions that it came to regarding creating flexibility and opportunity within the sector. And so, in conclusion, thank you, Phil, for the motion. I am appreciative of the outreach that you've done to a number of us and the thought you put in to really trying to bring both sides of this issue together and to focus on finding a path forward for us all.

Pete Hassemer [00:14:49] Thank you Christa. Corey Niles.

Corey Niles [00:14:54] Thanks Mr. Vice-Chair. And I guess when you spend so long on this, you people get really good at saying their thoughts out loud. I've been really impressed with how people are

articulating thoughts today. I'll support the motion first to be clear. Christa, since you mentioned Alternative 1, I'm not sure where to start my thoughts but I'll say with that, I'll just say I think Alternative 1 has a much better chance of looking good under National Standard 4 than Alternative 2. If that's true, the analysis that Phil's after and that Jim articulated wouldn't reveal that in part. So again, I'm not advocating for Alternative 1, but I think the analysis of it is still at play here. So, this is a good, a really nice way of moving forward. And on that I just, I don't think we've had the debate as completely as we could have. I don't think Alternative 1 has been considered on its merits by most people and for reasons I fully understand. And yeah, jeez, while Phil's, when he spoke to his motion, you know, he's been doing it forever so no one's surprised but just how impressive it is he can summarize all that. And basically, he made the case for both No Action versus Alternative 2 and about as well as I've heard anyone make them. And again, I'm not going to try to summarize my thoughts that I said on Friday, but just I'll say when he makes the cases, the one for No Action is just head and shoulders above Alternative 2, and that's again thinking of alternative, excuse me, National Standard 4 and the benefit cost test that a lot of people have spoken to already. That said, I think I did learn some new things this meeting and I am starting to understand the argument maybe in a different way for why the bottom trawl sector needs help, really needs to be subsidized or, you know, separated away from this fixed gear sector because they can't compete. And I just still think we need more information that can be brought out, and possibly brought out and maybe even change my mind, you know, on where I'm at right now in terms of No Action. Just the arguments are so much stronger in favor of No Action in my mind. And it's my lack of understanding possibly of what people are saying about the economics, but it looks to me like in the analysis that the sectors can compete. And I was here, you know, on the GMT when in the middle of this program development and I remember all the arguments being made at that time by the processing sector on the effects of the IFQ program and the grandfather clause, which we have better terms for that now. So, the arguments are sounding a lot, a lot like they were back then. And this is, there is more to it than this, but it's got to be more, to meet that benefit cost to us, it has to be more of that this fish was intended for us and we would like it back. It has to be that the Council taking action, as we heard, is the benefits of doing that are going to outweigh the harms. And more people have said it better than me, but so that is where my thoughts have been. How are the benefits going to outweigh the harms? And I do think there's a plausible rationale there. And, if so, that what Phil has proposed here will maybe bring that forth more clearly.

Pete Hassemer [00:18:28] Thank you Corey. Other discussion? Marci Yaremko.

Marci Yaremko [00:18:36] Thank you Mr. Vice Chair. I will not be supporting the motion. As Corey Ridings artfully described it just a few minutes ago, gear switching was a feature of this program and not a bug when the program was originally developed. Earlier this week we heard Travis Hunter say that if he could ask for a do over and go back in time, he would remove gear switching as an element. And similarly, Mark Cooper mentioned that gear switchers didn't do anything wrong, but it was wrong to let them in. But contrary to these statements, the action that's in front of us is not actually to end gear switching. The proposal doesn't call to eliminate all gear switching equally and entirely from the program, but instead it only addresses sablefish pounds and not all IQ species. The proposal would also limit or end sablefish gear switching activity for only some shareholders and participants, and not all of them equally, and would result in a new, complex, burdensome and expensive regulatory regime that will generate new winners and losers. Under the No Action Alternative as described in action, or in Attachment 2, the fishery would continue to change in response to changing environmental, economic and social conditions as well as other regulatory actions. Attainment of the trawl allocations would continue to vary with changes in factors such as the level of trawl allocations, market conditions, the mix of co-occurring species and prices for quota pounds. These factors may influence and be influenced by the degree of gear switching. The total amount of gear switching might decline, remain at recent levels, or increase. Earlier this week I asked Jonathan Gonzalez how he might be planning ahead for expected reductions in shortspine thornyhead quota pound amounts in response to a new and less

optimistic draft stock assessment that was completed in review by a STAR Panel earlier this month. On Page 99 the STAR Panel Report concludes that shortspine thornyhead quote, "May become a constraining species to the trawl fleet due to increases in sablefish ACLs over the next few years, the trawl fleet that targets DTS may expand to whatever the ACL is so full attainment is a reasonable expectation". We can and should expect that the DTS fishery will learn to adapt to the disparity between the ACLs affecting the fishery presuming that in fact shortspine does become the newest choke species. I'm not sure how they'll adapt. We know thornyheads will bite hooks, but it sounds like they aren't big on swimming into traps like sablefish. But gear switching allows for use of any legal gear and promotes gear innovation, which can help when ACL changes trigger a change in practice to best utilize the particular portfolio of quota pounds, which also means the best chance to increase profit. The IQ fleet can and in California certainly does use slinky pots under the gear switching provision. Limiting gear switching will have the effect of dampening innovation, not stimulating improved harvest of underutilized species in the IQ program. Jonathan indicated that the IQ program has had other choke species before and he's certainly right, and the industry has been innovative using the flexibilities afforded by or created by the ITQ program to work around them. They form collectives, as Michelle Conrad explained, or bycatch risk pools, and in the case of Cal Cod, which was an extremely choke species, overfished at the time, the California Groundfish Collective even saw it and received an EFP from National Marine Fisheries Service which authorized an exemption for the collective's members from established accumulation limits. And now with the repeal of the trawl RCA, IFQ operations have the flexibility to pursue their fishing activities wherever and whenever they expect to maximize take of their target species. And in the event the Council needs to consider adaptive management in response to any harsh consequence of the IQ program, adaptive management pounds up to 10 percent can still be withheld to help address community stability, processor stability, conservation, unintended or unforeseen consequences of IFQ management and to facilitate new entrants. When the program was designed, adaptive management pounds was the tool the Council put in the toolbox to deal with any type of problem that might arise in the fishery as circumstances change. There are myriad tools and processes that can affect any future foreseeable problem with constraining sablefish shares, just as we've seen for other choke species. We don't need to constrain or end gear switching and certainly don't need to impose the hardship for only some and not all shareholders. As heard earlier today in the language of National Standard 4, the Fairness and Equity Clause must be considered. The motive for making a particular allocation should be justified in terms of the objectives of the FMP, otherwise the disadvantaged user groups or individuals would suffer without cause. So, while the testimony of Travis and Mark suggests the Council made a mistake in authorizing gear switching, the proposal in front of us doesn't remedy that situation and instead would impose undue and unjust hardship on some while potentially unjustly enriching others. I'm not sure what more analysis is needed. Thank you.

Pete Hassemer [00:25:00] Thank you Marci. Lynn Mattes.

Lynn Mattes [00:25:05] Thank you Vice-Chair. Appreciate Mr. Anderson's motion here. I admit to being somewhat new to this process having been behind the scenes for most of this time and I have been wracking my brain struggling, reading these documents, trying to find the one alternative, the one option that provides some certainty for the trawl sector, the processors, and their business plans and investments, while also honoring and respecting the investments and business plans of the people who played by the rules that were in place at the time. I haven't been able to get there yet, and I have two of the loudest proponents on each side are in Oregon, and this is a very important option or issue for the Oregon fleet, the Oregon processors as well as others. I know we had hoped to get to one IPPA today. I don't think I was quite there yet. I see what Mr. Anderson has provided here as a way to move forward. We are narrowing the options and I think we can still do the November and April or June timeline, but this gives us a little more time to think. And sorry, Jim and Jessi, we're going to send you out to the quarry to find us a couple of more rocks if you can. A compromise may not be the best word, but I think this is the best compromise for where we are right now in moving forward with reducing what we're

looking at, but still keeping some things on the plate on the table as we move forward. Thank you.

Pete Hassemer [00:26:48] Thank you Lynn. I'll look around for any further discussion or comments? And I'm not seeing additional hands so I will go ahead and call for the question. The motion is on the screen before us if anybody needs a minute to see it in its entirety... Sandra has scrolled through that. I will ask you now all those in favor signify by saying 'aye'.

Council [00:27:27] Aye.

Pete Hassemer [00:27:27] Opposed?

Corey Ridings [00:27:27] No.

Pete Hassemer [00:27:33] Abstentions? No abstentions. I heard opposed votes from Corey Ridings and Marci Yaremko. Is that correct? Were there others? I'm not hearing that. The motion passes then. Further work? Or maybe I will turn to Dr. Seger and Jessi. There we have, we have selected an IPPA. Corey Ridings.

Corey Ridings [00:28:17] Thank you Mr. Vice-Chair. I have a motion if now is the right time?

Pete Hassemer [00:28:25] Go ahead.

Corey Ridings [00:28:39] I move to instruct staff to stop work on this action.

Pete Hassemer [00:28:52] Thank you. Thank you. I believe the language on the screen is accurate and complete.

Corey Ridings [00:28:59] It is. Thank you.

Pete Hassemer [00:29:00] Is there a second to the motion? Seconded by Marci Yaremko. Please speak to your motion.

Corey Ridings [00:29:08] Thank you Mr. Vice-Chair. I want to say again thank you to Phil for the previous motion and the thinking that went into that and what we saw there. I also see that motion as not a compromise, as Mr. Anderson said. The No Action was going to be analyzed regardless as part of the process, as Mr. Anderson noted in answer to my question, and so I see that as really just Alternative 2 moving forward and removing 1 and 3, although there are clearly some details there that have been around, but fundamentally it's Alternative 2. I spoke earlier so I'm not going to go long here, but just noting again that this has taken eight years and this is an IPPA. We're not even at a PPA yet. I greatly appreciate the work and especially the attention that this conversation has had to the National Standards. That's obviously incredibly important and core to what we do as a Council. But as I said earlier, I think we are losing the forest for the trees and further analysis is not required to understand the fundamental unfairness of this that. If it looks like a duck and quacks like a duck, I don't have to chase it across the pond to pull out a feather and have it genetically tested to know that it's a duck. We have eight years of testimony, analysis, and information that demonstrate the diffusion of possible benefits versus the known harms when we have a program review waiting in the wings to address those issues in the context of the broader issues that might help actually solve this problem. Thanks.

Pete Hassemer [00:30:49] Thank you. Are there questions to the maker of the motion for clarification? I do... excuse me, Maggie Sommer.

Maggie Sommer [00:31:02] Thank you Mr. Vice-Chair. Thank you for the motion, Corey. Your motion says to instruct staff to stop work on this action. I'd like to ask what your intent is regarding the Council overall and the Council's further work on this action?

Corey Ridings [00:31:19] Thanks Miss Sommer. The intention is for the Council to also stop work on this issue.

Pete Hassemer [00:31:30] Further questions for clarification? Not seeing any. Discussion on the motion? And I see no hands so I will go ahead and call the question. All those in favor signify by saying 'aye'.

Council [00:31:50] Aye.

Pete Hassemer [00:31:50] All those opposed.

Council [00:31:56] No.

Pete Hassemer [00:32:02] It's not necessary to call for abstentions because it is not clear which of those prevailed. Executive Director Burden would you please call the voice vote, the roll call vote.

Merrick Burden [00:32:37] Okay. Thank you Mr. Vice-Chairman. I'll be working from voting sheet number 2. The motion references, referring to it as H.2 Ridings. The motion to stop work, further work on the gear switching matter. Let's see, starting from the top then. Marci Yaremko.

Marci Yaremko [00:32:58] Yes.

Merrick Burden [00:33:01] Robert Dooley.

Bob Dooley [00:33:03] No.

Merrick Burden [00:33:07] Maggie Sommer.

Maggie Sommer [00:33:10] No.

Merrick Burden [00:33:13] Butch Smith.

Butch Smith [00:33:15] No.

Merrick Burden [00:33:18] Brad Pettinger.

Brad Pettinger [00:33:19] No.

Merrick Burden [00:33:21] Corey Ridings.

Corey Ridings [00:33:23] Yes.

Merrick Burden [00:33:27] Corey Niles.

Corey Niles [00:33:29] No.

Merrick Burden [00:33:31] Christa Svensson.

Christa Svensson [00:33:34] No.

Merrick Burden [00:33:35] Joe Oatman.

Joe Oatman [00:33:39] No.

Merrick Burden [00:33:42] Lynn Mattes.

Lynn Mattes [00:33:44] No.

Merrick Burden [00:33:46] Phil Anderson.

Phil Anderson [00:33:48] No.

Merrick Burden [00:33:50] Marc Gorelnik.

Marc Gorelnik [00:33:52] No.

Merrick Burden [00:34:03] I see 2 yes votes to 10 no votes. That means the motion has failed Mr. Chairman, Vice-Chairman.

Pete Hassemer [00:34:11] Thank you. Further discussion? Maybe I will ask that our... there's our screen back before us again. We have selected an Initial PPA and we'll look for further discussion, other guidance on the alternatives as necessary? Phil Anderson.

Phil Anderson [00:34:42] Thank you Mr. Vice-Chair. Just maybe two questions for Council staff, Dr. Seger and Miss Doerpinghaus. On those two questions, provide other guidance on the alternatives as needed, Jim, you gave us a pretty good description of what you would be doing if this, if after that first motion passed so I think I've got a good understanding on that. In terms of the process. My understanding is that we're, the current process has us coming back in November to select a PPA and I haven't heard anything, which doesn't mean there isn't anything. I haven't heard anything that would suggest that by taking the first action that we have affected our ability to make, to deliberate and make a decision on a PPA in November, is that correct?

Jim Seger [00:35:54] Mr. Vice-Chairman, Mr. Anderson. Yes, that's correct. There were some scenarios where we thought we might need to come back in September depending on what you did on your IPPA, but none of those manifested. What you have is an action IPPA that is fairly well specified. A couple of questions in there that need to be resolved, but there's no, it doesn't make sense to come back in September to do it. We can handle it all.

Phil Anderson [00:36:16] Okay, thanks. Thanks very much. Nothing further from me Mr. Vice-Chair.

Pete Hassemer [00:36:22] Thank you Phil. And with that, also on the timeline, I understand part of that will be our workload discussion there, but are there any other questions or discussion about the process and timeline that's necessary? I'm not seeing hands. I can always call on Dr. Seger and Jessi to summarize and point out anything we've missed.

Jim Seger [00:36:53] Mr. Vice-Chairman, you selected a dual IPPA. Contained within the motion was some other guidance on the alternatives and terms. There were some narrowing, some options that were not moved forward as part of Alternative 2. And then as I just finished indicating in terms of your third action here based on what you did select, I don't see any reason to come back in September. I think

you're good to come back at the November meeting to continue work on this.

Pete Hassemer [00:37:22] All right. Thank you. Closing comments? Discussion? Not seeing any hands I'm going to close this agenda item and pass the gavel back to our Chair.

3. Amendment 31 Stock Definitions – Final Action

Pete Hassemer [00:00:00] And that concludes our public comment and will take us to Council discussion and action on this item, so I'll wait a minute. The screen is refreshed and the tasks you have before you are outlined up there and so as you glance over that I'll look around here for any hands to initiate discussion. It's a very quiet morning. Heather Hall.

Heather Hall [00:00:42] Thank you Vice-Chair Hassemer. I'll get started. Just throw out some thoughts about this process that we have worked through for the first time to provide these definition of stocks for these priority groundfish species and just some of the comments that we've, I made back in March and others made back in March about, you know, using the best scientific information available, which at times is not very much, so doing our best to work through this with the information that we do have trying to line up that scientific information, but also acknowledge that there's new information coming forward at times. I know WDFW staff had the opportunity to attend the Groundfish Conference in Alaska and learned a lot there and stuff that is relative to this issue and so we're excited to learn more about that, keep our eyes open for more information. I've always appreciated the fact that this process allows for new information to be brought in, and you can see that in the timeline where we have the opportunity to bring this up through the spex cycle in a way that helps our stock assessors. So just want to lead off with that and thanks to staff for the great reports and the information. Thank you.

Pete Hassemer [00:02:23] Thank you Heather. Further comments, discussion? Caroline McKnight.

Caroline McKnight [00:02:34] Thank you Mr. Vice-Chair. Thank you to the staff for all the great presentation and materials. I agree, Heather, entirely with all of your comments. This is a process that we've spent an exhaustive amount of effort from everyone collectively doing a very comprehensive review of the science to get to this point. I don't see anything new as of this meeting that would lead us to deviate from the PPs that we had already taken action on, but that I feel like we're in a good place and that we've turned over every rock we can possibly turn over here relative to the action today. So thank you.

Pete Hassemer [00:03:17] Thank you. Heather Hall.

Heather Hall [00:03:28] Thank you Vice-Chair. I don't want to jump in front of any other Council discussion, but I do have a motion if the time is right.

Pete Hassemer [00:03:37] Well, I'm not seeing any further hands for discussion so you're welcome to go ahead with your motion.

Heather Hall [00:03:45] All right. Thank you. I move the Council adopt the alternative definition of the stock for the following species as shown in the table below as the final preferred alternative. I can walk through these. So, for canary rockfish, dover sole, Pacific spiny dogfish, petrale sole, rex sole, shortspine thornyhead, sablefish, squarespot rockfish adopt Alternative 1. For lingcod adopt Alternative 2. For copper rockfish adopt Alternative 2A. For vermilion and vermilion sunset rockfish adopt Alternative 2A. And for black rockfish and quillback rockfish adopt Alternative 3. Alternative 1 being a single stock. Alternative 2 being a stock that is divided north and south of forty ten north latitude. Alternative 2A being divided, a stock divided north and south of forty-two north latitude. And Alternative 3 being stock divided at the Washington, Oregon and California borders.

Pete Hassemer [00:05:21] All right, thank you. The language on the screen is accurate?

Heather Hall [00:05:28] Yes, it is.

Pete Hassemer [00:05:31] Thank you. I will look for a second for that. Seconded by Caroline McKnight. Thank you. Go ahead and speak to your motion.

Heather Hall [00:05:39] Thank you. This motion adopts the PPA as the FPA for canary rockfish, dover sole, dogfish, petrale, rex, shortspine thornyhead, sablefish, squarespot, lingcod, copper rockfish, quillback and black rockfish. The FPA for these species aligns with how stock assessments have been conducted in the past and relies on the best scientific information available used by stock assessors and as recommended by the SSC in March and again at this meeting. There was no PPA identified for vermilion and vermilion sunset rockfish. This motion adopts the new Alternative 2A as the FPA. 2A again combines the Washington and Oregon stock and then has the California stock south of forty-two. So, it's been acknowledged that the population structure is at a finer scale than coastwide for vermilion, vermilion sunset and the SSC has noted in March and then again also at this meeting that there is scientific justification for defining stocks of vermilion and vermilion sunset at a scale finer than coastwide, but didn't have a recommendation on a particular alternative. So given the uncertainty, Alternative 2A combines the Washington and Oregon stock which aligns with the SSC's report in November of 2021 where they recommended combining Oregon and Washington for status determination just simply due to a lack of population structure between the two areas. I think that's it. Thank you.

Pete Hassemer [00:07:33] Thank you. Are there questions to the maker or the motion for clarification? I see no questions. So, any discussion on the motion? Lynn Mattes.

Lynn Mattes [00:07:51] Thank you Mr. Vice Chair. And I'll be supporting this, but I do want to acknowledge something that was in the GMT report that by adopting 2A for copper and vermilion as opposed to 3. There will be some additional workload for them to determine the shares or the sharing of that between Washington and Oregon. It may also mean a little bit more work for our assessment folks so just want to acknowledge we are aware of that and are making the strategic choice here and appreciate their feedback on that.

Pete Hassemer [00:08:23] All right, thank you. Further discussion? Caroline McKnight.

Caroline McKnight [00:08:28] Thank you Mr. Vice-Chair. Thank you, Heather, for the motion. I will also be supporting it. And just to add some additional comment relative to vermilion and sunset on California stock level, I appreciate the SSC's report to give some latitude, to some discretion of the Council to choose either option or alternative, but do also want to note the GAP and the GMT's constraints about management, and it is a cryptic species. It would be very difficult to separate the data out at a conception level because of that cryptic nature of the species. And just want to acknowledge that, you know, we do know that there is mixing of vermilion north and south of that boundary and so that a state specific stock definition does adequately describe the current status of what we know of both of them together. So, I find Alternative 2A to be appropriate for vermilion and will be supporting it, so thank you.

Pete Hassemer [00:09:27] Thank you. Further discussion? And I don't see any other hands so I'm going to go ahead and call for the question then on this motion that's before us. All those in favor signify by saying 'aye'.

Council [00:09:44] Aye.

Pete Hassemer [00:09:44] Opposed? Abstentions? The motion passes unanimously. Thank you. Our

remaining action here then, we still have a potential adoption of the revised FMP language. And also, there is guidance regarding the process or revisions to the COP, so I'll look for, maybe if we can take those in order. The FMP language first. Any discussion on that or motions, anything to move us along?
Caroline McKnight.

Caroline McKnight [00:10:32] Thank you Mr. Vice-Chair. Yes, in light of the action that we just took to adopt those final preferred stock definitions, I am prepared with a motion to address our second order of business here.

Pete Hassemer [00:10:47] All right. We'll go ahead with that and that can stimulate some discussion then.

Caroline McKnight [00:10:54] Thank you. I move the Council adopt the revised language to the FMP relating to stock definitions for the priority groundfish species as revised in Agenda Item H.3, Attachment 2, Draft Language for Amendment 31 to the Pacific Coast Groundfish Fishery Management Plan.

Pete Hassemer [00:11:14] Thank you. The language on the screen is accurate?

Caroline McKnight [00:11:17] It is. Thank you.

Pete Hassemer [00:11:19] Thank you. I will look for a second? Seconded by Corey Ridings. Go ahead and speak to your motion as needed.

Caroline McKnight [00:11:27] Thank you Mr. Vice-Chair. I think this is a very straightforward and pretty logical as a result of the action we just took. We do need to actually change the language in the FMP and the document provided. This referenced here does do that adequately and very straightforward and I say almost administrative at this point so not too much more to say.

Pete Hassemer [00:11:48] All right. Any questions for the maker of the motion? And there are no questions. Any discussion on the motion? And I'm not seeing any hands so I will go ahead and call for some hands, call the question. All those in favor signify by saying 'aye'.

Council [00:12:12] Aye.

Pete Hassemer [00:12:12] Opposed? Abstentions? Motion passes unanimously. Thank you very much for that. And that will take us to the third item, which motions aren't necessary but providing some guidance on the timeline. There were, I believe, two proposals presented by the staff in the paper on different timelines or schedules so I'll look for any hands. Anybody want to provide guidance? Heather Hall.

Heather Hall [00:12:51] Thank you Vice-Chair. Appreciated the input from the GAP and the GMT on this one and so regarding the alternatives for the stock definition timeline I think their, their support for Proposal 2 is a good one and offered that guidance as well. It seems smart to take final action on this prior to the pre-assessment phase to really set the stock assessors up for success and create less confusion. Thanks.

Pete Hassemer [00:13:26] Thank you. Lynn Mattes.

Lynn Mattes [00:13:29] I concur with Miss Hall and also note that the SSC also recommended Proposal 2. So, I think that's, given all of our advisory bodies are in favor of that process seems like the

way to go.

Pete Hassemer [00:13:41] All right. Thank you. Caroline McKnight.

Caroline McKnight [00:13:43] Thank you Mr. Vice-Chair. I would agree that the timeline to 2 does meet the correct order of operations for the stock assessment process so that we don't make their job harder. There's no reason for that. But I do just want to recognize that that timeline does fall on a pretty workload intensive time period for the GMT and spex and I just want to acknowledge that and know that I do see that and hope that while the lift might be a little bit heavier in these first few years, it should lighten up. But completely supportive of that timeline, just similar to Miss Mattes' comment, we do recognize that might be a little bit harder in these first few years as we work through the rest of these species. So thank you.

Pete Hassemer [00:14:28] Thank you. I'll look for further hands. We've got support for forwarding the Proposal 2 to come back to us in September for final action. I haven't heard any opposition to that, but I just want to make sure it seems that that's the direction the Council would like to go. There's agreement with that so... Todd.

Todd Phillips [00:14:56] Yes, thank you Mr. Vice-Chair. So, what I've heard today is that the Council's adopted the FPA as shown on the screen earlier for the full suite of species under consideration, the full 14. You have adopted or recommend adopting the changes to the FMP or the revisions to the FMP to reflect the final preferred alternatives. And you have given us staff guidance to move forward with Proposal 2 and integrating that into COP 9, which we will bring back in the fall at September meeting. Thank you.

Pete Hassemer [00:15:30] All right, thank you. I'll look around for any final comments. Keeley Kent.

Keeley Kent [00:15:37] Thank you. I just very briefly also want to echo the thanks to the project team. We had some really great work by Council staff, NMFS staff, both from the regional office and the Science Centers. A lot of work went into that analytical document, and it really set us up well for information to take final action. Also, I want to recognize the work of the Council and in the states, in particular, reacting to I'll call this a curveball that we've been dealing with for a while now, but we really appreciate the focus and the quick action on defining our priority species from 2021 and 2023 assessments. I really appreciate the opportunity to work through all of the challenging policy questions and evaluating the BSAA for this action. I'm really pleased with the outcome of what the Council has done today and so I just wanted to take a moment to recognize that.

Pete Hassemer [00:16:24] Thank you. Lynn Mattes.

Lynn Mattes [00:16:28] I'd call it more of a spitball than a curve ball but based on the FPA we just adopted under number one here, there is going to be a nexus for quillback rockfish off California that we will be addressing under the spex agenda item asking for some rebuilding analysis on that. So, I just wanted to tee that up so folks listening and NMFS know that we didn't forget about it. We just, this seems like the more appropriate place to ask for that request is under H.7. Yeah, I think it's 7 under the spex agenda item. And echo thanks to everybody who is working on this.

Pete Hassemer [00:17:05] All right, thank you. Further comments? And I'm not seeing any so I will extend my appreciation to everybody for being efficient this morning and all the good work that was done recognizing that it does cause some other workload concerns or adds some additional work, but it makes life better for us. So, with that I'm going to close this agenda item and hopefully our Chair is ready to take the gavel back earlier than anticipated.

4. Limited Entry Fixed Gear Follow-On Actions and Fixed Gear Marking - Scoping

Brad Pettinger [00:00:00] That concludes public comment and takes us to Council action. Maggie Sommers.

Maggie Sommer [00:00:16] Thank you Mr. Chair. If we might have a bit of discussion first. I have some comments to offer.

Brad Pettinger [00:00:22] Yes, please.

Maggie Sommer [00:00:23] Thank you very much. I just have a few comments that I'd like to offer in response to some of the information received in the advisory body reports and otherwise on some of these topics. Regarding cost recovery, we note the GAP recommendation to have the responsible party be the permit owner rather than the vessel owner, and we would support adding that to the range, but we would like to retain vessel owner at this time so that we can further evaluate the administrative feasibility and any potential complexities both. Regarding gear marking, we noted various recommendations for the length of line from the surface to be marked and we would recommend a range of 5, 20 and 50 fathoms to be marked for further evaluation and would like to see analysis of a variety of marking methods. Again, there was quite a bit of information in the workshop report in the feasibility report. Regarding the option to use surface gear on only one end of the ground line and the EC recommendation for both ends due to enforcement concerns related to closed areas. We appreciate the EC pointing out the difficulty that could pose. We hope that issue and potential solutions will be explored if this item, the Council chooses to proceed with this item. And then regarding fourth permit stacking, both the GAP and the GMT referenced the own and hold limit, including the comment that the GAP presumed there would be no change. I wanted to relay preliminary input from NMFS that in order to allow stacking of four permits, we think that the own and hold limit which says that no individual person, partnership, or corporation in combination may have ownership interest in or hold more than three permits with sablefish endorsements either simultaneously or cumulatively over the primary season would need to be modified because all permits registered to a vessel count toward the vessel owners hold limit. Again, that's our preliminary determination. We will review it further, but I wanted to put that out there for Council consideration given the assumptions that were presented in the GAP report. Thanks. That concludes my comments at this time.

Brad Pettinger [00:03:08] Thank you Maggie. Anyone else? Okay. Lynn Mattes.

Lynn Mattes [00:03:34] Thank you Vice-Chair Pettinger. I think some of the silence you're getting is a number of us are trying to get clear in our head all the pieces and parts of this, which is... thank you for the break a little bit ago to help us get that coordinated. And then what is the most efficient one? What is the most efficient way to move forward as well as two, what do we have the capacity to move forward given some recent changes in Council staffing, other workload with NMFS coming up upon the spex cycle. Those are all considerations in how we maybe package this and move forward given some, having some realistic expectations on what the capacity is. I know we're working on some recommendations, but just a couple of thoughts I wanted to throw out as we begin this discussion some more.

Brad Pettinger [00:04:25] Okay. Heather.

Heather Hall [00:04:28] Thank you Vice-Chair Pettinger. I just want to start by saying that how much I appreciate how the information on this limited entry fixed gear follow-on was presented and included. Also, the gear marking issue that's come up along with this. As I mentioned during the presentation, all

of the materials were really clear and well laid out. The NMFS report helped as well. I appreciate the input from the EC, the GAP and the GMT too. As Miss Mattes said, there's a lot of information here too so we also don't want to miss anything. You know the limited entry fix gear follow-on actions were prioritized on the Council's groundfish workload priority list and so I really appreciate that we're at this point where we're looking at seeing those, the outcomes from that program review and the improvements that we saw and the industry saw come to the Council's table for consideration, so I thought a lot about that as we're trying to provide some recommendations here too. I know this is just scoping, but I also want to be clear and help Council staff. I know there is potentially a lot of workload associated here too, so putting the different recommendations together in a way that helps Council staff and NMFS accomplish the goals and achieve our outcomes is also important too. So, I'll reserve the opportunity for others to comment, but I also have a written summary of recommendations not intended to be a motion but just a description of those when folks are ready.

Brad Pettinger [00:06:34] Okay, thank you Heather. Caroline.

Caroline McKnight [00:06:38] Thank you Mr. Vice-Chair. And I think I echo a lot of what Miss Hall just said. I do note that this is scoping and that in the spirit of scoping we do want to seek information and we do want to understand about all of these, but I do recognize there are some staffing concerns and there is a full schedule for groundfish in general as we head into our specifications process. One that certainly stood out for me was related to the non-sablefish cumulative trip limits. I, in reviewing the stock presentation and noting that maybe not many of the vessels are reaching those trip limits and also noting the EC report that the suggestion to add additional trip limit lines would further complicate the fishery. I might be of the mindset that our current inseason or standing inseason agenda item tool in addition to our upcoming specification process would be a good vehicle to address that and review it outside of this process, I'd be supportive of that. And then generally speaking for the rest of them, I think that scoping them and including them to move forward will help us kind of understand maybe some more priorities moving into the fall and understanding where we should take some in different pathways or altogether. I think right now on the onset looking at it, it looks very obvious that pathway number two I think that was in the Staff report or two pathways for the line marking would be the most prudent given there is a lot here, there's a lot to digest and that a lot to work through. So those are preliminary thoughts around the room I think we'll hear more about in a moment. Thank you.

Brad Pettinger [00:08:28] Thanks Caroline. Anyone else? Bob Dooley.

Bob Dooley [00:08:35] Thank you Mr. Vice-Chair. Just a couple thoughts that may be picking up on. In the process of stacking four permits rather than three, that I would hope the analysis would take into consideration the potential for latent capacity in that fleet if you, you know, there's going to be consolidation, if that goes, you know, and you could have latent capacity and how that might affect other sectors and just make sure. I would like to see that in the analysis as well as they approach it from that direction as well, so that's one thing. And then also looking at the two buoys, one buoy issue of marking that, like I mentioned before, it from a perspective of actually entangling that gear by other gears, it's really nice to know the which way it's laying, which way it's going and I, understanding that we need flexibility to do both to have one mark, one, you know, the tending issue. I just hope that's part of the analysis as well. That potential for actually encountering this gear with maybe trawl gear or, you know, tug and tows, things like that, barges that could pull it off of where it's supposed to be and or cut it off and you end up with ghost fishing, that's also been mentioned. But just I hope the analysis kind of looks into that a bit. So that's my comments. Thank you.

Brad Pettinger [00:10:13] Thank you Bob. Okay. Christa.

Christa Svensson [00:10:20] Thank you Mr. Vice-Chair. I'm in agreement and I guess one of the things

I'm really interested in having been at that slinky pot presentation last night is the health and safety piece, both from just the weight of those permits and I didn't necessarily see that folded into questions for consideration. So just looking at kind of long-term analysis we, you know, we've talked about weight but we haven't necessarily talked about line biting and that opportunity as well, which was discussed last night, where we can possibly reduce injuries in a couple of components and I think that that is something that's important. And I think it also provides potentially more opportunity for those of us that are not necessarily the biggest and the strongest. Lifting around a pot that weighs 11 pounds is a lot likely to, a lot less likely to hurt your back, et cetera, so some consideration around that I think could be helpful.

Brad Pettinger [00:11:27] Thanks Christa. Okay. Well, Heather, if you want to share your list that would be wonderful. We're not seeing any hands.

Heather Hall [00:11:45] Sure. Thank you Sandra and Kim. Thank you Sandra. Thank you Kim. I appreciate that. I'm just taking some notes here too. So I'll just start. I can read through this, but start by explaining that we heard that it would be helpful to have some recommendations here written down so to provide clarity. I worked with my state counterparts to get something drafted here after we got the advisory body reports last night. I know there may be other recommendations that come from other Council members, so I don't mean these recommendations to preclude input from others so but tried to work through the items as completely as possible. So, as I mentioned, these recommendations consider the input from the GAP, the GMT, the EC, the information from the NMFS reports and as suggested that we consider it's broken into two packages. So, the first being the fixed gear package that would move separately on a separate regulatory package than the limited entry fixed gear follow on actions. So, let's see, starting here for gear marking, so this recommendation I think came from the GMT and the GAP is to develop gear marking requirements holistically for all fixed gear sectors. So that would include Federal limited entry fixed gear, directed open access, and IFQ gear switchers. I did hear the EC's interest in including the directed halibut fishery in this gear marking, but didn't include it here based on our conversation this morning. I hope that's something we can perhaps take up in another process. Relative to the line marking requirements, analyze market requirements at 5, 20 and 50 fathoms. Consider prohibiting marks required by other fisheries, for example the Dungeness crab fishery, which is going through this process on the West Coast right now. And then also that the analysis look at different types of line marking methods such as unique line. And when I said unique line, I mean, what I mean by that is something that is manufactured specifically for a sector or in the case of the crab fisheries we're looking at line for Washington, Oregon, and Dungeness crab that's distinctly different from each other. But also include looking at line marking that is using tape or paint and that that consider perhaps a phased approach that might include that unique sector specific line, but potentially an interim line marking requirement that would employ tape or paint. Those are considered in the gear marking. I realized I left this out. I had it in another version of my draft this morning and I don't know if it's okay to add it, but I did want to make sure that the surface gear is marked uniquely as well. That was another recommendation. So, the buoys, or the surface gear is marked and this was also something that was just discussed in our pre-discussion, but the whether or not there is a mark at both ends of the gear and I didn't include that in here but perhaps it'd be good to analyze both options where there's one mark surface gear or two at each end of the long line. So then on the limited entry fixed gear follow on, this would be a separate then package that would look at just the limited entry fixed gear actions and starting with allowing slinky pots. The recommendation here is to move this one forward and include in the range of alternatives an alternative that would remove this, the specific gear endorsements, allowing vessels to use the most efficient type of fixed gear for the target species. And an alternative that the gear allowance is extended to all legal non-trawl gear. And then within this slinky pot use, appreciated the EC's recommendations here to also look at the rules that are, would be in place if this were approved as a gear and consider the recommendations to define the collapsible pots separately from the non-collapsible pots. I thought the slinky pot presentation that we had in Alexander's

testimony this morning offer a good reason why those two should be described differently separately. Also looking to the Alaska regulations for the requirement for the biodegradable thread that closes the escape mechanism. Relative to allowing the cumulative non-sablefish limits by primary tier vessel. This gets at the question that Miss McKnight just brought up and the idea that what this would look like. I understand from the GAP and some of the discussions this could get really complicated and so one idea came forward that might satisfy the interest in this is just looking at removing the follow on item that would allow cumulative non-sablefish limits by primary tier vessels, removing that from the follow on package and alternatively look at increased trip limits for all limited entry fixed gear vessels in the 2025, 26 harvest specification cycle. Regarding the fourth sablefish permit stocking. Move this measure forward for analysis and then the bullet here is from the GAP statement and this would be to presume that there are no changes to the three permit ownership limit and that the fourth permit would be held by a person complying with the owner onboard provision. The removal of the base permit. Remove this forward for analysis. This I, from the presentation and the documents in the briefing book seemed like a fairly simple change to make. For the sablefish permit price reporting, I think the GAP also mentioned that this would be a fairly simple thing for them to start doing and supporting that and from the NMFS report also including this requirement for all limited entry fixed gear permits rather than just sablefish permits would help just improve the kind of information that we're getting so included that in this recommendation. Relative to cost recovery, also move this forward. I appreciated the input from the GAP that the permit owner is responsible for paying the cost rather than the vessel, so include that in the analysis. And then this final item came from the NMFS report and the tier season start and end times and the pot escape panel position. Also thought the input from Alexander on the slinky pot was really helpful to that, to this discussion so it's recommending that this go forward per the table in the NMFS report. And then also consider the input from the GAP describing the various configurations that are used for pot gear. That's it.

Brad Pettinger [00:21:55] Okay. That's a pretty good list. Discussions on the list? Executive Director Burden.

Merrick Burden [00:22:07] Yes, thank you Miss Hall for these, this written guidance. I think this is really helpful if this is indeed what the Council would like us to do. Just in terms of, I guess, some expectation management given our shorthanded staffing situation that we find ourselves in. What I would propose we do is, assuming that this is what, you know, everyone is on board with us proceeding to do, is to take that sort of the staffing limitations into account. Let Kelly and I would take a step back and talk with NMFS and when we get to September the ask in September is to identify the range of alternatives. At that time, we would be in a position of letting you know what we can feasibly do, and I think that's part of the range of alternatives discussion. So, between now and then, you know, we will work on backfilling and we should have a good degree of clarity by September about that. There's also possibilities for contractors. None of that happens immediately, but in September I think we should have that clarity and that would be a place where we can say, here are the alternatives that we want to proceed with and this is what's feasible for us to do. If... so I would propose that we proceed that way given our resources at the moment.

Brad Pettinger [00:23:26] Thank you Merrick. Heather.

Heather Hall [00:23:28] Thank you. I think that sounds like a great approach. I think this is... yeah, that sounds great to me. Thank you.

Brad Pettinger [00:23:36] Okay. Lynn.

Lynn Mattes [00:23:38] I just want to thank Heather and Caroline, and Christa helped us all too, so I want to make sure Christa gets some acknowledgment there and do understand the limitations with

short staffed. Our agency's in that same position like most places. Based on discussions with NMFS, I don't know that we're at the point of prioritizing these two separate packages yet, but based on some discussion with NMFS I think the gear marketing piece might be the higher priority deal to get some litigation issues, the buy-op issues, and then the other package may be slightly less priority as far if we have to start thinking that way. That's a little bit of what I got out of some of our discussions. I'm not sure if that's helpful as we move forward or not, but one it felt should share.

Brad Pettinger [00:24:34] Thank you Lynn. Okay. Bob.

Bob Dooley [00:24:38] Thank you Mr. Vice-Chair. I would hope that we're not limited to this list and that the other comments that have been made during this discussion and prior work would be considered in the analysis. And one other thing I'd point out, when we analyze different types of line marking methods such as unique line and such, I thought I saw some comments that we're concerned about the economic burden of actually going to a manufactured line over a painted line, and I would hope that analysis and comparison of what kind of economic burden we might put on the various sectors and fisheries that could, you know, cause a lot of cost as opposed to paint and tape and things like that. So, I hope that's part of the analysis as well. So, thank you.

Brad Pettinger [00:25:32] Thank you Bob. Christa.

Christa Svensson [00:25:35] Yeah, thank you Mr. Vice-Chair. I'm appreciative of this approach. I think that gear marking is important for people for a number of reasons. Obviously, if we can't keep fishing that's going to be an extreme economic impact to all of us. But I am also appreciative of the fact that we have essentially kept the rest of it together as a package at this time. There are a lot of issues, and depending on who you talk to things are more or less important, and we may as we go down the path need to think about that package again. But I am really pleased to see that we are looking at this holistically right now and keeping things as whole as they can be while acknowledging we do have challenges with staffing for everyone.

Brad Pettinger [00:26:36] Thank you Christa. Caroline. Maggie.

Maggie Sommer [00:26:36] Thank you Vice-Chair. Thank you Caroline. I actually have, I have a couple clarifying questions and comments on Heather's guidance specifically. But first, I'd like to ask Mr. Dooley a question on his remark a moment ago if I may?

Brad Pettinger [00:26:59] Please.

Maggie Sommer [00:27:00] Thanks. Bob, I think you said you hope we're not limited to this list, and I wonder if you could clarify what you mean by that? I mean we have a lot of items and proposals on this list and we will need to be clear and narrowing going forward.

Bob Dooley [00:27:25] Thank you Mr. Vice-Chair. Thank you, Maggie, for the question. I was referring particularly like the two comments I made on the permits and consolidation and how that might affect the four permit stacking versus three and how that could affect other fleets and I just want that perspective in the analysis so we have it to, you know, so as the comments that were made not only by me, but there were other comments that might not be on this list, I would hope that they were, you know, those ideas, those were included in the analysis. The other one was the two buoy issue and how, you know, how it's informative of understanding where the gear lies by other sectors, other vessels, other even not fishing vessels and how, you know, it keeps entanglements and gear conflicts away. So, I just think we need to look at the flexibility of that. Obviously, there's places where you don't have a lot of traffic and you might want to use one. There's other places where you might want to use two. So,

I just, I'm looking to have that in the analysis at least. It's not a decision. It's just considered as we go forward because it may change our mind in the ultimate decisions. So, thank you. I hope I was clear.

Maggie Sommer [00:28:45] Thanks. Yes. Thanks Vice-Chair. Thank you for the guidance, Heather, and for pulling all of these pieces together so comprehensively. I will note I also appreciate Director Burden's comments on staff evaluating how to move forward on these and packaging and timeline, et cetera. I will just note that one thing that might make sense is to include the pot gear escape panel item in the fixed gear package since that would not be specific to limited entry pot gear. So just a comment there. On gear marking, and not specifically called out in the written guidance here, but the entanglement risk reduction measures. I'll just reiterate that those are NMFS's priorities. And on that, just looking to clarify, Heather, your verbal comments where I think you referred to one mark at each end of the gear, or I think you said that, I assume that you were referring to the potential change to allow surface buoys and surface gear on only one end of a ground line, noting and I'll note that any surface gear would need to be marked, whether it's one end or both ends, so just looking for clarification that that's your intent?

Heather Hall [00:30:18] Yes. Thank you. You said it better than I did.

Maggie Sommer [00:30:22] Thanks. And then the last thing on the fourth sablefish permit stacking. Again, following up on my comments a few moments ago, our preliminary review suggests that we think that the three permit ownership owner and hold limit would need to be changed to accommodate permit stacking because all permits registered to a vessel count against the vessel owners hold limit. They count as being held by that vessel owner while they're registered to the vessel. Again, this is our preliminary consideration. We'd like to review it more, but we can do that and when this comes back we'll provide that information and the Council can decide whether it would like to proceed further with this potential change or not.

Brad Pettinger [00:31:16] Okay. Thank you Maggie. Caroline... did you?

Caroline McKnight [00:31:21] Yes. Thank you Mr. Chair. Just as a matter of acknowledging some of the staffing limitations. This question, I think, is for Mr. Burden. Is there anything in this Council guidance that would suggest that it all couldn't come back in September together? Or is the intent, since we've made a recommendation here for two pathways, that the timing and split would be discussed at September? Thank you.

Merrick Burden [00:31:55] Yes, thank you for the question Miss McKnight. It's difficult for me to identify what we could and could not do at this time. So, what I would intend to do is, you know, convene a discussion with our Deputy Director and with NMFS and talk about what our resources would allow us to do. And in September you would be given a set of trade-offs essentially. So, we might say we're able to do five of these, which five would you like? Something like that.

Caroline McKnight [00:32:24] Thank you.

Brad Pettinger [00:32:27] Thank you Caroline. All right, anyone else before I turn to Jessi to see how we're doing on this item? Jessi.

Jessi Doerpinghaus [00:32:41] Mr. Vice-Chair. Yes, I think you have covered your action today. Really appreciate the written guidance and discussion and took some notes on some of the notes here that didn't get addressed in the written motion but maybe where we move around like the escape panels to fixed gear and we'll consider the third permit hold issue later once we have more information back from NMFS. But we will take this and as Executive Director Burden said, we'll bring back some more

to y'all in September on what we're going to be able to do on these actions, so I think you've completed your action today.

Brad Pettinger [00:33:22] Well thank you Jessi and everyone involved. Just a lot clarity, I think, in the presentations and reports that really add value and just great work by everyone. And with that I'm going to hand the gavel back to Chair Gorelnik.

Marc Gorelnik [00:33:36] All right, thank you very much Vice-Chair Pettinger. Great work by the Council this morning, of course aided by staff. We're, we are on schedule.

5. Electronic Monitoring Implementation Update

Brad Pettinger [00:00:00] Okay, that will bring us to Council action. Chair Gorelnik.

Marc Gorelnik [00:00:07] I'll get us started here. I just want to say for someone who is sort of on the outside looking in on this process because I'm not related to those sectors, and having witnessed over the years highs and lows, mostly lows in the process, I am thrilled that we've reached this point and I think that all the folks who put in all the hard work to allow us to reach this point should be congratulated.

Brad Pettinger [00:00:35] Thank you Marc. Okay. Anyone else? I think that pretty much sums it up, but Phil.

Phil Anderson [00:00:45] Thanks Mr. Vice-Chair. I do have a motion if this is a good time for that?

Brad Pettinger [00:00:53] Okay, please.

Phil Anderson [00:00:55] See if my email reached the appropriate place. Thank you Sandra. I sent you the wrong one, but there we go. Thanks. I move the Council recommend the National Marine Fisheries Service add to the EM Program Manual the language recommended by the GEMPAC/TAC contained in H.5.a, Supplemental Report 1, Groundfish Electronic Monitoring Policy Advisory and Technical Advisory Committee's Report on Electronic Monitoring implementation recommendations. Recommendation for video review.

Brad Pettinger [00:01:44] Okay. Thank you Phil. Is the language of the screen accurate?

Phil Anderson [00:01:46] It is.

Brad Pettinger [00:01:47] Looking for a second? Seconded by Bob Dooley. Thank you. Speak to your motion as appropriate or not so.

Phil Anderson [00:02:04] Oh thanks. Well, I think we had a good discussion here and had I think our, or both a report from National Marine Fisheries Service and their written report that I paraphrased here in my remarks. It gives a good background of and justification for this motion and I think it will get us, the way the manual's structured, it's going to get us started. I suspect that there'll be some need to make some modifications along the way, but I think it's a good starting point. And there is, as Mr. Wulff indicated, some work to do and some things that the vessel owners need to have their eyes on here to make sure that those that want to participate in the EM get the appropriate paperwork in and so forth, but I think we're getting close to January 2024 successful launch. Thanks.

Brad Pettinger [00:03:08] Okay, very good. Okay. Questions for the motion maker or discussion on the motion? All right, well, I'm not seeing any hands so I'm going to call for the question. All those in favor signify by saying 'aye'.

Council [00:03:21] Aye.

Brad Pettinger [00:03:21] Opposed, no? Abstentions? Motion passes unanimously. Okay, Well done. Well done, so with that, Kelly, I'll turn to you and make sure we're good here?

Kelly Ames [00:03:36] Thanks Chair Pettinger. Mr. Dooley has his hand raised.

Brad Pettinger [00:03:41] Bob.

Bob Dooley [00:03:42] Yeah, thank you Mr. Vice-Chair. I think we have one other issue still on the table here and I would just, I don't know that it requires a motion or anything like that, but the GAP report mentioned formation of Electronic Monitoring Oversight Committee. I really think maybe it's premature for that in my own opinion. I think that we should not dissolve the GEMPAC as of yet. I think there's, you know, we're not implemented yet. There may come a time here where we need to have some input between now and then and maybe even a little after to work out bumps, and I think the people that are on that committee, from enforcement to, you know to the agency, to the people that were involved in the EFPs as well as other industry folks are best suited to keep together to, as a resource, and so I wouldn't anticipate like scheduled ongoing meetings but as needed basis, I think it's the resource to inform the Council and inform, you know, working together between all of the parties here that we should not just preemptively do that. And I don't think we should start an oversight committee particularly at this time. I think maybe in the future I think it's valid to keep ongoing updates in a place where we can have a, the entire, you know, input from everyone, and it's a good resource and a good place to do that, but right now I think it's probably not the time to establish that committee and just keep the GEMPAC alive until such time as we deem that there needs to be a change. So, I just wanted to comment on that, so thank you.

Brad Pettinger [00:05:42] Okay Bob. Very good. Phil.

Phil Anderson [00:05:46] Yeah, I appreciate Bob bringing that topic up before we close the discussion out. I, too, would recommend that if we transition from what we have to a single committee and oversight committee or whatever we end up calling it, that we shouldn't have an interruption between one being disbanded and the other one being established. It's been a little bit awkward to have a GEMPAC and a GEMTAC. It... I actually thought when I started the Chair piece that it really, there was.....getting them to, everybody to operate as one group to me was really important so that we had, whether it was Enforcement or Pacific States or National Marine Fisheries Service expertise, that the implementation permit end having one in, you know, one in one group and one in the other group and meeting separately and all that I just thought was a recipe for disaster, or maybe not that, but it would make it more difficult to make progress, how about that? So I do, I hope that we can, not today but maybe in September or maybe in November, think about making this transition from a GEMPAC/TAC to an oversight committee, or if there's a different EM oversight committee if there's a different name that's better, and make sure that we include all of the pertinent expertise that we, that we need in a committee on a single committee. I don't think it needs to be big. I think... so I'm not suggesting some big group. But that's just my observation that if we could move to a single group and it would have, you know, a bit of a different responsibility than the current GEMPAC/TAC, but it's going to be important, I think, to have industry and the governmental entities and stay together on this as we move through because we will run, I won't be surprised if there isn't a glitch or two along the way that doesn't need to be dealt with. So, thanks.

Brad Pettinger [00:08:31] Okay, very good. Anyone else? Okay Kelly. Oh...Ryan.

Ryan Wulff [00:08:42] Yeah, thank you Mr. Vice-Chair. I just wanted to support the interventions by Mr. Dooley and by Mr. Anderson. And I think Phil noted it when he was giving his report, right, NMFS has always said this was going to be a little bit of an iterative process, especially as it related to the manual. You know we are going to this reduced review rate and starting this new program so we expect to learn some things along the way, and so I do think it would be helpful to have some sort of mechanism should things happen. And we want to, again, get some feedback from the specific kind of expertise, but also if there is a nexus in the future to bring something back to the Council too it would allow us to have those discussions before we did so. So, I just wanted to support those comments. Thanks.

Brad Pettinger [00:09:33] Very good. All right, Kelly.

Kelly Ames [00:09:42] Thank you Vice-Chair Pettinger. Your work on this is done. Thank you.

Brad Pettinger [00:09:45] All right.

6. Groundfish Endangered Species Workgroup Report

Brad Pettinger [00:00:00] Moving right along that'll take to our Council action, which is before us. And so with that, I'll open the floor for discussion. Keeley Kent.

Keeley Kent [00:00:11] Thank you. I just wanted to come back to Miss McKnight's question about humpbacks. We don't have any more information than Brian. We don't have a timeline at the moment, but just speaking to kind of some of what is going on right now. This new take in the hook and line fishery, that information came forward, you know, with not a lot of lead time before the ESA Workgroup. We didn't have a lot of time to evaluate that. That is why Brian explained that the information provided in the Humpback Report that did try to look at estimating take in those sectors is a bit of a misnomer because it includes bottom longline gear and this new take, you know, we need to be careful about confidentiality but, you know, it's not bottom longline gear. It was not caught in a vertical hook and/or vertical line similar pot gear. It was more of a monofilament braided line type fishery. And so that estimate in the report is much higher than we would expect. How you try to break out what the possible impact of, I think what we can all say is a bit of an amorphous sector. Lots of different group gear types that are operating with those types of monofilament and, you know, and heavier line. And so we're still working through some of that. And there was a really good discussion in the GAP that I was able to sit in on where they were discussing some of the like, this seems really like a fluke and do we think that this may happen again? You know, was there something specific in this scenario that we need to dig in to? So that's what's going on right now, evaluating the, you know, why did this happen? This is a new type of thing. Would we expect this to happen again? So, the agency is evaluating that and we're working through that. Yeah, it's been really helpful to hear the industry discussions about it and I think we'll continue to take that into account. When we have more information about a decision there we would come back to the Council, but at this time, you know, I can't really recommend that, you know, the workgroup would need to meet sooner, but we'll keep that in mind that, you know, when there is a decision that we'll want to make sure that we're utilizing, you know, if we are re-initiating that we utilize those pathways that have been really helpful in ESA consultations in the past.

Brad Pettinger [00:02:39] Thank you Keeley. Anyone else? Lynn Mattes.

Lynn Mattes [00:02:46] Thank you Vice-Chair. I don't know that we actually need motions for this agenda item. It seems more recommendations. And this seems a little weird since I'm on the Endangered Species Workgroup so recommending work for myself among others. We heard in the report there was some discussion about the reevaluating how we figure the threshold for eulachon. I would recommend that this process continue to look into that, especially at the really high levels of eulachon that seem to be going on this year. I know the folks that collect the data that our threshold is based on are aware of the issues we're having and are trying to work through to collect that data for us as well. So that was just my first thought on a recommendation for the workgroup is to continue to look at the eulachon bycatch level and how we calculate that against a threshold.

Brad Pettinger [00:03:41] Thank you Lynn. Heather.

Heather Hall [00:03:44] Thank you Vice-Chair Pettinger. This is a... I really appreciate the information that we get from these workgroup updates every couple of years. And this goes back to the recommendation from the workgroup and question to the Council about how we keep apprised of things that are going on, particularly for humpback whales and the stock structure changes, you know, that have been made, population estimates of subgroups and all of that and how does that look? And I was just offering a suggestion that, you know, maybe to keep that information coming through the NMFS

reports more regularly than just we hear from the workgroup, that would be really helpful. I also wanted to add a comment about this encouragement of tools that would help understand the risk and the overlap of the humpback whales and the fixed gear fisheries or pot fisheries, you know, that's something that we, the State of Washington worked with the Science Center helping us understand that overlap for the Dungeness crab fishery, and so just also support that effort. It's incredibly valuable as we try to make sure our risk reduction measures are effective and understanding where that overlap occurs is kind of key to that. So, offer that as well. Thank you.

Brad Pettinger [00:05:25] Thank you Heather. Caroline.

Caroline McKnight [00:05:25] Thank you Mr. Vice-Chair. Yes I support both of the comments made by Miss Hall and Miss Mattes and would just note that in the past I think that NMFS has done a very good job of bringing anything that is outside of a standard workgroup meeting for streamer lines, things like that, have integrated that back into the Council process as needed and so I would expect that would continue because it's been a very successful model and some of these are obviously cross-overing right in front of our face here as there's recommendations for line marking that we've just picked up earlier this week. And so, I think the connectivity between them is working and we expect that to continue as well. So, thank you.

Brad Pettinger [00:06:13] Okay. All right, thank you Caroline. Anyone else? Bob Dooley.

Bob Dooley [00:06:17] Thank you Mr. Vice-Chair. The final paragraph in the GAP report, you know, is reflecting that industry should be involved in the development and testing of new modified gear. I think that's a really important component and it's been recognized by several around the table here that industry involvement with Harrison and Bob Eder as well has been very, very positive and useful in developing any of these mitigation measures, whether they be shorttail albatross or humpback or line marking or any of those type of things. But I think it to me it magnifies the importance of including industry in these conversations because the invaluable information we gain from people who are out there day to day using these different gears and how what might be effective is a real important component of this. A lot of the ideas that are generated without their input or sometimes without that experience leads us in a bad direction so... or could do that. So, I think it's important to understand we're all in the same team here. We all have the same interests and industry has a really important role in this. And I'm not saying it isn't there now, but I think it's important to keep it in the spotlight and using all the tools to deal with the problems that exist and will come in the future. So, thank you.

Brad Pettinger [00:07:55] Thank you Bob. Okay. Corey Ridings.

Lynn Mattes [00:08:02] I was going to move on to item Number 2 on the list in front of us. I don't know if Miss Ridings is still on Number 1.

Corey Ridings [00:08:10] Thank you Mr. Vice Chair. Thank you Lynn. I'm just going to echo Bob and support innovation around gear configuration and industry participation. I think it's really important, especially as I'm thinking about the short-tailed albatross. Also note just my support for the workgroup recommendation around leatherback sea turtles to continue to see how the Council can explore ways to support recovery at the RFMOs.

Brad Pettinger [00:08:36] Thanks Corey. All right.

Lynn Mattes [00:08:41] Thank you. Trying to follow our Council action list. On item Number 2, "Identify measures to be considered as part of the next spex process or other processes as appropriate", I think we're already starting to address the gear marking and entanglement risk under the LEFG actions

we took yesterday. I think there's going to continue to be ongoing work on possible innovation in the streamer lines work. I haven't checked with Miss McKnight or Miss Hall yet, but to my wracking my brain I haven't come up with anything that I have identified as something that should be part of our new management measures for the 25-26 spex process. So, I think we're, we've got things going in other venues. I just don't see anything right now that should be added to spex, but if Miss Kent or others have other ideas welcome to address those.

Brad Pettinger [00:09:42] Okay, thanks Lynn. All right, I don't see other hands. We've had good discussion, Todd, how are we doing?

Todd Phillips [00:09:52] Yes, thank you Mr. Vice-Chair. Well, I believe that you have obviously heard from Mr. Hooper regarding the workgroup report. The Council has given some guidance to the agency regarding the future of this particular workgroup as well as other considerations. No conservation management measures were identified as part of this agenda item, however it was noted that continuing work on gear marking and entanglement is ongoing under a different agenda item. I would say that you've accomplished your mission here.

Brad Pettinger [00:10:25] All right. Well, thank you Todd, and thanks everyone.

7. 2025 – 2026 Harvest Specifications and Management Measures Planning

Marc Gorelnik [00:00:00] That concludes reports. We have no public comment so that takes us to our Council action here, which will be up on the screen. And I will look for someone to get us started, please. Caroline McKnight. Thank you.

Caroline McKnight [00:00:23] Thank you Mr. Chair. Thank you for the briefing, Mr. Phillips. I do have a question for you on the Attachment 1, the very nice schedule that's laid out meeting by meeting. For clarification purposes, I do want to just make sure I'm interpreting the September Council meeting list correctly, which is on, I think Page 2 of the document. It says, Number 4 says a preliminary range of new management measures need to be brought forward in September. That means....and I do not see that listed under the November Council meeting on the next page, except as it's now referenced as a, an ROA. I just for clarity, I just want to make sure that whether they're routine or new management measures, September is the meeting when they need to be brought forward and that by November that list is then set, and is there any opportunity for additional routine or new to come forward in November? What I'm getting at is, is September the one and only opportunity to make sure it's on the list because November's almost too late, and that's always been my understanding of the process, but I just want to make sure for clarity and transparency and transparency in this document that that is, I'm interpreting it correctly. Thank you.

Todd Phillips [00:02:01] Mr. Chair. Thank you for the question, Miss McKnight. Yes, you are clear, well you were clear, I guess the table, of course, is not. But yes, in September is when we want to hear all the management measures, or at least as much as we can possibly have put out so the GMT can understand what's... and the public can understand what might be coming. And in November if new management measures or new routine measures, or adjustments to routine measures that were not considered in September, they could be put forth in November for over winter analysis.

Marc Gorelnik [00:02:41] Keeley Kent.

Keeley Kent [00:02:44] Thank you. I will perhaps take that as a lead in to discuss some general remarks on new management measures and our long-standing stance on that. I think, you know, as this is the beginning of the specifications process and Council staff have done an excellent job of kind of reminding the Council and the public about the overall arc of what we're trying to do with this agenda item. We always have this action going and I think folks see this as an opportunity to get things done, and then what has happened is that things that really are not germane to harvest specifications are added in because there's a vehicle in front of us. That continues every biennium to be problematic for us and we really would like to continue to remind folks that we really need to keep this package narrow. As the GMT has said and Council staff had said, the rulemaking process for this is really, we really don't do rulemaking packages on that timeline because it is nearly infeasible, and we are calling in favors every other year to try to make this happen. I'm pulling staff off of the other things that they're working on to get this over the line. This biennium we saw the things that normally would say, 'sure, throw those in'. The lat long changes, that was what held it up this year. It wasn't even the things that require a big analytical lift. We lost three weeks, and I can tell you that we were in a panic that we were going to miss January 1. So, you know, as we go through this process I just want to remind folks that I'm hopeful that the other things that the Council wants, that the public wants, we can take up and other rulemaking packages and that we can keep this package light and try to do what we definitely need to do, but keep working on those other things outside of this package that will help us with the work that we need to do to manage this fishery. I think, you know, we'll continue to have that conversation as this action develops, but just want to put that back out there that, you know, this has always been our stance and

has become, you know, more important over the years as it does take longer to go through the rulemaking process and we really feel the need to make sure that we're going to meet January 1 every time. So, I'll leave it at that but I had to bring it up.

Marc Gorelnik [00:04:53] Thank you Keeley. Lynn Mattes.

Lynn Mattes [00:04:58] Thank you Chair Gorelnik. I think we do need to also acknowledge not just the NMFS timeline and workload, but what the GMT pointed out. There has been a great deal of turnover. I do think my name tag should be changed to say institutional knowledge instead of Lynn, but they have had a great deal of turnover and there are a lot of new members on the team who haven't been through this process, so we do need to keep that in mind. I also encourage the team, Council and NMFS staff to maybe reach out to some of us that have moved into slightly different positions. I think we can still be a resource with, maybe not the policy or the recommendations pieces, but I think there's a number of us who are still around in the process who can help with making sure the pieces are there and the tables that are needed, et cetera. Just don't limit yourselves to the team. There's others out here who are willing to help I believe.

Marc Gorelnik [00:05:57] Thank you. Lynn Mattes.

Lynn Mattes [00:06:05] I don't see any other hands going up, so I do have a motion ready if we're at that point.

Marc Gorelnik [00:06:11] I think that a motion would be terrific.

Lynn Mattes [00:06:26] Thank you to Sandra and the IT staff. I move the Council adopt the proposed schedule and process for developing the 25-26 Harvest Specifications and Management Measures as shown in Agenda Item H.7, Attachment 1, June 2023 and request an updated rebuilding analysis for quillback rockfish off California to be reviewed and endorsed in time for the November Council meeting.

Marc Gorelnik [00:06:52] All right. Is the language on the screen complete and accurate?

Lynn Mattes [00:06:55] Yes sir, it is. Thank you.

Marc Gorelnik [00:06:56] All right. Look for a second? Okay, seconded by Caroline McKnight. Please speak to your motion.

Lynn Mattes [00:07:06] As we've, as Todd and Keeley have mentioned, this is the same schedule and process that we've used the last couple of biennial cycles. It is a little frontloaded compared to what we did when I first started on the GMT, but adhering to the schedule provides the best potential for having regulations in place by January 1, 2025. Missing or delaying a benchmark or a deadline in that schedule could have cascading impact on following deadlines. As an example, if the harvest specification piece gets delayed past November, then the GMT is unable to do their over winter analysis. And as Keeley has just mentioned, this also depends on limiting the number of new management measures to those that are necessary to implement the harvest specifications. These are things like adjusting recreational bag limits, trip limit changes, minor changes to the RCAs, et cetera. And then based on the adoption of the stock definition for quillback rockfish off California earlier this week, I think that was just yesterday, an updated rebuilding analysis needs to be conducted to inform the 25-26 harvest specifications, and this is just requesting that that occur. Thank you.

Marc Gorelnik [00:08:22] Thank you Lynn. Any questions for the maker of the motion? Discussion

on the motion? Bob Dooley.

Bob Dooley [00:08:34] Thank you Mr. Chairman. And thanks Lynn for the motion. I just wanted to acknowledge some of the things you said about the changes in the GMT and how much we lean on them for information regarding the spex process and how, from my perspective, how hard it was to get my arms around this being, you know, not as engaged as that coming into the process a few years ago. And I really do appreciate the fact that their guidance has been so important and so clear over time and gotten more clear through some of the procedures they have, the GMT has adopted, like the PowerPoint presentation that we get at the end and how that really has streamlined it for us, at least my thinking. But I also want to recognize that the point that you made that we do have quite a bit of knowledge around the table now that we've always kind of had, but we more intensely now, particularly with Miss Mattes and Miss McKnight on the Council sitting around the table and have, and others. There's a bunch of others that came through the GMT. But I think we, you know, we have the ability now to work as a, get input as a team around the table as well to help us through this process and I do expect it to be a big workload for the GMT, but I also expect that we can make it through this and it will be a good process so I support the motion. I think it's a good start and thank you.

Marc Gorelnik [00:10:09] All right. Thank you Bob. Any further discussion on this motion? All right, not seeing any hands I'll call the question. All those in favor say 'aye'.

Council [00:10:20] Aye.

Marc Gorelnik [00:10:20] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much for the motion. Before I turn back to the staff, let me look around the table and see if there are any other items the Council wishes to take up. Keeley Kent.

Keeley Kent [00:10:39] Thank you. I did want to bring up, I appreciate the motion from Miss Mattes, and I think that addressed the quillback issue, but there are a few other outstanding issues that dovetail into our stock definitions process and I want to make sure we get those requests out early in this process. I think we're still in a bit of new territory with our newly defined stocks that we're going to work through and this issue with having stocks that have multiple assessments, and that raises some questions. The stocks that are being assessed in 2023, you know, that will be brought up as part of the review of those. But the stocks that the Council recently made recommendations on stock boundaries for... that were assessed in 2021, we see a need to make sure that that new packaging happens appropriately and comes early into this process. You know there's, I think, two different asks, one is the packaging to make sure that we have the information at the stock level. We've had some conversations with our stock assessors about that, but I do want to make sure that it's on the record that we'll look for that information. But then the secondary part is that while we have some, you know, presumptive new stocks that have multiple assessments, we think there still is value in understanding perhaps some of those differences in biomass and area, particularly when assessments within the same stock may show very different levels of biomass for particular areas. I think this Council has demonstrated that they are interested in that information. The SSC has recommended in the past spex cycle that the Council take management measures that address that difference in biomass, but we need that information to be able to come forward to inform any discussion on ACTs or tailored management measures by area within a stock. And so, I think, this is still a bit of how do we do this, but I do want to put that out there that I think we will need to figure out how to bring that information forward. It's not the same as a decision table because it's not a stock, but that information is valuable in the process, and so I think we will be continuing that conversation with the Science Centers and to the extent, you know, there are specific asks from the Council. We certainly would like to get those early in the process so that we can make sure that all of the information that we need is present on the table for all of the work that we will need to do.

Marc Gorelnik [00:13:05] Great. Thank you, Keeley, for pointing that out. Restructuring of some of the stock definitions is going to create some additional workload but we knew that when we did, when adopted them so, but it's something to keep in mind. Caroline.

Caroline McKnight [00:13:18] Yes, thank you Mr. Chair. Thank you Keeley. I appreciate the discussion. I think it is hugely important to acknowledge that now at this meeting as we move into this schedule, both not only just for the timeline benchmarks that are just very important to make sure we get a package done on January 1, but also the transparency for the public as we move into STAR Panels and they may see a decision table for one stock that then supplemental information may be coming later that would suggest maybe different types of key or tailored management measures to address areas that could be depleted on different levels. So, I think the transparency there is very important and I anticipate hearing more about this potentially maybe in August or at least by September would be a good benchmark timeline. Sound in the ballpark? Great. Thank you very much.

Marc Gorelnik [00:14:15] All right, further, anything further from the Council on this agenda item? I'll turn back to our staff officers and see how we're doing.

Todd Phillips [00:14:26] Yes, Thank you Mr. Chair. The Council has adopted the scheduling process for the 2025-26 groundfish harvest specifications. You've provided some initial guidance regarding management measures as well as the indication, as Miss Kent described here, that we will need to provide information at the specific stock level that was defined under H.3, as well as provide for the Council some sort of adjunct decision table I'll call it, where we understand the contributions to the ACLs, the potential sub-ACLs are... anyway. One that was, I'm sorry I'm blanking. The other issue that I would say that I will do for the Council is that I will revise the schedule as necessary and bring it back to the Council and I will also revise it to what, to its clarity as Miss McKnight acknowledged with the management measures. With that I'd say you've completed your action and thank you very much.

Marc Gorelnik [00:15:26] All right, thank you. Well good job by the Council. The good news is we're ahead of schedule.

8. Inseason Management – Final Action

Marc Gorelnik [00:00:00] All right, that concludes public comment and takes us to our Council action here, which is on the screen. Adopt 2023 inseason adjustments as necessary. Maybe we can have some discussion and then if there are motions, we'll take them, but let's start with some discussion. Marci Yaremko.

Marci Yaremko [00:00:24] Yes, thank you Mr. Chair. Just with regard to the discussion we've had around the table related to Chinook take this year, I just want to thank Keeley and Maggie in particular, but the National Marine Fisheries Service for being willing to discuss and research this issue offline with the agencies. We, in particular, have certainly an interest in this topic. We are interested in knowing more about the stock composition of the catch in 2023, particularly because our salmon fisheries in California and Southern Oregon are closed. Hearing that the activity, the whiting activity has been centered in various areas off Oregon and potentially some activity further south, we are certainly wanting to have a look at the stock composition of that catch relative to its location. I think our primary concern here is that we're just looking for some assurance, I think at this stage, that not all of those Chinook that are reported to us in the scorecard are Klamath fall Chinook or Sacramento Chinook. That would be a serious concern for us. We expect that's not the case. We expect that it's a normal mix of Chinook stocks that are intercepted in groundfish fishery activities up and down the coast. But it would just be nice to be able to have some reassurance that there isn't a concentrated amount of catch on those particularly weak stocks of salmon that are highly vulnerable this year, 2023. But I do want to thank again the fishery service for being willing to continue these discussions. They're connected with the various monitoring programs far better than we are and we're hopeful that maybe we can get a little more timely information this year just to maybe put some concerns to rest. But I appreciate the ongoing work being done on the sidelines. Thanks.

Marc Gorelnik [00:02:44] All right. Pete Hassemer.

Pete Hassemer [00:02:47] Thank you Mr. Chair. And thank you, Marci, for those comments. Since you started on some of the bycatch in the Chinook I'll follow along the same thread. I'm very concerned. You know when I looked at the numbers, I dug back through five years of reports on this and the next lowest number of salmon, Chinook salmon bycatch to date was, this year is five times greater than that year, and it's 20 times greater than some years. So, it appears to me that something's going on. There's more salmon bycatch. I looked at the rate of whiting utilization and some of the percentages aren't that large, but this year is the lowest in five years. So, and I know I've heard that people were scratching and searching for fish in the bycatch, not just Chinook, but some other species so, you know, I've heard some people say, well, they don't see it's an issue. And I understand that there's no inseason action to take at this time and I shouldn't be so glib about it, but the song playing in my head isn't Bobby McFerrin singing Don't Worry, Be Happy. It's a little bit scary because as I looked at the numbers in the last five years, 81 to 97 percent of the total season bycatch of salmon occurs after this date. So if, and it, so where we sit right here today, there are more pounds of whiting that remain to be caught than we've seen in the last five years, and they would have to be caught at less than the lowest salmon bycatch rate we've seen in those years to stay within the ESA guidelines we have or to stay below those. So, you know, I see things trending in two different directions and it doesn't look good. So, there's not an inseason action to take. I appreciate the GMT indicating they could provide more information. And so, my ask would be, if others agree, that the GMT does come back in September with some additional analysis into this. I'm not sure how to shape that or put sideboards on it right now, but there could be some time area analysis. I know when we went through the ESA or, excuse me, the salmon buy-op analysis on this, that when we looked into the bycatch, September, October bycatch of salmon tends to be very high, and that's why I'm concerned because all these fish are left to catch in that later period.

There was that seasonal component. There was a depth component. I don't remember if it was distance from shore or a bathymetric depth, but there was that. I don't remember if there was a north south component to the bycatch. I don't remember if there was a time of day, nighttime versus daytime fishing, but if the GMT could provide a little more explanation on what we saw going on, because as they noted, the fleet is in Alaska now in that fishery and, you know, standing down in these southern fisheries pretty much until fall. So hopefully there's time to look at that in September and think about what could be done. Also on the genetic analysis, it is, you know, a bit frustrating. I'm sorry to hear that it would be 2024 before we get these samples analyzed. I've said it before regarding this issue and I'll say it again today that in some cases seeing more salmon is a very positive sign. Stocks have been depressed for a long time and as they begin to rebuild we should see more and we would expect to see more bycatch. But I guess in March and April I didn't hear anybody saying that there's a whole bunch of salmon around. So, you know, trying to line up these numbers with that there. I've heard they're smaller fish. There could be a good indication. I know there's a number of genetics labs spread across the Pacific Northwest. From my prior work I know all of those labs calibrate their machines so when they, if any one of them gets a sample of fish, they get the same results and the same stock identification that any other lab would get. So, you know, I hope there's some opportunities to share and to speed up and help because relative to the potential to exceed our ESA limits, I see it as pretty high this year. So, I'll just finish. Again, I would ask that the Council consider having the GMT come back with some additional analysis in September, information if they can bring that to us and, you know, I'll continue to watch it but I just wanted to express my concerns. Thank you.

Marc Gorelnik [00:08:40] All right, thank you. Butch Smith.

Butch Smith [00:08:43] Thank you Mr. Chairman. And thanks Pete for your words. And I, you know, this... if you could pick a perfect year that you wouldn't want a lightning strike this would be the year and, you know, we have one and so I am really appreciative of Heather's testimony and what the, you know, the industry has done to improve themselves and especially the information that flows. But in saying that, I think we do have a path forward that's a little quicker than 2024 is in reading some of the tags. It might not give us an exact 100 percent stock assessment, but it will go a long ways. And, you know, the salmon guys down there are nervous, rightfully so, you know, respectfully asking for some information and I understand that. I think that our friends at NOAA are at least in some talks outside the, this room here are committed to look and to see if they can get on some tag data as quick as they can, and I think we need to do that, especially in a year like this, to kind of turn down the simmering of the pot that is now at a medium boil. What... no matter what the information is it's important. So, I think there's some things that we can do at this Council to help that and whatever the data is, the data is, but at least there's no specitivity, you know, rumors and all the stuff that goes along with a year where we're, you know, the salmon people are sitting on the dock. And I fully believe that no sector of the whiting industry wanted to do this, but it happened. And I think I'm confident that, you know, they're working on it and have some work to do and certainly didn't want this to happen. So anyway, those are some of my comments and hopefully we can get through this and get some information out as quickly as we can and get to working on what we have to work on. So, thank you Mr. Chair.

Marc Gorelnik [00:11:04] Thank you very much Butch. Oh, I'm sorry, Keeley.

Keeley Kent [00:11:15] Thank you. I just wanted to go back to Vice-Chair Hassemer's comments. And I'm wondering, it sounded like you were asking for the GMT to bring back forward some information in September, but I'm wondering if there will be enough time that the fall fishery has been underway to have anything new. And I'm not sure immediately whether the fishing plans in the fall are really similar enough to the spring fishing plans that that will be representative. And so I'm wondering, I fully understand the concern and I will say too that, you know, we are very much looking into this and there's a lot of discussions happening and so that does not mean that there would not be appropriate looking

into the issue before September, but I'm just wondering and perhaps it's a question for the GMT, if there's enough new, if there's been enough fishing in the fall by the September meeting for that to be a meaningful use of their time or whether that's something better in November, which I understand then feels sort of late so...

Pete Hassemer [00:12:15] Thank you Mr. Chair, and thanks, Keeley, for those questions. I wish I could have put better description into what we want to see. I've been trying to find information on the pace of the whiting fishery, the accumulation, and think about when those boats come down when they re-initiate in the fall. I know there's some September and our meeting is mid, early to mid-September this year. So, I'm not sure they can give us a lot about what might happen going forward but just a little deeper look into what happened this year. In my conversations with them there was some potential there too, because they didn't have the time now, but to see why we saw what we did and should, are we able to stand down a little bit or should we be concerned we might get some of that out of it.

Marc Gorelnik [00:13:26] Phil Anderson.

Phil Anderson [00:13:28] Thanks Mr. Chairman. I share the concerns that are being raised relative to the salmon bycatch. And I don't think there's any confusion about what the expectation of the Council is relative to the salmon bycatch limits or if there are increases in salmon bycatch even though they may be below, you know, what the critical points are that we expect the fleet to respond by taking action on the grounds to try and reduce salmon bycatch. I am worried about the lack or the potential of the lack of understanding or clarity in terms of the set-aside numbers that we had for rockfish, which is obviously one of the reasons I asked the question of the GMT. I think the Council went a long way to try and provide some flexibility to the at-sea fleet, fleets in dealing with rockfish bycatch and moving toward and putting in place the set-aside approach. And I supported it then and I support it, I continue to support it for many of the reasons that Whitney articulated in her response to my question. But it stopped, you know, it stopped short, and I'm not, this isn't a criticism, but there is obvious clarity from my perspective that the mothership sector is responsive and respects the set-aside numbers and that even though, like I said they're like for darkblotched, there isn't necessarily a conservation concern at, I think we're 24 percent of the ACL. The setting, setting those set-aside numbers isn't, we're not doing it just to have something to do. We put them out there for a reason and, yes, we can exceed those and there might, there will be cases when there's, that those are exceeded and those exceedances are acceptable, but at the same time the industry will have shown us that they take those set-asides seriously and modify their operations to the maximum extent that they can while still having a reasonable opportunity to catch their whiting. And I just, I don't know that there's, I don't know that we all agree around the table that there is that expectation that those set-aside numbers are there for a reason, and that there is an expectation that reasonable measures will be taken if they are expected to be exceeded, to stay as close to those as possible while at the same time we're not looking to close the fishery in the absence of conservation issues or if it results in allocation issues or whatever it might be. So, I just, I think it's important that we, that if that's where we are as a group it's not reflected in the regulations, but from my, at least from my chair when I voted in favor of moving toward the set-aside approach, it was an expectation. So, I just put that out there. If there's agreement around the table just articulating that I think is important so that we don't have different interpretations about what the expectation is relative to those set-aside values.

Marc Gorelnik [00:18:50] Bob Dooley.

Bob Dooley [00:18:53] Thank you Mr. Chairman. Addressing Phil's statement, I'm in total agreement Phil. That's exactly my expectations as well. You all know that I come from vast experience in the whiting sector. I started fishing whiting in 1981 and continually pretty much as much as we could until all the way through the end till I retired in 2014. I was part and parcel of the agreement. I was the

bycatch Chairman for the mothership sector. Helped write those agreements and understand the differences between the agreements and the sectors from mothership all the way through shoreside, understand those agreements. The overarching understanding and belief in my part was just exactly what you said. Those set-asides were a departure from hard caps. They gave flexibility to unexpected situations and gave Council flexibility to not shut that sector down, particularly if there wasn't a biological reason to do it. But the overarching understanding in my part that those set-asides meant something. They were not just to be ignored. I do, you know, the numbers are undeniable. I heard Heather's comments. They're in the GMT Report, Table 3, Table 7 comparing salmon and comparing darkblotch. It is very apparent that, not assigning blame or neglect or anything like that, but that there's a difference between those sectors. And my expectation from my seat is that we have given a lot of deference to co-op management, rightfully so, and I think that from my perspective I think we need a response to this. And obviously, looking at the numbers, it's balanced on one side of the ledger between mothership and CPs. I would expect a response, a meaningful response from those sectors to come to the Council before September. Regarding what Pete was talking about the salmon and the path we're on of attainment of our total allocation of whiting versus how much, you know, the bycatch is available under the buy-op, and one thing I would like to add to that just as a piece of information, is that what I know right now, and hopefully somebody else would clarify it if I'm wrong, is we're far from on track to attain our allocations in any of the sectors of whiting. And I think given that a large portion of the fleet is now in the Bering Sea fishing pollock and from the anecdotal information I'm getting it's going to be later in the fall for them to return to this fishery, the chances of us reaching those allocations is probably not very good. So, to that end, I don't have the same concern that we're going to exceed the buy-op amount that's allocated to those or appropriated to those sectors. However, that has nothing to do with this conversation in my mind. It's more we have the entire California coast, excuse me, and two thirds of Oregon in directed fishery standing down. I don't care if it's one fish. They're concerned and rightfully so. That's the reality here. Rightfully so, there's a higher expectation to all sectors to be mindful and to do all they can do to avoid salmon bycatch, and we need to do that. But the fact that it is high doesn't necessarily mean the sky is falling. I think that it might be a good thing. The understanding the origin of those fish is very important. If it is high, I remember conversations in March and April about when it was discussed to stop the salmon seasons that, you know, what are we doing? In at least in my area where I live, that was probably close to a historically high catch last year in that fishery. And, you know, even though we were in drought, even though the returns and all that stuff were very dismal and the stock projections and returns were very dismal, that from the fishermen's point of view, and not necessarily fishermen that are involved in the process, they're going 'we went from really good to zero in one year'? To me I think maybe there's an indication that maybe there's a little more fish in the ocean than the rivers are indicating, and this data might inform us of that. So, I think it's really important to get this recent data what this bycatch could give us, particularly in light of the fact we have no other data with the fisheries not fishing now, you know, for all of California and two thirds of Oregon. So, I think that's very important. Getting back to this staying in your lane, so to speak, on both salmon and in rockfish bycatch, I think it's important that that is a heightened awareness, a renewed call for these, for the co-ops to come forward and tell us what they're going to do to do that. We understand we had problems last year with sable. That was a problem. Seems like it's waning a bit in that sector anyhow, maybe not in others. We had dark, shortbelly the year before I believe, and years before, and we've counted on the co-ops to do things. Counted on those sectors to get together and give us answers. I don't think the sky is falling right now but, boy, it sure looks like the clouds are gathering, and I think we need to have some answers of what's going to happen. We have time. That fishery is not going to resume at sea anyhow, probably till late September I would guess but, boy, I want to hear what's going to happen. It certainly looks like, you know, the overarching, if you look to the informational reports that for the co-ops that are in our briefing book showing the whiting mothership as well as the CP sector and in the bycatch information that's there, and they talk about what they're going to do, particularly in the CP sector to avoid salmon, and the overarching thing there is 'we're going to avoid it in all areas of abundance and do all we can to avoid it'. I, and I believe they do that. I

believe that that's the intent. But the numbers, certainly when you compare one sector to the other, don't back that up. So, I'm not pointing fingers. I'm not doing any of that, but I certainly want some attention paid to that because I think it's important in salmon, it's important in other bycatch. I think it's important that we have trust, and we have confidence that those co-ops are, will do what they've warranted to us that, and they continue to get the trust of the Council and the confidence that they will self-manage to the levels that we expect them to. So, I guess I'll stop there and hopefully I made sense. I'm sorry, thanks.

Marc Gorelnik [00:27:44] All right, thank you Bob. Keeley Kent.

Keeley Kent [00:27:48] Thank you. I actually wanted to go back to Mr. Anderson's remarks and ask him a question if that's okay? Phil you said something, I'll paraphrase and then you'll let me know if I got it wrong, something to the effect of the regulations don't match the intent of what set-asides, at least you thought they were supposed to be, and I was just wondering if you could elaborate on that and if I got that very wrong, I will hope you will tell me.

Phil Anderson [00:28:23] What I think I said without going back to the tape, I don't think I included the word "intent". The language that I saw in the GMT report, which I am not pulling up as quickly as I had hoped I could, doesn't, in my reading does not include the expectation that the at-sea sectors will take measures as necessary or needed to stay, to attempt to stay within the at-sea set-asides. I don't see that in there. Maybe I'm missing something, but it was a big part of the discussion when we were moving from hard caps to set-asides. We had a lot of interaction with the at-sea sectors about how the set-asides would be treated. So that's what I meant to say.

Marc Gorelnik [00:30:05] Keeley.

Keeley Kent [00:30:06] Thank you. That does help me. I think perhaps I would flip that and say the regulations allow the Council, or the Council has retained the ability to take inseason action on a set-aside exceedance. So, I think that gets at and that from my brief look at the GMT report, I'm not seeing that specifically called out but I'm skimming it again and so perhaps that's... wasn't involved in that rulemaking. Perhaps that's how it kind of ended up there. And so, I want to make sure the Council is aware of that, that's... you have the ability to take inseason action if you are concerned about an at-sea set-aside being exceeded. We removed the hard cap but that does not limit your authority if you feel like the industry is not doing what you would like them to do with that number.

Marc Gorelnik [00:30:57] Phil.

Phil Anderson [00:30:57] Yeah, thanks Keeley for that reminder, and it's a good reminder for everybody that's listening to our discussion here. I think that in this case, both on the salmon side as well as on the darkblotch side, that it would be beneficial to the Council to hear from the both sectors, mothership and CPs, their fall fishing plans and what measures they're taking to respect the set- asides and to minimize salmon bycatch. I think we've had some of those explained to us from the mothership in some detail. Hearing those again or having them provide that information to us would be beneficial. And it would also, from my perspective, hear the same thing relative to the CPs and some of the changes they may be intending to implement when they return to the grounds in the fall.

Marc Gorelnik [00:32:34] Lynn Mattes.

Lynn Mattes [00:32:35] Thank you Chair Gorelnik. I echo what Mr. Anderson just said. I think it would be useful to get some information on the fall plans. The GMT can provide us information on what has happened, but I think industry would be a better venue to give us information on what they

think is going to happen, how they intend to pursue the fishery this fall. So, thank you.

Marc Gorelnik [00:33:01] Thank you. Pete Hassemer.

Pete Hassemer [00:33:03] Thank you Mr. Chair. Yeah, I guess I can second, maybe a third on that hearing those plans. In our informational reports we have from the three sectors... the report from last year's activities, those are excellent reports, but it's a retrospective on what they did last year. And relative to what's going on, what might happen this fall, that would be good to hear. And I just want to, the last comment I make maybe is, you know, I expressed my concerns in the context of the salmon bycatch because it just, there's something that caught my attention there. I'm not looking to close any fisheries because of salmon because we have these ESA guidelines and as long as they fish within those. You know my real concern is that the fishery, the whiting fishery as a whole in each of the sectors, is able to obtain full utilization or, you know, within the various constraints. Bob Dooley mentioned some that Alaska in that, but it's a successful fishery because we have good fisheries. This is wild caught seafood product so that's what I really want to see is that the fishery isn't constrained in some way that it's allowed to continue and be as successful as possible, the CP, the mothership, the shoreside sector, all of those. So, it's not looking to close the fishery. It's looking to keep the fishery as successful as it can be. So, thank you.

Marc Gorelnik [00:34:45] All right, thank you. Heather Hall.

Heather Hall [00:34:48] Thank you Chair Gorelnik. Just want to add some thoughts here too on the, the set-aside situation. I know that when they were developed the intent for set-asides was to provide flexibility, and I believe that they are doing that. You can see in Table 7 in the GMT Report that just comparing where we are this year to where we were this year that things are very different. So last year sablefish and shortspine thornyhead were highly attained and they're set aside through this point, time in the year was higher than expected, and this year it's completely different where we're looking at high attainment for darkblotch and yellowtail, not to mention Chinook salmon. So, I think it speaks largely to the issue and the uncertainty. I also think that the flexibility comes with accountability, and I think that's where we're all on the same page here too, and having that accountability. And I think we've seen the at-sea fleets and industry being incredibly transparent and responsive over time and so appreciate that. And so just wanted to add that to the discussion. Thank you.

Marc Gorelnik [00:36:11] Thank you Heather. Vice-Chair Pettinger.

Brad Pettinger [00:36:19] Yeah, thank you Chair Gorelnik. I know we have the shared set-asides for the fleets for a reason. I mean... because I know in some years different sectors catch more fish than others and for some, some reason, I don't know what it is, I notice over a period of time that everybody takes their whack at maybe catching more salmon, maybe some years than others. I get that. I think under that kind of premise that everybody shares a mutual amount of fish that everybody would behave properly and communicate and maximize the use of that. And so, the salmon numbers are certainly higher than I would have hoped for. But maybe it is an indicator of abundance. Maybe there's more small fish out there than... I would hope for that because that is a indicator of potentially of some good year classes. I was kind of shocked when Vice-Chair Hassemer shared with you the numbers, how much higher it has been in past years, because it is quite a bit higher. And I think it'd be nice if it was just a little more, if there was more communication, if there was someone here to give us a report on why that was and when it was caught and was it before May 15th? I don't know that. As managers around the table, it would be kind of nice to know the world were operating in and what's happening around us, so we have an informed decision-making process. So, it's the salmon numbers I don't, that doesn't bug me so much would as it is the darkblotched numbers in a sense that there was a sector which was closed down over an area and standing down, and we had other vessels from another sector come

in and fish right there. And I'm assuming there had to be some communication happening. There was some fish there and it'd be really nice to understand what people's mindset was when they did that unless they had a 75-ton tow and it was one big lightning strike then I'd get it... maybe. I'm not sure what happened because I don't know. I can only guess. But it'd be nice... this... we operate on information and we don't have the information here today. At least no one's talked to me on the set-aside and had a discussion about what happened, but it'd be nice to have a report, I think, about why that was and what the mindset was going into that, because people, we're allowed people to share fish and that's a dangerous place to be if people aren't playing nice with each other. Anyway, but I do like the idea that Phil talked about having a, have it come, tell us what the plan is for this fall. And I think it'd be great to maybe find out what the plan is for next year, because it'd be great, I think, to have an update from folks, all the sectors, about what's going on. I know we've got the large portion of this coast shut off to salmon right now and a lot of people aren't very happy about that, and I get it and I think that, you know, every fish counts they say. I don't know if that's essentially... that's probably pushing it maybe, but I mean it's a big deal and we're... it's the optics are certainly horrible at the very least. So anyway, I'll stop there.

Marc Gorelnik [00:39:37] I guess what I'm hearing around the table is we would like to hear from the at-sea sectors on how it happened and what the plans are. It is a Sunday. I'm not sure that we're going to get answers today. So, I think this can be phrased perhaps in the form of a request to these sectors to, you know, contact us well in advance of the September meeting and let us know what, you know, what information they have. Is that, does that make sense for folks around the table? Or does anyone want to articulate something far more specific than that? Phil.

Phil Anderson [00:40:36] I always hesitate making stuff up on the fly, but it seems to me that under the inseason management item in September we could have a place on there for, to receive reports from the at-sea sectors relative to their fall plans for minimizing bycatch.

Marc Gorelnik [00:41:01] All right, I'm going to look around the table. I notice that Todd is taking notes there. And I don't know if there are people... are anxious for lunch or not. I do see Bob's hand up.

Bob Dooley [00:41:16] Yeah, thank you Mr. Chairman. I agree with Phil's take on that exactly. And I know you mentioned something, talking about maybe a postmortem on what has happened to get a better understanding and how that might affect plans for next year and how that might affect. So, I would hope that would be included in those reports too, to get some more detail of, you know, what has happened and what we're going to do to avoid it in the future, which is right within what Phil was talking about, but more importantly not just the future planning but also reflect on this a bit too. Thank you.

Marc Gorelnik [00:41:55] All right. I don't want to foreclose discussion, but I suspect there are some motions ready. And let me see if there's any further discussion on this agenda item? Marci Yaremko.

Marci Yaremko [00:42:08] Yes, thank you Mr. Chair. I am ready with a motion whenever it's time.

Marc Gorelnik [00:42:14] Well, I'm not seeing any other hands up so please proceed.

Marci Yaremko [00:42:17] All righty. Thank you. I move the Council adopt Number 1: A 22-inch minimum size limit for all commercial lingcod fisheries south of 42 degrees North latitude as described in Agenda Item H.8.a, Supplemental GMT Report. Number 2: Increase bocaccio trip limits as described in Option 1 of Agenda Item H.8.a, CDFW Supplemental Report 2.

Marc Gorelnik [00:42:48] All right, the language on the screen accurate and complete?

Marci Yaremko [00:42:50] Yes, it is.

Marc Gorelnik [00:42:52] I'll look for a second? Seconded by Lynn Mattes. Please speak to your motion.

Marci Yaremko [00:42:56] Thank you Mr. Chair. As we heard from the GMT and the GAP, reducing the commercial lingcod size limit from 24 to 22 inches south of 42 degrees latitude is expected to increase attainment, minimize discard, and provide consistency across sectors for the species. Number 2, the bocaccio trip limit issue. This request would provide additional opportunity for those that are targeting both chili pepper and bocaccio in the same trip and would better align the two trip limit values for both open access and limited entry sectors. Thank you.

Marc Gorelnik [00:43:48] Thank you. Are there any questions for the maker of the motion? Any discussion on the motion? All right I'm not seeing... ah, Lynn Mattes, please.

Lynn Mattes [00:44:02] I'll keep it brief since I think some of us are starting to get hangry. Supportive of this as there doesn't seem to be a conservation concern for either of these. There's plenty of room in the ACLs, and it's going to provide some additional opportunity for fishermen who are in sectors that may or may not have been severely impacted by the salmon stuff so just in favor of supporting the additional opportunity given the conservation concern.

Marc Gorelnik [00:44:27] All right, thank you. All right, I'm not saying in other hands. I'll call the question. All those in favor say 'aye'.

Council [00:44:33] Aye.

Marc Gorelnik [00:44:33] Opposed, no? Abstentions? The motion passes unanimously. Thank you for the motion, Marci. Are there further motions on this agenda item? Is there any further discussion on this agenda item? Todd.

Todd Phillips [00:44:58] Yes, thank you Mr. Chair. What I've heard today is that you've taken action to decrease or rather change the size limit from 24 inches to 22 inches south of 42 degrees in California for all commercial fisheries, federal commercial fisheries. Additionally, the other request was to change the bocaccio trip limits, which comes in the form and is noted in the Supplemental Report 2 from California Department of Fish and Wildlife. Additionally, the Council has put forth a request that at the September meeting during the groundfish inseason agenda item that they would like to hear from the at-sea sectors regarding their plan for the fall, as well as a retrospective of what happened here early in the spring. With that I conclude.

Marc Gorelnik [00:45:48] All right. Well thanks everyone for getting that work done.

I. Salmon Management

1. Sacramento River Fall Chinook and Klamath River Fall Chinook Conservation Objectives - Scoping

Pete Hassemer [00:00:00] That concludes the public testimony and will move us into our Council discussion and action. The tasks are there on the screen before us, primarily looking at a path forward, a process and a timeline considering both stocks of fish. So, I will look around for any hands to initiate discussion. Marci Yaremko.

Marci Yaremko [00:00:32] Thank you Mr. Vice-Chair. Just a quick update on the California budget situation. I didn't have that handy, unlike John North for Oregon. I've learned that the Klamath Dam removal monitoring budget change proposal that we had submitted that would allow for monitoring and collection of information on juvenile productivity and adult returns for the lower river in the new habitat after the dams were removed, that BCP was approved and is now part of the budget, so that's good news. I don't have specifics on what it does to augment staffing, but it does support our, at least our routine monitoring and new monitoring needed in the new areas, the new habitat areas. So that's the update on that. Thank you.

Pete Hassemer [00:01:30] Thank you Marci. Further discussion, guidance, motions? Everybody's thinking carefully on this one. Maybe I'll ask Robin, do you want to just summarize again what we're looking for in terms of a pathway forward?

Robin Ehlke [00:01:59] Thank you. Excuse me. Thank you Mr. Vice-Chair. Yeah, so essentially for Klamath River fall Chinook and Sacramento fall Chinook, I think we all agree that work needs to be done. The question, I think, right now is how are we going to do that? And time it so that the work we do is, you know, able to put some thought into it and is well done. So, for the Klamath River fall Chinook, the suggestion has been that an ad hoc workgroup could potentially be formed and that they could start looking at the management measures for that stock, and especially in light of the Klamath River Dam's coming out. For the Sacramento fall Chinook there was kind of two different thoughts. Certainly want to get the work done and one way to do that would be to collect a body of experts and have a workshop that could help outline the tasks and give a better idea of process and timeline of the work to be done, especially given there are more items for SAC fall that have been discussed relative to the tools that we use to manage as well as the management measures themselves to first, then have a workshop, and then from that decide if an ad hoc workgroup would be appropriate or just go ahead and form a ad hoc workgroup for SAC fall and have their first tasks be to conduct the work of what a workshop might do. Again, both of these items are very important from what I hear from the Council, that they may not be following the same path forward just in the sense of timing or even process, but we do want to make sure that we are making progress on both, but that doesn't mean that they're going to be lockstep moving forward. So, I think that just focusing on making some or providing some guidance on what it is that the Council would want to do so that we could address each of those topics individually would be helpful. Thank you.

Pete Hassemer [00:04:15] Thank you Robin. Bob Dooley.

Bob Dooley [00:04:18] Thank you Mr. Vice-Chair. Good morning. Just a comment here and maybe a question. You know we've heard a lot of talk this week about budgets, about bandwidth of staff, and the Council and workload, all of those things and I'd just like to hear from our Executive Director how he sees this. Is this, you know, fitting into the realm of things and how we should proceed and who's, how the funding goes for this and all of that, or do we, you know, just so we go into this with our eyes

wide open understanding how it affects our overall performance and particularly the concerns we heard about staffing this week?

Pete Hassemer [00:05:06] Executive Director Burden.

Merrick Burden [00:05:11] Yes, thank you Mr. Vice-Chairman, and thank you for the question, Mr. Dooley. This is something that has been on my mind a lot in regards to this item in particular, and I don't have a clear answer because it's a question that concerns multiple agencies. And so from, from our vantage point, you know, our salmon officer is Robin, and she is also stretched now with halibut and we are down a staff officer and so we don't have much more than we can give. In conversations that we've had with the National Marine Fisheries Service and CDFW, you know, the similar concerns have also been expressed. I won't speak to, speak for those other agencies, but there are staffing concerns all around. One thing to think about is that there is a, this might be how we have to work our way through this issue, is that there's a bit of an iteration between the vision that we have for addressing these conservation objectives in terms of is it a workshop? Is it a working group that survives for ten years? And those are different staffing. Those will take different staffing needs. So, depending on the vision, that also relates to staff, and I don't know that, we'll have to iterate a bit on that here for a little bit to figure out what we can do. And I realize that's not a very solid answer, but I think that's just where we are at the moment.

Pete Hassemer [00:06:42] Thank you. Marci, or Bob, follow-up?

Bob Dooley [00:06:46] Yeah, thank you for that Merrick. I appreciate it. That's, I just wanted to raise it to have it on people's minds to consider as we go through this because there's a lot of, obviously a lot of desire to pursue this and the importance is there and there's no doubt about it. But as we go through this, we ought to be thinking about not only what we want to do, but how we can do it efficiently. So, I appreciate your comments and I realize it was a little much to ask on the spot, but thank you.

Pete Hassemer [00:07:18] Executive Director Burden.

Merrick Burden [00:07:19] Yes, thank you. And just to reiterate what I did here... Miss Bishop indicate is that, and maybe you would like to speak to this Miss Bishop, but she said earlier that they are able to staff one of these ideas. I haven't heard any, I haven't heard that same clarity from ODFW or CDFW, but there are some markers that are being put down that I'm making note of so...

Pete Hassemer [00:07:44] Okay. Marci Yaremko.

Marci Yaremko [00:07:46] Yeah, thank you Mr. Vice-Chair. Just wanted to follow up a bit on the budget question from Bob. I believe I recall there was a small line item in the Council's 2023 budget for support for either a workgroup or a workshop to do some things in 2020, calendar year 2023. I recall it wasn't a lot of money, but it did at least set aside a small amount for activities related to salmon workgroups or workshops. So maybe you can elaborate on that? Thank you.

Pete Hassemer [00:08:33] Go ahead.

Merrick Burden [00:08:34] Yes, thank you Mr. Vice-Chairman. Thank you for the question, Miss Yaremko. The short answer is, yes, there is a line item, and I'm just pulling up the file now if you'd like a particular number. I don't have that right at my fingertips, but it won't take me too long. If I recall correctly, that line item is specifically for travel. And if you, if you'd like a particular number, just give me a minute.

Pete Hassemer [00:09:01] Marci.

Marci Yaremko [00:09:02] Thank you Mr. Vice-Chair. No, that's not necessary. I just wanted to note that, in fact, we had planned ahead and accounted for an expected meeting of sorts. That was really all I wanted to identify. I think there's a lot of room to work with the funds available and with the virtual formats expected for much of this work. I think we're in good shape. Thank you.

Pete Hassemer [00:09:33] All right. I look around for further hands here. And if you just need some visual reminders too on what we're trying to do in Robin's PowerPoint slide ten, I think, covered the Klamath River, some possible steps forward. Slide 17 covered the Sacramento. Good summary. Marci.

Marci Yaremko [00:09:58] Sure. Thank you Mr. Vice-Chair. I do have a motion ready for the Council's consideration.

Pete Hassemer [00:10:04] All right. We'll take that up right now. Go ahead.

Marci Yaremko [00:10:10] Thank you. I move the Council adopt the following: 1. For Klamath River fall Chinook form an ad hoc KRFC Workgroup and adopt the draft Terms of Reference and its proposed purpose, membership, milestones, and general timeline as shown in Agenda Item I.1, Supplemental Attachment 2. A. Task the KRFC Workgroup with developing recommendations to the Council regarding interim management measures by March of 2024 for inclusion in the 2024 preseason planning process with an update to the Council in November. Number 2. For Sacramento fall Chinook, form an ad hoc SRFC Workgroup and adopt as modified below the draft Terms of Reference as shown in Agenda Item I.1, Supplemental Attachment 3. A. Modify the milestones and general timeline elements in the draft ad hoc SRFC Workgroup TOR to hold a first workgroup meeting with the purpose of planning a technical workshop ideally in fall of 2023. The goal of the workshop would be to review recent science that may contribute toward developing a revised conservation objective as referenced by the STT in Agenda Item I.1, Supplemental STT Report, June 2023. B. The workgroup would develop a summary report of the workshop for the Council and advisory body review in support of a future Council agenda item for scoping of a revised SAC Fall Conservation Objective and Related Harvest Control Rule and Reference Point Alternatives. The target timeline for this agenda item would be either November 2023 or spring 2024. The workgroup would also update the Council on the recommended next steps, timeline, and process to evaluate the conservation objective and related management measures.

Pete Hassemer [00:12:19] Thank you Marci. The language on the screen appeared accurate and complete. Is that correct?

Marci Yaremko [00:12:26] Yes, it is.

Pete Hassemer [00:12:27] All right, thank you. I will look for a second? Seconded by Corey Ridings. Thank you. Please speak to your motion as necessary.

Marci Yaremko [00:12:38] Yeah, thank you Mr. Vice-Chair. We'll start with Klamath and just note that I thank the technical architects of the TOR for their detailed forethought and inclusion of a lot of content here in the draft TOR for our consideration. I think it was carefully crafted with its proposed purpose and focus on the technical and monitoring elements of the work that's going to be needed by members of the workgroup. We've heard a lot about the need for this group to get up to speed and functioning quickly in light of the imminent situation with dam removal to get together and work toward developing recommendations to the Council regarding any need for interim management measures that the Council would need to consider in the upcoming 2024 management cycle. Asking them to provide

us an update on their work in November is appropriate. There's, this is a very quick timeline. As identified back in April in our initial discussions on this, there is the need for urgency to get the group up and running so that they can have some time to make meaningful recommendations in light of the newest information available this fall. Moving to Sacramento. There was some discussion initially about what comes first, a workshop, a workgroup, and I think this motion intends to capture all of it, I guess concurrently. I appreciate a discussion I had last night with Susan Bishop about the workshop and the nature of that event, and we got into the detail talking about, well, who's going to plan it? Who's going to conduct it? We can't expect our Council staff to take that on and orchestrate the speakers and the scientific information that we expect to be brought into this workshop. So, it did seem appropriate to go ahead, excuse me, and form the workgroup and task them straight away with planning such a workshop so that the agency members of that workgroup would be bringing the right group of technical experts that have the most and newest available science and are able to convene an effective workshop. Thinking about...t well... what comes out of a workshop? How do you keep that momentum alive? You don't want to just have a workshop and have discussion and then have it fall flat and not plan ahead for incorporating that information and those discussions into the process. So, it seemed very reasonable to task the workgroup with preparing a report back to the Council on the outcomes of that workshop. And then, you know, very similar to how we conduct other workshop like activities in the Council arena, similar to things like STAR Panels where we receive STAR Panels back, or reports back to us for consideration. And that also allows for the report from the workshop to be available for public comment and review and of course advisory body comment and review. So that does allow an effective mechanism for engagement of the Council family as a whole, and then the Council would continue on with scoping of alternatives for developing a revised conservation objective after the workgroup is able to reconvene and update us on the recommended next steps and timeline to develop a revised conservation objective and any related management measures such as a harvest control rule or reference points. So, with that, I would just also acknowledge that we've had a lot of discussion both in the formation of the White Paper and in preparation for the team meetings. A lot of the agencies have really come together and had a number of offline discussions about how we view the importance of both of these items and how to, I guess, make clear that the goals of the two workgroups are quite different and potentially on, well, clearly on different timelines and with different products to the Council, and yet they are of equal importance. I think we've been very clear that this is not a one or another. So, I believe what we have here, the plan ahead with the content of the motion and the Terms of Reference for each of the workgroups that will effectively set the work in motion. Thank you.

Pete Hassemer [00:18:23] Thank you Marci. Are there questions to the maker of the motion for clarification? Susan Bishop.

Susan Bishop [00:18:34] Thank you Mr. Vice-Chair. Just a couple of points of clarification. Miss Yaremko, in the language of the motion it indicates that the Council would adopt the draft Terms of Reference, and I was curious whether that would allow the workgroups when they are formed to review those Terms of Reference and potentially provide any additional additions or suggested revisions that they might highlight back to the Council, say in September?

Pete Hassemer [00:19:04] Marci.

Marci Yaremko [00:19:05] Yeah, thank you Mr. Vice-Chair. Absolutely. I think, I mean the draft Terms of Reference is a, I mean, they're excellent starting points. You can see that the language of the motion already modifies in the Sacramento workgroup, the elements related to milestones and timeline. I would expect that once these groups have come together and met that they likely will have additional edits and additions to timelines and milestones and certainly I think we're interested in hearing, receiving that input and modifying the TORs iteratively as these processes proceed.

Pete Hassemer [00:19:53] Further questions?

Susan Bishop [00:19:54] Just one follow-up. Thank you. I appreciate that response. And also just, I was remiss in not echoing Miss Yaremko's appreciation of Council, all the work that Council staff put into these documents to help further the Council discussion and greatly help the agency deliberations that Marci referred to. I do have just one follow-up for clarity. For the KRFC Workgroup, the task, the second, or under 1.A it says task the KRFC Workgroup with developing recommendations to the Council regarding interim management measures by March of 2024. That seems to echo one of the milestones in the draft TORs 3.G, provide sufficient data and material needed to inform Council decision making during the 2024 preseason salmon process as best as possible. So, I was just curious if that was meant to emphasize that milestone in the TORs or if that in fact was a different assignment. Thank you.

Pete Hassemer [00:20:59] Marci.

Marci Yaremko [00:20:59] Thank you Mr. Vice-Chair. Thank you, Susan, for that question. It is, I think, the task specifically in front of the workgroup would be to provide recommendations on interim management measures. In order to do that I think they need to do exactly what that milestone 3.G requires. I just felt like it might help to add some clarity about what we were really expecting them to do. I mean, they may not want to bring back specific data points to us. In fact, I think we're asking them to synthesize that information and bring it back to us in the form of a recommendation. So, it was not intended to over or, not intended to replace the milestone that is identified in 3.G, but in fact to emphasize that we expect them to use that information and bring it forward to us in a form that's useful for us in the preseason process.

Susan Bishop [00:22:10] So just to clar.... so it sounds like you're saying it would compliment that element of the TORs just so that the.. to help the workgroup not bring us back another question if there was confusion so...

Marci Yaremko [00:22:24] Thank you Susan. Yes, that is the word I was looking for, compliment.

Pete Hassemer [00:22:29] All right. Thank you. Corey Ridings.

Corey Ridings [00:22:34] Thank you Mr. Vice-Chair. Sandra, do you mind scrolling down a bit? A little bit further. Yeah, thank you. Marci, thanks for this motion. Just a real quick question. Near the bottom of the screen there it says the target timeline for this agenda item would be either November 2023 or spring of 2024. My reading of this motion says that we would be probably ready in November of 2023. We've heard a lot today about the urgency and importance of this next April. It was kind of a bit away from now and wondering, just trying to get your thinking behind those two deadlines.

Pete Hassemer [00:23:14] Marci, go ahead.

Marci Yaremko [00:23:15] Sure. Thank you Mr. Vice-Chair. Thank you Corey. Thinking about the steps from here forward, forming a workgroup to plan to have a meeting, to plan a workshop, conducting said workshop, and then having the workgroup develop a report out of that workshop already is a number of steps and a significant obligation, recognizing that this would be a Council-sponsored workshop and recognizing the crammed fall calendar already, it seemed appropriate to build in a bit of flexibility here in terms of scheduling and yet at the same time to signal our intent that we intend to kick this off and get the workshop planned and scheduled so that the activities of the workgroup following from the workshop can get underway. I think I view the workshop as a very critical piece in furthering our scoping activities on developing revisions to the conservation objective.

There is a lot of new science that's happening in a number of circles, and I think having some, having an opportunity for that science to be presented comprehensively in a workshop format does create a lot of content that then the workgroup can synthesize and report back to us on. But again, I think in terms of the scheduling, we've always been encouraged not to be too prescriptive with timelines when it comes to activities of Council staff, and we want to leave some discretion there for Robin and Merrick to effectively plan the activity. So that was the intent with the targets.

Pete Hassemer [00:25:33] Okay. Thank you. Further questions for clarification? Phil Anderson.

Phil Anderson [00:25:42] Thanks Mr. Vice-Chair, and thanks Marci for the motion. Under questions for clarification under the membership, the one that is identified for Pacific Fishery Management Council and this is a technical representative so was the thought there to have someone from the STT represent the Pacific Council there from a technical perspective? Or what... just trying to understand kind of what the thought was there?

Marci Yaremko [00:26:26] Thank you Mr. Vice-Chair. I believe there is a represent... or a Pacific Fishery Management Council member identified for both the Sacramento and the Klamath Workgroups. So just making sure that's what we're talking about? I would leave this to the Council staff's discretion, similar to I think the way all of the agencies are viewing membership on the workgroup in the sense that the agencies will be expected to offer a representative to Council staff on the timelines identified in each of these Terms of Reference. So it would be, my expectation was that this and identifying an agency representative would be at the discretion of the Council. I don't know if Robin might be able to elaborate better on her thoughts about their role as a member of the workgroup.

Pete Hassemer [00:27:45] Thank you. I think Chair Gorelnik wanted to comment on that.

Marc Gorelnik [00:27:49] I'll defer to Executive Director Merrick Burden.

Merrick Burden [00:00:00] Okay, thank you Mr. Vice-Chairman. As indicated in the scoping report, we do have a list of entities and you'll note in the list of entities there that we weren't prescriptive about that being staff or a member of a technical team or a Council member and I think any of those would be appropriate. It depends on what it is we're trying to do here. And so, if I'm interpreting Miss Yaremko's motion correctly, there would be, you could think of the, let's see here, the workgroup, which is being set up to plan a technical workshop. So those are two different functions. And so, the workgroup could be a Council member helping to flesh that out. And then the technical workshop would be made up of the technical folks. And so that's something that I'll offer for your consideration just in light of the staffing challenges that we do have. It's hard for me to imagine us being on all of those things as staff and so we're happy to administer and support, but I think considering this more broadly than just staff would be an appropriate thought process.

Pete Hassemer [00:01:10] Chair Gorelnik.

Marc Gorelnik [00:01:11] Yeah, when I when I looked at the composition in the draft Terms of Reference, it struck me as sort of an STT plus membership list. Now in that half or more of the members of those organizations already have representatives on the STT. Now, I don't know if CDFW for example, or ODFW or NMFS, the Science Center, are going to use the same personnel on those committees on the workgroup as they currently have on the STT, but that was when I looked at that it struck me as logical. So as far as whether the Council, whether the Council representative is technical or not, it really would be our staff officer who was pretty, spread pretty thin right now already.

Pete Hassemer [00:02:14] Phil.

Phil Anderson [00:02:14] I just have a couple more questions if I might. There's also a provision for contractors or additional expertise as deemed necessary or suggested by workgroup participating entities. That to me, the way it's worded is pretty loose. So, is that to suggest members could be added to this workgroup outside the Council process? Or if there was a contractor or additional expertise that was deemed necessary to be a member of the workgroup would that come back here?

Pete Hassemer [00:03:05] Marci.

Marci Yaremko [00:03:07] Thank you Mr. Vice-Chair. I think in developing these TORs Council staff and agency staff considered the previous salmon workgroups that had been developed for specific tasks in the recent past. So, Sacramento Winter Run Workgroup, the Killer Whale Workgroup, the SONCC Coho Workgroup. So in thinking about those experiences and how membership evolved in those groups, at least in the case of SONCC coho there was a hired contractor to perform a particular analysis that would be, and I believe and probably Miss Bishop is better to speak to this than I am, but there was a specific need in order to prepare analysis in support of the ultimate recommendations that came out of the workgroup and that were support, or recommended by the Council. So having that analytical material completed by a contractor was the most efficient way to go. What I don't know is who paid for that contractor or if it was a Council contractor... NMFS. I'm not positive.

Pete Hassemer [00:04:34] Phil.

Phil Anderson [00:04:35] Just my last question is, the individuals that would be identified to be on the work, either workgroup, that are members from these various entities that are listed here. Would it be the responsibility of those entities to get their, their people to and from the workgroup meetings and workshops from a financial perspective? Are they paying their own way?

Pete Hassemer [00:05:14] Marci.

Marci Yaremko [00:05:16] Thank you Mr. Vice-Chair. I think to the extent that we can accomplish quite a bit of the work virtually, that would be part of the goal. Not to preclude face-to-face meetings, but it would be my expectation that when these groups would meet in person face-to-face that there are funds available in the Council's travel budget to accommodate participation. And I would expect that that would mean one representative. The membership that is identify, you know, from each agency, one representative from each agency that's listed. So, I believe there are adequate funds to account for some amount of travel. The list of members proposed here is not super large, but maybe Merrick can speak to that in more detail.

Pete Hassemer [00:06:22] Executive Director Burden.

Merrick Burden [00:06:25] Yes, thank you. Just to add some response to Mr. Anderson's question. So, in looking at the details of our budget for 2023, we do have a line item for what we have titled Salmon Workgroup Conservation Objectives. And in that line item we've budgeted ten travelers over the course of three days. And so that might give you some bounds for how large each of these groups might be and how frequently they would meet in person.

Pete Hassemer [00:07:00] All right, further questions? Susan Bishop.

Susan Bishop [00:07:09] Thank you for the reminder. One is just comment on Mr. Anderson's last point there. Just a reminder that at least for the Klamath River fall Chinook Workgroup, that workgroup is anticipated to be ongoing for quite a few years. So just in terms of staff and budget commitments, I think that was emphasized through the several reports and comments that we received from the advisory

bodies. I did have one last clarifying question for Miss Yaremko. The... in the motion in terms of I believe it was the Klamath, Sandra, if you could just scroll up a little bit. Yes, back to 1.A, developing recommendations to the Council regarding interim management measures. Just a question as to whether that would include consideration of the use of the current provisions in the fishery management plan in terms of what interim measures might be.

Pete Hassemer [00:08:07] Marci.

Marci Yaremko [00:08:10] Thank you Mr. Vice-Chair. Yes, absolutely. I think we enter into any discussions about management considering our, the current framework that's established in the fishery management plan and acknowledging that there are ways that we can deviate from harvest control rules, reference points, et cetera. There is some flexibility there within the plan, so I think that's the logical starting place for consideration of interim management recommendations. So it's, at the same time I think we don't want to preclude discussion about measures that might require future FMP amendments. So, I think we just have to see what they bring back to us. Thank you.

Pete Hassemer [00:09:09] Further questions for clarification? I'm not seeing any. I thank everyone for those probing questions so we fully understand what this motion prescribes, commits the Council and the participants to. So, with that I will open the floor to discussion on the motion. Phil Anderson.

Phil Anderson [00:09:38] Yeah, thanks Mr. Vice-Chair. And once again thanks for the motion, Marci. I think this represents a reasonable way for the Council to engage in these important topics. I'm mindful that they are a ad hoc workgroup, which to me means they have a specific purpose and that that purpose is finite. And when they have completed those finite and specific purposes that the Council would revisit the need to continue those as ad hoc workgroups, I'm mindful of the comment that Miss Bishop just made that on the Klamath River one that it is likely going to be needed to be in place for some time, as I understood that remark. So, and I appreciate the need for that, but that said, I think given that it is, they are both proposed as ad hoc workgroups that we ought to have a, some timeline by which we review the work of those two workgroups individually, and decide whether they should continue as ad hoc workgroups or be established as a permanent or whatever the decision might be. Relative to the membership I don't have any. I think the membership that's listed there seems to make sense to me. All but the contractors are additional expertise piece. I think it's perfectly appropriate for contractors or if you want to bring in additional expertise there may be a need to do that. That generally comes with some costs, and I think that that in those cases, if they're going to be, if there's going to be a contractor added or... or they're going to bring some additional individual from some other entity in on a somewhat of a permanent basis relative to the ad hoc group that that should come back to the Council for deliberation. On the cost, I do believe that while if there can be, if there is some assistance that is available to be provided by the Council from a travel perspective, I think that's fair. But at the same time, I mean this is a, to me is a, I was going to say a partnership. All of this work, in my mind, cannot fall on the Council as being responsible. We are one of the entities that need to be a part of this and but at the same time I think the members that are coming from, whether it's National Marine Fisheries Service, U.S. Fish and Wildlife Service, or the either one of the two state agencies, my general thought is that those agencies should provide the resources for their representatives to participate in these two ad hoc workgroups. So those are my comments.

Pete Hassemer [00:13:51] Thank you Phil. Further discussion? Looking around. John North.

John North [00:14:00] Yeah, thank you Mr. Vice-Chair. Reading through the material that was put together for this agenda item and was very helpful. Thank you. You know I was struggling with that typical challenge of balancing, you know, how to make near-term quick progress. You know, get this, get some work going on two important issues simultaneously and balancing that with staff workload

and incorporating flexibility due to uncertainties but I... and also, you know, workshops versus workgroups and which is first and all that. But I think the motion that's been presented here is pretty good and it's about as good as we can put together given where we're at. Just wanted to offer that.

Pete Hassemer [00:14:54] Thank you John. Further discussion? Marci Yaremko.

Marci Yaremko [00:15:00] Thank you Mr. Vice-Chair. I just wanted to follow up a little bit about agencies bearing the cost of travel for participating in any scheduled meetings in person. I guess I just want to note that I agree in part, but I think if you look at the membership for the Klamath workgroup, it does include a number of agencies that may not have ability to absorb the cost of travel. So just to flag that I would leave that acknowledging that we do have a small amount of money, as Merrick indicated, for ten representatives to participate in an in-person meeting for a three-day period. I guess I would just ask for some flexibility there. Usually when we form ad hoc workgroups, the Council does and we travel and attend a meeting. I think the normal way we operate for representatives to ad hoc groups is that we do pay for travel when we schedule meetings in person. So, I guess I wouldn't want to here and now determine that the Council would schedule an in-person meeting and not pay for a participant from each of the agencies identified on the list. Hopefully that makes sense, but that would be my remark... is that generally, I believe, the Council does fund travel for participation in ad hoc workgroups, and I don't see a reason at this time to deviate from that general policy.

Pete Hassemer [00:17:07] Okay, thank you Marci. Susan Bishop.

Susan Bishop [00:17:11] I just actually had a question for Mr. Anderson when he commented that he thought that, he made the point that ad hoc workgroups were established for a purpose and for generally a finite period of time and would like to, if I think I had it right, make sure that the workgroups report back to the Council on sort of specific timeframes and that the Council had the ability to revisit the formation of that workgroup or the tasks that were assigned to it. I noticed in the Sacramento TORs under the purpose there's a very explicit requirement for the workgroup to provide the Council with a work plan and timeline to then develop the alternative management measures, et cetera. That same language or provision is not in the Klamath TORs and so, but there are other... there's other language further down in the milestones that kind of speak to that. So, my question to Mr. Anderson was whether there, whether he felt like there needed to be more explicit language in the Klamath TORs along the lines of Sacramento, or whether the language in the Klamath TORs is sufficient to address his point?

Pete Hassemer [00:18:24] Thank you. Phil, would you like to respond?

Phil Anderson [00:18:29] Well, I'm not proposing to add language. I'm more, I mean could do that. I'm more interested in just having that discussion around the table here so that we have a general understanding and that if we put a, I don't know what the appropriate timeframe is, if it's two years or something like that, where I would hope that the language that's in the Sacramento piece in terms of a work plan and timeline, I hope that that would be a part of the Klamath workgroup as well. I don't, there may be, I haven't studied the language to see whether I think it's sufficient or not, but if there's a, if there's a general understanding that that would be an expectation of the Council that's certainly sufficient for me.

Pete Hassemer [00:19:45] Marci Yaremko.

Marci Yaremko [00:19:47] Thank you Mr. Vice-Chair. Just a note on the Klamath workgroup. While it is acknowledged that there is the potential for this group to continue to need to meet for a number of years, there's also the potential that this workgroup will develop a framework for interim management that would be applicable for some number of years and would therefore not need to continue to meet

beyond some number of initial years. So, I just want to flag that I wouldn't bank on that group needing to remain in existence for 8 years. I think we just need to give them the time to figure out what the need is. Thanks.

Pete Hassemer [00:20:47] Executive Director Burden.

Merrick Burden [00:20:50] Yes, thank you Mr. Vice-Chairman. Just in the interest of making sure we're all on the same page. As I think about, you know, administering these groups and what we will have on future Council agendas, what Miss Yaremko just outlined is consistent with how I'm formulating this time horizon. So, that is to say that on the Klamath aspect of this motion that I have not been predisposed to concluding it's a long-term thing, and that first we would have the workgroup do some work and from there we might, we might learn that they are able to establish a conservation framework that then our usual process could run with. And at that point we would presumably end the task of that ad hoc committee. So, I think, I guess what I'm looking at is that let's let that play out, and at that time we'd be able to determine if this is a short-term or a longer term set up that we're heading down the road with. So, I offer that for hopeful clarity.

Pete Hassemer [00:21:56] All right. Thank you and I will add that it is important to fully understand what commitments are made here, but the Council on a regular basis does review the composition and need of the ad hoc workgroup so we do pay attention to that. Further discussion on the motion? Make sure I cover the entire table here and I'm not seeing hands so I will go ahead and call for the question then. The motion is on the screen before us. All those in favor signify by saying 'aye'.

Council [00:22:37] Aye.

Pete Hassemer [00:22:37] Opposed? Abstentions? The motion passes unanimously. Thank you, Marci. And with that I'm going to ask that we put the screen, there it is, our Council action and look to Robin to see what other further guidance or action is needed here.

Robin Ehlke [00:23:06] Thank you Mr. Vice-Chair. I think you've done your work under this agenda item, but I'm going to recap what I heard to make sure we're all on the same page. So, for item 1 for the Klamath River fall Chinook, the Council has decided to form an ad hoc work committee and has identified the members or the agencies that are going to provide members to that. The first task of that group would be to identify the management measures for the upcoming 2024 salmon season. They'd like to see an update in November of 2023. We look to have their first meeting in August of 2023, which is a quick turnaround. From my standpoint I would certainly ask the agencies to provide the names of the individual members so that we can get going on getting ready for that meeting. For your second agenda item here, or sorry, action for the Sacramento River fall Chinook the Council has decided to form an ad hoc workgroup for Sacramento River fall Chinook. The first task would be to conduct a workshop to identify the data available, the data gaps and any timeline and process as needed. The goal there would be to provide a progress report in November at the earliest, but could be in the spring of 2024 and that that first meeting would take place in September or October. And again, given the timelines, you know, asking the agencies to provide names to our Executive Director so that we can get those formed. So, I think through the motion and the action that you've taken, you've identified a timeframe for these immediate tasks and am certain that perhaps when we get to tomorrow and your future workload planning, we'll be putting some of these items on the Year-at-a-Glance. So, with that, I think that summarizes what I heard and I think your work under this is done if I got it all straight.

Pete Hassemer [00:25:18] Thank you Robin. So, there's a outside task. Executive Director Burden.

Merrick Burden [00:25:26] Yes, thank you Mr. Vice-Chairman. And thank you, Robin, for that

summary. Just to make sure we are all clear. So tomorrow when we come back under membership appointments, at that time we'd be looking for you to provide a name that would represent the Council on these workgroups. I mean if there's further discussion to be had about the folks that you want to appoint from your respective agencies, we can have that discussion then too, as well.

Pete Hassemer [00:25:56] Chair Gorelnik.

Marc Gorelnik [00:25:58] Yeah, so I think Council members who might be interested in either of those appointments talk to me so we can line things up for tomorrow.

Pete Hassemer [00:26:09] All right, so there's some rollover of the action we just took into our Council appointments tomorrow and also into workload planning, so we'll talk about that some more. But I will look around and see if there are any other comments. Phil Anderson.

Phil Anderson [00:26:28] Thanks Mr. Vice-Chair. So, on the appointments to these two ad hoc workgroups, my assumption was that the Chair had the ability to make those appointments based on the recommendations you receive from the entities. And so just this last interchange, are you asking the management entities to bring those names forward tomorrow? Is that what I understood or what?

Pete Hassemer [00:27:10] I will ask either Chair Gorelnik or Executive Director Burden.

Merrick Burden [00:27:19] Yeah, thank you Mr. Vice-Chairman. Thank you Mr. Anderson. In terms of tomorrow I think it would be good for the Council to discuss and decide who should represent the Council. And then we do have, as Miss Robin, Miss Ehlke indicated, I think if we need another maybe three weeks to decide who we want to bring from the other agencies, let's give ourself that amount of time after we adjourn the meeting here.

Pete Hassemer [00:27:54] Right. Is that clear? Any other comments, discussion on this? Otherwise, I'm not seeing any, just a head nod from Robin again. We've completed our work so that will close out this agenda item. And before we commence with our next one, let's... we've finished one minute ahead of schedule so let's take a ten-minute break.

J. Highly Migratory Species Management

1. National Marine Fisheries Service Report

No transcription for this agenda item.

2. International Management Activities

Marc Gorelnik [00:00:00] I think then that then concludes public comment and takes us to Council discussion on this agenda item there on the screen before us. Thank you Sandra. So, we've received a number of reports. We've had some discussion on the context. We received a very thorough overview from Dr. Dahl. And so, what guidance do we wish to provide? Christa Svensson.

Christa Svensson [00:00:41] Yeah, thank you Mr. Chair. I guess I normally look for guidance in terms of recommendations from the Council in terms of what I tend to say at meetings representing you all as a commissioner. So, I think it would be helpful in this case as well, like I typically ask for, to get the Council recommendations in alignment with our advisory panels, and today it's the HMSAS. I don't see anything in there that I think is objectionable. And I do want to really recognize the work that's been done by everybody on the harvest control, excuse me, harvest control rules. You know it certainly seems like people are coming together. It's a work in progress and we're not there yet, but it is definitely encouraging to see that people are working together and working more closely together on this from both industry and conservation. So, I will pause there, but I am supportive of all of the recommendations and think it would be helpful to have it on the record that the Council is supportive as well.

Marc Gorelnik [00:02:01] All right, so we have a suggestion to work from the advisory subpanels list of recommendations, and that's a great place to start, maybe finish. So, I'll look around and see if there are any additions or edits or anything else folks want to say about this report as a starting point for the Council's recommendations. And John Ugoretz.

John Ugoretz [00:02:29] I just... I will lend my support to that. The HMSAS does a really good job of tracking these international issues and summarizing where things are. I don't see anything in the report that I would disagree with.

Marc Gorelnik [00:02:49] All right, Corey Niles.

Corey Niles [00:02:54] Thanks Mr. Chair. I largely agree and again... and very much trusting of all the folks representing us in these forums. And this is going to be... it's kind of a nuanced point, but the harvest control rule for albacore is a good thing and let's knock on wood that the main parts of the harvest control rule work and keep the stock from declining to levels where we have to worry about rebuilding it back up. And this is not meant to be critical or overly criticizing anyone but I just don't think the trade-offs are well understood at this point. We've seen the management strategy evaluation, and I've seen many of these, and I still don't quite understand. It gives us average results, but it doesn't tell us when you get a scenario, what's the best way to get... there's like a thousand different things in management strategy scenarios, you know, path back to rebuilding, et cetera, and you don't know what's the best one is going to be until you're in the moment. And we had the example of petrale sole, which many will remember where it was using a very similar style harvest control rule where our target is B 40 percent, and it was a little bit underneath that if I'm getting this correctly and so we were, the Council was... this is before my time... was, you know, managing it under the, a forty ten adjustment which means the harvest was, you know, backed off once it was below B 40. Then at the next assessment it turned out to be way below that and I think it was like in the teens. And so, yeah, there's a lot of uncertainty in these assessments. We have some, we have the smartest people in the world doing these. It's more, it's a problem with the data. And so, it didn't work and it turned out to be, you know, very, very much lower than you expect and where harvest would have been basically zero under the standard control rule. And then it's a crazy story if you don't understand it, but basically what the scientist said was what you should do is basically move the goalposts, and B 40 wasn't your right target, it was be B 25 percent. And that's where or flatfish proxies come from. So yeah, long way of saying this stuff is...

is unpredictable. And again, hopefully this will never happen with albacore, but if it does, I think the circumstances would be different than they're assuming now in this rule. And I'll just say there's one feature of it, the ten-year rebuilding timeline in the harvest control rule, it might make sense for albacore, given that its mean generation time is five or six years yet, if so, I wouldn't, why not just use mean generation time and with the National Standards we use now. But long way of saying I appreciate the harvest control rule and the efforts to get it in place, but I hope people continue to look at that. And, you know, and Dorothy spoke to it about the challenges in the national arena of getting consensus around these things. But I will stop there. And, yeah, I began with I support the recommendations in the advisory subpanel report as John spoke to.

Marc Gorelnik [00:06:20] All right, thank you Corey. So let me see if there... see if there's general agreement? I think there is but I wanted to see if there's any objection here and I'm not seeing it. So, I think we can adopt the HMSAS report as capturing the Council's view on this agenda item. And let me see if there are any other discussions to be had or any points, other points to be raised under this agenda item? And I'm not seeing any hands. I'll turn to Dr. Dahl and see how we're doing?

Kit Dahl [00:06:58] Thank you Mr. Chair. Well, you summed things up and indicated that your support are consistent or adopt the recommendations or the positions, recommended positions the HMSAS outlined in their report. So, and I think those recommendations or positions are generally consistent with what the U.S. will be pushing for in these forums, so we'll just monitor the outcomes of these meetings and report back to you in September about the outcomes. And with that, I think, you have finished your work on this item.

Marc Gorelnik [00:07:43] All right. Thank you very much Kit.

3. Exempted Fishing Permits – Preliminary

Marc Gorelnik [00:00:00] Well, that completes public comment and takes us to our Council action here, which is the Preliminary Review of the EFP Applications. Let's first have some discussion perhaps. Mr. Ugoretz.

John Ugoretz [00:00:25] Thanks Mr. Chair. I think we are all excited to see buoy gear implemented in California for fishing swordfish. We worked a long time as a Council. A large number of our fishery constituents put a large amount of effort into fishing EFPs for this gear and it's definitely time to see it started as a real fishery. I'm also very interested in seeing how that fishery plays out, and I feel that the Council, with advice from many of the participants in the EFP fishery along with a lot of our advisory bodies, came up with a plan to issue those permits. Initially we discussed making that an open access fishery. We realized that we wanted to rationalize the start of that fishery by slowly issuing permits over a period of time and we're just getting that process started right now. So, with that said, I have some feelings about, you know, where we go next, especially with deep-set buoy gear and the where we go next that I'd like to see is the fishery itself. There are some EFP requests specifically to fish standard buoy gear that I believe NMFS indicated previously doesn't work when you have the fishery established for that gear, so you can't exempt someone from a regulation that allows something already. And then we have some applications to fish different times of day, the night-set gear that we've previously approved and I still support testing that gear. And then we have some EFPs that are suggesting fishing deep-set buoy gear in a different way by adding pieces of gear, and that's where I start to hesitate because I think it's perhaps contrary to the large number of discussions we've had already about this gear and about how to rationalize its development. So, I've got, you know, sort of those broad thoughts to start with and happy to hear more from other Council members.

Marc Gorelnik [00:02:45] All right, thank you, John, for getting our discussion started. I'm sure there's someone with a response. Christa Svensson.

Christa Svensson [00:03:01] I feel like everyone's looking at me since I usually weigh-in. I tend to agree. I think we have, at least in my experience on the time on the Council, we've had a tremendous number of EFPs. We certainly have had a number that are mixed, and I think that it is very encouraging that we still have people that are leaning into the process and wanting to engage in, really in a path that will hopefully lead us towards more robust fisheries. And I think we've got a variety to choose from today and I believe we have a path forward or looking for a path forward. So just feeling fairly positive about what we're going to work on today.

Marc Gorelnik [00:04:07] All right. Thank you. Mr. Pettinger.

Brad Pettinger [00:04:13] Yeah, thank you Chair Gorelnik. I think it's interesting reading through all the reports about how people did and interesting that how, you know, how deep sea, deep-set buoy gear is kind of a tool in the toolbox for swordfish fishermen depending on ocean conditions. They were using that instead of harpooning but also it's also pretty apparent that there's a lot to be learned, I think, in this fishery still and it's nice to see a lot of people trying different things. Crowding looks to be an issue down or in the future, which is why I think we need to be careful about that, that there's too much gear in the water. But it looks like some people are succeeding better than others, but some fishermen are better than others, too, for that matter. But anyway it's, I think it really stood out to me how much of a, it's one of the components of being a swordfish fisherman that kind of stood out to me so anyway.

Marc Gorelnik [00:05:23] Thank you. I think that John Ugoretz did break down the EFPs in neat categories and I think we saw some of that reflected in the AS report as well. So, looking for some

direction here. John Ugoretz.

John Ugoretz [00:05:50] Thanks Mr. Chair. If there's not further discussion, I do have a motion ready for this item.

Marc Gorelnik [00:05:57] Please.

John Ugoretz [00:06:00] If I could get that on the screen. Thank you. I move the Council, 1. Recommend National Marine Fisheries Service not approve EFPs for Mr. Hemstreet, (Attachment 4) and Mr. Eghan, (Attachment 5), for standard buoy gear in the Southern California Bight. 2. Recommend NMFS extend Mr. Nathan Perez's night-set buoy gear EFP for another two years, (Attachment 3). 3. Request that Mr. Donald Krebs clarify his request, (Attachment 2) to confirm it is for his own EFP and not a modification of another EFP for consideration at the September 2023 Council meeting. 4. Recommend NMFS approve the 2022 Pflieger Institute of Environmental Research EFP application for extended-linked buoy gear with 100 percent observer coverage until NMFS determines enough data have been collected with a minimum of 10 observed sets per vessel. And 5. Recommend Natural Marine Fisheries Service not approve EFPs for testing more pieces of deep-set buoy gear or night-set buoy gear, including those submitted to the Council in 2022 that were put on hold and the application from Perez, Krebs, and Mintz at this meeting, (Attachment 3), until the authorized fishery has been operational for two seasons.

Marc Gorelnik [00:07:23] All right, thank you John. Is the language on the screen accurate and complete?

John Ugoretz [00:07:26] It is.

Marc Gorelnik [00:07:27] All right, I'll look for a second? Seconded by Bob Dooley. Please speak to your motion.

John Ugoretz [00:07:34] Thanks Mr. Chair. The first two applications are for standard configuration of deep-set buoy gear, which has now been authorized. Recommending these EFPs would circumvent the limited entry process that NMFS established based on Council recommendations. Mr. Perez is the only individual that has completed any night-set buoy gear fishing to date. As I commented last year, I see the value in issuing EFPs to a couple more individuals in order to hopefully collect more data as to the efficacy and potential impact of night-set buoy gear. Sets fished to date had no bycatch and I think it would be beneficial to cautiously increase effort through a limited number of EFPs prior to considering future action. I support forwarding Mr. Krebs' application to the next meeting for final consideration provided he is able to confirm the advisory body's understanding that his desires are for his own permit, not an extension or modification of Mr. Perez's. With regard to Mr. Honings, the Council previously recommended that NMFS approve his EFP request for night-set buoy gear, and I believe NMFS is able to issue that EFP having already conducted the necessary analysis. I welcome Mr. Wulff's input after I finish to confirm if that's correct. After consideration of the Pflieger Institute request from last year, the gear configuration is more similar to some of our non-buoy gear EFPs that the Council has already considered and recommended for approval, such as the mid-water snap gear and shortline EFPs, neither of which have yet been fished but I'd really like to see effort to determine the impacts of those gear types. We need to find a gear that's capable of producing higher volume landings, and I think these EFPs have potential to do just that. Since the Pflieger request proposes larger vessels to fish further west, largely outside of the Southern California Bight, where deep-set buoy gear is currently fished, and the applicant proposes using satellite-based tracking on the gear among other mitigation strategies, I feel comfortable recommending the EFP with a hundred percent observer coverage until National Marine Fisheries Service determines enough data have been collected, but again

with no less than 10 observed sets per vessel. All of the EFPs requesting to fish more than 10 pieces of gear, including those submitted to the Council in 2022 that were put on hold and the application from Mr. Perez, Mr. Krebs, and Mr. Mintz submitted to this meeting, should not be approved until the authorized fishery has been operating for two seasons. The Council has been very deliberate and precautionary in developing the deep-set buoy gear fishery. At the urging of industry representatives and others, limited entry permits are being issued in a phased approach in order to avoid issues with gear conflicts, overcrowding, or possible flooding of the market. In issuing EFPs for more pieces of gear is contradictory to this cautionary approach and potentially allows for a loophole for those who will not receive a limited entry permit to fish before others. I'd recommend that the Council wait to consider any EFPs for additional pieces of deep-set buoy gear until the fishery has been operational for two years to allow information on these key considerations to be available and to understand any other facets of the fishery that are not yet apparent. At that time, the Council may recommend approval of past or new EFP proposals and determine what number of additional pieces of gear is appropriate, if any. In summary, we would be recommending that NMFS approve the 2022 EFP applications from the Pfleger Institute to test extended consideration of linked-gear, and the 2023 request from Mr. Nathan Perez to extend his night-set buoy gear term. One application, Mr. Krebs, would come back in September for the second meeting and the public input prior to a recommendation to NMFS. Thank you.

Marc Gorelnik [00:11:33] All right, thank you very much John. Are there any questions for the maker of the motion? Discussion on the motion? Miss Svensson.

Christa Svensson [00:11:49] Thank you Mr. Chair. And I think I will be a little more articulate on this one. I'm going to support this motion. I think that it strikes a balance in terms of moving forward with research that we desperately need in HMS fisheries, but also is going to give us a chance to really look at the impacts of the fishery that we just authorized, and I think that that's critical to give people a chance to actually get out there and use the gear and not have other work going on in that area. I would be interested in seeing EFPs outside of the Southern California Bight. I think that there is probably a larger area and I know that some of these do touch on that, but I think it would be helpful to have more data from more places and that could include some of the things like night setting in my opinion, but we would need to obviously go back through the EFP process next year to really get at that as opposed to picking it up randomly. I will also say that I have some concerns in terms of additional pieces of buoy gear. When you think about active tending and you're starting to get into the 20 piece point, I think it is pretty difficult if you double the amount of equipment you have and you have multiple swordfish out there that you're trying to actively tend, and so if in the long-term people are looking at putting those in it would be very helpful, at least for me and probably for other Council members to, excuse me, have a very clear understanding of how that active tending is going to happen so that concerns can be alleviated. But with that, I will again say I will be supporting this motion.

Marc Gorelnik [00:13:55] All right, thank you Christa. Kit, and then I'll come back to Ryan because if you have a process issue here.

Kit Dahl [00:14:06] Yeah, sorry. Actually, this was helpfully pointed out to me is under bullet number 5, the reference to the Perez, Krebs, and Mintz EFP, it references Attachment 3 and I believe that should be Attachment 1. So, seeking clarification that that's the correct reference.

Marc Gorelnik [00:14:27] Right. I'm...

John Ugoretz [00:14:28] Yeah, thanks Mr. Chair. That's a typographical error.

Marc Gorelnik [00:14:33] All right. So, I think that we can make an informal correction here as long

as Mr. Dooley is okay with that. It's not strictly, but I think that for a minimal error like that, unless there's any objection. All right, so now I'll go to Ryan Wulff.

Ryan Wulff [00:14:57] Thank you Mr. Chair. I was going to point that out as well so thanks Kit. Just a minor clarification. And then, John, you mentioned wanting confirmation from me with... I'm sorry I was also double checking something else. Was that in reference to the PIER application?

Marc Gorelnik [00:15:13] John.

John Ugoretz [00:15:13] Yeah, thanks through the Chair. For Mr. Honings night-set. I believe the Council already recommended that to you and you conducted the analyses and can issue it. Is that correct?

Ryan Wulff [00:15:27] Thank you. My apologies for having to make you restate that. Yes, that is correct and we can move forward with it.

Marc Gorelnik [00:15:36] Further discussion on the motion? I'm not seeing any hands I'll call the question. All those in favor say 'aye'.

Council [00:15:45] Aye.

Marc Gorelnik [00:15:45] Opposed, no? Abstentions? All right, the motion passes unanimously. Thank you for the motion. Further business on this agenda item? Bob Dooley.

Bob Dooley [00:16:02] Thank you Mr. Chairman. I was just reflecting on Robert Ellis's comments and, you know, don't know a lot about it but I read the testimony in the previous agenda item. I think he was probably misplaced in where it was put, but there was two comments there as well from Ron, as well as another fellow commenting on it as well. So I'm just, where we could get a little more information on that because it kind of ties into the other agenda items we've had about family transfers of, you know, permits and such. And I think we talked about this a little bit in the gear switching, one of the alternatives there had it and it's, you know, that very thing affected me when my brother passed that we lost a permit. There was a permit in our family and our business and such and it went away, and because it was in my brother's name, although the business owned it all and used it all those years. So I, and it's a little bit different, but I'm sensitive to these family things and I'd just like to have more information if they're, if it's here, maybe, maybe John might know something about it or whatever, but just I'm sensitive to it and I think we, you know, we owe some discussion about it. So, thank you.

Marc Gorelnik [00:17:29] Sure. Ryan Wulff.

Ryan Wulff [00:17:34] Yeah, thanks Bob. I thank you for clarification. I'm glad you raised this. I did want to get my hand up when Rob testified but was not quick enough. So, I want to begin by acknowledging NMFS has worked very closely with his brother Ron over the time of issuing the, and working on the EFPs, so I wanted to say how sorry we are for, for their loss and extend our deepest sympathies to him and his family. I want to say that first. Regarding your question, I want to get a little bit clarification I think on the issue here. Yeah, I mean the existing regulations include a one-time transfer of a limited entry permit to a family member in the event of an incapacitation of the permit holder. But this was anticipated or projected to be after permits were issued, right? They don't currently provide for transfer of an EFP holder's eligibility status under such conditions. So, the regs are... unfortunately that's how they're laid out and, you know, I will just acknowledge when we were working on the regulations we had a lot of discussion here around the table. We thought we thought through a lot of potential future circumstances, but we didn't anticipate this one, something like this happening

before we could even issue the permit, which is what is in the regulations specifically that can be transferred. So, I hope that answers, at least clarifies the status of the regs as they are now.

Marc Gorelnik [00:18:59] Bob Dooley.

Bob Dooley [00:19:02] Well, thanks for that. That's a good clarification. It's an unfortunate result. And I guess my question then would be, is there something that could be done to maybe rectify that? That's... that's an unfortunate result I think so. Thanks.

Marc Gorelnik [00:19:23] Is that a question to NMFS?

Bob Dooley [00:19:25] Yes.

Marc Gorelnik [00:19:25] All right. Ryan.

Ryan Wulff [00:19:28] Yeah, thanks Mr. Dooley for the question. I mean because it's so clear from our read and our General Counsel's read of regulations, in order to do that you need to amend the regs. I mean, you would need a minimum of a two-meeting Council process. We'd have to work on that rulemaking, which probably would not be able to be put in place until winter or spring of 2024 at the earliest. And that potentially or maybe almost most likely would delay issuing of all of the permits to even start the fishery. That's the only path forward that, I mean that's what you're faced with just based on the fact that it's in regs and where we are with the current process being open now for applications.

Marc Gorelnik [00:20:23] All right. It's unfortunate. Any further discussion on this particular item or anything further for this agenda item around the table? John Ugoretz.

John Ugoretz [00:20:42] Thanks Mr. Chair. There was a note in the team's report about changes to the COP for this. And I think I'm fine with the team working on that when it's timely and they've got the bandwidth to do it. I think it fits in somewhat with our next discussion where we might talk more about EFPs generally for HMS. But I did want to just note that it's in their report. I'm supportive of it and it's a timing and workload issue.

Marc Gorelnik [00:21:26] Well, it's pretty rare for, you know, our advisory bodies and management team seem to be so busy when they were asking to do something, then maybe we ought to take them at their word, right? So, is there any objection to having the management team review the COP and offer some suggested edits? All right. So, we'll capture that. Let me see if there's anything further? All right, Kit, how are we doing?

Kit Dahl [00:22:03] Thank you Mr. Chair. I think you've done well. You have... with the motion you have very clearly laid out what your intention is with these applications that you've seen at this meeting. And also, as we've been talking about those deferred applications from last year. So, I'm not going to run through that decision. You just made it and it was up on the screen. I'll just state the obvious that so we will be having an EFP agenda item in September to address that one application that the motion said should be forwarded for final action, the Donald Krebs's night-set buoy gear application. So just to put a note down there and you'll remember it when you come to agenda planning tomorrow. And also noting that last comment endorsing the management team's request to look at potential revisions to the operating procedure, time permitting, time and workload permitting. So, they'll come back at some point with that based on their work priorities. So, with that I think we've covered everything that is necessary here.

Marc Gorelnik [00:23:38] All right, well thanks very much. Good work on that agenda item.

4. Drift Gillnet Bycatch Performance Report

Marc Gorelnik [00:00:00] Well, that completes public comment and takes us to Council action here. It's been a brief agenda item. So, let's see if there is any commentary. John Ugoretz.

John Ugoretz [00:00:20] Thanks Mr. Chair. I do want to thank the management team for their work on this. We've asked them to continue to inform us on what's going on in this fishery with regard to non-target catch and bycatch, and I think they did a great job of summarizing some pretty complex information that's out there. I do appreciate the comments that we want to shine a light and not forget about this fishery. I think that's why we continue to have this agenda item and why we plan to continue to have it over the course of the next few years before the fishery sunsets. I also feel that these performance metrics are not hard caps, and exceeding a single metric in a single year is not what we were looking for in terms of changing something. So, yes, we absolutely should be concerned that two whales were caught in one year. And I'd say that if we see one or two caught next year, we really ought to consider what needs to happen. But in... in the meantime that hasn't happened. It hasn't happened historically, and we don't anticipate it happening again. And we can't act on what we don't anticipate or what's not expected nor what we don't know. So, at this point, you know, again, I appreciate what the team has provided. I think it highlights a lot of what we already know, some of the rationale for why there's federal action to sunset the fishery. And I want to move forward and make sure that we see just as good of a report next year.

Marc Gorelnik [00:02:01] Thank you John. Further discussion of this agenda item? Lynn Mattes.

Lynn Mattes [00:02:07] Thank you Chair Gorelnik. I notice in the HMSMT report, the paragraph at the top of Page 2, they were recommending some feedback on a piece of the report, the multi-year trend analysis and whether or not that continues to be useful or they can forego working on that. I don't understand the details enough yet to know but I wanted to make sure we addressed the request of the HMST. I think if we still get the main report with this type of information it'll be useful, but can they forego that one piece of it? Thank you.

Marc Gorelnik [00:02:41] John.

John Ugoretz [00:02:41] Yeah, thanks Mr. Chair, and thanks Lynn. I think that is a good thing to point out. I think what the team is saying is that this existing report is sufficient. I feel that way. Again, this is a fishery that is being sunsetted. Significant effort in scientific analysis doesn't provide us much, but we do want to continue to see the basic reporting.

Lynn Mattes [00:03:20] Thank you. That helps with my understanding, and I think helps give some direction to the team as they requested.

Marc Gorelnik [00:03:27] All right. Anything further? Corey Ridings.

Corey Ridings [00:03:30] Thank you Mr. Chair. I just wanted to echo John's thoughts about what the team pulled together. I think it is useful and it's really nice to have this reporting brought forward. I also heard Mr. Enticknap talk about the potential utility of, I think he called it more similar broad review of bycatch across all of our HMS fisheries. I think that sounds like a good idea and it seems like it's potentially appropriate to talk about under the next agenda item. So, appreciate that thought. Thanks Mr. Chair.

Marc Gorelnik [00:04:03] All right, thank you Corey. All right, I'm not seeing any further hands so

I'll turn to Dr. Dahl and look for the word as to whether we're done here.

Kit Dahl [00:04:19] Yes, thank you Mr. Chair. Well, yes, I think you are. You had the report and you had a little bit of discussion around it. I think there was general consensus that what the form and content of the report that the team presented is sufficient given the nature and the future of the fishery so... and specifically just the note from Miss Mattes to clarify that that trend analysis is not necessary to be included as, you know, sort of in future reports based on the rationale given by the team about the short duration of the fishery. So, with that, you can look forward to seeing a similar report next year with updated information for more recent years.

Marc Gorelnik [00:05:24] All right, thank you Kit. Well, that concludes the penultimate HMS agenda item. And the next one is substantial, and we will take a 15 minute break.

5. Swordfish Fishery Management Workshop – Scoping

Brad Pettinger [00:00:00] Okay, that concludes public testimony and brings us to Council action, which is before us. So, I'll open the floor up for discussion. John Ugoretz.

John Ugoretz [00:00:14] Thanks Mr. Vice-Chair. This agenda item kind of was developed several meetings back and over the course of several discussions, primarily between Miss Svensson and myself during agenda planning, again, over a few meetings and it has evolved both through gaining shared understanding of what's happening in the fishery from a variety of public input, from the team and advisory subpanel input, and I feel much more able to sort of understand where we need to go next now after all of this discussion. What I'm seeing and hearing is that we have an existing Swordfish Monitoring and Management Plan. If you look at the goals laid out in that plan, they're still sound. They still make sense today. They may need some minor tweaking and cleaning up, but they're pretty much where we want to go. We want to increase production while maintaining low levels of bycatch and that's basically it and encouraging economic viability, and that's broadly those five goals. The five actions that are currently in the SMMP have either been completed or have been obviated by other events. So, it speaks to a large degree about drift gillnet and obviously that fishery is sunseting. The various goals regarding that fishery, I think, are no longer valid in the plan and need to be reconsidered as far as where do we go next. And I think some of our public comment discussed where do we go next. In my mind, where we go next is we need to think about, without drift gillnet as part of our HMS quiver of gear types, how do we replace what used to be caught by DGN and buoy gear is one tool to do that. The other existing gear types, hook-and-line, harpoon, are gears that can do some of that, but they probably can't do all of it. And the only way to find new gear types that might better replace that catch is through EFP fishing. And so, what I see is a very strong need to focus on what EFPs do we want to see? How do we prioritize among ourselves when we review those and how do we measure them in terms of performance moving forward? And I think a new plan that could replace the old Swordfish Monitoring and Management Plan could focus a little more broadly on HMS as a whole. Could focus on this need to expand fishing effort while maintaining these other important goals and could, you know, help us get there in the future. Thanks.

Brad Pettinger [00:03:24] Thanks John. Phil.

Phil Anderson [00:03:29] Appreciate the remarks that John just made, and I think I'm in agreement with those. But I guess on the question of the workshop, I don't feel like we're ready to make a decision that we, that the workshop should be held. I'm not suggesting that it shouldn't be held, but at this point when I look at the recommendations that are in the AS report and I look at the team's report, and then I look at some of the key points that were provided to us during public comment, we don't have, and I would almost say we're not even close to having, a common set of goals for the workshop. I think what, you know, the thing that's, the expression of what could be accomplished in a workshop was probably best expressed just now by John in terms of kind of what I was thinking that the use of a workshop and the benefits of a workshop. But the other principles here, in terms of the team, the advisory subpanel and the people that offered public comment, there's very, there's not much in the way of common threads through that. And so I guess in my mind the next step would be for us, would be to have this joint meeting between the team and the AS as part of the September Council meeting and have this is an assignment to them that they come forward with, what are the goals of the workshop and take into consideration careful consideration those that John just articulated.

Brad Pettinger [00:05:58] Thank you Phil. John.

John Ugoretz [00:06:03] Thanks Mr. Vice-Chair. And I know others want to speak to this. I wanted to

respond to Phil. I think we agree with each other absolutely. There's sort of an interim step and that is the team and the AS to provide us a little more input after they consider things more holistically based on this discussion. I think there's probably a need for some kind of meeting. I kind of want to get just a step below the word workshop there. I don't see this as a, you know, week long invite a whole bunch of specific people kind of thing. What I'm thinking is maybe along the lines of what the advisory subpanel was saying is that we need more than just the advisory subpanel and management team to get together and sit down and discuss things, and I think that's why they're talking about outside facilitation. But that's not the first step. That's a later step, and maybe it's March, maybe it's later than that when that occurs and it's based on what happens in September after a joint meeting. So yeah, I think I'm seeing it the same way you are.

Brad Pettinger [00:07:12] Okay. Thanks John. Christa.

Christa Svensson [00:07:17] Thank you Mr. Vice-Chair. I am appreciative of both of your comments. That is certainly the way I am seeing this. I think this has been productive as a first bite at the apple, as we like to say here in the Council process. It certainly has highlighted some issues from my perspective in terms of perhaps we want to be more holistic, and I appreciate the comments around, hey, we have a plan. We may want to take that as a living document and work towards it, but I do think that we have identified some parts and pieces through both of the advisory bodies and also through the public comments. I do want to note, I thought it was heartening that both of our advisory bodies were taking into consideration how to get the public involved, but also how to do that with budgetary concerns. And so, I would lend support to having that initial conversation again in September in the margins of our meeting. I also think it will be helpful for them. There's an awful lot of ideas on paper and that have been verbally given to us, and it would be helpful for us to kind of narrow those down so that they're not having to wade through a lot of different ideas. I do want to talk about a couple of those ideas specifically, one of which is the transitioning of the remaining drift gillnet fleet. I think we need to unpack a bit more there because from my perspective, we're not just talking about gear types and how to get fishermen out of the fishery. We also need to be thinking about how do we get access to species that have been locally important, particularly in the State of California? I've never had louvar but I know a lot of people down there do enjoy it. We're also talking about opah and other tuna, so making sure that we have a plan for capturing some species or the potential for that through our EFP process I think is important both for fisheries opportunity but also in terms of consumers and the American public that have historically relied upon those. The second piece that I really want to hit on is the importance of exploring opportunity for increasing swordfish production. And I've touched on this pretty much every time I talk about swordfish, and I just want to talk about it for a moment here again that, you know, whether we're thinking we want to work towards a goal of just over 3,000 metric tons, which is the high in 1985 in terms of capture, or closer to the 6,000 metric tons, which is the current estimated volume in fisheries that we could take commercially and not harm the biomass. And we're still talking about the potential for a fishery off of our coast of somewhere between 22 and 45 million dollars, and I think it is worthwhile for us to really sit down and spend some time on that. The other item I think we should consider is the EFP process. Theresa spoke to it today and I thought she did a really nice job on it. I kind of think that this might be the piece we want to really focus on. And I say that because it's important for us to really be clear on what we are looking for. You know are we looking for more information on buoy gear outside of the Southern California Bight? I think we should consider that. We don't have research there, and maybe that would give more opportunity for others that are interested in doing more gear development if we're not interested in other areas. But I think the other piece of that is that we need to get fishermen out on the water. If we are transitioning, and we are transitioning out of the drift gillnet fishery, and it sounds like it's a long ways away, but the EFP process takes time. Developing gear takes time and we need to get on that. So, I'm encouraged that we're working through this process. I'm looking forward to hearing others' thoughts on the topic. But I do think starting that with our management and advisory panel this September in a bit more focused way would be helpful

and is an important first step.

Brad Pettinger [00:12:30] Okay, thank you Christa. Bob Dooley.

Bob Dooley [00:12:30] Thank you Mr. Vice-Chair. Thanks Christa. Really, really good comments. And, Phil, you as well, and John too. I want to get back to what John was talking about and Christa too about how to unleash the ingenuity of fishermen to achieve and to fill this gap and to get us into the areas that Christa was talking about in those kind of numbers. And I don't believe the expertise to do that is necessarily around this table or in our advisory panels... well, the advisory panel maybe yes, but I think we need to unleash the ingenuity of fishermen and to find out how to do this. And I'm a little bit cautious about some of the comments that said, 'well, we don't want this, we don't want gear that looks like this and looks like that'. Well, you know, I've understood over the years of the difference from a trawl sector, the difference in performance of nets due to fishery, fishermen's ingenuity. Bottom trawl nets don't look like they used to. They don't perform like they used to. But if you just arbitrarily say they're no good, let's not look at that. What I think the approach needs to be is we need to set standards and expectations what bycatch looks like. Understand it's an experimental process and they're going to have failures, they're going to have successes, but ultimately, I believe in fishermen. I believe that the best way to get something done is to tell a fisherman it can't be done, and he'll find a way to do it. So, if you, if we want this to progress, they have to be in the room, they have to be part of this. But we need to set what our expectations are and then I don't care if they use garbage bags, if they can meet the expectations, to do it. And I think that is... we need to understand that there's a big gap to fill here and it's going to take that. And if they know the standards and they know the oversight standards that are set and they're realistic, they're not stopping the progress right off the bat. And I was intimately involved in the salmon excluder development in the Bering Sea for pollock when it first started. And I did research on our boats with NMFS and several of them and did a lot of research, and there were failures. There were absolute failures to begin with, whether it was gear failures or just weren't producing what the result we wanted, but through ingenuity, through development, we got there. So, I think we have to be realistic. We have to understand there is a need and it's a huge, as Christa noted, big economic revenue to be generated there. There's a lot of benefit to the nation. I don't... I looked at as we exported basically our fishery when we, a big portion of it, when we did away with gillnets and right, right or wrong I don't know but I just say that, you know, we're not catching that fish domestically now. And we also exported the problem because they continue to do it in other areas. So, we've always been leaders. We've always been that. We need to continue to do that, and we can't stifle that ingenuity. We need to set the standards we expect. Don't expect them overnight but get to that end. And that's what I'll say. So, I think those standards are very important to concentrate on and embrace EFPs and, and fishermen's ingenuity. Make sure we're not just arbitrarily rejecting things out of hand. So, thank you.

Brad Pettinger [00:16:33] Thanks Bob. Okay. Anyone else? Corey.

Corey Ridings [00:16:37] Thanks Mr. Vice-Chair. Just a couple quick notes. Bob, just a quick, friendly comment that some fishermen are "hers", not all "hims", just for the record. Or, thank you Bob. Or "theys". I just wanted to echo others around the table the generally good conversation. I think however direction this takes and whatever we decide to focus on, I think it's important to keep in mind that this isn't just about sort of transitioning current participants, but the importance of encouraging new entrants and new participants. And I think that'll be really important to all of the goals, both in sort of the process of how we decide to do this and in the content.

Brad Pettinger [00:17:25] Thank you Corey. Okay, Lynn.

Lynn Mattes [00:17:32] Thank you Vice-Chair. This may be more of a discussion when we get to workload planning tomorrow, but I do notice in the September Draft Agenda there is a DGN Transition

Planning and Amendment Scoping item that is currently shaded. Based on this discussion I think when we get to tomorrow, we'll be discussing unshading that. It seems like that would be a good time to have more of this discussion on how we move forward. Just my planner brain had to kick in for a few minutes.

Brad Pettinger [00:18:00] Okay, thanks Lynn. Okay. Executive Director Burden.

Merrick Burden [00:18:10] Thank you Mr. Vice-Chairman. Just maybe some added thoughts. I'm sitting here just listening carefully to the discussion and have put together a variety of workshops during my career and as I think all of, you know, workshops can take many different forms and flavors and structures and that's all a question of design and the design maps on to purpose. So, as I hear the comments being made, I do think there are some steps that are becoming clearer, at least in my mind, that I hope to verbalize here for our maybe collective clarity. So, one of them, you know, we talked about having the MT and the AS help to flush out the goals in September during a joint session, and that seems very key to me. When I think of that, a question might be asked right away is, one question is are the FMP goals still appropriate? And I heard Mr. Ugoretz express support the FMP goals are still appropriate. So that would be a way to bound that discussion within the MT and the AS and have them then bring forward some additional thoughts about what else do we do within those bounds? At some point, I think the planning of the workshop leaves our hands, if that makes sense, and if we were to move forward with a facilitator, one of the tasks for the facilitator would be, what's the format of the workshop that's going to help us get there. And I don't think we do a lot of meetings, a lot of workshops, but that kind of expertise would help with our further discussion. So that's a model that's standing out in my mind and I just offer that for everyone's consideration, I guess.

Brad Pettinger [00:19:59] Thank you Merrick. John.

John Ugoretz [00:20:02] Thanks Mr. Vice-Chair. And you know through this discussion and somewhat to Merrick's point, I've been trying to capture what I'm hearing as on the fly, and I don't have a motion nor do I tend to make them, intend to make a motion for this, but I have captured what I think are some summary points that might help sort of wrap this discussion as something we can all see and work from moving forward. And so, if it pleases you I could ask to have those put up.

Brad Pettinger [00:20:39] That would please me. Yes.

John Ugoretz [00:20:40] Thanks. So again, this is not a motion. It's sort of a wrap up of the discussion that I think I'm hearing. And I welcome any on the fly edits to this and note that there could be typos or other errors because I tried to do this quick at the last minute but. So, what I'm hearing is that the concept of a monitoring plan, Swordfish Management and Monitoring Plan has value, but the overall content requires a pretty significant edit or change. The new document should be developed to replace the Swordfish Monitoring and Management Plan and focus more broadly on HMS species as a whole and the need to replace previous catch from DGN gear as well as new opportunities, and with a focus on EFP priorities and methods to achieve that. It sounds like we all agree that there should be a day added to the HMSMT and HMSASs agenda for September to meet jointly and prepare for a later meeting slash workshop to further develop this new document. And then if warranted, and I think this gets somewhat to Merrick's point, hold the meeting or workshop including the MT, AS and other interested stakeholders to discuss development of the new document with a primary focus on EFPs that support the document goals. And then we start with the existing goals, modifying them as needed to expand the scope to include other species. Currently the goals focus on swordfish, particularly those that were landed by DGN, but it could be even more broadly HMS species and new species that are starting to be developed. Combine and refine those goals to better reflect the new document if needed. Discuss the transition of past DGN participants, so that's kind of a new focus that the old document didn't have and that this new document could. The timing of when it occurs has to take into consideration of stakeholder

availability and given the need to include broad input, the meeting should be supported with professional facilitation. I think that point four, it's what I've heard so far but obviously it could change based on what happens in point three and what we discuss in September if that becomes the agenda item for September. So that's what I think I've heard around the table. Again, I'm giving this as sort of a wrap up so we can all chew on it, but I'm hoping to help staff move forward from here.

Brad Pettinger [00:23:43] Thank you John. That's what I heard. So, Christa.

Christa Svensson [00:23:48] I would agree. I guess the only one I have a question about is point C in four and whether that is, that facilitation is specific to this potential down the road meeting or workshop or whether that facilitation would also encompass the management team and advisory body in September for the extra day we're bringing in?

Brad Pettinger [00:24:15] John.

John Ugoretz [00:24:15] I think just the future. I think the, you know, the teams meeting together is pretty standard. They've done that in the past. I think they can do that effectively. They would have normal public comment at that. But this future meeting might be more broad and might require more assistance.

Brad Pettinger [00:24:36] Thanks John. Okay. Anybody else? Lynn.

Lynn Mattes [00:24:41] What Mr. Ugoretz put up there is what I've also heard and have been taking mental notes of. And this may be a totally daft question to most of you, but the other species historically landed in the fishery, what are those? I will express my complete naivete with HMS, but that would be helpful for me and maybe some others what other species we might be talking about.

Brad Pettinger [00:25:07] Thank you Lynn. Kit, do you? Oh, John.

John Ugoretz [00:25:07] Well, yeah, and I'm sure I will miss some species, but there's some good examples. So, for example, the last couple of years DGN has been a big component of our bluefin fishery, probably catching more bluefin than swordfish the last couple of years. Opah used to be a major component of the old DGN fishery when it was highly active. Really, the only opah we're getting now is coming from high seas long line. There's, you know a whole variety of other species, thresher shark, you know that used to occur in DGN or some, you know other fisheries. So, yeah, I think, you know we'd like to see ways to not just increase swordfish catch but other domestically produced, sustainably caught highly migratory species.

Lynn Mattes [00:26:06] Thank you. That enough of a clarification and I appreciate your patience with me as I learn this fishery.

Brad Pettinger [00:26:13] Thank you John, Lynn. Kit. Ryan.

Ryan Wulff [00:26:20] Thanks. I wanted to let others weigh in. I just wanted to briefly state I appreciate Mr. Ugoretz kind of putting this summary forward. I fully agree and support the discussion that's been happening around the table, the points that are there. I did just want to make one small comment because I heard Miss Mattes raise it regarding just a preview for workload planning. The current agenda item for September talks about FMP amendment scoping. I think from what we heard today from the AS wanting more information from NMFS regarding the transition program and the fishermen understanding that as well as giving some time not just to scope this workshop but have some future discussions with them on this warrant potentially postponing any FMP action or scoping at this time.

We do have until December 2027 as it relates to the Driftnet Act, but in addition, there are some questions that NMFS has received in the margins here and outside of this Council meeting regarding the Driftnet Act, the language in the legislation and how we might implement our part of the federal program, and I think it would be helpful for any kind of discussion the Council might want to have regarding the transition to have some answers on that. We will have an update on those in September. So, this is just a preview more for workload planning and, I think, some sort of different name for that that allows a transition update and also follow-up potentially on any workshop discussions based on the MT AS meeting and the things that are outlined here, and that we just talk about would probably be more appropriate just at that point. And we can discuss this tomorrow. I just wanted to respond because she raised the comment. But in general, that's just a minor comment. I just wanted to lend my support for everything that's been discussed around the table and that is presented here. Thank you.

Brad Pettinger [00:28:14] Thanks Ryan. Kit.

Kit Dahl [00:28:18] Thank you Mr. Vice-Chair. Yeah, looking at the lists, the tasking here Mr. Ugoretz has put up and I just was a little bit of clarification. So, bullet three talks about the joint meeting of the subpanel and management team and notes to prepare for a later meeting workshop to further develop the new document. So, I just wasn't... I mean that could be interpreted of just sort of dates and places or whatever. And I was wondering, I assume though that it's probably wanting to dig in a bit more and maybe do some initial sort of concept development or spade work on this, you know, sort of I guess revising the SMMP or developing new goals. So, I was wondering if is bullet four there, which kind of talks about what this possible workshop would be about, is that a good sort of guideline for what the September meeting might start digging into with, you know, some maybe general ideas that could help those two groups to kind of frame what the workshop would look like? Just... I'm just trying to have... when I think about I'll probably need be helping to help work with the team and subpanel in terms of what they're going to talk about in September, make sure they're talking about the right thing.

Brad Pettinger [00:30:08] John.

John Ugoretz [00:30:09] Yeah, thanks Mr. Vice-Chair, and thanks, Kit, for the clarification. Definitely not just when and how should we host a meeting. Definitely more to your latter point about looking at point four and all of those subpoints there. What input and advice can they give us now? Where do they see the need for external voices to be heard? Do they have other questions now that they've heard this discussion regarding what the new document would look like and what it would contain? So, you know, essentially letting us use that time that Ryan is so happily donating for the September agenda to, you know, further refine everything and then be better prepared to make a decision in September about what comes next.

Brad Pettinger [00:31:10] Thank you John. Okay. No more discussion? Kit, how are we doing here?

Kit Dahl [00:31:22] Mr. Vice Chair, well, it's only 3:27 so I think you need to keep talking for another hour at least... (laughter)...

Brad Pettinger [00:31:36] Corey.

Corey Niles [00:31:36] I don't want to keep talking. But the one thing I didn't hear, maybe I missed it, but in support of, of course, but the team and maybe I heard it emphasized, overemphasized is how I meant. But do we have information and who's going to pay for this was their question and are we going to have information for them so they, to inform their September discussion?

Brad Pettinger [00:32:03] Executive Director Burden.

Merrick Burden [00:32:05] Thank you Mr. Niles. I was anticipating a question along these lines. Well, I'm happy to reach into my Rolodex to the extent anyone has a Rolodex anymore and call some of the people that I know that are professional facilitators. I do have a range that I'm familiar with that we would be discussing as part of the budget development process that we begin as you know in the fall. So that's when we would take it up with the budget implication for next year rather than this year. I do think having the teams have this discussion will help me understand more the scope of tasks that we'd be asking that facilitator to do, which then helps with the sort of budget discussion. So hopefully that answers your question.

Brad Pettinger [00:32:55] Thank you Merrick. Okay. Kit back to you.

Kit Dahl [00:33:02] Thank you Mr. Vice-Chair. All levity aside, you, I think, have finished your assignment and provided an outline or framework for future work on this, on this workshop idea. And the first instance will be this day in September where the management team and the advisory subpanel are going to get together and based on your discussion here and some of the specific ideas that are in that document that Mr. Ugoretz just provided, kind of spitball ideas, and come up with a proposal for, you know, maybe some, some ideas for how, for this workshop in terms of its structure and content. I guess one thing that comes to mind, and maybe you'll get into this discussion tomorrow, is in terms of when the, when those groups report back to you. Right now, there isn't an item on the September agenda. That might be too soon. They're just going to be meeting in September and we might want to draft something up. So anyways, we don't need to talk about it now, but just put it on your list perhaps for agenda planning tomorrow.

Brad Pettinger [00:34:30] Thank you. All right. Well, with that, thanks everyone for a lot of good work. And I'm going to pass the gavel back to Chair Gorelnik.