

**COUNCIL MEETING TRANSCRIPTS**  
**270<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**March 5-10, 2023**

DoubleTree by Hilton Hotel Seattle Airport  
18740 International Blvd., Seattle, WA 98188  
Hybrid Meeting

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

**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. Pacific Halibut Management .....	10
1. Annual Report of the International Pacific Halibut Commission (IPHC).....	10
2. Incidental Catch Recommendations: Options for Salmon Troll and Final Action on Recommendations for Fixed Gear Sablefish Fisheries .....	11
D. Salmon Management .....	15
1. National Marine Fisheries Service Report.....	15
2. Review of 2022 Fisheries and Summary of 2023 Stock Forecasts.....	16
3. Identify Management Objectives and Preliminary Definition of 2023 .....	19
Management Alternatives .....	19
4. Recommendations for 2023 Management Alternative Analysis .....	22
5. Further Direction for 2023 Management Alternatives .....	24
6. Further Direction for 2023 Management Alternatives .....	30
7. Adopt 2023 Management Alternatives for Public Review .....	33
8. Appoint Salmon Hearings Officers .....	36
E. Habitat Issues .....	38
1. Current Habitat Issues .....	38
F. Groundfish Management.....	39
1. National Marine Fisheries Service Report.....	39
2. Implementation of the 2023 Pacific Whiting Fishery under the U.S./Canada Agreement.....	40
3. Sablefish Pot Gear Marking – Feasibility Report.....	43
4. Non-Trawl Area Management – Final Preferred Alternative.....	45
5. Electronic Monitoring Program Changes - Final Preferred Alternative.....	50
6. Final Assessment Methodologies .....	56

7.	Amendment 31 Groundfish Stock Definitions .....	57
8.	Workload and New Management Measure Priorities.....	63
9.	Inseason Adjustments – Final Action .....	72
G.	Administrative Matters.....	73
1.	United States Coast Guard (USCG) Annual Report.....	73
2.	Report of the Office of National Marine Sanctuaries (ONMS).....	74
3.	Marine Planning .....	76
4.	Approval of Council Meeting Record .....	94
5.	Membership Appointments and Council Operating Procedures .....	95
6.	Future Council Meeting Agenda and Workload Planning.....	111
H.	Ecosystem Management .....	124
1.	California Current Ecosystem Annual Report.....	124
2.	Fishery Ecosystem Plan Initiative Workplan .....	127
I.	Highly Migratory Species Management .....	134
1.	National Marine Fisheries Service Report.....	134
2.	International Management Activities .....	135
3.	Drift Gillnet Hard Caps Update.....	137

## 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] Now that we have a quorum, we can undertake business and the first order of business is to approve our meeting agenda. So, I will look for discussion or a motion on our agenda. Mr. Anderson.

**Phil Anderson** [00:00:18] Thanks Mr. Chairman. I move the Council approve the Council meeting agenda as printed in Agenda Item A.3, March, 2023.

**Marc Gorelnik** [00:00:26] Thank you for the motion. Look for a second. Seconded by Bob Dooley. Any discussion? Not seeing any hands. All those in favor say 'aye'.

**Council** [00:00:35] Aye.

**Marc Gorelnik** [00:00:35] Opposed? Abstentions? Motion passes unanimously. We now have an agenda for the rest of the week.

## B. Open Comment Period

### 1. Comments on Non-Agenda Items

**Marc Gorelnik** [00:00:00] That concludes all of the sign-ups for open public comment and takes us to Council discussion. And as Executive Director Merrick Burden mentioned, this would be an appropriate time for Council members to discuss and weigh in on the Draft National Seafood Strategy. So, I'll look for hands. Pete Hassemer.

**Pete Hassemer** [00:00:27] Thank you Mr. Chair. Maybe to kick that off, a question to NMFS on this to Mr. Wulff. In looking at the National Seafood Strategy, I just want to make sure there would be an opportunity for the Council to comment when NOAA released, NOAA Fisheries release this. They're encouraging all interested members of the public to provide comment. Would they accept or does that include Councils providing comments to NMFS on the strategy?

**Ryan Wulff** [00:00:59] Yeah, through the, the Chair, thank you, Pete, for the question. Yes, I think we definitely want input from the Councils on the National Seafood Strategy one hundred percent. So, I think if the Councils are able to do it through the public comment process that's open right now through the 16th, we would welcome that.

**Pete Hassemer** [00:01:24] Okay, well thank you. I didn't want to go off on some tangent here if they weren't accepting it so I would say, I guess I feel strongly that the Council should submit, this Council should submit some comments on the National Seafood Strategy. It came up under the radar very abruptly in mid-February with a 30-day comment period, and so maybe I'll just take a minute to look at some of the substance or why I think the Council should comment on that strategy. The, there are four goals in the strategy, the draft strategy. It's very short. The first goal is to sustain or increase sustainable U.S. wild capture production. The second goal is increase sustainable U.S. aquaculture production. Focusing on goal one first to sustain or increase wild capture production, maybe I'm a little biased or opinionated on that but I think the epicenter for achieving that goal is right here on the West Coast. We can look at some of the underutilized species that we have that went through a lot of the Council's work and engagement with the stakeholders that we deal with this every day, is trying to achieve optimum yield in very sustainable fisheries. And as part of that, I think there's a broad infrastructure spread across the this coast that's also being underutilized. We've dealt with some of the markets that have been collapsed and then the efforts to rebuild those markets, the loss of filet lines and some of the plants. The loss of ice machines and a whole number of things that have affected the industry, but a key here on the West Coast is this infrastructure that would support fishing communities on a broad geographic scope, and it could be used to help increase that wild capture production. So, you know I haven't done an assessment of all the Council area or the U.S. managed fisheries, but I think the West Coast has a lot to offer and in the ideal world that I see maybe 50 percent or greater of NOAA Fisheries efforts to meet this goal would be directed to the West Coast because what we have to provide. And the goal too looking at aquaculture, I understand aquaculture has a place, it's a very important... I've worked in aquaculture in mariculture in the past, but maybe the least expensive pathway to getting more seafood into the U.S. markets and on U.S. tables is number one the wild capture production, and especially here on the West Coast. And again because of the infrastructure that is already built, the aquaculture piece of it may be very site specific and I'm not sure how strong that might support fishing communities and resilience in fishing communities as opposed to rebuilding the, and strengthening the infrastructure we have. There are other parts of this that, you know have, not being an economist it's hard to think about how it all works, but the U.S. imports a lot of seafood. It also exports a lot, and some of our fully utilized species are heavily exported and then we rely on import products to support a lot of the programs that this strategy is trying to get at. So, I think it's really important for this Council to weigh in. Talking to some of the industry reps we have here I know they'll be submitting comments.

So, I guess my ask is that the Council does submit comments to NOAA Fisheries on this and that the Executive Director and the staff would work together to put that letter together and figure out the right avenue to support it. So, thank you.

**Marc Gorelnik** [00:05:57] Further discussion? I have a couple of comments as well that maybe... I notice in the, sorry, it's a salmon meeting so I'm going to keep coming back to that. Under goal one, which is to sustain or increase sustainable U.S. wild capture production, one of the three bulleted points is habitat conservation in support of fisheries, and we know that how important salmon fisheries are to the Pacific Coast, and we notice how dependent those populations of salmon and therefore the fisheries are dependent upon adequate measures inland, and this is a role that NMFS has in addressing habitat issues inland. So, I guess I'd ask if Mr. Wulff has, on behalf of NMFS, any introspection on how, what steps NMFS can take with regard to habitat conservation for Pacific salmon?

**Ryan Wulff** [00:07:15] Thank you Mr. Chair for the question. I mean I think you're right. It is outlined as one of the three kind of pillars underneath that goal one. It specifically calls out habitat, so I do think comments along these lines are very relevant to the strategy. And I think, you know, the overall concept here was to try and put the strategy for based on stakeholder concerns to support the growing importance of seafood and the challenges faced by our seafood sector as a whole across the board, and the points you raise regarding the salmon are very relevant to that, and this comes from a number of discussions that over the many years that we've heard from various aspects of the industry, habitat is just one component and I think the implementation of this strategy once it is final would be to look at where NMFS under any of its existing authorities has the ability to help implement and take steps towards achieving the goals that they've outlined, and that is one key piece.

**Marc Gorelnik** [00:08:29] All right, thank you for that. So, I guess I would suggest if the Council's going to provide written comments that we highlight that particular issue and I think we will be hearing, I know on that from the Habitat Committee on certain issues and we here at the Council have written many sternly worded letters about the need for habitat protection for Pacific salmon, you know, throughout their range. So, thanks for that. One other comment I have on the National Seafood Strategy, I think it raises a lot of... I mean the goals are, you know, great but the focus seems to be on commercial fisheries. I don't see any reference there that would suggest any goals. Obviously, both commercial and recreational fisheries benefit from some of those goals, but the, the tone of the strategy seems very commercial oriented. I don't have any suggested edits in that regard. I just want to make that observation that, you know, nationwide, you know, the recreational fishery, I mean it really if you exclude Alaska, probably nationally the recreational community has more economic impact. So, and I'm talking now about domestic seafood production, ignoring imports because we don't deal with imported seafood here and the goal here is to increase domestic production. So, I just want to make that isolated comment without any specific suggestion. Anything else? Mr. Oatman.

**Joe Oatman** [00:10:11] Thank you Mr. Chair. Maybe a question to Ryan. So, it talks about the strategy framework and that this would allow NOAA Fisheries to address important national issues such as resilience of coastal fishing communities, financial viability of seafood industry that effects, and opportunities, international trade, and the importance of seafood to nutrition, food security, food sovereignty, subsistence fishing and traditional tribal fishing rights. So, with the tribes here of the Council from those affiliated with the Northwest Indian Fish Commission, those with the Columbia River Inter-tribal Fish, Inter-tribal Fish Commission and Hoopa and Yurok tribes in California, how would this seafood strategy apply to, you know, their respective stocks and fisheries?

**Ryan Wulff** [00:11:23] Through the Chair, thank you Mr. Oatman for the question. I mean I don't know if I have the answer for how it would directly apply to those stocks. I know that it was very important for NOAA when they put this strategy out to recognize the regional needs and approaches that would

vary including the importance of food sovereignty, traditional tribal fishing rights and communities, and of course our requirements as the U.S. to uphold the treaty rights for federally recognized tribes, so the intent was to take that into consideration and we would welcome any additional comments if there is a way for us to strengthen that in the strategy.

**Marc Gorelnik** [00:12:06] Go ahead Joe.

**Joe Oatman** [00:12:06] Thank you Mr. Chair and thank you Ryan for that response. That's probably an area of interest. Let's see if we can come up with some language that might strengthen that, and so just to understand your response, you know, places like the Columbia Basin for example, this would be applicable to what goes on there, for instance? Thank you.

**Marc Gorelnik** [00:12:33] Corey Niles.

**Corey Niles** [00:12:33] Yeah, thanks Mr. Chair. A question for Ryan. You mentioned the implementation plan also mentioned in the strategy in that it's going to be resources and authorities of your agency that you'll be looking at next. Did you have a timeline on when that implementation plan will be developed and opportunities to comment there?

**Ryan Wulff** [00:13:00] Yeah, through the Chair. Thank you, Mr. Niles, for the question. I don't have a specific time. I know the goal was to start to shift from the final strategy into implementation later this calendar year, so in 2023. My guess it would be the latter half of that, you know, sometime... I don't know maybe after the summer we would be into implementation as we compile the comments that come in over the coming weeks here, but I don't have a date more specifically than the desire is to get into the implementation and anything associated with that later this calendar year in 2023.

**Marc Gorelnik** [00:13:40] Bob Dooley.

**Bob Dooley** [00:13:43] Thank you Mr. Chairman. I think this is a good direction to go. In reading the four strategy objectives I think number one is really important. I think number one is the foundation of this whole thing. If we're going to build something and identify it, if we don't have fish, if we don't have adequate surveys and adequate science supporting our surveys, which all boils down to the economic, the money to do that, those surveys, we won't fully achieve and sustain our ability to access our fish stocks, particularly as climate change more and more effects everything. I think, you know, that means we need more science not less and, you know, I'm hearing more and more that our surveys are being compromised because we don't have the financial ability or the resources to keep our surveys and our stock assessments up. And so, the less... the more uncertainty that gets injected into this system, the less access we have to the fish that are there, because that uncertainty creates buffers and creates issues of our continued understanding of what the resource status is in all fisheries, both inshore and, you know, in rivers and as well as on the ocean. So, I really think if we're going to go down this road there has to be an acknowledgment that there's funding to support it. And, you know, that's the foundation of the house we're building is that, and so as we lose, as we lose funding and we see it in all parts of it including our management home here, we see this funding going away enough to make compromises, and those compromises, in my opinion, directly affect our ability to access stocks and fish and thus, you know, increase our food security, all of those things. So, I'll stop there. Thank you.

**Marc Gorelnik** [00:15:59] Ryan.

**Ryan Wulff** [00:16:01] Yeah, thank you Mr. Chair. That's a good point Bob. And maybe to expand on my answer to Corey. Implementation is not just... I mean we're looking at a multi-year implementation. This is not just we put the strategy out and then we focus on it for the rest of this year and then, I didn't

mean to imply that that was where it stopped. I mean this builds on, or it was intended to build on the 2030 vision for NOAA fisheries that was developed so for the next five, seven plus years. I mean this is, once it is final, will be a key strategy that the agency utilizes when it is developing its priorities and its focuses so... and that gets into some of your questions, Bob, about resources, so to the extent as you've heard, you know, the regional and even national priorities presented annually to this Council, right? Things like that will be impacted every year, but what we decide to focus the funding that we do have on, and this will be a key strategy that is looked to, especially nationally, but also regionally when we do our annual and multi-year prioritization processes. Thanks.

**Marc Gorelnik** [00:17:18] All right. Anything further under this agenda item, particularly with regard to any Council comments? Phil Anderson.

**Phil Anderson** [00:17:25] Yeah, I just wanted to go back to Dr. White's presentation, and I'm certainly mindful of the need for the Council to stay within its lane, but I'm wondering, I'd be willing to volunteer on my own time and my own dime to have some further dialogue with Dr. White, and depending on how those conversations go, may have something to bring back to the Council to consider. So, I'm not asking or suggesting we do anything formal at this time, but I think the initiative and the need to have the salmon management component of salmon recovery and how to deal with climate change is an important thing for us to do and we are uniquely positioned to do that. So, I'm just again, not suggesting we do anything formal, but I'd be willing to volunteer to do that again on my own time and my own dime.

**Marc Gorelnik** [00:18:33] Well, on behalf of the Council, thank you for your volunteering and I guess we'll see where this leads because climate change is having a direct impact on our fisheries, salmon fisheries in particular. Any further comments from the Council before I go to Deputy Director Ames? Corey Ridings.

**Corey Ridings** [00:18:54] Thanks Mr. Chair. I just took a look at the public comment that was submitted prior to the meeting from Puget Soundkeeper re... it's regarding the tire toxin. I think it's the 6PPDQ toxin. I think the Council has talked briefly about this before, if my memory is correct. The letter noted that it's a problem for salmon and was just noting perhaps this is something the Habitat Committee might be interested in looking at the future. I'm not sure exactly when or where, but just wanted to put that out that that could be something that would be useful to look at in the future. Thanks.

**Marc Gorelnik** [00:19:37] All right. Thank you, Corey, for highlighting that public comment. All right, Mr. Burden.

**Merrick Burden** [00:19:48] Yes, thank you Mr. Chairman. Thank you all for a nice discussion here on a couple of items that unfortunately were not able to be agendaized in time, like the seafood strategy. We did have some pointers that you raised here. If it's the will of the Council, we'd be happy to draft a letter and work with the leadership team to submit that. If you would rather us pursue that in the QR letter format that we have done before we'd be happy to pursue that as well. Absent that guidance, I think I would plan to work with our Deputy Director and the leadership team up here in crafting that response by the deadline. I want to make sure that that's clear before we close out that item.

**Marc Gorelnik** [00:20:33] Corey.

**Corey Niles** [00:20:36] Yeah, that was going to be my question. Thanks Mr. Chair. Yeah, I guess I don't have a direct answer to your question but, yeah, I was going to ask are we just offering comments to NMFS currently or are we going to capture it in a letter? And I guess I'm struggling kind of with what Bob said and I was thinking Phil was going to speak up to this point as well that, you know, all



these seem like reasonable goals that and number one is the one that's most central to our work and it's not like they're swimming in funding and we're worrying about surveys and all that, so I just, maybe echoing what Bob said and if we are to do a letter, I think, you know, achieving these goals and supporting the seafood sector while also, you know, not losing ground on the agency's core fisheries monitoring, surveying protected species work, you know, that would be a challenge but just if that's for the letter, yeah, I just think that part should be emphasized.

**Marc Gorelnik** [00:21:50] So are you okay with the leadership team or do you want a QR process?

**Corey Niles** [00:21:57] I think I led off with that. I don't have a direct answer to that question, so still don't but apologies there.

**Merrick Burden** [00:22:04] All right, because I think what I heard our Executive Director state is that we would go with the leadership team unless there was a desire from the Council over the QR process. So, I guess that's the question. Corey.

**Corey Ridings** [00:22:17] Hi. Thanks Mr. Chair. I know this may create a little bit more work, but I'd love to see a QR process on this. Just a chance to take a little bit of a closer look because we weren't able to fully agendaize it at this meeting? I agree with what other Council members have said. I think this is important and I appreciate the work the agency is doing on this, so if that's reasonable around the table, then I would throw that out as my preferred option.

**Marc Gorelnik** [00:22:40] All right. Well, the deadline is March 15th for the letter so if we're going to follow the QR, we're going to need pretty instantaneous response from Council members just to put that out there. So, we'll go QR since there's a request for that. Okay, anything further on this agenda item? I'm not seeing any hands. We've earned our first break. We'll be back at 10:45 and I will in advance transfer the gavel to Vice Chair Hassemer who will take us forward with Pacific halibut. So, we'll see you at 10:45.

## C. Pacific Halibut Management

### 1. Annual Report of the International Pacific Halibut Commission (IPHC)

**Pete Hassemer** [00:00:00] That concludes our public comment and our reports which takes us to Council discussion and action. Our action here is simply to provide guidance as appropriate. And we did have a recommendation from the GAP for a letter, so I'll open up the floor here and look for any hands to start this discussion. Frank Lockhart.

**Frank Lockhart** [00:00:24] Just a comment. Kind of maybe the opposite side of the coin of what Phil was talking about. John Kurland, who is the new commissioner, just expressed to me that in his, let's see, steep learning curve that he had, he really appreciated all of the effort that Area 2A folks made to meet with him beforehand and at the annual meeting and that especially includes the tribes but just basically all of Area 2A. He, in his mind, he asked a lot of you and you guys responded very well, so I just wanted to pass that on. He really appreciates your help getting him prepared for the annual meeting and so that's it. Thank you.

**Pete Hassemer** [00:01:11] Thank you Frank. Further discussion? I'm not seeing any hands here. Marci.

**Marci Yaremko** [00:01:27] Thank you Mr. Vice-Chair. I just wanted to comment on Mr. Alverson's recommendation regarding a letter, and that we might consider incorporating a recommendation on survey area coverage for 2024 in a letter that the Council transmits to IPHC with its other recommendations later this fall. So, I thought his idea was a good one. I just wanted to issue support for that.

**Pete Hassemer** [00:01:58] All right. Thank you, Marci. I'm sure the Executive Director has that on the radar screen since the suggestion was sometime after the September meeting, so we don't lose sight of it, but we know that ask is out there. Further discussion? And I'm not seeing any hands so, Robin, I'm going to turn to you and ask if we've completed our work on this item.

**Robin Ehlke** [00:02:24] Thank you Mr. Vice-Chair. For Agenda Item C.1, I think you've walked through all the information. We have a suggestion that the Council transmit a letter. We'll hear from the Executive Director on that. I will say that in March and April under Agenda Item C.2 we do transmit letters to NMFS on some of the recommendations that will come out of what the limits might be, so it could be a potential that we could also transmit one to IPHC during that same timeframe if the Council finds that appropriate. With all that said, I think you've covered your work under this agenda item. Thank you.

**Pete Hassemer** [00:03:08] All right that wraps up C.1.

## 2. Incidental Catch Recommendations: Options for Salmon Troll and Final Action on Recommendations for Fixed Gear Sablefish Fisheries

**Pete Hassemer** [00:00:00] That completes all our reports and public comment and will take us to Council discussion and action. As a reminder, the three decision points or action items are up there. Two different time periods for the salmon troll fishery and then for the fixed gear sablefish fishery, so I will look for a hand to start the discussion on this agenda item. Heather Hall.

**Heather Hall** [00:00:34] Thank you Vice-Chair. I do have a motion for the incidental retention in the salmon troll fishery.

**Pete Hassemer** [00:00:43] All right, I'll just pause for a few seconds and make sure I didn't miss any hands if there's any discussion, but I still don't see any, so please go ahead.

**Heather Hall** [00:00:53] Thank you. And Sandra does have the motion too, so I'll wait for her to put it on. There it is. Thank you, Sandra. I move the Council adopt for public review the alternatives presented in Agenda Item C.2.a, Supplemental SAS Report 1, March 2023 for halibut landing restrictions in the salmon troll fishery in 2023 beginning May 16th, and for April 1 through May 15th, 2023, and recommend no change to the current incidental Pacific halibut retention limits for April 1 through May 15th, 2023. Thanks that, those are my notes. Thank you, Sandra. You were reading my mind.

**Pete Hassemer** [00:01:57] All right. Thank you then. So, the language on the screen is as you intend it?

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

**Pete Hassemer** [00:02:03] All right. Thank you. Is there a second? Seconded by Butch Smith. Please go ahead and speak to your motion.

**Heather Hall** [00:02:11] Thank you. The motion just confirms that no changes are needed for the retention limits that are in place now through May 15th of this year, and then provides the range of alternatives as recommended by the SAS for public review that will be appropriate based on the salmon discussions that are underway now.

**Pete Hassemer** [00:02:35] All right. Thank you. Any discussion or first questions for the maker of the motion? I don't see any questions. Discussion on the motion? Heather, go ahead.

**Heather Hall** [00:02:50] Thank you. I just want to add, I think the input from Joel and Ryan was really helpful and I just want to express the challenges we've had for our fisheries due to the pandemic and the closure of the ports on our North Coast in Neah Bay and La Push. I mean, you know, we really understand protecting vulnerable communities and all of that and so even in our recreational fisheries where we're looking to see both that access now resume and fisheries get underway more like we have seen before the pandemic, and so I'm hopeful that things will look a little bit more normal for the salmon troll fishery looking ahead and so just wanted to add that. Thank you.

**Pete Hassemer** [00:03:48] Further discussion? And I'm not seeing hands go up so I will call for the question then. All in favor signify by saying 'aye'.

**Council** [00:03:59] Aye.

**Pete Hassemer** [00:03:59] All opposed? Abstentions? The motion passes unanimously. Thank you, Heather, for that motion. One that's completed two parts of our action item, oh, excuse me Lynn Mattes.

**Lynn Mattes** [00:04:21] Thank you Vice-Chair. I've got a question that's going to be for NMFS. It doesn't, it's related to what we just did but it's not an action under this agenda item, so I don't know when else to ask it other than under this halibut agenda item. It's relating to permitting.

**Pete Hassemer** [00:04:36] Well, let's put it out there and see if this is the appropriate time. Go ahead.

**Lynn Mattes** [00:04:40] All right. Thank you for the leeway and apologies if I've mis stepped in my first morning here on the floor. Something that came up in our delegation, the Oregon delegation meeting this morning, was the timing of permits and the salmon process. While Mr. Kawahara indicated salmon fishing may be okay or good north of Cape Falcon, I think we're going to hear later this week that it might not be such over the entire coast and the salmon troll permits with halibut were due March 1st. The directed fishery permits were due March 5th, or February 15th. For areas that may not have such a good salmon season, is there any recourse for those people to request to transfer their troll permit to be a directed permit given that they, there may not be an adequate salmon season? Is there any flexibility in that? Is some of the questionings that has come up. And you may not have an answer for that right now, I just wanted to float it out there since I didn't know when else we could talk about this today at this meeting.

**Pete Hassemer** [00:05:43] Frank.

**Frank Lockhart** [00:05:47] Well, I... the short answer is no. The permit deadlines are out there but as always, I guess we can look into it but I'm not very optimistic that there will be an opportunity to change that so that's it. Thank you.

**Lynn Mattes** [00:06:09] Thank you, Mr. Lockhart. That's what I was expecting but I wanted to ask the question so that I could go back to our fishermen and let them know. Thank you, sir, and thank you for the leeway.

**Pete Hassemer** [00:06:17] Okay. Thank you. Again, further discussion or we still have to look at the fixed gear sablefish fishery north of Point Chehalis. Marci.

**Marci Yaremko** [00:06:31] Thank you Mr. Vice-Chair. Support the motion. Support the discussion we've had around the table, and I guess would just flag that I appreciate the responses we've received from industry and the statements from Heather about the performance of the Washington fisheries, the incidental halibut retention fishery. I guess I would just note that looking forward to our catch sharing plan development and discussions leading up to the next IPHC meeting that I believe we all share the belief that we should be attaining our 2A allocation in total and in full, and I would trust that we're all looking to establish measures that allow the respective sectors to do that. I'm maybe not as optimistic as some around the room that we'll be successful in attaining the incidental retention limits for halibut in the salmon, the chinook salmon troll fishery. Just following on the remarks that Lynn had or the line of questioning that Lynn had, I think there will be fewer performers or fishers in this sector this year in light of the chinook abundance, so would just flag that we may be leaving some fish on the table here, but I'm encouraged by the testimony that we heard today and that maybe the fishing behavior will be different in the northern areas this season so we'll look forward to seeing the results. Thanks.

**Pete Hassemer** [00:08:28] Okay, thank you Marci. Phil Anderson.

**Phil Anderson** [00:08:32] Yeah, thanks Mr. Vice-Chair. You know when I think about the incidental

catch of halibut in the salmon troll fishery off Washington, I think about the history of it. Our, what I'll call our more northern area, the areas where we call the prairie, where a typically a large proportion of our chinook salmon taken in the May-June timeframe is taken from that area, and that area has a much higher density of halibut than the area to the south, particularly off of Westport, where the halibut are abundant in certain areas but they're relatively small areas and they're farther, and they're generally in deeper water than where the salmon troll fishery takes place. So, the distribution of chinook salmon and where the fishery takes place plays a big role in the incidental take of halibut in our salmon troll fishery. And for a long, long time we could pretty much count on a significant portion, the majority of that May-June catch being taken up in that more northern area. The closure of Neah Bay and La Push that went during the pandemic timeframe, as Joel indicated, played a big role in where our fishery took place. It played a role in markets. It played a role in price and so it really disrupted, from my perspective, what had been kind of a long-standing behavior of that fishery and where it took place and whether it returns to more, what normalcy, whatever the new normalcy is, but if it returns to kind of where it had been in the previous couple of decades then I would anticipate that the halibut bycatch retention in the salmon troll fishery is going to return to more normal. If it doesn't or it takes a while for that, the, for it to return to normal then, you know, then I'm more or less optimistic that it will take its full allocation, but I think we have... and then we don't really know this year. We have this added disaster in the salmon fishery south of Falcon which will undoubtedly influence or have an impact on the number of halibut taken as an incidental catch, so all of those things we're just in a really dynamic time and I think the options that we have in front of us in terms of the landing limits are going to provide an opportunity for them to take their full allocation, but there are some other factors going into this fishery that make it harder to predict exactly how it's going to turn out but. So, I just I just wanted to share those thoughts.

**Pete Hassemer** [00:12:19] Further discussion. Thank you, Phil. And just a reminder, we've got one other action item here. The landing restrictions in the fixed gear sablefish fishery. Heather Hall.

**Heather Hall** [00:12:33] Thank you Vice-Chair. I also have a motion for the primary sablefish fishery.

**Pete Hassemer** [00:12:40] Thank you. Let's hear that.

**Heather Hall** [00:12:44] I move the Council adopt a final trip limit ratio of 150 pounds of Pacific halibut per 1,000 pounds of sablefish plus 2 additional Pacific halibut for the primary sablefish fishery north of Point Chehalis, Washington, as recommended in Supplemental GAP Report 1, March 2023.

**Pete Hassemer** [00:13:09] Thank you. What's on the screen is what you intend?

**Heather Hall** [00:13:12] Yes, it is.

**Pete Hassemer** [00:13:12] Thank you very much. Is there a second? Corey Ridings seconded it. Thank you. So go ahead and speak to your motion.

**Heather Hall** [00:13:23] Thank you. This motion is basically just affirming status quo and management measures for 2023. I think the GAP did a really thorough job of thinking through that increase in the allocation for the sablefish fishery and whether or not a change was needed, but also noting that the season would be a little bit longer. And I think also commenting that the fishery would maybe be more in line with pre-pandemic years. The GMT also supported that analysis by the GAP and offered good input to support this approach. Thank you.

**Pete Hassemer** [00:14:18] Thank you. Any questions for the maker of the motion? I see no questions so discussion on the motion? And not seeing any hands for discussion so I will go ahead and call for the question then. All in favor signify by saying 'aye'.

**Council** [00:14:39] Aye.

**Pete Hassemer** [00:14:39] All opposed? Abstentions? The motion passes unanimously. Thank you, Heather. Robin, I will turn to you and also keep my eyes open for hands in case there is further discussion on the agenda item but I'm not seeing any, so have we completed our work here?

**Robin Ehlke** [00:15:06] Thank you Mr. Vice-Chair. Yes, you've completed your work. You've taken action to adopt for public review the three halibut landing restriction options in the salmon troll fishery. You're recommending no season, inseason changes on those limits that are going to occur between April 1 and May 15 of this year. That's all consistent with the SAS report. And then also you've adopted the final landing restrictions for the fixed gear sablefish fishery north of Port Chehalis that starts on April 1 of 2023, which is consistent where that fishery closed with last year, which is 2 halibut plus a hundred and fifty pounds of halibut per thousand pounds of sablefish, which is consistent with the GAP and the GMT report so thank you for that. You've finished your work under this agenda item.

**Pete Hassemer** [00:16:00] All right. Thank you. So that will conclude this agenda item.

## **D. Salmon Management**

### 1. National Marine Fisheries Service Report

No transcription for this agenda item.

## 2. Review of 2022 Fisheries and Summary of 2023 Stock Forecasts

**Brad Pettinger** [00:00:00] Okay. Thank you. All right. That finishes up the public testimony and that takes us to Council action. So, with that I'll open the floor up for discussion. Kyle.

**Kyle Adicks** [00:00:20] Thank you Mr. Vice-Chair. While we're on Council discussion, because I don't think it requires any Council action today, I just wanted to acknowledge the change in stock statuses that were identified by the STT and confirmed by the SSC for some of our north of Falcon stocks. The good news was Snohomish natural coho, which was one of the three coho stocks north of Falcon we undertook rebuilding plans on has increased in abundance to the point where it is rebuilt. Strait of Juan De Fuca has moved up to the not overfished rebuilding status so not quite to rebuilt but good news, it's headed in the right direction. And then the new overfished status, which was Queets spring, summer chinook, which the abundance three year GO mean abundance for that stock tripped it into overfished status. Also just wanted to acknowledge as we did when we undertook the rebuilding plan process for the coho stocks, that overfished doesn't necessarily mean it was a result of overfishing, it just means that that abundance has dropped to that level to trigger that. The Queets spring summer chinook stock is a stock that doesn't have directed fisheries, has pretty minor impacts or pretty minor impacts non-direct in some fisheries but has fallen to that lower abundance tier.

**Brad Pettinger** [00:01:44] Thank you Kyle. Anyone else? Kyle Adicks.

**Kyle Adicks** [00:01:44] I do have a motion if there's no other Council discussion Mr. Vice-Chair.

**Brad Pettinger** [00:02:10] That'd be wonderful.

**Kyle Adicks** [00:02:14] I move that the Council adopt the 2023 stock abundance forecast ABCs, ACLs and OFLs as presented in Agenda Item D.2, Supplemental Preseason Report 1 with the modifications identified in Agenda Item D.2.a, Supplemental STT Report 1.

**Brad Pettinger** [00:02:32] Thank you Kyle. Is the language of the screen accurate?

**Kyle Adicks** [00:02:35] It is.

**Brad Pettinger** [00:02:36] Seconded by Phil Anderson. Thank you, Phil. Please speak to your motion.

**Kyle Adicks** [00:02:40] Thank you Mr. Vice-Chair. As always, a huge thanks to the STT and to all the other state, tribal, Federal scientists up and down the coast that collect all the data and develop all these forecasts for us. A huge amount of work to put those two reports together in a pretty short amount of time every winter. I'm sure the STT was glad to be back to meeting in-person to do this work but was sorry to hear that the snowpocalypse in Portland kind of interrupted the second of their weeks together this year. I think we heard from the SSC that they confirmed the ABCs and ACLs that that needed to be confirmed for the Council. I'm confident that the rest of the forecast. Our best available scientists, our best available science coming from all our scientists up and down the coast appreciate the STT identifying those three small errors that needed to be corrected and will be in the Narada and a new version of Supplemental Preseason Report 1, but I think this sets the stage for us to undertake our work developing alternatives this week and moving towards final fishing packages in April.

**Brad Pettinger** [00:03:49] Thank you Kyle. Questions for the motion maker? Discussion on the.....Marci.



**Marci Yaremko** [00:03:58] Thank you Mr. Vice-Chair. Thank you, Kyle, for the motion. I'll be voting in support. Just want to thank the STT for acknowledging the corrections needed to the two California stocks in the summary bullet points of the STT statement at the end. It's certainly important to highlight those corrections for the California stocks in question. The difference in the exploitation rate that's reported as shown in the original version of pre one of .52 versus the real value of .75. Very different situation with regard to exploitation rate on the Sacramento stock. At .75 were coming awfully close to the FMP established maximum allowable exploitation rate of .78 so that's an important consideration for us as we move forward here. Second, I want to note the bolding of the approaching and overfished condition. Appreciate this correction as well as reported in the pre one document itself. Approaching an overfished condition relies on the current year preseason forecasts and the Council adopted fishing regulations for the upcoming season in order to calculate projected spawning escapement, but we don't know yet what the actual regulations will be for the upcoming season so right now we're in a situation where we are at risk of approaching an overfished condition. So, we'll be keeping that in mind as we look to developing the season alternatives as that is, that's not a place where I think we want to, to go. So, appreciate the STT bringing that to our attention.

**Brad Pettinger** [00:05:59] Thank you Marci. Anyone else? Okay. Robin.

**Robin Ehlke** [00:06:10] Thank you Mr. Vice-Chair. I did want to just draw to the Council's attention the stock status determinations and the fact that we do have a salmon stock that is declared overfished and there are some steps that the Council needs to take. We can address those things internally. Just transmit some letters as described in the FMP, but one of the things that needs to occur is the Council does need to direct the STT to propose a rebuilding plan within one year. I do know that the one-year time stamp, if you will, starts once we get verification from NMFS and what the stock status determinations are. So, it is a bit of a process but I didn't want it to go unanswered here where we are first reporting to the Council that we have a new overfished stock and that the STT will have to be drafting a rebuilding plan probably starting in June. I'm assuming that might be the timeframe for us to transmit to NMFS and then hear back from them, just guessing. It could be longer but so I don't think it's necessary for the Council to provide guidance to STT to, you know, start on that rebuilding plan when the time is right, but it will be something that if not now, we will be bringing back to the Council so that we can get somewhat official guidance so that we're consistent with what's outlined in our FMP.

**Brad Pettinger** [00:08:01] Okay. Thank you Robin. Phil.

**Phil Anderson** [00:08:06] Yeah, in this particular case just remind us that it's particularly important to engage the co-managers, in particular the Quinault Indian Nation early on. I have spoken with members and representatives of the Quinault Indian Nation here in conjunction with the Pacific Salmon Commission meeting, and we talked a little bit about moving forward with the development of the rebuilding plan, but I just want to emphasize that right at the get go here that they need to be brought in and made a part of the development of it in the very early stages, and that that will be very important for us to have a successful outcome.

**Brad Pettinger** [00:09:07] Thank you Phil. All right. We have a motion on the table. Further discussion? If not, I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:09:20] Aye.

**Brad Pettinger** [00:09:20] Opposed nay? Abstentions? Okay, motion passes unanimously. Thank you Kyle. Anybody have anything else? Marci.

**Marci Yaremko** [00:09:35] Thank you Mr. Vice-Chair. Before we close this agenda item out, I just

wanted to acknowledge and thank both the West Coast Region and the Southwest Center for assisting California with its salmon informational meeting that was held last Wednesday. This was a very lengthy and contentious meeting and I just cannot say enough about the professionalism and the skill that we saw from our partners at the Science Center and West Coast region. You answered a number of very challenging questions and presented the information very clearly and took a lot of time and spent with, and spent several hours with California on Wednesday and I just wanted to say how much we appreciate it. Thank you.

**Brad Pettinger** [00:10:30] Okay. Thank you Marci. Anybody else before I turn to Robin?

**Robin Ehlke** [00:10:42] All right. Well, thank you Mr. Vice-Chair. For Agenda Item D.2, we've adopted the 2023 stock abundance forecasts, ABCs and ACLs, and we've acknowledged that we will have a rebuilding plan. We have some stock status criteria that has changed and so we'll look for that in the future, but with that we've completed our work under D.2.

**Brad Pettinger** [00:11:04] Thank you Robin. Okay, good work and probably the easiest salmon item we'll have today so or at this meeting, so with that I'll give the gavel back to our Chairman.

### 3. Identify Management Objectives and Preliminary Definition of 2023 Management Alternatives

**Brad Pettinger** [00:00:00] Okay, that finishes up public comment and I'd like to see if we can finish up before lunch would be good potentially. So, with that I'll open the floor for discussion and see where it goes. Marci.

**Marci Yaremko** [00:00:25] Thank you Mr. Vice-Chair. Appreciate the public testimony and the SAS presentation of the alternatives. I guess summing things up, I would say that I have concern with scheduling any chinook fishery opportunities south of Falcon or allowing any chinook retention until we have new forecast information in 2024. We need to be extremely risk averse in light of the 2023 abundance forecasts and the 2022 escapement data that's driving those forecasts. We've seen the deficiencies in the harvest model forecasts. George spoke in great detail about the consequences of being wrong. So, I see some disconnect with scheduling pre-March fisheries, meaning fall fisheries when it will be at that time we have new forecast information. I have concerns that I share with many of the folks here today that indicated that there are limits in our harvest forecast modeling, and that means the modeling about how many fish might be taken in open fisheries and the stock composition of those fisheries. So, I'm also concerned with potential effort shift into Oregon fisheries where chinook retention might be authorized. So, I'm viewing the harvest models and the output suggested by them with a great deal of precaution in light of the forecast information. So, this is a first step today in our development of our alternatives, but I'll be looking forward to working with Oregon over this week to talk about the proposed fall fisheries that are among the alternatives recommended by the SAS. Thank you.

**Brad Pettinger** [00:03:04] Thank you Marci. Anyone else? Joe Oatman. Joe.

**Joe Oatman** [00:03:14] I thank you Mr. Vice-Chair. And if now's the appropriate time, I'd like to provide some comments regarding NMFS's Guidance Letter.

**Brad Pettinger** [00:03:25] Please.

**Joe Oatman** [00:03:26] And at a later point I do have some tribal alternatives for the treaty troll for STT analysis once we get to that point. Okay. Well, first I'd like to state that I appreciate the information from the NMFS 2023 Guidance Letter that summarizes the Council's consultation standards for ESA-listed salmon, steelhead and Southern Resident killer whales that are affected by Council fisheries. With respect to the Southern Resident killer whales, the Council is requested to compare the 2023 abundance estimate for the north of Falcon area to the recommended low abundance threshold for these whales. I would like to provide some comments on behalf of the Puget Sound Treaty Tribes so that the Council is aware of their perspective as we consider this guidance for Southern Resident killer whales, especially as it relates to areas other than north the Falcon. So, the Puget Sound Treaty Tribes note that the preseason pre-fishing FRAM abundances for the five regions referenced in the guidance letter contain values for areas outside of Council jurisdiction including the Salish Sea, which is not in Federal waters. The Salish Sea is under the jurisdiction of state and tribal co-managers who have not reviewed the values in the table as the best available estimate of chinook prey abundance available to Southern Resident killer whales. This distinction is important because the co-managers, Puget Sound Chinook Harvest Plan is currently under ESA review, including the impact to Southern Resident killer whales. Therefore, it should be noted that the Salish Sea value reported in the NMFS Guidance Letter does not represent the best scientific information available for estimating prey in Puget Sound until that ESA and any government-to-government consultations are completed to determine the impact on Southern Resident killer whales in that region. This should be reflected in the Southern Resident killer whale

prey abundance numbers reported in Table 5 in both Pre-two and Pre-three STT Reports that will be published following the March and April meetings respectively. We can assist with crafting some language that could help address this issue as it relates specifically to the Salish Sea Spatial Area. I appreciate the opportunity to provide those comments on behalf of the Puget Sound Treaty Tribes.

**Brad Pettinger** [00:06:29] Thank you Joe. Okay. Maybe a motion? Oh, Susan.

**Susan Bishop** [00:06:41] Thank you Mr. Vice-Chair. Thank you, Joe, for those comments. I guess I would just make the.... I'm, we are very happy to engage in those discussions and welcome that opportunity with regard to language for the pre two document. I would push back a little bit I guess on the characterization of that science as not the best available science. From NMFS's perspective it is the best available science with regard to the information that we are using to evaluate effects on PFMC fisheries. I very much understand that the conversation is ongoing with regard to the Puget Sound fisheries and that we need to be very careful about choosing the appropriate tools that are relevant to the fisheries that occur in the various areas. So, tools that may be used in one area, let's say the Pacific Fisheries Management Council contacts maybe the appropriate for how the fisheries are conducted there and the information that we have relevant to those fisheries may not be the most appropriate tools or information to consider for other areas. So, I just wanted to at least clarify from NMFS's point its perspective on that information. Thank you very much.

**Brad Pettinger** [00:07:55] Thank you Susan. Okay. So, with that do we have a motion? Kyle.

**Kyle Adicks** [00:08:12] Thank you Mr. Vice-Chair. I do have a motion which Sandra should be able to put on the screen. I move that the Council adopt for STT compilation and analysis the proposed initial salmon management alternatives for the 2023 non-Indian ocean fisheries as developed by the Salmon Advisory Subpanel and described in the Agenda Item D.3.e, Supplemental SAS Report 1, March 6, 2023.

**Brad Pettinger** [00:08:47] Thank you Kyle. Is the language accurate?

**Kyle Adicks** [00:08:49] Yes.

**Brad Pettinger** [00:08:50] Very good. Second? Seconded by Phil Anderson. Thank you Phil. Please speak to your motion Kyle.

**Kyle Adicks** [00:08:58] Thanks again Mr. Vice-Chair. I'll just speak briefly to north of Falcon fisheries. Every year's a unique set of challenges for all of us and I recognize they're very big issues south of Falcon that have taken up a lot of time and great, thankful that we have some north of Falcon fisheries that we can put on the table this year and we'll be hearing some treaty troll alternatives I believe that reflect that as well. I just want to thank the SAS for all their work, both north and south of Falcon. I know it takes a lot to coordinate everybody and get these alternatives to the Council and I appreciate that work.

**Brad Pettinger** [00:09:34] Thank you Kyle. Open the floor for discussion on the motion if need be? And if I don't see any hands, I'll call for the question. Okay. All those in favor signify by saying 'aye'.

**Council** [00:09:49] Aye.

**Brad Pettinger** [00:09:49] Opposed nay? Abstentions? Okay motion passes unanimously. Thank you Kyle. And Joe.

**Joe Oatman** [00:10:02] Thank you Mr. Vice-Chair and I think Sandra has the motion if we can get that on the screen. Thank you Sandra. I move the Council adopt for STT analysis the following initial treaty troll salmon management measures. For Alternative 1: That would be 50,000 chinook and 62,000 coho. For alternative 2: 40,000 chinook and 52,000 coho. For alternative 3: 30,000 chinook and 42,000 coho. The alternatives consist of a May 1 to June 30 chinook directed fishery and a July 1 to September 15 all species fishery. The chinook quota should be evenly split between the two time periods.

**Brad Pettinger** [00:10:58] Thank you Joe. Is the language accurate on the screen?

**Joe Oatman** [00:11:00] It is Mr. Vice-Chair.

**Brad Pettinger** [00:11:01] Very good. Second? Seconded by Kyle Adicks. Thank you Kyle. Please speak to your motion Joe.

**Joe Oatman** [00:11:09] Yes, thank you Mr. Vice-Chair. So, the Treaty Tribes have been engaged in the north of Falcon process to arrive at these management measures that are being proposed here for STT analysis. The 2023 projected abundance of salmon and coho stocks and their corresponding management objectives determine how much fish can be available for fisheries. Recognizing that these considerations are complex and getting treaty troll management measures figured out, you know, can be a challenging process. Based on the forecast, the tribes think that fisheries, you know, this year could be similar to last year, so what is being recommended for the treaty troll is similar to those alternatives that were offered in 2022. Thank you Mr. Vice-Chair.

**Brad Pettinger** [00:12:07] Thank you Joe. Discussion? Okay, I don't see any hands so we'll call the question of this one too so all those in favor signify by saying 'aye'.

**Council** [00:12:19] Aye.

**Brad Pettinger** [00:12:19] Opposed nay? Abstentions? Okay. Motion passes unanimously. Thank you Joe. All right. I'll look around for any other motions. I don't think they're... I think we're good I believe so I'll turn to Robin and see how we're doing.

**Robin Ehlke** [00:12:38] Thank you Mr. Vice-Chair. Yes, you finished your work under this agenda item. You've adopted some alternatives that the STT will run some analysis and get back to you tomorrow. We've heard from the states, and we've heard from the tribes, and we've heard from our constituents, so I think with that we have done our job under this agenda item. Thank you.

**Brad Pettinger** [00:12:59] Thank you Robin. Tough, tough agenda item for sure and I just thank everybody for hanging in there. And with that I will pass the gavel back to Chair Gorelnik.

**Marc Gorelnik** [00:13:12] Thank you Vice-Chair Pettinger. It appears that we survived the first salmon agenda item of this meeting and thanks in no part, in no small part to Craig has his music at our break. We'll take our hour lunch now.

#### 4. Recommendations for 2023 Management Alternative Analysis

**Brad Pettinger** [00:00:00] That concludes public comment, and it brings us to Council action and define clarification to STT and any questions as needed and provide direction so I'll open the floor for anybody that wants to say anything or we can go straight to the states so... Kyle.

**Kyle Adicks** [00:00:19] Just wanted to. It's on now. I believe... yes, it's working. Just wanted to note, as Dr. O'Farrell started his report, he said that the inside fisheries, so Marine Fisheries in Puget Sound, the freshwater fisheries in Puget Sound, Columbia River fisheries in this modeling package are still last year's fisheries. So, one example is Skagit coho were exceeding their exploitation rate ceiling in all three alternatives. We could entirely close the Council fisheries and they would still be exceeding those exploitation rate ceilings, so over the next month the state and tribal co-managers in Puget Sound will be having our normal series of meetings to work out inside fisheries that will work with the final ocean package in April.

**Brad Pettinger** [00:01:08] Thank you Kyle. Okay. Chair Gorelnik.

**Marc Gorelnik** [00:01:14] Thank you Vice-Chair Pettinger. I just wanted to respond to the comments that we've heard today. I share the frustration about the health of our salmon fishery. Those of you who know me, know me that is a drum that I have been beating for years, and I've been involved in the Council salmon process either as a stakeholder or as a member of the SAS, which Butch will tell you terrible stories about, or being on the Council for close to 20 years and we've been here before. We were here in '08 and '09 and it is frustrating and our management process is not perfect. No process is perfect, but it's good enough provided we have a reasonably abundant salmon population, and unfortunately no one here around the table can fix that abundance problem. The abundance challenges we feel, some are from natural forces, but more fundamentally they're from decisions made by Federal and state agencies, none of whom are, none of those individuals are represented here around this table, and that is the challenge that we face here at the Council is trying to address a dwindling population of salmon and we can't fix the fundamental problem. And we have management systems I said that it doesn't function very well at the margins. We do the best we can, but the solution is going to happen from outside this Council. And I know that folks in the room here are working not just around the table, but out in the audience are working or trying to work with those Federal and state agencies to get them to take steps to improve the health of our salmon populations throughout the Pacific Coast, but more fundamentally I guess for this meeting it's really more about the Sacramento Fall chinook and the Klamath Fall chinook. We'll all keep beating that drum to try to make things better but as anyone, I think James knows as well as anyone else, those of us who have been beating the drum the last few years and seeing the high mortality not just of adults but of juveniles and fry and eggs being cooked in the river because temperatures were too high and we knew the temperatures were too high and there is supposed to be a provision to reserve a cold water pool, but year after year somehow the folks responsible can't get that done so I just want to say I share your frustration and I apologize our system isn't more perfect.

**Brad Pettinger** [00:04:07] Thank you Chair Gorelnik. Well said. Anyone else before we go to the states? Okay. I think I'll start in the south. Oh, Marci.

**Marci Yaremko** [00:04:18] Sure. Excuse me. Thank you Mr. Vice-Chair. The exchange I had with Dr. O'Farrell regarding the in-river fisheries on the Klamath, there are additional discussions that need to take place with the co-managers before we can come to some thinking on guidance on those in-river fisheries so at this time I'm not prepared to offer any guidance. I think we've come a long way in the discussions over the last day. We'll continue to have those discussions and hopefully have some

guidance for you under the next agenda item tomorrow. Thank you.

**Brad Pettinger** [00:05:08] Thank you Marci. Okay, Oregon. John.

**John North** [00:05:13] Thank you Vice-Chair. I don't have anything to add today. I agree with Miss Yaremko that we've had some good discussions and nothing to add today.

**Brad Pettinger** [00:05:26] Okay. Kyle.

**Kyle Adicks** [00:05:30] Thank you Mr. Vice-Chair. I do not have any guidance for north of Falcon today either but did just want to thank the STT for their work into the evening last night to get us model results to look at this morning.

**Brad Pettinger** [00:05:41] Thank you. Joe. Anything?

**Joe Oatman** [00:05:46] Thank you Mr. Vice-Chair. I do not have any further alternatives to offer to the table from what was presented yesterday.

**Brad Pettinger** [00:05:59] Okay. Okay, with that I would turn to Robin and close this out, I guess?

**Robin Ehlke** [00:06:08] Thank you Mr. Vice-Chair. Yeah, for Agenda Item D.4 we've walked through the STT report. We don't have any specific guidance from the tribes or states for adjustments, but I did hear the request to add an age 4 Klamath fall impact in Table 7, so we'll be sure to do that and have a fresh report out for you folks tomorrow to look at. So that would conclude your work under this agenda item.

**Brad Pettinger** [00:06:39] Thank you Robin. Okay, with that I'll hand the gavel back to Chair Gorelnik.

## 5. Further Direction for 2023 Management Alternatives

**Brad Pettinger** [00:00:00] That concludes public comment and brings us to Council action, which is guidance and so I'll open the floor for discussion before we go to that if there's any, and if not... oop, Corey Ridings.

**Corey Ridings** [00:00:19] Thank you Mr. Vice-Chair. I just wanted to take a moment. I wanted to thank Mr. Alvarez for the report from the Hoopa Valley Tribe and apologize for not meeting even their emergency subsistence and ceremonial needs of the Klamath Basin Tribes last year. This Council is responsible to set the seasons. The commercial folks took more than we thought but it is ultimately the responsibility of this Council to manage that. I was also in middle school in 1983 so this is new to me, so I just wanted to express my appreciation for the report and the reminder.

**Brad Pettinger** [00:01:06] Thank you Corey. Anyone else? Okay, with that I'm going to look to the States and I'm going to start in the south again because we didn't get anything last time so. Marci, are you ready?

**Marci Yaremko** [00:01:27] Thank you Mr. Vice-Chair. I believe Sandra has my guidance. Thank you. Number 1: Direct the STT to provide analysis of the projected impacts from proposed 2023 fall fisheries in all three of the season alternatives, including information from past reports relative to the risks of fall fishing. Number 2: Consistent with the guidance for alternative development and assessment as shown in Agenda Item D.3, Attachment 1, and order to facilitate public review, structure seasons south of Cape Falcon in at least one of the three alternatives showing an equitable sharing arrangement between the states of Oregon and California for adult Klamath Fall chinook. The season configuration should generate a resulting ratio of impacts between fifty-fifty and seventy-thirty California to Oregon in the September 1, 2023 and later fisheries, the fall fisheries. Number 3: In Table 5 of the Alternatives Analysis Page 22, for Klamath River Fall set the recreational fishery share of the non-tribal harvest at 0 percent for Alternative 3. Number 4: Guidance for regulatory language to be included in 2024 fisheries openers, and this is Table 1, California Commercial Management Alternatives beginning on page 6, management areas Fort Bragg, San Francisco, and Monterey under the 2024 specifications after the gear restrictions sentence add quote, "landing and possession limits may be considered inseason", end quote. For Table 2, the California Recreational Management Measure Alternatives beginning on page 17, for all management areas in the 2024 specifications after the gear restrictions sentence add quote, "bag limits may be modified inseason". Then additionally ensure the language above is consistent with Table 1, C.8 and Table 2, C.5.

**Brad Pettinger** [00:04:19] Okay, thank you Marci. And maybe I should ask Dr. O'Farrell maybe to come up and, to the table. A little faux pas on my part and make sure he's got that and so if you have any questions for you maybe, potentially so. So Mike, I guess, are we good there, you got that?

**Mike O'Farrell** [00:04:40] Mr. Vice-Chair I'd actually like to ask for a little bit of clarification on that guidance?

**Brad Pettinger** [00:04:44] Please.

**Mike O'Farrell** [00:04:48] Perhaps this is premature but just seeing this for the first time, Number 2, in order to facilitate public review structure season south of Cape Falcon in at least one of the three alternatives showing an equitable sharing arrangement between the states of Oregon and California for adult Klamath River Fall chinook. My question is, are you asking the STT to essentially change management measures?



**Brad Pettinger** [00:05:25] Marci.

**Marci Yaremko** [00:05:25] Thank you Mr. Vice-Chair. No. Originally, I think there's a little bit of communication or disconnect or we're just, we're learning as we go here in a few cases, but I was, it was suggested to me that we not include language about directing the STT, even though I've done that in item one. I think that the intent of Number 2 will be accomplished with some changes that we are expecting with guidance from Oregon on this. I think the goal, the goal was... I guess maybe the way to say it is that any season, the season structure alternative should reflect the equitable sharing arrangement so that we show impacts between fifty-fifty and seventy-thirty California to Oregon in the fall fisheries. I believe that an adjustment will be coming that accomplishes that objective.

**Brad Pettinger** [00:06:44] Okay so...

**Marci Yaremko** [00:06:46] Maybe if I may, it would be useful if the STT would be able to provide insight consistent with the direction in Number 1 to describe that for us. The challenge here is that with fall fisheries there is no information on projected impacts. We've heard verbally a fair amount of testimony about what impacts have been in the past in certain historic times, but it's very difficult without seeing any sort of analysis in the record about what projected impacts are expected to be. It's very difficult to evaluate risk and consequently I realize that the STT is without stock forecast information for fish, for stocks after September 1, and fall fisheries are planned on next year's stock abundance, but it's very challenging to evaluate what type of risk we're looking at, and we also aren't working with information about past impacts that has been supplied to us as part of the packet, so I think in order to evaluate whether the sharing is equitable and to evaluate whether or not the assessments of risk are reasonable, it would just be helpful if we had some information to inform us. Thank you.

**Brad Pettinger** [00:08:46] Okay. Thank you Marci. I guess as we move north here, we'll get some more... oh, Phil Anderson.

**Phil Anderson** [00:08:53] I just had a question for Marci. Looking at the guidance under Number 2 and the use of the term equitable, and then in the following sentence would a correct interpretation be that a fifty-fifty ratio would be deemed to be equitable as would a seventy-thirty outcome deemed to be equitable, or anything in between would be deemed to be equitable?

**Brad Pettinger** [00:09:26] Marci.

**Marci Yaremko** [00:09:27] Thank you Mr. Vice Chair. Thank you for the question. Historically, the ratio of impacts have been shared on adult Klamath Fall chinook between the states in a ratio that has varied somewhere between fifty-fifty and seventy-thirty, so it would seem that if we were considering equity between the opportunities available in both states, that we'd want to look at that sharing arrangement. In the alternatives as they're presented right now there's, there are no California alternatives so there's not sharing so to speak, so that would be my intent is that we have an alternative that allows for some equitable sharing.

**Brad Pettinger** [00:10:29] Pete or Phil.

**Phil Anderson** [00:10:30] I don't mean to go beat this up but... so that would, in order to do that either Oregon has to go down or California has to go up, right? I mean a zero-zero would be a fifty-fifty sharing or take what Oregon has now and bump and try to balance what there is there to get to a range, a sharing that's represented between the fifty-fifty and seventy-thirty values, is that right?

**Marci Yaremko** [00:11:04] Thank you Mr. Vice-Chair. Yes, thank you Phil. That's very artful in terms

of how you've expressed that, but that is the intent.

**Brad Pettinger** [00:11:15] Okay with that we'll move to Oregon. John.

**John North** [00:11:25] Thank you Mr. Vice-Chair. Yes, Oregon does have some salmon management guidance for today, and also have some comments on our alternatives whenever that's appropriate.

**Brad Pettinger** [00:11:37] Okay.

**John North** [00:11:38] So let's see we have it on the screen. So, we would request the following changes. Under Table 1 for the Oregon Commercial Management Alternatives beginning on page 5. For Cape Falcon to Humbug Mountain, under Alternative 1 at the end of the third full paragraph, the text that reads "Vessel limits may be modified inseason", please add a footnote reference to C.8.F. Under Alternative 2 replace the September 1 to October 31 with just October 1 through 31, and at the beginning of the paragraph that begins with "Open seven days per week", please add, "Beginning October 1 open shoreward of the 40 fathom regulatory line". Footnote C.5.F. Under Alternative 3, again commercial troll, replace October 1 through 31 with closed. And then remove the entire paragraph that starts with "Open seven days per week" and also the entire paragraph that starts with "No more than 75 chinook". Moving on to Table 2, Oregon Recreational Management Alternatives beginning on page 15. Cape Falcon to Humbug Mountain, under Alternative 2 in the marked selective coho fishery description on page 16 replace same as Alternative 1 with "Open seven days per week, all salmon, two salmon per day, only one of which may be a chinook". Footnote C.1. See minimum size limits. Footnote B. And see gear restrictions definitions. Footnote C.2.C.3. And then under Alternative 3 for the recreational, remove the season from the Cape Falcon to Humbug Mountain as described at the bottom of page 15. And at the top of page 16 please replace "Open seven days per week all salmon, two salmon per day, only one of which may be a chinook" with "Open seven days a week all salmon except chinook, two salmon per day".

**Brad Pettinger** [00:14:04] Okay.

**John North** [00:14:05] And that concludes the guidance.

**Brad Pettinger** [00:14:07] Okay, I guess I would ask Dr. O'Farrell if he's got that so...?

**Mike O'Farrell** [00:14:14] I've got it. Thank you.

**Brad Pettinger** [00:14:16] Okay, very good. And moving up the coast, Kyle.

**Kyle Adicks** [00:14:21] Thank you Mr. Vice Chair. I do have a little bit of guidance as well. Speaking relative to Agenda Item D.5., Supplemental STT Report 1. On table 1, the commercial management alternatives and the general language on the bottom half of page 3, revise "Vessels may not land east of the Sekiu River or east of the Megler Astoria Bridge" to read "Vessels may not land east of the Sekiu River or east of Tongue Point, Oregon". And then on Table 2, the recreational alternatives, on page 13, Alternative 1 for the La Push subarea for the October 3 through 7 chinook fishery, replace, "Open seven days per week" with, "Fishery may be closed if extreme fresh water temperature and or flow events occur in the Quileute basin in September". The first change is just a small revision to the area that trollers can land in in the Astoria area, pushing it a little further east than it's been in the past. The second one I added because of the really unprecedented drought on the Washington Coast last September. A lot of our coastal freshwater fisheries were closed about the time this fishery was opening, so we just want to alert people that we'll be watching that again and if we see something like we saw last year, that fishery may not occur.

**Brad Pettinger** [00:15:37] Thank you Kyle. And moving up the line I would look to Joe. Joe, do you have anything for us today?

**Joe Oatman** [00:15:49] Thank you Mr. Vice-Chair. Before I get to the guidance that's reflected here on the screen, I did want to make a note relative to the treaty troll that I do not have any further guidance to offer to what is reflected in Table 3 on the 2023 Treaty Indian Troll Management Alternatives for ocean fisheries from the D.5.a, Supplemental STT Report 1. So, with that Mr. Vice-Chair, I'd like to provide the following guidance regarding the Klamath River Fall chinook. I provide the following guidance for STT analysis on the following initial salmon management measures for Klamath River Fall chinook for in-river tribal fisheries. The Alternative 1 would be 12,000 Klamath River Fall chinook. Alternative 2, it reads "Maximize tribal harvest of adult Klamath River Fall chinook per the Harvest Control Rule and fifty-fifty tribal non-tribal sharing". I do want to make a note that these two alternatives correspond to the guidance Number 3 that Marci Yaremko provided a moment ago regarding Table 5 of the Alternatives Analysis on page 22 for these fish, and that that Alternative 3 would inform the tribal harvest as well.

**Brad Pettinger** [00:17:42] Thank you Joe. Mike, how are you doing? Good with this?

**Mike O'Farrell** [00:17:48] Thanks Mr. Vice-Chair. I think I've got it.

**Brad Pettinger** [00:17:50] Okay. And then I believe that, John, did you have some comments you wanted to make?

**John North** [00:17:58] Thank you Mr. Vice-Chair. Yeah, speaking to the Oregon revisions to our alternatives. Yeah, we feel the proposed revisions to the Oregon alternatives now reflect a broader range of conservative fishery options for the 2023 ocean salmon fisheries off Oregon. And Oregon does understand and appreciate the significant conservation concerns related to the Sacramento and Fall chinook stocks and we want to do our part to help the situation, but we also have some healthy coho and chinook stocks returning to our coast which we would like to access, and we feel that we can do that with minimal impact. So therefore, we believe our proposed alternatives represent a range of very conservative options in regards to the Sacramento and Klamath chinook situation.

**Brad Pettinger** [00:18:53] Thanks John. Okay, Marci.

**Marci Yaremko** [00:18:58] Yeah. I, too, had a few other remarks and I just want to thank John for the discussions we've had on the sidelines between the states and appreciate the SAS working together. See where we go in this next iteration but certainly appreciate the adjustments that Oregon's provided. I think we're all aware that we need to be risk averse and that the stock forecasts are at near historic lows and the Klamath Fall stock is continuing to be overfished. Regarding my exchange with Dr. O'Farrell, it is very difficult to know if we are being risk averse without seeing projected impacts. I know that's always the case with fall fisheries but it's particularly difficult in a case like this where we're looking at potentially the only fishing being fall fisheries and having to guess even further what impacts might come from effort shifts when opportunities begin September 1 that weren't there for the rest of the summer. So, any insight information the STT can provide us, I think, would be useful in light of what we've heard from the Habitat Committee about the prognosis for these stocks in '24 and '25. I think that's it for now. I want to speak to Joe's motion and support the range of alternatives that's included with his motion combined with mine on Klamath Fall and the in-river fisheries. I think we'll have a nice bookend to work from and we'll look forward to seeing how the numbers shake out. Just regarding the setting of the in-river fishery at 0 percent, this is a decision of course that comes from the California Fish and Game Commission in its process, but we would expect that with no ocean fisheries scheduled and with the status of the stock being what it is that we'd expect that we'd be making a recommendation

to the Fish and Game Commission that we not offer a fishery in the river on Klamath Fall chinook, so this setting of the sport fishery at 0 percent for purposes of analysis does bookend that lower end of the range, so that's the intent with that adjustment. Other guidance that we would have but we don't need to give because it's already incorporated into the package would pertain to the Sacramento Fall River recreational fishery. Those lines are all zeroed out for much the same reason. We don't expect that we'd be recommending the California Fish and Game Commission authorize a fishery in the Sacramento Basin. Normally those percentages might be set at 14 percent, which is the average allocation to the in-river fishery, but just wanting to note that that no adjustment is needed to the table but just a justification for why those numbers are there. I want to talk a little bit about sharing of impacts pre-September 1 or in the current season. The fall fisheries in California did accrue some impact to fall chinook as outlined in Table A.2. Our recreational fishery accounted for 72 Klamath fish. That is comparable to the fisheries that are scheduled in the Oregon areas off the coast south of Falcon. So, when we talk about sharing arrangements and sharing impacts, I just want to acknowledge that the Oregon alternatives do, do this for coho. The range that they've presented to us for consideration range from 65 Klamath Fall adults down to 51 in the alternatives, and that is within that range of equitable sharing or historic sharing between California and Oregon on those adult Klamath Fall impacts, so I did want to acknowledge that that we do, based on the information we have in front of us there, scheduled coho fisheries combined with our prior year fall fisheries appear to be proportional in terms of impact. Thank you.

**Brad Pettinger** [00:24:48] Thank you Marci. Okay. Well Robin.....Joe. I'm sorry. Yep Joe.

**Joe Oatman** [00:25:01] Thank you Mr. Vice-Chair, and I just wanted to follow-up some on Marci's points on Klamath River Fall. So, from a tribal perspective, you know, do appreciate the discussions that we had that led up to the combined alternatives 1 through 3. You know we think that this range, you know, attempts to strike a balance at this time on the desires of the Hoopa Valley Tribe and Yurok Tribe to provide for, you know, federally recognized tribal harvest and harvest shares to contribute fish to the identified minimum tribal subsistence and ceremonial needs and addresses the conservation issues and the serious concerns the tribes have regarding the low projected natural spawning escapement per the Harvest Control Rule. So, I was appreciative that, you know, we're able to have this discussion that we had that led to the guidance that we provided today, so appreciate that.

**Brad Pettinger** [00:26:18] Thank you Joe. Chair Gorelnik.

**Marc Gorelnik** [00:26:22] Thank you Vice-Chair Pettinger. I have a little guidance but it's not really in the nature of guidance for seasons, but I'm going to offer it anyway. I just want to put this season in perspective. I think we often, our memories are sometimes short, and we forget what we used to have in the river and in the ocean and what happens during a drought. You know, we've been in a drought and there have been impacts to the abundance of fish available. Back in '86 to '92 we had one of the most severe droughts in California history, and that affected the brood years '86 to '91 and therefore the abundances from '89 to '94. I went back and looked. What did that drought do to our salmon abundance, the Sacramento Fall? And during that period, that six year, five or six year period during the drought, our average abundance was 658,000 Sacramento Fall chinook. Even at the lowest point during the drought we had 400,000 Sacramento Fall chinook. The year before that, the year before we had drought impacts, we had 1.6 million Sacramento Fall chinook. The year after we had those drought impacts, we had 1.5 million Fall chinook, and that was a different era. So, what's the difference now? We have a drought now, but we have many fewer fish, and I think it's generally recognized that the reason for that is the way water is allocated in California, and those decisions are made by the state and Federal governments and not by the Council. There is a public process associated with that. It's not at this Council. This Council doesn't make decisions on water policy and so I would suggest to members of the public who have come here to complain about the Council's policies, and of course we should improve as we can, that they really need to direct some energy to the State Water Resources Control

Board, because that's where the water policy decisions are made, not in this room. And I think it's fair to say we need to improve our harvest management and, but I think to repeat what I said the other day, the abundance model is not a precise science, but it shouldn't need to be precise, and the only reason we're experiencing these issues right now is because of decisions made in other rooms by other people. So, I would ask the members of the public who have come here with your genuine concerns to direct some of that energy to where it needs to go, and to my knowledge the folks who have come here to complain about our policy have not done that. I would encourage them to do that in the future.

**Brad Pettinger** [00:29:30] Thank you Chair Gorelnik. Okay. Robin.

**Robin Ehlke** [00:29:40] Thank you Mr. Vice-Chair. For Agenda Item D.5.a, we've heard from our tribal representative, our state representative and our NMFS representative and received that guidance. So, I think with that, STT has their instructions and you've done your work under this agenda item and we'll be back tomorrow to let you know the results.

**Brad Pettinger** [00:30:07] Okay. Thank you and thank you everyone.

## 6. Further Direction for 2023 Management Alternatives

**Brad Pettinger** [00:00:00] That'll take us to Council discussion, if any, before we go to the, get guidance. Marci.

**Marci Yaremko** [00:00:07] Thank you Mr. Vice-Chair. Question for National Marine Fisheries Service. We heard testimony from Brian McLachlan expressing concern with the adequacy of the alternatives as they're presented at the moment. His particular concern was that the alternatives... because they show no fishing in all three alternatives might be inadequate under NEPA. I was just wondering maybe if General Counsel might reply to that. Thanks.

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

**Kathryn Kempton** [00:00:47] Sorry about that. Thanks Mr. Vice-Chair. Thanks Marci. I think the Council needs to consider whether the range of alternatives is reasonable to meeting the purpose and need, and I think that's what we're trying to do but I don't think I have a specific answer to that question at this time.

**Brad Pettinger** [00:01:29] Okay, Marci.

**Marci Yaremko** [00:01:35] Thank you Mr. Vice-Chair. I guess it would sure help me if you would be able to offer a specific answer. It's difficult to know how to proceed or if we should approve these alternatives this week or maybe you just might... I'm unclear what to do without a response in the affirmative. Thank you.

**Kathryn Kempton** [00:02:09] Thanks Marci. Thanks Mr. Vice-Chair. I would counsel that meeting the range of altern.....considering whether the range of alternatives is reasonable would include meeting the objectives and the Control Rules in the FMP. And I think Sheila Lynch is also on the line who may be able to give you a little more detailed answer.

**Brad Pettinger** [00:02:33] Okay. Sheila are you there?

**Kathryn Kempton** [00:02:37] I think she is trying to connect but I don't think it's working. I'm sorry we may have to defer that response.

**Brad Pettinger** [00:02:52] Executive Director Burden. Sheila, are you there?

**Sheila Lynch** [00:02:56] No, no. I'm sorry. Okay.

**Brad Pettinger** [00:03:02] Sheila, we could hear you. Okay.

**Kathryn Kempton** [00:03:15] Okay. I'm sorry. I think we're having connectivity issues.

**Sheila Lynch** [00:03:21] Can you hear me?

**Brad Pettinger** [00:03:22] Yes.

**Sheila Lynch** [00:03:24] Okay, great. Thank you. I am sorry about all this technical difficulties. Yes, to respond to this question. As Miss Kempton said, the standard that applies here is whether the range of alternatives is reasonable and it meets the purpose and need, which is to develop a range of fisheries

that meet all of the objectives and control rules in the FMP. I think, you know, from the legal perspective if there is an alternative that would meet the purpose and need and is not within the range that you've already got in front of you, then, you know, we wouldn't discourage including that in the range of alternatives. Keep in mind that we do look at the No-Action Alternative, which in this case is described in pre-one and includes last year's fishery management measures applied to this year's forecast so that is part of the range of alternatives that are analyzed and considered in this process, if that's helpful. Thank you.

**Brad Pettinger** [00:04:39] Thank you Sheila. I see Marci's nodding her head, so okay.

**Marci Yaremko** [00:04:45] Thank you.

**Brad Pettinger** [00:04:46] Thank you. All right anyone else? All right I'm going to start off with the tribes and then go to the states so... Joe.

**Joe Oatman** [00:05:02] Thank you Mr. Vice-Chair. And maybe before I get to further guidance, I wanted to make a comment on the issue of the Southern Resident Killer Whale prey abundance thresholds matter that we discussed a few days back. We had suggested that we would want to work on some language that addressed some of those concerns. I understand that folks have been discussing that and they have crafted some language that we think resolves that issue and we'll likely see that language in the pre-two report. I just want to give that update so.

**Brad Pettinger** [00:05:51] Okay, please.

**Joe Oatman** [00:05:51] I appreciate the discussions that led to that resolution. Okay, thank you Mr. Vice-Chair. So, before I get to the guidance on the Klamath River Fall chinook, I do just for kind of sake of the, the order, I do want to state that I will not be providing any further guidance on the treaty troll management alternatives that's reflected in Table 3 of the STT Report 1. So, with that Mr. Vice-Chair and Council, I do want to move on to the guidance for Klamath River Fall chinook. Thank you, Sandra, for getting that on the screen. So, for Klamath River Fall chinook I provide the following guidance for STT analysis on the following initial salmon management measures for the Klamath River Fall chinook for in-river tribal fisheries. So, for Alternate 1: Here we would request that we change the existing language to the following, and that is to maximize tribal harvest of adult Klamath River Fall chinook per the Harvest Control Rule and fifty-fifty tribal non-tribal sharing. So, the note here is that by making this change that Alternative 1 would be the same as Alternative 2. So, this in effect would change the previous guidance for Alternative 1 which had the 12,000 Klamath River Fall chinook.

**Brad Pettinger** [00:07:43] Thank you Joe. Okay. All right, well since we're in California we're going to go to Marci and start there and go up the coast. Marci.

**Marci Yaremko** [00:07:52] Thank you Mr. Vice Chair. I have no guidance at this time.

**Brad Pettinger** [00:07:57] Chair Gorelnik.

**Marc Gorelnik** [00:07:57] I have some guidance for the April 2024 fisheries. Right now, we have one, we're talking about Fort Bragg, San Francisco, and Monterey. Right now one of them is a May 1 opener, the others are April 6 openers. I would like to see in each of those regions at least one alternative with an April 6 opener. At least one alternative for a May 1 opener for public comment.

**Brad Pettinger** [00:08:35] Okay, thank you Chair Gorelnik. With that I'll go to Oregon. John.

**John North** [00:08:39] Yeah, thank you Vice-Chair. Oregon just was prepared to have some minor guidance today on this agenda item and it pertains to Table 2, ODFW Recreational Management Alternatives on page 15. So, we have it on the screen. So, for the Cape Falcon to Humbug Mountain area under Alternative 2 in the September 1 to October 31 fishery description at the bottom of page 15, we're requesting to replace two fish per day, footnote C1 with one fish per day, footnote C1.

**Brad Pettinger** [00:09:28] All right. Thank you John. And with that to Washington. Kyle.

**Kyle Adicks** [00:09:33] Thank you Mr. Vice-Chair. I also have a very small piece of guidance for north of Falcon fisheries. So, speaking relative to Agenda Item D.6.a, Supplemental STT Report 1 on Table 2 in the recreational management alternatives on page 3, Alternative 1 for the La Push subarea for the June 17th to September 30th fishery, adjust the subarea guideline to 1,590 Chinook. This is should have been done earlier. It does not affect the modeling, but that area has a late season with a 150 fish quota, so this is just taking that 150 out of the main season quota.

**Brad Pettinger** [00:10:14] Okay.

**Kyle Adicks** [00:10:16] I might have said page 3. I meant page 13 as it says on the screen.

**Brad Pettinger** [00:10:19] Okay, thanks Kyle. All right, and while we're here I'll see if Dr. O'Farrell has any questions for us? Mike.

**Mike O'Farrell** [00:10:33] Thank you Mr. Vice-Chair. No, I do not have any questions at this point.

**Brad Pettinger** [00:10:38] Excuse me. Okay with that I'll turn to Robin and see how we're doing here. Robin.

**Robin Ehlke** [00:10:49] Thank you Mr. Vice-Chair. I think we have everything covered. We have minor adjustments from Washington and Oregon. We've also heard from the tribes relative to the Klamath River Fall chinook sharing of doing fifty-fifty in Alternative 1 and Alternative 2 and also acknowledging that there are some, any past concerns with language relative to Southern Resident Killer Whales have been resolved and we'll pop some of that language in pre-two. I didn't see California's guidance in writing, which I think is okay because Dr. O'Farrell said that he understood. I didn't get a chance to write it down very quickly, but I understand that was for the recreational fisheries in Table 2 and we'll get that modeled as well. So, with all of that said I think that, yes, you have completed your work under this Agenda Item D.6. The STT will work to incorporate that in their analysis and bring back to you a package. It sounds like we're scheduled on the floor first thing tomorrow morning.

**Brad Pettinger** [00:12:07] Okay, thank you Robin. And thank you everyone, and with that I'll pass the gavel back to Chair Gorelnik.

**Marc Gorelnik** [00:12:12] All right. Thanks very much.



## 7. Adopt 2023 Management Alternatives for Public Review

**Brad Pettinger** [00:00:00] So with that that'll conclude public comment and take us to Council action so I'll open the floor up at least first for just general discussion and if not I'll start.....oh, Susan.

**Susan Bishop** [00:00:17] Thank you Mr. Vice-Chair. Apologies. I have a bad cold so it's affecting my voice. Yesterday Miss Yaremko asked a question about a request that was made during public comment by Mr. Brian McLachlan regarding a specific proposal for fishing off of Oregon. We had some time last night to go back and look at what Mr. McLachlan was proposing and to evaluate whether or not that was actually included among any of the alternatives that the Council would be considering over the next two months. We concluded that the proposal that Mr. MacLachlan made yesterday was very similar to the proposal that, very similar to the fisheries that were in place for that same area of the coast last year. Therefore, we had analyzed that proposal under the proposed, under the no action, so in other words as you know from pre one last year's fisheries are evaluated under the 2023 forecast so that we can see what the effects of those, of a fishing regime that look like that would be under this year's forecast. And so, our conclusion is that the proposal that he has made would be covered under the alternatives that the Council will be considering this year should the Council adopt what's on the table now.

**Brad Pettinger** [00:01:39] Thank you Susan. Okay, very helpful. Anyone else? Okay, well we'll start with the tribes. Joe.

**Joe Oatman** [00:01:54] Thank you Mr. Vice-Chair. So, I do have a motion for treaty troll if we can get that up on the screen. Thank you. So, regarding the tribal motion on treaty troll options. I move that the Council adopt for public review the proposed salmon management alternatives for the 2023 tribal ocean fisheries as described in the agenda Item D.7.a, Supplemental STT Report 1, Table 3, dated March 10th, 2023.

**Brad Pettinger** [00:02:30] Thank you Joe. Is the language on the screen accurate?

**Joe Oatman** [00:02:33] It does Mr. Vice-Chair.

**Brad Pettinger** [00:02:33] Very good. Thank you. Looking for a second? Seconded by Kyle Adicks. Thank you Kyle. Please speak to your motion Joe.

**Joe Oatman** [00:02:40] Yes, thank you Mr. Vice-Chair. And thank you Mr. Adicks. So, as you all note these options have not changed from the options introduced under Agenda Item D.3 earlier in the week. The treaty troll tribes believe that this range of options allows for development of a final option that will take advantage of available harvestable surplus while also meeting all necessary conservation objectives. These options are the same as last year in recognition of a similar mix of harvest opportunities and conservation concerns.

**Brad Pettinger** [00:03:20] Thank you Joe. Questions for the motion maker? Okay. All right. Discussion? No. All right, with that I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:03:33] Aye.

**Brad Pettinger** [00:03:33] Opposed? Abstentions? Motion passes unanimously. Thank you. Okay, we turn to Washington and Kyle.

**Kyle Adicks** [00:03:45] Thank you Mr. Vice-Chair. I have a motion ready. I move to adopt for public review the alternatives for non-Indian commercial and recreational fisheries in the area north of Cape Falcon as presented in Agenda Item D.7.a, Supplemental STT Report 1, dated March 10th, 2023.

**Brad Pettinger** [00:04:06] Okay. Is the language accurate on the screen?

**Kyle Adicks** [00:04:09] It is.

**Brad Pettinger** [00:04:09] Thank you. Second by Phil Anderson. Thank you Phil. Please speak to your motion.

**Kyle Adicks** [00:04:14] Thanks Mr. Vice Chair. I'll keep it brief. We still have some conservation objectives to figure out how to meet north of Falcon. As always, we have to wait a bit for information from fisheries north of the U.S. border to work all that out. We'll have an extensive process with our tribal co-managers on the, in the state of Washington as well as the public process to figure out how to make sure our fisheries meet all of those conservation objectives. Thanks to the SAS as always. I think the work this year was harder south of Cape Falcon than north. And thanks to the STT. It was great to see everyone back in the building and sorry they had to retreat to their homes and rooms to finish the meeting, but they help us more than few people can know to get through this process.

**Brad Pettinger** [00:05:03] Okay. Thank you Kyle. Any discussion? Okay, not seeing any I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:05:14] Aye.

**Brad Pettinger** [00:05:14] Opposed nay? Abstentions? Okay, motion passes unanimously. With that we'll go to Oregon. John.

**John North** [00:05:24] Yeah, thank you Mr. Vice-Chair. I think we have a motion here. Yeah, it's on the screen. So, I move to adopt for public review the alternatives for ocean, commercial, and recreational fisheries in the area between Cape Falcon and the Oregon California border as presented in Agenda Item D.7.a, Supplemental STT Report 1, dated March 10, 2023.

**Brad Pettinger** [00:05:53] Okay. Thank you John. Is the language on the screen accurate?

**John North** [00:05:55] It is.

**Brad Pettinger** [00:05:56] Very good. Thank you. Looking for a second? Seconded by Christa Svensson. Thank you Christa. Please speak to your motion John.

**John North** [00:06:03] Yeah, just generally, you know, this has been a week of mixed feelings for me. I did enjoy the daily discussions with the Oregon staff and SAS members and appreciated the help from my fellow state representatives navigating this process. I also appreciated the sincere testimony that we heard throughout the week including that offered by our tribal representatives as well as the great work of the STT team and Council Staff. Unfortunately, the salmon situation this year required some really tough decisions which I found no pleasure in. I'm pretty sure I heard the word closed as often as I heard the word open, and I really wish the circumstances had been a lot different so we had some better alternatives heading into April but this is the situation we're in so...

**Brad Pettinger** [00:06:59] Thank you John. Any discussion? Okay, I'm not seeing any I'm going to call for the question. All those in favor signify by saying 'aye'.

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

**Brad Pettinger** [00:07:07] Opposed? Abstentions? Okay motion passes unanimously. Looking to California. Marci.

**Marci Yaremko** [00:07:20] Thank you Mr. Vice-Chair. I move the Council adopt for public review alternatives for ocean, commercial, and recreational salmon fisheries between the Oregon California border and the U.S. Mexico border as described in Agenda Item D.7.a, Supplemental STT Report 1, dated March 10th, 2023.

**Brad Pettinger** [00:07:43] Okay Marci. Is the language accurate on the screen?

**Marci Yaremko** [00:07:44] Yes, it is.

**Brad Pettinger** [00:07:45] Thank you. Seconded by Bob Dooley. Please speak to your motion.

**Marci Yaremko** [00:07:53] Thank you Mr. Vice-Chair. First, I want to echo John's testimony regarding the Oregon alternatives. I think I can say the same for California. The south of Falcon process has certainly been challenging this year. I want to acknowledge the great collaborations that we've had with our co-managers. Had some very good discussions and planning with our tribal counterparts on Klamath and to the north with Oregon on sharing arrangements. The SAS recommended alternatives are sufficiently risk averse and meet more than the minimum FMP and ESA criteria. That said I want to acknowledge the exchange with Sheila Lynch yesterday and the reminder that status quo is within the range of alternatives and has been analyzed. Appreciate the testimony we heard from Doug Laughlin earlier today that it's a challenging situation and I know there are going to be some public members that provide us input on the alternatives at our public hearing and during the public comment period that might express some wide-ranging views on the fishery season alternatives in front of us. So, I'm looking forward to that public comment opportunity and appreciate that it's been a tough week and certainly challenging set of circumstances and it is raining which is good news so thank you all.

**Brad Pettinger** [00:09:57] Thank you Marci. Discussion on the motion? Okay, not seeing any, all those in favor signify by saying 'aye'.

**Council** [00:10:05] Aye.

**Brad Pettinger** [00:10:05] Opposed? Abstentions? Okay motion passes unanimously. Okay, any discussion before we go back, go to Robin and finish this off here? Okay Robin.

**Robin Ehlke** [00:10:26] Thank you Mr. Vice-Chair. For agenda item D.7, the Council has done their work and adopted the management alternatives for 2023 to get out for public review. We'll work internally to get those posted on our website and looking forward to the salmon hearings coming up in the next week or so. With that I think you've done your work and we can wrap up this agenda item and I can't finish it without saying a big thank you to the people that are in the process. I couldn't have done it without them so thank you again.

**Brad Pettinger** [00:11:06] Absolutely. Yep. Thank you Robin. Okay that finishes D.7.

## 8. Appoint Salmon Hearings Officers

**Brad Pettinger** [00:00:00] Okay. Thank you Robin. And I guess with that we'll just, they are in front of us so I guess, I can't remember how, I haven't done this portion before but Kyle, are you all set there in Washington?

**Kyle Adicks** [00:00:15] Thank you Mr. Vice-Chair. I will be happy to serve as the hearing officer for the meeting in Westport. There might be other Council members that attend. I'll have Kyle Vandegraff, who's been the alternate STT person for a couple of years now and our soon to be appointed, I hope, new STT member, Alex, Dr. Sofiq there as well. I've driven by the Chateau Westport a bunch of times in the past few years, but it's been about four years since we've had a meeting there but happy to do that.

**Brad Pettinger** [00:00:48] Wonderful. Okay, thank you Kyle. John. Let's see... you'll be the attendant for Oregon?

**John North** [00:00:57] Yeah, that's correct. We'll be ready to go and get feedback there at that meeting and, yeah, I'll be representing.

**Brad Pettinger** [00:01:08] Okay. I did notice that there's not a NMFS designee for the Oregon meeting. Susan will there be one there named later or are we just.....

**Susan Bishop** [00:01:18] Thank you Mr. Vice-Chair. We have not yet identified a representative so if you recall in the past the meeting locations were such that we could have one person attend and the dates were adjacent so we could have one person travel to both meetings. That's not feasible this year given the location of the meetings and there's not a hybrid option at the Oregon meeting, so we have not yet identified someone to attend for the Oregon meeting.

**Brad Pettinger** [00:01:46] Okay great. All right, thank you. Okay. And then to California. Marci, you'll be the, or Marc will be, right Marc?

**Marc Gorelnik** [00:01:55] Provided there's some protective gear issued, yes.

**Brad Pettinger** [00:02:02] All right, well, I think we're set. Phil.

**Phil Anderson** [00:02:03] Just FYI, I plan to join Kyle at the Westport hearing.

**Brad Pettinger** [00:02:12] As I plan on joining John in North Bend so. And Butch, okay, you too? Yep?

**Butch Smith** [00:02:19] I as well until I saw the date and that's my 41st anniversary so that's going to be a coin flip whether I make it, but I do kind of plan to attend with permission from the boss.

**Brad Pettinger** [00:02:28] Duly noted. Okay. All right. With that Robin. Bob. Sorry.

**Bob Dooley** [00:02:39] Sorry a little late on the draw Mr. Vice-Chair. I will also be attending the Santa Rosa meeting with Marc. Help where I can.

**Brad Pettinger** [00:02:46] All right very good. Okay. Robin how are we doing?

**Robin Ehlke** [00:02:52] You're doing great. I think you've got this all wrapped up. We know who is going to be at our salmon hearing meetings hosted by the Council and I look forward to it. So, thank you Mr. Vice- Chair. You're done with the salmon agenda items.

**Brad Pettinger** [00:03:07] Okay. Thank you, Robin, and good work by you, the STT, and the SAS on salmon this meeting and a tough, tough meeting so...

## **E. Habitat Issues**

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

No transcription for this agenda item.

## **F. Groundfish Management**

### **1. National Marine Fisheries Service Report**

No transcription for this agenda item.

## 2. Implementation of the 2023 Pacific Whiting Fishery under the U.S./Canada Agreement

**Marc Gorelnik** [00:00:00] That concludes public comment and takes us to Council discussion. I don't know that we have any action here. We might. It's up to you but let's see if there's any discussion on this agenda item. Bob Dooley.

**Bob Dooley** [00:00:18] Thank you Mr. Chairman. Just have a couple comments. I'll do it. I agree with all of the praise that's been heaped on our Joint Management Committee as well as our AP Chair that's getting off. I think it's well-deserved Joe. I don't think we could do the job that gets done. I'm on the AP by the way and have been for nine years. I think, yeah, it's going to be a tough person to replace. He's done an unbelievable job. He thinks really well on his feet, and he studies very well, and I think that's been good. But I would make the observation that, you know, we had a really good result this year. There was a lot of hard work done by all and a lot of facts on the table and we have a, you know, a favorable stock assessment that got us to where we got, but however, you know, that all being said, we... in the last couple of years before that we had trouble coming to an agreement, and when you're not in-person it's real easy to walk away. And I think a component of this that really needs to be recognized is the makeup of our advisory panel and our joint management team that are really well, well versed in the fishery and there's a couple fishermen there that are active or have been active, myself included, for many, many years and you're bringing a lot of credibility to that and the ability to reach across the aisle to the Canadians that are fishermen too and really bond, and I think that's what makes the soup, makes this thing go round. So, I hope when we get to the new appointments that we have a couple active fishermen there that can relate because it's this personal relationships that make a lot of difference. I mean if the science isn't there, we don't make it either. So, I will go on to that on the integrated survey. For years now, you know, my experience has been that there have been suggestions about the survey and the gear and all of these things and things that they could possibly change, but it's been ongoing that we can't change things because it changes the time series. Well, now we're at a place where there's suggested pretty major change, and I think we need to look at this from a real, the holistic part of this, the whole part of it and I welcome the change because I think we've been advocating for a while in different parts, like the size of the trawl doors and, you know, the new... I think there have been changes in that survey that maybe haven't been recognized like the ship, the new ship with new, bigger main wire and trying to spread a net with tiny doors. So, I think if we could get the right expertise in the room, including the industry, and sit down and do this correctly and not rush it and get it and really do it, I think we can make some big changes. There have been a lot of technological advances. I've talked to some manufacturers that actually enlighten me. I've been off the water for a few years now and there are changes that maybe could work, but when we start changing the transects to 20 miles rather than 10, there's repercussions and we could end up in a place with this really important fishery understanding that we also work with the Canadians and their survey methodology, that trust is important, that assurance that we're doing things correctly. So, I worry about the way we proceed with this and I think we were informed at the meeting in Canada that this was pretty much a done deal for many reasons. One of them was the ship in Alaska that does the survey, the Oscar Dyson is going for its mid-life repair in a couple of years and we're going to be short a ship and are going to have to spread the wealth here and that's going to put us in a position that we all lose, and I'm concerned about that. I think we do, we need to do this in a real thoughtful way but you need all parties at the table and they need to be participating in this. So I, number one, I'll reiterate, I think we really have to be thoughtful on with the change of the guard here on the AP particularly and also on the management team, and I think that... and make sure we pick people that can, that have knowledge and I think then I think we really, really need to be in the room and be part of this iterative discussion of how to make our surveys better. I don't, I'm not a doom and gloom guy. I never look at the glass half empty. I always look at it half full and I think we can make this full if we do it correctly, but when you're up against timeline and the deadline, that might be a hindrance. So, I guess I'll stop there, well other than I really want to thank



and it's been, it's a great, great process and I really encourage people to seriously think about this because it is, you know, the largest fishery on our coast and we need to protect that. So, thank you.

**Marc Gorelnik** [00:05:48] All right. Thank you Bob. Any further discussion on this agenda item or actions folks want to recommend? Mr. Lockhart.

**Frank Lockhart** [00:05:58] I'm just going to point out something you guys all know, and that in the last agenda item the Science Center pointed out that the, they do have current plans to do exactly what both the GAP and the CPSAS have recommended, which is hold the workshops with, you know, a wide participation from industry, and so I don't know if that is all that is needed to note and would welcome further conversation on that, but I just want to kind of make that specific linkage. So, thank you.

**Marc Gorelnik** [00:06:38] Phil Anderson.

**Phil Anderson** [00:06:41] Yeah, before we leave this I, you know, through the GAP had a recommendation. We had a recommendation in our JMC Report, and of course those all came after Mr. Russell and Dr. Hastie were up here, and I just thought it would be a good thing to ask them if they would like to come back up. I know Dr. Werner's here and maybe just give us a little bit of a sense as to how they're thinking about moving forward and, you know, what we might do, whether it's at the Council here or, you know, we have an opportunity through to our participation in the Whiting Treaty to collaborate with our colleagues across the border, so there's potentially a coordination role there that we could play, but I did want to give them....I would like to give them an opportunity, with your indulgence Mr. Chair, to have them come up and just kind of give us any thoughts that they might have in response to what they've heard.

**Marc Gorelnik** [00:07:57] All right. Summon folks, Mr. Russell from the Science Center you heard Phil's question, so you've been here for it so let's see, what say you?

**Craig Russell** [00:08:11] Aye. Thank you Mr. Chair. Thank you Mr. Anderson and others for the discussion around this. I appreciate the opportunity to comment again and also to reassure you that, as Mr. Lockhart reiterated, that we do plan to have a workshop here in the near future. Certainly help identifying who should best be there would be helpful. I also welcome any additional thoughts on other engagement activities that you think could be beneficial. You know we are in the business of producing the best science possible and we're going to continue to take this and that approach with the timeline that we have, the information, the resources that we have and we're really eager for that dialogue. I think our challenge to date, if it helps any has been a resourcing challenge, and moving forward I'm much more optimistic, as I said earlier, that we will have the resources to do this and to have more frequent engagements on this topic on all aspects of the survey. And in hindsight if in keeping with the analogy of children here, maybe I'm the unwanted nephew or the nephew that just showed up at the dinner party and people are wondering why is he here? You know, the RFI again I think created, it got ahead of us a little bit in that sense and didn't create I think the dialogue that we really want to have. And so, I would just ask that everybody understand we're trying to work towards the engagement and the dialogue that everybody wants because that's what we need to make sure that we're producing the data for the stock assessments and collecting the additional data that maybe we're not collecting yet on the ecosystem or even on these specific stocks.

**Marc Gorelnik** [00:10:02] Thank you. While Craig Russell's up are there any follow-up there? Thank you very much. Anything else for this agenda item from around the table? Todd.

**Todd Phillips** [00:10:22] Yes, thank you Mr. Chair. You have heard from Mr. Lockhart and Mr. Anderson regarding the outcomes of the joint JMC AP meeting, including the TAC for 2023 on Pacific

whiting. You had a couple of reports and a couple of public comments. You did not take any action, but that is of course not necessarily under this particular agenda item. I would say that you have adequately addressed your task here today and I can take your questions should you have any.

**Marc Gorelnik** [00:10:52] All right. Not seeing any hands. Thanks very much Todd. So good job Council on that agenda item.

### 3. Sablefish Pot Gear Marking – Feasibility Report

**Marc Gorelnik** [00:00:00] So that concludes our public comment and takes us to Council discussion. I don't think we have any action necessarily on this agenda item but is there any discussion? Keely Kent.

**Keely Kent** [00:00:13] Thank you Mr. Chairman. Just a few remarks. I did want to take the time, Brian included it, but I also wanted to recognize the great work of Oregon Sea Grant and in particular Amanda Gladics with Oregon Sea Grant in planning, facilitating the November Gear Marking Workshop. Also want to thank all of the participants of the workshop, particularly the industry folks who turned out for it. We believe that we received very valuable input and it's really helpful in terms of evaluating how to move forward and we hope we can continue that engagement with the industry. As Brian noted, we see merit in Council consideration of potential additional marking as was brought forward in the workshop. Additionally, you know, we already have an industry proposal from the Fishing Vessel Owners Association that's in the NMFS Report number 1. It's Appendix 6 in case you haven't found your way to the end of that report. And generally, you know, consistent with the terms and conditions of the biological opinion, we would request that the Council consider adding a scoping agenda item by March 2024. And finally, I want to continue to convey the message that we expect any future discussion of development of any gear marking in the Federal fixed gear fisheries to be done in the context of the ongoing work by the three West Coast States for gear marking in the Dungeness crab fisheries. We hope to learn from those efforts and intend to make sure that any new markings that would be considered would not impact the markings or the great work done by the other fisheries and the states on that effort.

**Marc Gorelnik** [00:01:44] Thank you Keely. Further comments? Heather Hall.

**Heather Hall** [00:01:50] Thank you Chair Gorelnik. And I want to thank Keely, NMFS, and Amanda for holding the workshop, but also for including the state managers that are working on Dungeness crab gear marking. I thought it was really valuable. We are learning from each other and appreciate that. I think the three states all have on our rulemaking list for 2023 proposals to expand the marking that's on the West Coast Dungeness crab fishery. So, I think the, just want to say the collaboration, continued cooperation is really important and appreciate it. I look forward to building on that ability to attribute entanglements to a specific fishery and so I'm excited to see us heading in that direction. Thank you.

**Marc Gorelnik** [00:02:43] Thank you Heather. Lynn Mattes.

**Lynn Mattes** [00:02:47] Thank you. I just want to echo what Heather had just mentioned. Appreciate you all including the states and continuing to work with our state fisheries managers to not duplicate efforts and keep things consistent and not overlap and all the work that NMFS and Sea Grant put into that workshop. I think it was really helpful, so thank you.

**Marc Gorelnik** [00:03:07] Thank you. Caroline McKnight.

**Caroline McKnight** [00:03:10] Thank you. I want to echo everyone's comments here. I had the opportunity to listen in to the workshop and I, too, felt that the presentation material was outstanding. I want to thank Mr. Bob Eder for his presentation and his photos. They were worth a million bucks to see how the operations are working and it was a great Q&A session to really understand how the gear could be configured in a way that continues fishery operations without too many detriments to that, but could meet the goals that we're trying to obtain here. So, I left feeling very confident that all the right people were in the room and that we are on the right pathway moving forward. So, I just, I just

appreciate that it was a well put together report and lots of things on the table moving forward so thank you.

**Marc Gorelnik** [00:03:59] Thank you Caroline. I'm not seeing any other hands. Any further discussion on this agenda item? And if not, I'll turn to Brett to see how we're doing. Oh wait, Merrick Burden.

**Merrick Burden** [00:04:15] Yes, thank you Mr. Chairman. I just want to refer back to some guidance that Miss Kent had provided to this Council. That guidance being the desire to have a scoping of this item by March 2024. I think it would be worthwhile to hear if that is what you would like to pursue and if so I would be working with our Deputy Director to figure out when to schedule that. So just some affirmation from you all would be appropriate.

**Marc Gorelnik** [00:04:40] Heather.

**Heather Hall** [00:04:42] Thank you. Yes, I did hear the recommendation and also from the GAP for that scoping by March and so just assumed we'd be talking about it on Friday under workload planning, but definitely interested in that. Yeah. Thank you.

**Marc Gorelnik** [00:05:01] I think there's general agreement. Caroline.

**Caroline McKnight** [00:05:04] Yeah, I would say I agree that that was my understanding as well. So absolutely.

**Marc Gorelnik** [00:05:09] So that provides clarification for our day last. All right, is there anything else under this agenda item? Okay, now I will go back to Brett.

**Brett Wiedoff** [00:05:20] Thank you Chair Gorelnik. Thank you Executive Director. That was going to be my question to make sure that we get that on the record, and we'll discuss these things under workload planning about what we should do for our next step. I think we can close this agenda item. I think we had a good discussion, got our report and we'll think about what the next steps are once we get an agenda item scheduled, drafted, and how to proceed.

**Marc Gorelnik** [00:05:46] All right. Good, good work on this agenda item.

#### 4. Non-Trawl Area Management – Final Preferred Alternative

**Marc Gorelnik** [00:00:00] All right. Well, let's continue on with Agenda Item F.4 and I'll hand the gavel over to Vice-Chair Hassemer.

**Pete Hassemer** [00:00:09] Thank you Mr. Chair. This brings us to the final item of the day, F.4, the Non-trawl Area Management FPA, Part Two. And while some of you are prepping your hands to initiate the discussion, I'm going to ask Jessi to give us a refresher since this is part two. We went all the way through public comment two days ago on Monday. To give us a refresher to what was covered and what our action is before us, so Jessi, please.

**Jessi Doerpinghaus** [00:00:41] Good afternoon, everyone. Thank you Mr. Vice-Chair. Yes. So, on Monday afternoon you received an overview presentation from Brett and myself regarding the Non-trawl Area Management Measures Action. You received several reports from CDFW, ODFW, the Office of National Marine Sanctuaries, and received reports from the GMT, GAP, Habitat Committee, and the EC as well as some public comments to consider. You have your Council action for today is to adopt final preferred alternatives as appropriate and I'm happy to take any questions on the action or if anything came up since our presentation on Monday.

**Pete Hassemer** [00:01:23] All right, thank you Jessi. Are there any questions, things you forgot or clarification? Or I don't see any questions so I will look for someone to kick off the discussion here, a hand. Keeley Kent.

**Keeley Kent** [00:01:45] Thank you Mr. Vice-Chair. I just want to make some general remarks. I'd like to thank the lead analysts for this action, Jessi Doerpinghaus and Brett Wiedoff as well as our NMFS lead Lynn Massey for a thorough and informative analysis. We believe that the Council is making an informed and fully supported decision today based in large part because of this team's analysis on this action. I also want to thank Stephani Onisko, who is our GIS contractor for her invaluable support with the mapping efforts and creation of the public map viewer, which I think has been really helpful through this action. So, I just wanted to start us off with the gratitude to the team that has produced everything to help us get where we are today.

**Pete Hassemer** [00:02:31] Thank you very much. We'll pause. We have a lot of time today so don't, don't feel rushed... (laughter)... but whenever anybody's ready to offer anything, we're here.

**Marc Gorelnik** [00:02:48] Maybe there's no motion?

**Pete Hassemer** [00:03:06] That's it. Maybe I should check to make sure there are motions on this. Okay. Marci Yaremko.

**Marci Yaremko** [00:03:27] I think I was nominated to go first, so I just want to see if Sandra has received my motion.

**Pete Hassemer** [00:03:49] There it is, so whenever you're ready Marci go ahead.

**Marci Yaremko** [00:03:55] Okay. I move the Council adopt the recommendations for alterna... yes, for Alternative 1, including Suboptions 1 through 3, Alternative 3 and Alternative 4 as recommended by the GAP in Agenda Item F.4.a, Supplemental GAP Report 1, March 2023 as the final preferred alternative.

**Pete Hassemer** [00:04:26] The language on the screen looks accurate. Is that correct?

**Marci Yaremko** [00:04:30] Yes, it is.

**Pete Hassemer** [00:04:31] All right. Is there a second for the motion? Bob Dooley. Please speak to your motion as needed.

**Marci Yaremko** [00:04:40] Thank you Mr. Vice-Chair. I want to talk for a few minutes about the synthesis of this package and how it came to be and the morphings of our workload and new management measure list and changes that we made along the way in that process over a few years, which led us to bundling a number of our most critical items on the list that were intended to provide economic benefit and regulatory relief for all of our commercial and recreational groundfish sectors in one way or other. Looking to Alternative 1, which modifies the gear specifications and the catch restrictions inside the non-trawl RCA for the directed open access, limited entry fixed gear, and IFQ groundfish sectors. I want to talk a little bit about the Suboption 1. This is the alternative that allows limited entry fixed gear vessels to fish up to the limited entry fixed gear trim lids and the IFQ gear switching vessels to fish quota pounds in the non-trawl RCA using stationary, stationary vertical jig gear or groundfish troll gear. I remember this concept coming into being and I remember Gerry Richter and Jim Seger and the Enforcement Consultants looking into the regulatory language that would need to be amended or updated regarding declarations and other requirements associated with the fixed gear permits, and I remember Gerry coming in and shaking his head saying, 'boy, this is going to be really hard to fix'. This is a very tough ask and, anyway I just want to say that we sure appreciate the help that NMFS and Council staff were able to provide to accomplish this particular suboption and to allow our fixed gear vessels to participate up to their trip limits and remain in their sector while accessing this new opportunity in the non-trawl RCA using new methods to fish, new gear configurations. I want to thank the Council for finding a way to bundle this suboption into the mix and to keep the package on track and on the timeline. I want to also acknowledge the work that's happened since September relative to this first alternative to clarify elements that are being implemented beyond those that were part of the 23-24 specifications and our 12e provision. Additional analysis was needed but ultimately allows now the use of natural bait and changing the depth restriction from 50 feet to 30 feet off the bottom for stationary vertical jig gear. This allowance should provide maximum flexibility to the sector to achieve the harvest attainments for those healthy shelf stocks with minimal risk to yelloweye rockfish, so we appreciate the work that's gone on to modify the definitions and allow the most flexibility in the gear configurations. It does reflect decades of careful rebuilding needs and analyses that we've done to determine closed areas and mortality limits for overfished species as they have come into rebuilding. This action is really the next step of the result of the EFPs that were approved back as early as 2014 and the long-standing work of the participants who've diligently participated in those EFPs year after year. We took the first step with specifications and the authorization under item 12e and then this is yet a second step. It shows a lot of innovation, a lot of modifying of provisions as we learn more about how gear fishes and what gear amendments result in in terms of catch and bycatch and the work of the industry to recruit other participants and assist with the EFP and the science informing our recommendations. It's great to see all of that culminate in the action here today. Moving to Alternative 3 and the Cowcod Conservation Areas. At the time of implementation back in the early 2000's, the Cowcod Conservation Areas effectively closed an area of approximately forty-three hundred square miles of the Southern California Bight to aid in the rebuilding of cowcod. They have certainly served the purpose and we are now learning to innovate and avoid, excuse me, the action will result in previous historic fishing grounds being accessed for healthy and abundant groundfish stocks that have been off limit to the non-trawl commercial and recreational groundfish fisheries now that cowcod have been rebuilt. I want to acknowledge the work of the collaboration effort that was undertaken by conservation and stakeholder groups that we've heard so much about to restore this access and yet protecting prime habitat areas. A long road was traveled in getting to this repeal of the Cowcod Conservation Areas, but

we've really arrived at a win-win. Now we're looking at roughly 44 to 35 percent of the newly designated, 44 to 35 percent of the observed coral and sponge populations that were within the Cowcod Conservation Area are now encompassed within the newly established Groundfish Exclusion Areas, which is a new type of management area that now we've developed as part of this action to protect sensitive coral and sponge populations and their habitat. So, it was truly a collaborative effort and I want to acknowledge the participants of the workgroup and appreciate their testimony earlier this week. Also want to say that Merit, Wayne, Louis... I sure hope that you come back and show us your photos, show us your accomplishments, I guess we'd say, as you venture out into these new areas and target new species, and we look forward to hearing how your trips are going. And similarly on the commercial side we'd like to hear your recounts of what you found in re-exploring areas that historically were very productive for fisheries. I want to talk about Alternative 4 a little bit. The alternative that creates a mechanism for Block Area Closures to be used for commercial non-trawl sectors coastwide. Currently that mechanism is only available for trawl gears. Having the flexibility to implement Block Area Closures inseason or preseason on the non-trawl sector should allow us to have more adaptive management that allows us to move fleets along or move folks into areas where we can expect them to avoid sensitive species. So definitely want to acknowledge the work that's gone into building this alternative that should allow us more flexible use of measures for the non-trawl fleet. Thank you.

**Pete Hassemer** [00:14:26] Thank you Marci. I'll look for any questions to the maker of the motion for clarification. And not seeing any questions I'll open it up to discussion on the motion. Bob Dooley.

**Bob Dooley** [00:14:49] Thank you Mr. Vice-Chairman. Thank you, Marci, for a very thoughtful and well-crafted motion. I just have a couple of comments on that that I think that this represents a real team effort to open up some grounds that have been closed, do it in a responsible way. There have been many measures that are coupled with this like the mandatory logbooks that are now required that are going to help us understand, you know, interactions and how we prosecute this fishery. I mean we've moved from being a, you know, closing more and more areas to actually expanding areas now that we can fish in and no better time than now with our crab fisheries in the state. They are in the Dungeness crab and as well as the salmon, the future of that. We need more work for our fleets, and this offers opportunity and offers more and more ground. Some people worry that opening more ground is a bad thing or a risky thing, but I don't think it is. I think the one thing that if you have more options to go to places where the things you're trying to avoid might not be, the better off we are, so I have always thought that, you know, more ground is good. It gives us choices and we definitely have a ingrained memory in our fisheries now that of avoiding things we're not supposed to catch and going to places and sharing information, things that we didn't used to do many years ago. So, this is a different world than it was 20 years ago and I'm looking forward to some very productive fishing from our, particularly our small boat fleets that need it so much and the recreational sector as well, the opportunities, definitely need that. So that being said, I also would be remiss if I didn't acknowledge that I've had conversations with NMFS and had conversations with the observer program and I'm looking forward to them addressing the low observer coverage in the open access fishery and some of the fisheries so that we can get verification and a better comparison of observed non-observed trips with the logbook entries, and I trust that whatever number they come up with it's the right one because they are the experts so, thank you.

**Pete Hassemer** [00:17:25] Thank you Bob. Further discussion? Chair Gorelnik.

**Marc Gorelnik** [00:17:30] Thank you Vice-Chair Hassemer. I simply want to say that, you know, anglers often hear about adaptive management and it's usually an illusory promise or a slogan, but here we have genuine, bonafide adaptive management that inures to the benefit of the fishery and I just think it shouldn't go without comment.

**Pete Hassemer** [00:17:54] Thank you. Lynn Mattes.

**Lynn Mattes** [00:17:57] Thank you. I echo a lot of the sentiments that Mr. Dooley and Miss Yaremko said. You know the last 20 some years where this area has been closed has been a sacrifice for a lot of our industry members and that was to help a number of species rebuild. As these species have rebuilt that sacrifice should be able to be alleviated a little bit, but in a responsible manner and I agree that I think this is an iterative process, a step to go in that right direction to allow access for some of those underutilized stocks, some additional grounds possibly for halibut as well, make our fishery a little more efficient while still protecting habitat so I will be supporting this.

**Pete Hassemer** [00:18:40] Thank you Lynn. Further discussion or comment? I will carefully scan the room but I'm not seeing any so without any further discussion I will go ahead and call the question if you are ready. All those in favor of the motion signify by saying 'aye'.

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

**Pete Hassemer** [00:19:07] Those opposed? Abstentions? The motion passes unanimously. Thank you very much Marci. I will now look for any further motions. Lynn Mattes.

**Lynn Mattes** [00:19:25] Thank you Vice-Chair. I have a motion, a second motion for this agenda item that I mistakenly late mailed, emailed late to Sandra and she's pulling it up for us. So, I move the Council adopt Alternative 2 with the suboptions recommended by the GAP in Agenda Item F.4.a, Supplemental GAP Report for March 2023, and the GMT in Agenda Item F.4.a, Supplemental GMT Report as the final preferred alternative. Additionally, allow NMFS in coordination with the states to make technical corrections to the coordinates of the 75-fathom contour as needed.

**Pete Hassemer** [00:20:09] All right. The language on the screen is accurate, is that correct?

**Lynn Mattes** [00:20:13] Yes sir.

**Pete Hassemer** [00:20:14] Okay. Is there a second? Seconded by Vice-Chair Pettinger. Go ahead and speak to your motion.

**Lynn Mattes** [00:20:23] Thank you. As I alluded to just a moment ago under the previous motion, the intent of this is to continue to protect species and habitats, including deep-sea corals and overfished species, provide consistency between spatial closures between the groundfish and non-tribal directed halibut fisheries, provide current fishing opportunities, or preserve current fishing opportunities and take a precautionary approach until habitat information like the HAPC layer can be updated and EFH evaluated beginning in 2025. I do want to clarify that this motion does include in the GMT Report technical, the corrections around Cordell Bank are included under their Alternative 2 recommendations. The GAP Report has it in another spot, not in that same but I wanted to make sure it's clarified that my intent is to include that. I think we've talked about this for a long time. I know Miss Watson provided a lot of great rationale for this in September. I don't know if I need to go through all of it, but I'll leave it at that and try to answer any questions.

**Pete Hassemer** [00:21:35] Thank you Lynn. Are there questions to the maker of the motion for clarification? I don't see any question so I will open the floor to discussion on the motion. Keeley Kent.

**Keeley Kent** [00:21:50] Thank you. I just wanted to add a little bit about that last sentence of the motion, perhaps a little more background for some of the other folks that we haven't necessarily talked about this. So, we are in the process of mapping the BACs. As the Council recollects you added some additional BACs through spex and obviously we're looking to expand them here. So, in that process we are mapping the fathom curves and, you know identifying some crossovers between some of the lines



and so specifically thinking that this action would open up the 75 fathom line. There are a few points that appear to be crossovers in terms of they're not fully tracking the isobath. We're not quite at the point where we had a specific coordinate list that we could bring forward, but we did ask for a little bit of flexibility. Again, the only technical corrections that we're talking about are... is there a point that is not appropriately approximating the isobath and we intend to work with the States. There's just a handful, I believe it's half a dozen or less, of points that we would correct in that line, but just wanted to make it clear to the Council exactly what we were speaking to on that.

**Pete Hassemer** [00:23:05] Thank you Keeley. Further discussion? Comment? Give you a few seconds to absorb all of this, and I'm not seeing any hands so I'm going to go ahead and call the question on this motion. All those in favor signify by saying 'aye'.

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

**Pete Hassemer** [00:23:29] Opposed? Abstentions? The motion passes unanimously. Thank you Lynn. Is there further discussion or motions we need to take up on this? And again, we'll take 30 minutes if you need to think about it. I'm going to turn to the staff officers and see how we've done on this.

**Jessi Doerpinghaus** [00:24:01] Thank you Mr. Vice-Chair. Y'all have done a great job in record time. And so, you've selected your final preferred alternative for this action, including modifying catch allowances and gear restrictions for fishing in the non-trawl RCA, moving the non-trawl RCA boundary into 75 fathoms off of Oregon and California, removing the CCA and developing Block Area Closures. So, I think we will wrap up all of our documentation and work with NMFS on completing this action.

**Pete Hassemer** [00:24:30] All right. Thank you very much. I think Vice-Chair Pettinger has some words for us.

**Brad Pettinger** [00:24:37] Yeah, thank you Vice-Chair Hassemer. You know Keeley mentioned the great work the staff did here and Lynn, and it's just my understanding that this thing towards the later in, later on in this process things got a little wiggly. You know it was kind of, I think it kind of went off the rails a little bit, but it sounds to me that maybe, to extra recognize staff on work they've done and really the communication between the agency and the, the Council office was exemplary and I just think that should be recognized and just thank you for all the great work you guys did there so.

**Pete Hassemer** [00:25:21] Thank you Vice Chair Pettinger. And I, too, want to congratulate and recognize all the work that went into this. I remember, I don't know how many years ago sitting in a chair somewhere here when we were trying to move this from the B list to the A priority list and discussing how it would get done and now it's done so a good, good piece of work by all. And with that I believe that closes this agenda item so I'm going to move the gavel back.

## 5. Electronic Monitoring Program Changes - Final Preferred Alternative

**Pete Hassemer** [00:00:00] All right, that completes our public comment and will take us into Council discussion and action on this item and so I'll look for any hand to start the discussion. Marci. Thank you.

**Marci Yaremko** [00:00:20] Thank you Mr. Vice-Chair. I'm not sure I'm ready to start discussion but maybe it's kind of more of a question. I heard Kate mention upcoming meetings and plans for continued dialogue and I guess I didn't hear anything about that other than some mention this morning in delegation about how some of these other issues like addressing the discard species list, so maybe it would help me at least understand kind of what the steps forward are with the GEMPAC/TAC and how the dialogue can continue. Thank you.

**Pete Hassemer** [00:01:02] Thank you, and I'm going to turn maybe to Mr. Anderson. He has his hand up because I think part of that was covered. Go ahead Phil.

**Phil Anderson** [00:01:12] Yeah, Thanks very much for the question, Marci. So talked a long time in giving the report I may have missed it, but when I got to this part about the language that the Enforcement Consultants were concerned about, I noted that this language, while it was in our report, needed more work, we needed more time to sort those things out with the Enforcement Consultants. So, I have when we get to the guidance part, I have that as part of the recommended guidance that we be provided that we, the GEMPAC/TAC be provided the opportunity to work through those issues that Mr. Bush identified. I also had a chance to talk to Greg here at the break, showed him, told him what I was thinking and how I was going to propose it and he was comfortable with it at that time. I don't know whether he changed his mind or not, but that's how I was envisioning working through that and any other issues that have to do with the manual, the business rules, if there's something else that we've missed we want to get at that. That said, we don't have a lot of time to get that done. We don't want to make changes after the third-party providers that may want to come into the program, they need to know what the rules are so it's going to be important for those to sort that out. But I think the piece that the Enforcement Consultants were concerned about isn't going to affect the, a provider from knowing what to do because that's mostly going to be in the rules about what do you do if you see something that's out of order. But I'm confident, as Kate mentioned, and that this group will work diligently and bring something back to you in June for that piece of the manual that will have the support of everyone concerned.

**Pete Hassemer** [00:03:35] Thank you Phil. Further questions or discussion on this agenda item? It's dark in here so I want to make sure I don't miss any hands. Not seeing any over here. Phil Anderson.

**Phil Anderson** [00:03:57] Well, Mr. Chairman if, or Mr. Vice-Chairman if you're ready for a motion I'm ready to offer one.

**Pete Hassemer** [00:04:03] Please go ahead whenever you're ready.

**Phil Anderson** [00:04:06] Thanks Sandra for bringing that up on the screen. I move the Council adopt the following Purpose and Need Statement and final preferred alternatives for Electronic Monitoring under agenda item F.5. Relative to the Purpose and Need Statement, this is taken from agenda item F.5, Supplemental Attachment 2 and it would be as follows: This action is needed to create and ensure flexibility in the Electronic Monitoring Program in order to reduce potential costs. Current regulatory deadlines for electronic monitoring, video review providers to submit required feedback reports to fishing vessels and video review data summary reports as well as logbook data to National Marine

Fisheries Service may need to be revised to create more flexibility for EM video review, for EM video review providers. In addition, the regulations need clarification to ensure the intended flexibility regarding the process to evaluate and summarize EM video and review data via the West Coast EM Program Manual, therefore the Council is considering changes to the current deadlines and requirements. The purpose of extending the regulatory deadlines and clarifying regulations regarding the EM Manual is to provide positive benefits to participants and the nation and to lower overall costs of the program while still meeting the data collection and data quality requirements of the EM program, end quote. Relative to the final preferred alternatives, the motion includes Alternative 2. Electronic monitoring providers would have no more than 60 days to submit feedback for Electronic Monitoring Summary Reports. Would include Alternative 4. Electronic monitoring providers would be required to submit logbook data to National Marine Fisheries Service within seven business days of receipt from the vessel operator, and it would include Alternative 5 replacing the language in the first paragraph with "The EM service provider must process vessels, EM vessels EM data and logbooks according to a prescribed review methodology as specified by National Marine Fisheries Service in the EM Manual on its website". And that concludes my motion. The language on the screen is accurate and correct.

**Pete Hassemer** [00:06:38] All right, Thank you. I just do want to back up under Alternative 2 where that arrow is, is that, should that word be 'than'?

**Phil Anderson** [00:06:48] Than. Yes. Thank you.

**Pete Hassemer** [00:06:56] And with that change then I believe it's accurate?

**Phil Anderson** [00:06:59] Thank you Mr. Vice-Chair. Yes.

**Pete Hassemer** [00:07:02] I'll look for a second? Bob Dooley seconds it. Please speak to your motion.

**Phil Anderson** [00:07:07] Thanks Mr. Vice-Chair. Well, I think the Purpose and Need Statement has had adequate review. I know the legal folks took a look at it along with Council staff. I think it accurately reflects the purpose and need for this action. Under Alternative 2, that rationale. Since the EFP started in 2015, EFP participation has increased and turnaround time has also increased. Changing the turnaround time to 60 days would allow a long enough window for an EM provider to optimize staffing for EM video review with the intent of keeping costs lower and yet still provide timely feedback to vessels and to National Marine Fisheries Service. Relative to Alternative 4, compared to the status quo, which is for EM providers to submit logbook data to National Marine Fisheries Service for entry into the vessel account system within two business days. Allowing up to seven business days for entry of logbook data would increase flexibility for EM providers, while still ensuring accurate vessel account information is available in a reasonable time period to inform subsequent trips. This alternative would also better reflect the current practices under the EFP. Relative to Alternative 5, the status quo regulatory language could potentially be interpreted as inconsistent with the purpose of the EM program to provide an alternative cost effective at-sea monitoring option to verify logbook entries and document discards. The purpose of the EM video review conducted by EM provider is not to estimate all discards for each trip, but rather to validate the logbook estimates of discards using prescribed review methodology as specified by National Marine Fisheries Service. Alternative 5 would clarify the regulatory language and point to the EM Manual for detailed prescribed review methodology. That completes my rationale for my motion.

**Pete Hassemer** [00:09:18] Thank you. Any questions for maker of the motion? Brett.

**Brett Wiedoff** [00:09:24] Not a question, just a clarification of Alternative 2 and the title of it. It's mismatched from what's in the analysis, so I just want to verify and maybe correct that. In the analysis

Alternative 2 says "no more than 60 days to submit feedback slash EM Summary Reports".

**Pete Hassemer** [00:09:54] I want to understand if that creates an issue here. Is this the correct version or what is in the draft analysis correct? And Ryan you were trying to raise your hand?

**Ryan Wulff** [00:10:16] Yeah, thank you Mr. Vice-Chair. And did you... Phil put his hand up and maybe we can just clarify. Maybe I can ask a clarifying question to the maker of the motion.

**Pete Hassemer** [00:10:26] Yes, please.

**Ryan Wulff** [00:10:29] Whether when you say submit feedback for Electronic Monitoring Summary Reports if that is intended to mean submit feedback to the vessels and Electronic Monitoring Summary Reports to NMFS as stated in the analysis. Is that correct?

**Phil Anderson** [00:10:52] Yes. To be honest, Mr. Vice Chair, what Mr. Wiedoff read, if there is a difference between what you read and what's there I missed it, except that there, you used some acronyms that I didn't in this, other than that it was identical but if Mr. Wulff is recommending that that further delineation would clarify the action I'm fine with that if we need to make a, if there needs to be an amendment offered to modify the language that's on the screen consistent with Mr. Wulff recommendation. If that's necessary I'm obviously good with that but I'm failing to see the problem but...

**Pete Hassemer** [00:11:48] All right. I want to make sure we are accurate and clear on this. So, Ryan did that, was that explanation from Mr. Anderson satisfactory?

**Ryan Wulff** [00:12:02] Yeah, thank you Mr. Vice-Chair. I'm satisfied with the clarification that's been made by Phil. I mean I think for our intents and purposes I think we understand the intent and it's really just a minor clarification issue from our perspective so thank you.

**Pete Hassemer** [00:12:21] Okay. So, we're good on that issue. Further questions? I think we're still in questions for the maker of the motion. Christa Svensson.

**Christa Svensson** [00:12:33] Yeah, thank you Mr. Vice-Chair. And I just want to ask a clarifying question for myself. I'm not sure if it's for Phil or Mr. Wiedoff. But I think what Mr. Wiedoff was getting at was that instead of having a 'for' in there, there would be a slash mark? Is that correct? And if so I'm happy to make an amendment if that is what we need for clarification, but I just want to make sure that that is what we are talking about here in terms of terminology.

**Pete Hassemer** [00:13:05] Brett, I think that's directed to you.

**Brett Wiedoff** [00:13:07] Thank you Vice-Chair. Miss Svensson, I think we just clarified what is, what is intended here. We're selecting Alternative 2 under as a final preferred and that's understood what Alternative 2 is in the document. I don't think we need to clarify the language here on the screen at this time.

**Christa Svensson** [00:13:25] Perfect. Thank you.

**Pete Hassemer** [00:13:28] All right. Good. Further questions? And I'm not seeing any hands so that will take us into discussion on the motion. Any discussion desired? Bob Dooley.

**Bob Dooley** [00:13:45] Thank you Mr. Vice-Chair. And thank you Phil for a complete a good motion

on this. I will be supporting it obviously. A member of the GEMPAC and was part of crafting this so of course I would support it. There have been some adjustments and such over time, and there's been some questions during the time that I would just like to comment on. On the 60 days as Phil noted, it's really 45 days and it's really kind of like status quo. 60 is kind of a bookend and I think that that gets us pretty, pretty good place. But I would note that, you know, immediately pretty much seven days the logbook is what, is the deduction coming off the account right off the bat. So, what we're worried about is the true-up. What is the video see? Are there mistakes or underestimates of the logbooks? And if you remember the spreadsheet from the last meeting in November that was presented, it's in the briefing book in November, the difference between the logbooks and the EM is very, very small, so I don't anticipate we're going to see big true-ups happening, even if it is 45 days or 60 days down the road, but, and it's not much different than what happens in accounts as they exist now. I mean just with regular quota, not the EM true-up but the just in accounting for observers or whatever that the entry is different or when it's put into the website, so I don't see this as being a big problem. I think it's an eloquent solution and I think it works. I think the risk of having a bunch of fish show up in 45 days for someone to have to account for is according to the data, is pretty low, so anyhow that's that. The 10 percent issue there was a little talk about that, the 10 percent review, which really is north of 18 percent because when you do the calculation of at least one tow being analyzed it really moves it up, so around 18 percent. I think, but the really salient point here is, and this is generally true with all of this, is getting it out of the regulatory language, getting it into the manual and guidelines so that we have flexibility if the, we find that 10 percent is not the right number a year down the road it's not a three year process to change that. It's much more flexible. So, I think that those are things that are really, really positive and I think we've gotten to a place where this program can be as affordable as it can be, and I think it'll be more affordable over time. And I think we're in the right course so I will be supporting this and I thank Phil for his leadership and thank Mr. Wulff for his leadership and Mr. Thom for his leadership in getting us to where we are, because it's been a real... and also all the members of the committee. So, it's been a really productive effort and I'm happy to see it come to hopefully a successful conclusion here today. Thank you.

**Pete Hassemer** [00:17:38] Thank you Bob. Further discussion? And not seeing any hands, let me just make sure I didn't miss any, I will go ahead and call for the question then. All those in favor signify by saying 'aye'.

**Council** [00:17:55] Aye.

**Pete Hassemer** [00:17:55] Those opposed? Abstentions? The motion passes unanimously. Thank you very much for that. To finish up our work here one of the tasks also was some guidance and I know Mr. Anderson and some of his reporting mentioned that so I'm going to look in his direction first.

**Phil Anderson** [00:18:24] Well, thanks Mr. Vice-Chair. I do have some guidance to put up and this has to do with the EM Manual business rules. This is, you know I'll call a work in progress, but the first one is that the Council recommend that the EM Manual should specify the minimum EM video review for optimized retention fishing trips, which is bottom trawl fixed gear, non-whiting mid-water trawl to be a random selection of 10 percent of the hauls per trip with a minimum of one, one trip. And then, you know I can talk about, a little bit about why we're recommending that. Mr. Dooley just articulated the majority of it, which was that after looking at the history of the reviews that this type of a random selection of 10 percent with a minimum of one per trip, that the realized review percentage is something more like 18 percent. This was a cost saving piece as well and so it was an important consideration from the GEMPAC/TAC process. We did have a fair amount of discussion with the Enforcement Consultants and their representative, Captain Chadwick, about this issue. I know industry met with Mr. Bush here in the last several weeks or months about this, about this as well, so that was the basis for bringing this forward as a recommendation or guidance relative to the manual. The second one is the

adding new language for consideration for business rules for documenting non-allowable discards that I addressed in our committee's report. We, the draft language that was provided in the GEMPAC/TAC Report I put below this. I believe it's a well thought out approach to help clarify the protocols which I think is needed but at the same time, you know, the Council understands that additional discussions between GEMPAC/TAC and the Enforcement Consultants may result in refinements to the language suggested here that's in quotations. And so just wanted to, wanted the guidance to reflect the need to have this clarifying language but not a, I'm not suggesting that we recommend this specific language, instead giving us, giving the committee an additional opportunity between now and June to meet with the enforcement folks and work through this because they had some good points. They're in a better position to help, I think, craft this language to ensure that it meets their needs in terms of from an enforcement perspective and makes the language enforceable, so I want to make sure we give the flexibility to the committee and the enforcement folks to work this out and come back with a recommendation to the Council in June. And as I said, and I'll look for confirmation from Mr. Wulff that how we work this out isn't going to be a factor relative to the third-party providers applications or costs associated with their work. So that is the, that's the guidance that I'm recommending.

**Pete Hassemer** [00:23:06] All right. Thank you Phil. Ryan Wulff.

**Ryan Wulff** [00:23:10] Yeah, thank you Mr. Vice-Chair and thank you Phil. Yeah, I just wanted to, well maybe I'll start and take a moment now that we've taken a look at the final preferred alternative to the regulations and are now switching to guidance related to the manual, all of which was discussed at length at the GEMPAC, I just want to echo the thanks that Phil gave to all the members of both of those committees. I really appreciated all of the work that went on there. I want to give thanks to Barry and Pacific States and of course, Phil, for his leadership and patience with all of us through this process. So with that said, going to these recommendations regarding the manual, yes we could support these. We had a number of conversations about this, and I just want to reiterate again, similar to what Bob said, and this may get at some of Marci's questions earlier, we wanted to keep the flexibility within this document because it is a NMFS document. It's an annual document that we put out with public notice. We've come to the Council on drafts before and noted that we expect this to change potentially over time as we get into the program. We may refine things in the manual as we go, so we do have a chance to.....there was a draft manual that was released on March 1st just due to the regulatory deadlines. We had to do it 90 days before June 1st. If you look at that on our website, it's got brackets for some of the, like the 30, 60, 90 days, the things we've been discussing here. It was noted that we would revise that obviously based on the discussion here, and we can make those changes based on the final action from the Council as it relates to those. But Phil is correct when it comes to looking at instances of what we might do with unallowable discards, we can easily just note in the manual that that is something that is ongoing and it will be worked out before the fishing year starts, you know, what would be expected of the service providers if those situations were to occur, which does give us that extra time that Phil noted to have these additional discussions with the Enforcement Consultants and with the GEMPAC, and NMFS is committed to being there and to supporting that as well. So that's just a long-winded way of saying I fully support you here Phil, and I'm happy to answer any questions that folks have from NMFS perspective.

**Pete Hassemer** [00:25:36] All right. Thank you Ryan. Phil.

**Phil Anderson** [00:25:41] Yeah, I messed up and forgot the last item on that list, so I apologize for that. It has to do with the species discard list and that was noted in the GAP report as well. There's a need to address that. We know we can't do it under this rulemaking process but would like Council staff to work with NMFS to identify the most efficient process to either remove the discard species list from the regs or modify it as appropriate, but and bring something back to the Council in terms of a process and timeline.

**Pete Hassemer** [00:26:22] Ryan.

**Ryan Wulff** [00:26:24] Thank you. And to this point, since this is talking about a regulation change, yeah, NMFS will be ready. We can discuss this in workload planning or as needed to set up a separate process. We're supportive of the concept. We were supportive in the GEMTAC, yeah, because it would require a change to the regulations and we're already at final preferred alternative here, we'll have to set up a separate pathway and there's a couple options for that which I can speak to once we get to workload. Thanks.

**Pete Hassemer** [00:26:52] All right. Thank you. I'll keep looking for hands but just remind you, this is guidance that was provided. We don't need a motion on it, but need some at least agreement, head nods, thumbs up or something, or unless somebody has any objections to it so. Merrick. Executive Director Burden.

**Merrick Burden** [00:27:16] Yes. Thank you Mr. Vice-Chair. And as you all know we try to think about the Year-at-a-Glance before we actually hit day last so that we have an efficient agenda item on that last day. This guidance is very helpful. Thank you. Is it implied here that we would be looking to have a check-in in June perhaps to bring some of these things back? Or maybe one of you can clarify if that's the intent? Okay, thank you.

**Pete Hassemer** [00:27:44] All right, thank you for that. Is there any further guidance or anything we need on this? Maybe I should turn to Brett while everybody's thinking here and see how we've done.

**Brett Wiedoff** [00:27:59] I think we've done an excellent job. We're within the two-hour mark. You've adopted a purpose and need. You adopted Alternatives 2, 4 and 5 and then you provided some guidance to NMFS regarding the change in the 25 percent review rate to 10 percent for optimized retention. You provided guidance to NMFS, CC, GEMPAC, Council staff to clarify the business rule language and come back in June. And then you asked NMFS and Council staff to work on a pathway to discuss and change the regs regarding the discard species list. So, I think you've completed everything on your task list.

**Pete Hassemer** [00:28:38] All right. I'm going to take one more quick glance and see if there's any closing comments and I'm not seeing any. So, before I pass the gavel there's been a lot of thanks extended to people, a huge list of names so maybe I can just hit the primary ones here. For NMFS, I think Mr. Wulff was recognized for his efforts, from PSMFC Mr. Barry Thom, and especially to Phil Anderson and his leadership for these committees and getting all that work done. A monumental step here so thanks to all and I will pass the gavel back to our Chair.

## 6. Final Assessment Methodologies

**Brad Pettinger** [00:00:01] And then I don't see any.....okay, no public comment which takes us to Council action, discussion and so I'll open the floor up for that. Marci.

**Marci Yaremko** [00:00:16] I want to take a minute to thank both Council staff and the SSC Groundfish Subcommittee for providing us with this work. I know it was a late add-on to the April agenda, but I just appreciate seeing the document and having it available to us. I think it provides guidance on considerations on data use and methods and how things have been handled in past Star Panels, excuse me, where the assessors have run into challenges and explored other alternatives. So, I think it complements the Terms Of Reference and fills in some gaps and it's kind of nice to have some accepted practices that would require less justification to use standardized, I guess you'd say, of course assessors are free to deviate as needed, but having some kind of baseline standard operating procedures I think is really useful. So, I appreciate the time that was put into this and I think it's a great tool to aid transparency for folks trying to engage in stock assessment processes and activities. Thanks.

**Brad Pettinger** [00:01:38] Thank you Marci. Anyone else? Okay. Well, we're not going to, need a motion here. I guess that if everyone's good with that, I think all we need is to basically acknowledge the table since it'll suffice and they'll utilize it in the upcoming assessment cycle and with that everybody's good with that? Okay? All right, Marlene, you're extremely efficient, I will say that.

**Marlene Bellman** [00:02:08] Thank you.

**Brad Pettinger** [00:02:10] How are we doing on this agenda item?

**Marlene Bellman** [00:02:16] Well, you're ahead of schedule on this agenda item. I think we had allocated an hour. Thanks for the guidance provided by the Council on this. I believe that the Accepted Practices document will be available on the Council's groundfish stock assessment webpage, and that concludes the agenda item.

**Brad Pettinger** [00:02:37] Well, with that I'll hand the gavel back to our Chairman and with 9 minutes left in the hour so.



## 7. Amendment 31 Groundfish Stock Definitions

**Brad Pettinger** [00:00:00] All right with that opened the floor up for... (cell phone noise) ... I guess we haven't announced the Anderson rule maybe, but I think that was never rescinded, so if anybody's had their phone ring today, we'd like to see some maybe donuts in some future Council meetings if possible. So, with that, the Council floor is open so I'm looking for a hand to start us off. Lynn Mattes.

**Lynn Mattes** [00:00:37] Is day-old Safeway donuts okay tomorrow? Sorry the public utility is at my house and ringing my doorbell and my security camera is going nuts right now. They're replacing a telephone power pole in my yard, which none of you needed to know. I just want to thank Todd and Gretchen for all the work that they put into the analytical document. I really think that helped us get where we need to go on this today. I know it's been a bit of a confusing process. What needs to be done when by whom? So, appreciate the conversations we've had with Keeley and Rose and the other folks at NMFS. I think some of this is very straightforward, especially the species that maybe only have one alternative in front of us, those seem like they're pretty straightforward. I do think we're going to have some additional discussion on some of the other species, like the nearshore species, so just kind of tee that up that I know we've had some discussions among the three states how we're going to move forward. So that's all I've got for an opening. I just wanted to really thank the team who had worked on it as well as the Science Center folks who've been working behind the scenes and knowing that they're busy with assessments.

**Brad Pettinger** [00:01:57] Thank you Lynn. Carolyn.

**Carolyn McKnight** [00:02:00] Thank you Mr. Chair. Yeah, I'll echo your remarks Lynn and also add that just very grateful to Todd and Gretchen and the analytical team that has contributed to the really complex topic that we're trying to sift through here. Given the information that continues to come in at every Council meeting, I'm largely viewing some of these species as relatively dynamic, or maybe this is an iterative process that as we get into later phases more information could come to us that might lend itself to a different decision point on how to define these stocks. So, I guess I'm not looking at today's decision or even June's as necessarily the end game for some of these. I think there's the nature of science streaming in. The nature of new information could likely change our viewpoint on some of these at any point, so I just wanted to share my viewpoint on them being fluid I guess to some degree. Thank you.

**Brad Pettinger** [00:03:06] Thank you Carolyn. Heather Hall.

**Heather Hall** [00:03:11] Thank you Vice-Chair Pettinger. I just want to add to the introduction here. I think we're all really on the same page as we've worked through this. We've had a year to think about it really, but I also feel like there's a lot more discussion to be had and thinking through this and I think I said this the other day, but we're on the iceberg but we're not getting anywhere close to the tip of the iceberg, and I'm hearing some discussions that are happening that are starting to feel like they're helpful. But also, and hearing from Owen and the discussion around questions on copper rockfish, there's still a lot that we're uncertain about and I think this process moving forward would really benefit for allowing for those conversations and really good discussion. And again, this is PPA. We'll have time to refine this as we move on. I think those are some of the ideas that have helped me think about getting to this point and looking forward so thank you.

**Brad Pettinger** [00:04:24] Thank you Heather. Further discussion? Or a motion? Oh, Lynn Mattes.

**Lynn Mattes** [00:04:32] If there's no other discussion, I do have a motion to get us started.

**Brad Pettinger** [00:04:39] That would be wonderful.

**Lynn Mattes** [00:04:40] And I think Sandra has it ready for us. And there, since I sent it to Sandra, I have noticed there is one extra word which I will have her delete. I move the Council adopt for public review the definition of stock for the following species. The term, the word 'with' there, could you please delete that, as the PPA. For Alternative 1: One coastwide stock for canary rockfish, dover rock, or dover sole, Pacific spiny dogfish, petrale sole, rex sole, sablefish, and shortspine thornyhead. And adopt Alternative 2: two stocks north and south of forty-ten for lingcod. And these are summarized in the table below.

**Brad Pettinger** [00:05:33] Thank you Lynn. Is the language on the screen accurate?

**Lynn Mattes** [00:05:36] Yes sir, it is.

**Brad Pettinger** [00:05:37] Okay, thank you. We're looking for a second? Seconded by Heather Hall. Thank you Heather. Please speak to your motion.

**Lynn Mattes** [00:05:43] Thank you. These are all species for which there was only one alternative in the range of all, range of alternatives and that was examined in the analytical document. For the single species, single stock species, a review of literature, recent assessment outcomes and the best scientific information available indicate that these species have no identifiable population structure along the U.S. West Coast states. Genetics, larval dispersal, and adult movement data do not currently support delineating these species on a finer geographic scale. All of these species have been assessed at the coastwide scale and have historically had single coastwide harvest specifications such as OFLs and ACLs. These past assessments have been recommended by the SSC as best scientific information available, adopted by the Council and determined by NMFS to be the best scientific information available. Defining these species as stocks at a finer scale than coastwide would require new information. In the future, the Council could reconsider these definitions when and if that new information becomes available. An Alternative 1 stock definition for these species would be consistent with the present harvest specifications and management measures and is not likely to cause an increase to the management complexity or workload as these species are currently managed coastwide. Therefore, adopting Alternative 1 for these species is unlikely to increase the risk of localized depletion and not achieving optimal yield. In regards to lingcod, this species has consistently been stratified into two geographical regions across all categories that were examined. Alternative 2 would define lingcod as two regional stocks with the harvest specification set for north and south of 40 degrees North, 40 degrees, 10 minutes North latitude. Lingcod have been shown to have two distinct subpopulations along the coast with the division occurring at approximately that forty-ten latitude. This bi-regional split was used as the basis for the most recent assessments both in 2017 and 2021. Available literature and assessment findings for lingcod supports this bi-regional stock definition. Additionally, the SSC has previously recommended the two area assessments as best scientific information available, as well as the geographic scale for status determination. Lingcod harvest specifications and management measures has historically been set at this bi-regional scale and is consistent with the current harvest specifications and management measures. Additionally, Alternative 2 is not likely to increase the complexity or workload for management as this is how lingcod is currently managed in these, as these two regions. And that's what I've got.

**Brad Pettinger** [00:08:32] Thank you Lynn. Questions for the motion maker? Discussion? Heather Hall.

**Heather Hall** [00:08:42] Just thank you Vice-Chair and thank you, Lynn, for the motion and obviously I'm supporting the motion but do just want to add here to again adding on to the discussion prior to the

motion is, you know, in thinking through these this is kind of, this looks a lot like how we've done our assessment in the past, but also feel like there would be benefit for more conversation about these and whether or not there is any stock structure here that is, that we haven't thought about in the past or all of that. So just want to highlight here that I think this is a path forward and it does, you know, our stock assessors and our scientists have applied the best scientific information available, but I think there is also room for discussion and look forward to that as we start working this process into our stock assessment process in the future. Thank you.

**Brad Pettinger** [00:09:48] Thank you Heather. Carolyn.

**Carolyn McKnight** [00:09:48] Thank you Mr. Vice-Chair, and thank you for the motion, Lynn. I agree with many of the comments already shared so in the, to save some time here I'll be supporting the motion and I agree with the comments relative to lingcod and I'll just note that I have appreciated in the past the ability for the stock break at forty-ten to still allow some flexibility across that geographical break to assess at forty-two and do some apportioning. I think what I've heard in past meetings is that the ability to do that will still remain under this particular scenario so I'm just acknowledging that. Otherwise thank you.

**Brad Pettinger** [00:10:28] Thanks Caroline. Okay, anyone else? If I'm seeing no hands I'm going to, I'll call for the motion. So, all those in favor signify by saying 'aye'.

**Council** [00:10:37] Aye.

**Brad Pettinger** [00:10:38] Opposed? Abstentions? Okay, motion passes unanimously. Thank you Lynn. Okay, looking for any additional motions? Corey Riding.

**Corey Ridings** [00:10:55] Thank you Mr. Vice-Chair. I'm sorry, are we still in the discussion phase as well or is this only for motions at this moment?

**Brad Pettinger** [00:11:03] We're still discussing actually.

**Corey Ridings** [00:11:05] Okay, thanks, then I'm going to add briefly to the discussion. I just wanted to thank Todd and the team. Great work, great presentation. I'm going to try to practice my vocabulary here a little bit as he pointed out. So, to know, thinking about this in a more holistic way and how we've been approaching all this, I really appreciated Heather's comments. Thinking about, you know, the data and science is showing that we have localized depletion or an overly high fishing mortality rate, that we needed to make sure that we have the tools to deal with that, whether that means multiple stocks for a single species or the ability to implement sub-coastwide management measures for species under a single stock, we need to be sure we're managing responsibly and not accidentally overfishing or fishing in a way that threatens a population or opportunity in a given part of the coast. I think this is something that becomes of growing importance under climate change and thinking about projected range shifts and protecting genetic diversity, especially at our trailing edges as those begin to occur or continue to occur. Those are important, are going to require more science and more understanding and I think we're headed in the right direction here with all of that, but I just wanted to share that. Just adding I also have concerns about removing squarespot from this action. I appreciate what the GAP brought forward. Clearly, they did some good thinking on this as well as providing a nice visual, but I hope that we can keep that in this action, so thanks.

**Brad Pettinger** [00:12:39] Thanks Corey. Okay. Caroline.

**Carolyn McKnight** [00:12:49] Thank you Mr. Vice-Chair. If there's no further comments I'm prepared for another motion if it suits everyone.

**Brad Pettinger** [00:12:56] We like motions.

**Carolyn McKnight** [00:12:57] Okay. I think Sandra has one coming. Thank you. I move the Council adopt for public review the definition of stock for the following species as the preliminary preferred alternative, and I'm going to step through the table. For black rockfish: Alternative 3, which is a stock area delineation of Washington stock, Oregon stock, and California stock. For quillback rockfish: Alternative 3, which is a Washington stock, an Oregon stock, and a California stock. For copper rockfish: Alternative 2a, which is a Washington plus Oregon stock and a California stock. And for squarespot rockfish: Alternative 1, which is a single stock.

**Brad Pettinger** [00:13:48] Carolyn, thank you and is that it? The language accurate on the screen?

**Carolyn McKnight** [00:13:48] It is.

**Brad Pettinger** [00:13:49] Very good. Looking for a second? Seconded by Lynn Mattes. Thank you Lynn. Please speak to your motion Carolyn.

**Carolyn McKnight** [00:13:58] Thank you Mr. Vice-Chair. Yeah, again I'd just like to thank the Council staff, the Science Center staff and the Project Team and all the other advisory bodies who've been contributing all the different informative aspects of this very complicated subject to get us here today. These alternatives really reflect a combination of considerations, and that includes our understanding of the science suggesting that there's insufficient mixing across these particular species ranges that were identified by the SSC or the staff reports with the exception of squarespot that is. In addition to taking in factors such as the management implications that exist within our current regulatory framework that the GMT outlined very succinctly, and then lastly what I mentioned before, which was knowing that there are upcoming decisions or an additional phase of this process where we're going to be talking about stock complex configuration or state versus Federal water components that are all going to play a very important role relative to how these stocks could be defined, so really these alternatives reflect a culmination of all of those considerations. So just touching on a few highlights here. For black and quillback rockfish, this Alternative 3 reflects the same recommendation supported by the GMT, the GAP, and the SSC. Jumping down to squarespots, I do also appreciate the GAP's information, sort of exploratory looking for maybe another option. I don't view low mortality rates as being irrational for not defining the stock unit at this time, but if different information were to come before final action. I guess I'd welcome some additional discussion, but I think choosing Alternative 1 at this point in time adequately describes what we know about the stock at this time. For copper rockfish, I'd like to thank the SSC for giving some additional thought to other or additional boundaries within California, relying really on the record built in the prior meetings and listening to the amount of uncertainty associated with it, I think that the alternative here reflects the best information at this time. I'd also mention relative to copper that we do have a full assessment coming up soon that reflects two areas, models in California and that, you know, if there were to be conservation areas needing to be addressed that we could certainly tailor some management measures specific to regional areas to address that. So, in closing, I just want to, you know, recognize that these recommendations really kind of are a careful balance between the science guidance to date and then also allow us to consider these other components such as management. Anyway, thank you.

**Brad Pettinger** [00:16:50] Thank you. Okay, questions for the motion maker? Discussion? Lynn Mattes.

**Lynn Mattes** [00:17:04] Thanks. I just want to echo some of what Caroline said and the similar reasoning. I'm not really going to speak to squarespot, that's not in my area, but the others what's being proposed there is similar to how we've been managing and how the recent assessments have done. I think we'll have some additional discussion on quillback as we move forward and look forward to how we go, how moving forward with this process as we move into phase two with regard to the more nearshore rockfish species.

**Brad Pettinger** [00:17:38] Thanks Lynn. Okay. Seeing no hands, I'm going to, I'll call for the motion. All those in favor signify by saying 'aye'.

**Council** [00:17:49] Aye.

**Brad Pettinger** [00:17:49] Opposed nay? Abstentions? All right, the motion passes unanimously. Thank you Caroline. Are we done here, I think? I don't think so, so... Heather Hall. I didn't think we were but I just...

**Heather Hall** [00:18:09] Thank you Vice-Chair. I do have a motion to offer. Thank you Sandra. I move the Council adopt the alternative definition of the stock for the following species as shown in the table below be included in the range of alternatives for public review.

**Brad Pettinger** [00:18:33] Yeah. Language on the screen accurate?

**Heather Hall** [00:18:34] Yes, it is.

**Brad Pettinger** [00:18:36] Okay. I need a second? Seconded by Butch Smith. Thank you Butch. Please move your motion, Heather.

**Heather Hall** [00:18:41] Yes, thank you. As was discussed in the prior motion for quillback rockfish in particular, the PPA reflects the last assessment that was done for quillback rockfish, which looked at a three-area assessment, but I want to recognize some uncertainty around that and just offer an alternative that wasn't included in the range of alternatives for consideration and that is, that would group Washington and Oregon together. This is similar to what was done for copper rockfish and have California separate, so it's two areas with Washington and Oregon combined and then California separate. This alternative or this motion also includes the same concept for vermilion rockfish. It reflects what was done in the assessment in 2021 for vermilion rockfish where Washington and Oregon were grouped together, and vermilion along with sunset was kept to a California stock or, I think that's clear. So, this would just be including these in the range of alternatives.

**Brad Pettinger** [00:20:03] Thank you Heather. Questions for the motion maker? Discussion? Okay. Oh, Caroline.

**Carolyn McKnight** [00:20:14] Thank you Mr. Vice-Chair. Thank you, Heather, for the motion. I will be supporting it. I just wanted to add some additional context here for the vermilion sunset off the California stock. I was very compelled by the information in the GAP report suggesting there are some new science suggesting that there is genetic information north of Conception that for sunset rockfish, that is, I think, illuminates exact kind of a fluid situation that we might be dealing with but might want us to reconsider something different as we move forward so I support putting that on there as a new or within the range of alternatives, so thank you.

**Brad Pettinger** [00:20:51] Okay. Thanks Caroline. Anyone else? Okay. I going to call for the question. All those in favor signify by saying 'aye'.

**Council** [00:20:59] Aye.

**Brad Pettinger** [00:20:59] Opposed? Abstentions? Okay. Motion passes unanimously. Thank you. Thank you everyone. Todd, I'll look to you for an update on how we're doing here.

**Todd Phillips** [00:21:14] Yes, thank you Mr. Vice Chair. So, the Council has gone through each one of the species and has offered PPA for almost all of the species with the exception of vermilion sunset, which is obviously it was just shown in that last graphic that was on the screen which would add new alternatives for consideration at FPA, as well as an additional alternative for quillback. I would say that you have, the Council has both refined the ROA and have adopted PPA for the majority of species and you provide necessary guidance for us to go forth and do good things, so with that I'd say you've done things.

**Brad Pettinger** [00:21:52] Thank you Todd. Keeley.

**Keeley Kent** [00:21:53] Thank you Mr. Vice-Chair. I didn't get my hand up quick enough, but before we close out, I just wanted to say a few things. I appreciate the Council's engagement with this issue since we brought it to the Council first in March of 2022. I recognize this has been a complex issue, but the Council has made great progress at this meeting. The Project Team has done an excellent job thus far and I know they will continue to do so in the analysis that will be brought forward for the FEA. I also want to recognize the thoughtful reports from the GMT and the GAP and the SSC on this issue. I think it's really helped the Council in its selection of a PPA today. I also want to speak to briefly that there's a nexus with this agenda item and the stock assessments that are currently underway, and I understand that there'll be further decisions to be made for the 2023 assessments when multiple assessments may be completed for a single stock. It's my understanding based on discussions with the Science Centers that estimates of depletion from forthcoming 2023 stock assessments will be synthesized and presented consistent with the geographic extent of the PPA stock definitions that the Council has indicated today and revised, if necessary, after the FPA is selected in June. I also understand that there might be some lack of clarity within the current Groundfish Stock Assessment Terms of Reference relative to how subarea assessments should be presented as compared to assessments that match the stock boundaries on a one to one basis. So, our expectation that the executive summary for any subarea assessments will present results as rolled up stock level information and that will facilitate clarity for the public with regards to how the stock assessment information applies to the stock status and the potential management implications.

**Brad Pettinger** [00:23:37] Okay, thank you Keeley. Okay, seeing no other hands we'll... oop, Joe Oatman.

**Joe Oatman** [00:23:49] Yeah, thank you Mr. Vice-Chair. And not that this needs to be addressed today. I did want to acknowledge some of the information in the GMT and the GAP report as it relates to the tribal allocations and set asides and this need to consider that in the future phases. So, what was suggested there was that before taking final action on this item that consideration should be given and analysis conducted to understand any potential impacts of the range of alternatives on tribal set asides, and so I just don't want to lose sight of that as we move forward, but appreciate the actions that were taken today.

**Brad Pettinger** [00:24:35] Thank you Joe. Okay, very good. Thank you. Job well done and with that I will pass the gavel back to our Chairman.

**Marc Gorelnik** [00:24:48] All right, thank you very much Vice-Chair Pettinger. Great job, you and the Council on that agenda item.

## 8. Workload and New Management Measure Priorities

**Marc Gorelnik** [00:00:00] Well, that concludes our public comment on this agenda item and will take us to Council discussion and action. Keeley Kent.

**Keeley Kent** [00:00:12] Thank you Mr. Chair. Because we submitted our report for the advance briefing book, you know this topic wasn't covered but the Council has heard from the Office of National Marine Sanctuaries. You know they have a draft Coral Plan out right now and they're still taking public comment, but their timeline dictates that coral planting must start sometime in 2025, so I want to put back on the Council floor discussion of coming back with an additional agenda item to take up those coral planting areas. My understanding from the National Marine Sanctuaries is generally a tentative target of starting that in September would be suitable, but again just bringing it back up for discussion as part of this agenda item.

**Marc Gorelnik** [00:01:00] All right, thank you for that. We can have some discussion. If you want to break, if folks have motion as they may want to bring and they want to break before that we can do that as well, but let's just first exhaust any preliminary discussion and if there are no hands then we will take a break and come back. So let me just look for any discussion from around the table. I'm carefully looking. I'm not seeing any hands raised. So, I will take that as a signal from the Council that they would like a break and then we will come back and see if we have discussion and or any motions. So we're doing fine on schedule today. Is 15 minutes acceptable or do you need more? 15 minutes? All right, so we'll be back here at 11:15 and we'll continue work on this agenda item.....(BREAK).....All right, we'll get started here and first before we go to any motions, I want to make sure everyone has an opportunity to discuss any issues because those, that will inform motions. Vice-Chair Hassemer.

**Pete Hassemer** [00:02:15] Thank you Chair Gorelnik. The break gave me a chance to decide if I want to throw myself under the bus or embarrass myself with a question and it's on the bottom trawl, the selective flat or Selective Flatfish Trawl EFP. It just seems to be a bit of a conundrum in my mind right now in that the EFP is designed to look at the changes the fishing would have on the salmon bycatch, and we're not catching enough salmon to evaluate it, so it's taken a lot of time and I respect that. There's been low participation in the EFP also. I think initially there were 42 applicants or something like that. In 2019 then there were 19 trips that were credited to the EFP, so just trying to sort out what the next step is on this one. We look at all of that. I know the NMFS report referred to the genetic analysis that needs to be done and look at it from that perspective. So really my question, I think, is to NMFS is what is the next step? What needs to be the priorities or, or who needs to prioritize the work? Is it the Council directing NMFS to make sure this gets done? Is it already in your shop and you're looking at this? And I ask that from the sort of perspective, not being cavalier about this and saying well there's no impacts or there's low participation it shouldn't be a priority but, you know, we're continuing to look at the best fisheries that help to meet our mandates of low bycatch and yield and it was brought up there's some efficiencies here and some flexibility for fishers, and that's really what we're trying to get to. So just maybe some clarification on what's the pathway to finish this up? If it's really in our best interest to move the EFP into regulation, then how do we get there and what's the workload that needs to be done? So, apologize for all of that but maybe just a little clarification on that.

**Keeley Kent** [00:04:44] Sure. Thanks for bringing that up. I'm assuming when you were asking about the trawl gear EFPs, you said the bottom trawl, but we're talking holistically? Yes. Okay. So, in terms of where we go from here, I have already started those conversations with the Science Center shops where Dr. Paul Moran's shop does the, runs the salmon genetic samples that are coming off of those fish. They are, I'm waiting for the answer on how many samples there are. They've run some of them but not all of them. They have already prioritized running the rest of them, so I think that is in motion.

I think a signal from the Council of when you would, you know, consider starting on this will inform, you know, again how much we're, how quickly we're pushing to analyze those samples. I think it would be very helpful to hear from the Council. You know there are really, in particular, two distinct parts of this EFP and one could argue three distinct parts, and it would be very helpful to understand from the Council whether any sort of interest in elevating, is I think the GAP word, or prioritizing, are we talking about all three? Is there the possibility of, you know, breaking them apart? You know I think the GAP mentioned interest of, you know, if there are parts that may slow down the other parts to consider breaking them up, all of that would be helpful. I think, you know, we're all aware, you know, based on some of the areas there could be different challenges, you know associated if we're talking, you know, some of the California areas, we know what's going on with those ESUs. The framework though is the same, so in general we need to understand from these EFPs are the salmon that are being bycaught in, are the ESUs that those salmon are from, does that align with the effects that were disclosed in the salmon buy-op, and so it's the same framework and I would say it's probably the same framework for any action we're talking about that has the potential to change salmon bycatch. The question will be is there enough from the genetic samples that just looking at that data alone is enough to be informative? Or do we need to do some sort of modeling exercise because there's just a limitation of the data? That is just, it's really more of like a note on the workload, not necessarily considering that a roadblock, but you know we've done that before, it just takes some different resources than like a just a typical Council action takes. So I think, you know, we're already in motion that the samples that we do have are being prioritized to, you know, be able to get that ESU information. I don't necessarily see a problem there though if the Council wants to, you know, reiterate that that's a priority, but then in general having feedback on are we looking at all of the parts of this EFP together or is there some interest in breaking it up? If there's interest in, what is, tell us what is the fastest, easiest part? You know we can certainly talk through that, but that would all be helpful in terms of where we go from here.

**Pete Hassemer** [00:08:01] Thank you. That's very helpful.

**Marc Gorelnik** [00:08:20] All right, any further discussion? Oh, Lynn Mattes.

**Lynn Mattes** [00:08:30] Thank you. I know I'm at the adult table now, but after 15 years, almost 15 years at the kids table and fighting the GMT workload windmill, it's a little hard to let that go. I just want to remind folks that as we move forward with this discussion and adding things, et cetera, that while it's technically an off year for groundfish, there is no off year for groundfish. They may not be doing the same technical work that the stock assessors are doing, but the Groundfish Management Team is still heavily involved in the stock assessments, pre-assessment workshops, the Star Panels, et cetera. So, I just want us to keep that in mind when we look at, yeah, it looks like eight one should be coming off later today. Stock Definitions Phase One maybe coming off by June but be strategic in what we add to the prioritized list understanding the workload of the other things the GMT is working on. And thank you for letting me get on my soapbox on that for a moment.

**Marc Gorelnik** [00:09:35] Thank you Lynn. Further comments? Discussion? Or we will have, certainly have discussion on any motions so I'm open to a motion at this stage. Heather Hall.

**Heather Hall** [00:09:50] Thank you Chair Gorelnik. I have a motion and I have sent it to Sandra if it's ready. Great. Thank you Sandra. I move the Council make the following changes to the GMT Workload and New Management Measure list. The list is under Agenda Item F.8.a, Revised GMT Report 1, March 2023. Add an item to the non-prioritized list to update the electronic monitoring discard species list. Add Open Access registration to the non-prioritized list. Add consideration, this, I have a change here Sandra. This consideration 'for the' use of natural bait for recreational long-leader fishery to the non-prioritized list. Thank you. Add B14-LEFG follow-on to the prioritized list and add gear marking to



this package. Remove B3, the 60-mile bank RCA lines. And B10, the Petrale Conversion Factor. That's it.

**Marc Gorelnik** [00:11:24] All right. Is the language on the screen accurate and complete?

**Heather Hall** [00:11:27] Yes, it is. Thank you.

**Marc Gorelnik** [00:11:28] And I'll look for a second? Seconded by Lynn Mattes. Please speak to your motion.

**Heather Hall** [00:11:32] Thank you. I really do appreciate the thought that goes into this exercise of looking at groundfish workload. I feel like what the GMT did through this process has really helped the Council balance this workload, which is there's always too much work to do than the time that the team has, and the Council has even, so appreciate the thought that goes in here. I'll just start with the first item. This is following on our discussion yesterday on the electronic monitoring final rule package and just noted that updating this discard species list is needed for that action. I didn't, it's on the non-prioritized list for now if that needs to change as this workload issue, workload agenda item comes up in the future I think we can do that if it's something more urgent than I've got under this motion. I heard a solid agreement for adding the Open Access Registration to the non-prioritized list. I think it would be helpful to managers moving forward. Adding consideration for the use of natural bait for the recreational long-leader fishery to the non-prioritized list. This is a recommendation from the GAP report noting that this is, natural bait might be less of an issue now that canary rockfish is rebuilt. Agenda Item B14, this is the limited entry fixed gear follow-on package. In addition to moving this to the prioritized list, I included adding gear-marking to this package. Also here I think it would be really helpful, even though I have recommended in this motion to move it to the prioritized list, that at the next time this comes up to have a scoping exercise for this, so maybe a little bit more information that would help look at the suboptions under this package and noting the priorities that were mentioned by the FEOA and Bob Alverson's testimony. And then per the GAP statement, this motion would remove B3, the 60-mile bank RCA lines, and B10, the Petrale Conversion Factor. I had one more thing I also wanted to mention in this motion. This motion does not include B9, that's the commercial sale of recreational fish waste. I was going to offer guidance on that afterward. It's not a change to the list so I didn't include it in this motion.

**Marc Gorelnik** [00:14:44] All right thanks very much for your explanation. Let's see if there are any questions for the maker of the motion? Keeley Kent.

**Keeley Kent** [00:14:51] Thank you. Thank you. Clarifying or making sure my understanding is correct under number 4. So, I think we've already had a little bit of confusion. My own was that it was not B15 but B14, the follow-on actions, that some of it is for the tier fishery and possibly one part of it the slinky pots is not just the tier fishery and so now adding in gear-marking, you know, that there's kind of two parts of it, one is inclusive of all of our limited entry fixed gear, and then parts of it are just for those that are sablefish endorsed. So, I'm assuming as part of scoping we'll have that discussion about the packaging of it and because there's different sectors involved, kind of what makes sense to pair up or group up and what makes sense on different tracks. Is that consistent?

**Heather Hall** [00:15:46] That is absolutely consistent with my thinking. Thank you.

**Marc Gorelnik** [00:15:51] Further questions for the maker of the motion? Phil Anderson.

**Phil Anderson** [00:15:55] Thanks Mr. Chair, and thanks for the motion, Heather. Relative to number 1 there, I was, I'm hoping that because.....well, let me back up. Does the suggestion coming from both

the GEMPAC as well as the GAP report was for, to request Council staff and National Marine Fisheries staff, service staff look at this in terms of what timing? Is there, or will there potentially be opportunities to piggyback this on other regulatory amendments? And also need, at least I would appreciate and to understand, you know how urgent is this? Right now we have some disparity between what's in the vessel management plans and what's in the CFR. How big of a problem is that? So what's leading to the answer of what's the urgency of taking the action. So just while it's, I'm not objecting to it being on the non-prioritized list, just a little bit better understanding it relative to the urgency of this and so that we don't put folks that are fishing under the EM program in a bad spot in terms of having these two lists that don't agree with one another.

**Marc Gorelnik** [00:17:29] Keeley.

**Keeley Kent** [00:17:32] Thank you. I can look into the issue of urgency and try to get you a response perhaps by Future Workload Planning. I don't know at this moment. I'll just note in general, you know, my understanding is that we need, we do need a Council process. I think in general any of these things on the list the Council could look for opportunities for, you know, whether or not things are paired up. I don't think, I don't see this motion as negating that possibility, but we would still need, I'm assuming, well we're talking about a regulatory amendment so at least two meetings and how that makes sense in terms of what the Council is working on we can look into, but I will ask about the urgency and, and get back to you all.

**Marc Gorelnik** [00:18:17] Any further questions for the maker of the motion or discussion on the motion? I'm looking carefully and I don't see any hands, so we'll take a vote. I'll call the question. All those in favor of this motion say 'aye'.

**Council** [00:18:39] Aye.

**Marc Gorelnik** [00:18:40] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Heather for the motion. I have a feeling that does not conclude our motions for this agenda item, so I'll look around and see if there's any further motions. Caroline McKnight.

**Caroline McKnight** [00:18:57] Thank you Mr. Chair. Sandra has a motion I think ready for me. Thank you. I move the Council add and prioritize a new workload item titled Cordell Bank and Associated Conservation Area Revision and allow National Marine Fisheries Service to revise the regulatory text as appropriate in the interim as recommended by CDF and W in Agenda Item F.8.a, Supplemental CDF and W Report 1, March 2023.

**Marc Gorelnik** [00:19:33] All right. And the language on the screen is accurate and complete?

**Caroline McKnight** [00:19:37] It is.

**Marc Gorelnik** [00:19:37] I'll look for a second? Seconded by Corey Ridings. Please speak to your motion.

**Caroline McKnight** [00:19:43] Thank you. So as indicated in our CDF and W Report, I believe that the issue to be addressed here is very straightforward. To give a little bit more background and context. In digging through the record, we show that the groundfish, excuse me the Groundfish Conservation Area was implemented as far back as 2005 or 2006, followed by the two separate EFH areas were in 2006 or 2007. So, we're talking about a, you know, approximately 18 years or so that these areas have been residing on top of one another and just were not exposed until we just took this action under F.4 to move the line from 100 into 75 fathoms. So, I would say that this Council's done an exceedingly

great job at the use of closed areas for different conservation purposes, maybe too good, as is we find ourselves now in a position where they're lying on top of one another with some regulatory duplicity and a lot of complexity. So rather than trying to take care of these in individual processes through different pathways, I think the best course here is to deal with them comprehensively and all together. And then, you know, really looking for a permanent and optimal fix in a way that provides our fishery sectors clear and concise rules and allow operations to continue without that confusion and more complexity. So, this is really just to keep the momentum going off the amazing work that was done under F.4 in our non-trawl area management package. And I guess I will also offer up here that if there is any room for or if there's a nexus or connectivity with the Office of National Marine Sanctuary proposal that is coming back to us in upcoming meetings, if there's any nexus to connect these two together I would certainly welcome that discussion and opportunity to see if that would work so, with that I'll take any questions. Thank you.

**Marc Gorelnik** [00:21:48] All right. Thank you. Let's see if there are any questions for the maker of the motion? All hands are down so I guess there are no questions. Any discussion? All right. Then I will call the question. All those in favor say 'aye'.

**Council** [00:22:04] Aye.

**Marc Gorelnik** [00:22:05] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much for the motion. Are there any other motions or is there any other guidance we want to provide? Phil Anderson followed by Heather Hall.

**Phil Anderson** [00:22:21] Thanks Mr. Chair. Just a question. In the report number 2 from the GMT, they had a recommendation that the Council staff develop a best practices document detailing the process for submitting a new management measure request for consideration by the Council. And so, my question of maybe Todd or Merrick is, have you had a chance to think about that and is that something that you could do?

**Marc Gorelnik** [00:22:53] Todd.

**Todd Phillips** [00:22:54] Through the Chair, thank you Mr. Anderson for the question. No, we have not had a chance or an opportunity at this meeting to discuss that. We did of course discuss it in the GMT but that was about as far as it's gone. Thank you.

**Marc Gorelnik** [00:23:08] Go ahead Phil.

**Phil Anderson** [00:23:11] Yeah, just I thought it was a really sound recommendation and the rationale that they provided later in the paragraph that following their suggestion so that we have a defined process for how we get those new management measures into our process and also alleviating any, well hopefully reducing or eliminating confusion on behalf of the people who might want to try to get a management measure into our process that we have a process by which to do that. So, I appreciate some further thinking about that on the part of Council staff and maybe they can provide us some feedback after they've had a chance to discuss it.

**Marc Gorelnik** [00:24:06] Yeah, I don't know if there's a COP that covers that but, well, I guess we've got to give, have to give staff an opportunity to think about it and come back to us with their thoughts after they've had that opportunity. Heather.

**Heather Hall** [00:24:20] Thank you Chair Gorelnik. This is going back to the prioritization list and the item number B9, this is the permitting commercial sale of recreational waste. And this would be

guidance that I think the EC didn't ask to prioritize this, but I heard that it would be really valuable to scope this some more and understand how this might work in areas that could and could not work for this that would help the decision on whether it could be prioritized in the future. So, I'd like to see this come back with a little bit of information maybe from the GMT the next time workload comes back up on the Council's agenda, which I think is June.

**Marc Gorelnik** [00:25:12] All right any further discussion on that? Lynne Mattes.

**Lynn Mattes** [00:25:16] Thank you. Just some of the discussion earlier when the Enforcement Consultants were giving their report, there was some discussion about this applying to other species not just groundfish. Therefore, should we think about asking for input from like the HMS, HMSMT or CPSMT or should we just start with groundfish? Thank you.

**Marc Gorelnik** [00:25:48] Well, I'll just say that it's a problem throughout the FMPs. It's an issue throughout and if there is a holistic way to look at it rather than having to look at it a number of separate times by different MTs, I'm not sure how we do that exactly but I think that makes, that would be the most efficient use of Council resources and...

**Lynn Mattes** [00:26:10] Thank you Chair Gorelnik. That's what I was trying to get at but didn't do so eloquently.

**Marc Gorelnik** [00:26:18] Keeley Kent.

**Keeley Kent** [00:26:20] I want to move on to a different subject, but perhaps Phil wants to stay on this subject so I can hold it.

**Marc Gorelnik** [00:26:27] Phil Anderson.

**Phil Anderson** [00:26:28] Well I don't know that I want to stay on the subject but.....(laughter).... Just to put it into some perspective for those of you who may not be familiar with the issue. I mean like in Westport, for example, anglers are required to bring carcasses back to the dock for inspection of rockfish, lingcod, anything that has a species restriction or length restriction. And so you can, and I just did a little back of the envelope math here, I mean we can end up with up to 4,000 carcasses being taken right outside the entrance to the harbor and dumped every day on busy days, so whether it's 3,000 or 4,000 or 2,000, there's just a lot of carcasses that get dumped and it just exacerbates our problem with sea lions that are inhabiting the marina and so if there's, this in part is, from the Port of Grays Harbor, which includes the Port of Westport, is that's the kind of issue that we're trying to address with this, is to find another way to dispose of those carcasses rather than just piling them up in a relatively small area outside the entrance to the harbor.

**Marc Gorelnik** [00:28:05] Bob Dooley.

**Bob Dooley** [00:28:08] Thank you Mr. Chairman. I agree with you, Phil, totally on that. I know in our harbor, you know, you have the cleaning station. We have the tallow truck that comes down and picks up the commercial waste but can't pick up the recreational waste because you can't do that. So, it is a problem, all the problems you delineated, but I also would say we need to be more inclusive. This should not just apply to groundfish because if we don't, we're going to be making it more confusing and having to sort the barrel of discarded or of waste and this needs to be covered in a holistic manner.

**Marc Gorelnik** [00:28:51] And I can't imagine how many tons of HMS carcasses and you know other unusable fish parts just in San Diego or in Southern California so... Butch Smith.

**Butch Smith** [00:29:09] Thank you Mr. Chair, and I agree with the comments that were both by the predecessors that talked before me but, you know, we're in a, a recycled world now and it just seems a shame that we're missing a part of the fish that can be turned into fish food or fishmeal or something, fertilizer that can be, you know, go back and be reused and, you know, rather than seeing these carcasses just go to the landfill for no reason at all. I mean, there's obviously bugs that'll have to be worked out but, you know, we got a most awesome sauce enforcement crew back there that with us all we'll figure it out and then, but I think this is one of those things that we could do and should do if we want to put our minds to it and I'm supportive, so thank you Mr. Chair.

**Marc Gorelnik** [00:30:03] All right. I think the sentiment of the Council's pretty clear on that, on that item. Any further guidance? Motions? Discussion? Keeley Kent and then followed by Vice-Chair Hassemer.

**Keeley Kent** [00:30:16] Thank you. So, as we noted in our NMFS report, we are asking whether the Council is okay with the SSC and the GMT doing a review of the methodology we've developed for at least looking at the commercial side of Federal versus state fishing activity and so we'd be interested if there's any feedback on that. Thanks.

**Marc Gorelnik** [00:30:38] All right let's, do we have any feedback on that? Lynn Mattes.

**Lynn Mattes** [00:30:45] Thank you. I'm getting pinged from the folks behind me not fully understanding what that is going to involve so just unsure about how to move forward. I don't know if you have any more guidance on what all that might involve and that may help us with this discussion.

**Keeley Kent** [00:31:01] Thank you. So, the methodology has been developed. It's a couple page report and I would certainly look to Council staff as to how to do that, whether or not a quote unquote desk review is appropriate or whether or not it should be an agenda item at a future meeting, and I did not give a heads-up to Council staff about that so I don't know if they have an answer, but it's not a very long methodology and I think there would be flexibility from our perspective of how we could engage the SSC and GMT but would certainly look to Council staff to help direct that as well.

**Lynn Mattes** [00:31:37] A follow-up if I may. And what do you see as the timing for this potential workshop or when this would be coming back in front of the Council? Thank you.

**Keeley Kent** [00:31:48] Thanks for the question. We see, and again acknowledging this is only one part because we've only looked at commercial at this point, but we see the phase two of stock definitions as needing to really delve into, you know stocks and whether or not they're predominantly in Federal waters, so this is the type of methodology that would help inform that. I would look to the Council as to whether or not you would want that information in hand before the first meeting on phase two or whether it's something that, you know, you do scoping of phase two to kind of determine what sort of process and then you make that determination. We again are flexible. It is ready and so it could be at any time, but if the Council has specific feedback on, you know, if timing is important to you all we can certainly come forward whenever that makes sense.

**Lynn Mattes** [00:32:41] Thank you for those clarifications.

**Marc Gorelnik** [00:32:45] Heather Hall.

**Heather Hall** [00:32:48] Thank you, and thank you for bringing that up, Keeley. I guess in thinking about phase two and we've talked about it this morning, I think it's going to be more complex than phase

one and so in terms of getting eyes on the methodology I think the sooner the better. So, I'll leave it at that. Thank you.

**Marc Gorelnik** [00:33:16] Caroline.

**Caroline McKnight** [00:33:17] Thank you Mr. Chairman. I'm going to agree Keeley that I think that with Heather that I think that taking a look at the methodology first with GMT input would be valuable. It seems that it's taken iterative meetings to really wrap our minds around how we're proceeding with this so the more we can look at it and the more often the better off I think we all are. So, thank you.

**Marc Gorelnik** [00:33:49] Before we leave that topic, I want to make sure that the Council's provided any... oh, Todd Phillips.

**Todd Phillips** [00:33:57] Yes, thank you Mr. Chair. So as the staff for the GMT, or Staff Officer for the GMT, the question that I would pose to the Council is some definitive deadlines or something where the team could know when they had to have the review done and in what form? Would it be a formal review where it would be a publicized webinar or meeting of some sort like that, or if it could be informal and those comments could be passed on to the agency as appropriate. Thank you.

**Marc Gorelnik** [00:34:30] Lynn.

**Lynn Mattes** [00:34:32] Thank you Todd. To my thinking we would want to have at least some initial feedback on that when we start the sort of pre-scoping in that is tentatively planned for November or that we'll be talking about planning for November. I know it's a busy time for the GMT but maybe use that as a goalpost to aim for is some sort of feedback or at least review if there's any big red flags by the time we come back to this in November likely.

**Marc Gorelnik** [00:35:02] That timing? Caroline.

**Caroline McKnight** [00:35:08] Thank you Mr. Chairman. Thanks Lynn. I think you and I were channeling the same thought that perhaps September might be the first opportunity for the GMT to take a look and have discussion. I guess I don't have a strong opinion whether that needs to be a formal webinar or a formal report, but it gives them the opportunity to start there, they're scoping and thoughtful consideration and input before November, so if that's helpful? Thank you.

**Marc Gorelnik** [00:35:36] All right, so Todd captured that?

**Todd Phillips** [00:35:39] Yes, I did. Thank you Mr. Chair.

**Marc Gorelnik** [00:35:42] All right, great. Vice-Chair Hassemer.

**Pete Hassemer** [00:35:44] Thank you Mr. Chair. Certainly not a motion to move anything to the prioritized list, but I guess it's on the EFP. We have the trawl EFP and it contains the selective flatfish trawl and the time area management that after we leave here my understanding is the Council staff and NMFS will get together and talk about the priorities and the things on the list, and part of that discussion includes work under those EFPs and how that moves forward. I think it's premature, you know, understanding that NMFS is working on the genetic samples so really don't know what to do with that piece of it. If it's a fish in for the analysis. If there needs to be some modeling, it was brought up. Do you attack this on the individual pieces, the selective flatfish trawl and the time area management how you break it out, and that might benefit from some GAP and GMT discussion. So it just seems that it's not prioritizing the trawl action but really looking at this as I look at the items on the B list, there are a

lot of things that yet we really want to do that and the work done under an EFP before the information becomes stale that we really figure out what are the next steps on that so we could come with a plan and at least have that on our radar screen. So, some discussions there about how to move forward on this and what that might take so it could help to inform a further discussion. Thanks.

**Marc Gorelnik** [00:37:49] I'm not seeing any hands, any response to Vice-Chair Hassemer's comment so I'm assuming those concerns are shared. Caroline McKnight.

**Caroline McKnight** [00:38:00] Thank you Mr. Chairman. Thank you for the comments. Unless I misunderstood, I heard Keeley say that the salmon information might be available sooner rather than later, and if that does indeed happen, we might get a report in the next 1 to 2 meetings possibly and that could lead to some additional discussion on how to proceed. I think given we don't know if the information's going to tell us that we have enough or we need to do some modeling certainly plays a vital role in the time it would take to advance something from an EFP under regulation. So, I think until we have that information it's hard to comment beyond that, but I think I understand the position that you're offering. Thank you.

**Marc Gorelnik** [00:38:55] Thanks for that clarification, Caroline. So, is there anything further on this agenda item? Any further guidance, comments, discussion? All right. Todd Phillips, how we doing?

**Todd Phillips** [00:39:11] Thank you Mr. Chair. So as the Council will recall there were a number of motions, there were two motions offered that both removed items, added items, and prioritized a few items. The guidance that was issued for us to get to work on would be a best practices document of some sort for that would relate to this agenda item. Obviously B9, which would be to scope it a little bit more to understand the issues. I would understand that B9 is, of course, the keeping of or retention of or for sale rather of discarded carcasses, that sort of thing, but it would all, at least for the groundfish side of things, that would only be limited to groundfish as opposed to other species and that the Council would task the other advisory bodies, appropriate advisory bodies to do the halibut or salmon, that sort of thing. Also, guidance and understanding regarding the state versus Federal waters methodology that at least by September that there should be some sort of scoping done by the GMT to understand that process. And I believe that is what I heard Mr. Chair.

**Marc Gorelnik** [00:40:26] All right, let me look around the table to make sure that everyone agrees with Todd's summary. All right. Thank you very much, Todd. Thank you, Council, for work on that agenda item.

## 9. Inseason Adjustments – Final Action

No transcription for this agenda item.



## **G. Administrative Matters**

### 1. United States Coast Guard (USCG) Annual Report

No transcription for this agenda item.

## 2. Report of the Office of National Marine Sanctuaries (ONMS)

**Brad Pettinger** [00:00:00] That will take us to public comment and I don't think we have, yeah, any sign-ups so I'll open the floor for Council discussion. Chair Gorelnik.

**Marc Gorelnik** [00:00:11] Thank you very much Vice-Chair. I want again thank the Sanctuaries for coming here and it's having this dialogue, having this communication. It does nothing but help the relationship and our cooperation towards a common goal. I guess I would be interested if the balance of our Council isn't learning if the sanctuaries have any ability to ally with us in our efforts to protect Pacific salmon. I took a quick look at the regulations, and nothing really jumped out at me but obviously I'm not an expert there, so I would like to see our Council and the Sanctuaries put our heads together and see if there's anything there. I think that Mr. Douros made mention that with regard to the wind turb plant, wind turbine locations, that the sanctuary waters were 80 miles downstream and may not be directly affected. I am not going to get into the wind power discussion, but that is a suggestion that if there is an impact upstream, so to speak, that does have an impact on sanctuary resources then maybe there's something there, but obviously that's, we're not going to have that discussion here and now, but I would like to see that happen.

**Brad Pettinger** [00:01:38] Thank you Chair Gorelnik. Anyone else? Virgil Moore.

**Virgil Moore** [00:01:46] So Mr. Vice-Chairman and Mr. Chairman to continue that discussion. I'll just express my concern. Certainly, we're all looking for allies on salmon, especially those of us who live way upstream as the State of Idaho and many of the tribes do, and at the same time I'm concerned about this trying to find a nexus that might give another authority, authority over something out there, and I'll give the example to the extreme. Climate change is a likely threat to sanctuaries and their function as it progresses forward. Ultimately, our solution to climate change is reduction of carbon. Therefore, you could make this jump that they need wind turbines on sanctuaries to reduce the carbon footprint such that the sanctuary purpose can continue. It's a, that's a weird logic but I think we've got to be very cautious about how we ask for alliances in our desires to achieve the goals that we have as an authority ourselves, and think that all the way through in terms of, well, if we do that does that mean that they have authority over fishing in the sanctuaries? Have we ceded that in this attempt to get that argument through? And I'm very concerned about that. It's a constant discussion we have in Idaho with the mix of entities, authorities over our species and from both the land management and species designation within the state and the responsibilities we have with the tribes as well. So, I just bring that forward so that we can keep that in the back of our minds. I want strongly worded letters too, don't get me wrong, but I want to be sure we word them correctly as we move forward on this issue. Thank you.

**Brad Pettinger** [00:03:56] Thank you Virgil. Great point. Butch Smith.

**Butch Smith** [00:04:00] Yeah, and I completely respect Councilman Moore's statement. I do understand, I do understand that. Sometimes too many fingers in the pie has a negative effect. But I don't think it would hurt just to talk and see if there is some common ground on certain issues. I don't think that would hurt at all and I think it would be a good discussion to find out on complicated issues but more of the simpler ones that simply could be helped in time of need of severe drought and, you know, severely written letters from maybe, you know, another party to help make sure the water laws, the shared laws with salmon are followed. Just simple things like that I think is worth a discussion not, not any farther than that until we to just kind of a scoping, brainstorming kind of a meeting. That's how I see it, but I completely understand Mr. Moore's concerns. Thank you.

**Brad Pettinger** [00:05:10] Thank you Butch. Anyone else? Chair Gorelnik.

**Marc Gorelnik** [00:05:13] Thanks, and Virgil I completely get your point, but I also point out I think that the Bureau of Reclamation probably feels that our letters about their operations that we're getting out of our lane even though those are designat... you know we're talking about impacts that are in designated essential fish habitat areas. So, it's not a black and white issue, it's a gray issue and I think as Butch Smith said, it's at this point let's see where we are and what we can do and then we can decide what to do.

**Brad Pettinger** [00:05:48] Okay. Okay. Anyone else? All right, Kerry, how are we doing here?

**Kerry Griffin** [00:05:59] Thank you Mr. Vice-Chair. I think you're doing pretty well. Just a couple of things that I took from this presentation and the discussion. One is that we can look forward to the Chumash designation documents and management plan and regulations being made public sometime in the not too distant future. Mr. Douros highlighted and emphasized the fact that they will do everything that they can reasonably to make sure that overlaps with one of our Council meetings and gives us an adequate time to craft a meaningful response, so that's more of a radar screen thing. The other item out there is this notice of intent for the Olympic Coast Sanctuary. The Council could submit comments if you wanted to. You heard a couple of comments from the advisory bodies, the GAP, and the HMSAS. There was no strong recommendation to submit comments. And just to clarify, this is at the scoping stage so when the sanctuary gets to the point of develop any possible new regulations, those would obviously be out for public comment and so we'd have more opportunities to delve into that, but just wanted to flag that and make sure that the Council has considered whether you want to submit something or not. And again, there was, there's no firm recommendation to do that, but those are the two things that I noted. Other than that, I think that, you know, if you don't want to pursue that then I think you could be done.

**Brad Pettinger** [00:07:40] Okay, do we... I think we're good here so.

**Kerry Griffin** [00:07:45] Okay.

**Brad Pettinger** [00:07:46] Thank you. And with that I will pass the gavel back to Chair Gorelnik.

### 3. Marine Planning

**Pete Hassemer** [00:00:00] That will conclude our public comment and is going to take us to our Council discussion and action. Before we get to that two things I would like to mention. The second one of those is before we get to the discussion, I will ask our Staff Officer Kerry Griffin to just give us a summary of what we heard and some of the recommendations, but before doing that we have invited BOEM to participate. They've been online. They've been remote with us to help us and provide any information and ask questions. And so, to give them an opportunity to respond maybe I'll just kick that off with one question. We have heard a lot today about, a lot of comments about asking BOEM to rescind the Call Areas to restart the process, and so maybe a very simple question is what does that mean to BOEM? How might they respond to that? So, I will open the floor to one of our BOEM participants here if they want to say anything about that.

**Lisa Gilbane** [00:01:14] Hello, this is Lisa Gilbane. Can you hear me?

**Pete Hassemer** [00:01:17] Yes, we can. Please go ahead.

**Lisa Gilbane** [00:01:20] Wonderful. Well, thank you Chair, Vice-Chair, and Council members for giving me this opportunity. I hope it's helpful for your deliberations. I want to thank everyone for this opportunity, and I do agree with the commenters on the importance of the Pacific Fisheries Management Council engagement and the commitment I've seen, and also with NMFS and ODF and W using their expertise to inform and improve our process in Oregon. So, regarding the conversation about rescinding the Call Area in Oregon, I want to remind the Council that BOEM's charge is not to avoid fishing conflicts in Oregon. So, our charge is to create a balance and to balance those fishing impacts and other natural resources and human resources with the planning and development of offshore wind. So nationally offshore wind has to be a part of responding to the climate crisis. This has been a directive from our White House and President and also from Oregon's three gigawatt planning target. So offshore wind is a part of the climate solution and Oregon has the best wind in the whole United States, so it is natural that we'd be coming to Oregon and looking at planning for offshore wind in Oregon. So, with those state and Presidential and laws and regulations that BOEM works under, and I liked the comment about the Outer Continental Shelf Land Act, it is different. It's an old one. So BOEM is showing its commitment to a transparent and public process in Oregon, and we've shown it in two ways. One, we spent a year doing outreach with the State of Oregon and doing data collection prior to issuing a call. That was a new step. We didn't have to do but Oregon, the state wanted it and we did a robust process that year. And then secondly, we will be issuing a draft Wind Energy Area, so that's another new step and this has a comment period. So, I can commit that we are going to be working with the Council as we have on every other step and making sure we get your input. And I would like to argue that we need this step, so the NOAA tool is really important. This is the first time we're introducing and using this tool together and it's, I think, it's already shown to be an important tool, but it is just....it can't be the whole picture. So, it doesn't incorporate tribal concerns. It doesn't incorporate non-spatial information and missing data, so we need this comment process, this comment period and incorporation of the whole picture in order to really understand what we're doing, and we're almost there yet. So BOEM to this date has not made any decisions. We don't know where wind is going to be, offshore wind facilities are going to be. We don't know what they're going to look like so it's premature to make conclusions about the effectiveness of this process right now. So, consider waiting at least till June, because in June you're going to get a fuller picture. You're going to get the non-spatial information. You're going to have more opportunity to really understand NOAA's tool in the context of the fuller ocean environment. So, thanks for the opportunity. I really appreciate getting to listen today and getting to say a couple remarks. Thanks.

**Pete Hassemer** [00:04:54] All right. Thank you. I want to make sure I remind you first we're not in Council discussion yet, but if you do have any questions for clarification from BOEM that the answer would help to inform your process here, I'll look for those now and Vice-Chair Pettinger I see you have your hand up.

**Brad Pettinger** [00:05:16] Yeah, about... I'm kind of curious you say you don't know where offshore wind's going to be off of Oregon or, I mean you got some Call Areas. Are you put some new Call Areas out there? I mean, what do you mean by you don't know where offshore wind's going to be off of Oregon.

**Lisa Gilbane** [00:05:33] Sure. I guess to say there's been, there hasn't been any decision, right? There's no irrevocable, irreversible decision. Yes, the Call Area is a call for nominations and information and that is what we've been doing and that is where we're trying to focus in and get more information and more understanding about, and we started with the whole Oregon coast and now we're moving into these two explicit areas. So that's all I meant.

**Brad Pettinger** [00:06:04] Okay. Thank you.

**Pete Hassemer** [00:06:05] Okay. Thank you. I have two hands here. Dr. Braby followed by Corey Ridings.

**Caren Braby** [00:06:15] Thank you. And thanks Lisa for joining the conversation and appreciate you making yourself available. I have a question about the criteria and we as a Council are familiar with the trifecta, if you will, of avoid, minimize, and mitigate, and you made a very specific point of saying that avoid is not part of the criteria for BOEM and you use the word balance instead and I wanted to ask a little bit more from you about what that means and whether there's, you know, does that stem from OCSLA or some other statute or is it a general approach?

**Lisa Gilbane** [00:07:02] Sure. Yeah. No, well to try to put it in... we come up with this from OCSLA. So, the Outer Continental Shelf Lands Act, it just gives us this dual mission and the mission is to plan and develop for offshore energy but to do it in an environmental responsible way. So that's, you know, and NOAA has dual missions too, but this is ours, and so I was just trying to get at that kind of nuance. That is different than the stated law of the essential fish habitat.

**Pete Hassemer** [00:07:40] Okay, thank you. Corey Ridings. Corey will be followed by Corey Niles. So Corey Ridings, go ahead.

**Corey Ridings** [00:07:47] Thanks Mr. Vice-Chair. Thanks, Miss Gilbane, for coming to us and providing this information. You mentioned the type of data that is needed, and you said that what we're looking at doesn't incorporate tribal and doesn't non-spatial data. Can you talk a little bit more about what you mean by non-spatial data?

**Lisa Gilbane** [00:08:09] Well, and I do love spatial data so don't get me wrong. It's really important and useful, but I trying to get at that, you know, through our comment processes that there are concerns, there are uses and uses of the ocean that are hard to map, either because of the limitations of our data or just because of the nature of our, of the use, right? So, I guess that's what I'm trying to say is you can't have a nice clean map of every, of every kind of resource in every way that the ocean is important to folks. And so, I think that the, sorry just to add, I'm hopeful that the comment process for the draft Wind Energy Areas will be in a kind of opportunity to get that qualitative or, you know, just kind of richer understanding beyond a map.

**Pete Hassemer** [00:09:10] Thank you. Corey Niles.

**Corey Niles** [00:09:14] Thanks Mr. Vice-Chair, and thanks Lisa. This is maybe following up with Caren's question and may be unfair to ask you to respond, but I appreciate the forthrightness of your answer so far, but I guess this, I guess I don't see the Magnuson Act and OCSLA being all that different and NEPA's certainly the same overarching on both of them and applied in very different ways between how we do it here and how you do it, but in terms of this balancing and how much weight to give to fishing, I just, we've noticed that, you know, the Congressional Declaration of Policy in OCSLA says very clearly that the right to fishing shall not be affected. And I guess my point, where do you all have a written? I know there were solicitors opinions from the Department of Interior, probably getting the name of that office quite wrong but, you know, one was issued and rescinded, a new one rescinded, but is that where you're getting your interpretation of how much balance your agency is meant to give to fishing and, yeah, thoughts on how that, how it connects to that Congressional Declaration of Policy. Yeah, just articulating thoughts we've been having for these, you know, years, months and I hadn't, you know, Caren's question brought it back up and if you had a response, it would be appreciated.

**Lisa Gilbane** [00:10:39] Yeah, thanks Corey. I personally, I'm not ready to respond on the congressional directive that you're mentioning, but I will, you know, try to do my research and talk to you about it more. I guess I'm trying to get at the flavor that, you know, fishing is clearly important, important in Oregon but there are other and, the... and... there are other needs and uses that people want to have with the ocean and it's BOEM's charge to work with all of them and find and minimize conflicts definitely and try to work through our process to do this. So, but it was a general high level comment but I can work with you more offline to try to figure out to get to the root of the legal part that you're talking about.

**Corey Niles** [00:11:36] Appreciate that. Thank you.

**Lisa Gilbane** [00:11:38] Sure.

**Pete Hassemer** [00:11:39] Thank you. Question from Butch Smith.

**Butch Smith** [00:11:42] Yes, thank you for.....thank you Mr. Vice-Chair. I have a question. Time and time again including today we get the testimony from the public that BOEM was able to get, essentially get the cart before the horse and not do an EIS to make sure, to look at all the booby traps first and kind of, you know, go through this process without looking at all the angles first like most, most big projects have to do. And so, I was just wondering, do you have a comment to those people that keep bringing that question up on a pretty regular basis? And thank you.

**Lisa Gilbane** [00:12:26] Sure, I'll try. You know and I have answered that question a bunch of times and, you know, that I think it's not the answer people want ultimately, but that the reason, this is how BOEM is set up with the regulations and the idea is to consider the information in terms of the consultations and NEPA reviews when it is ripe and not speculative and so determined that at this stage and then even through the leasing stage there are only certain activities that are reasonably foreseeable. And then once we get the construction and operation plan, then we have the specifics in terms of the technology, the location, the how it's going to be built out, where, and those are the detail, the level of detail needed to then conduct the Environmental Impact Statement and kind of the consultations. So that gets at, that's how the steps to where we are, where we got there. And then I'll also note that in our Environmental Impact Statements we have a robust discussion about cumulative effects, so not only this particular project that is under consideration, but in the context of the nearby projects at the same time and general location. So that will and has been part of the EIS's and consultations to date and gets at the cumulative piece when we have the info to just talk about things in a way that is real, and we can

predict what the impacts could be so that we can mitigate for them appropriately.

**Pete Hassemer** [00:14:18] Okay. Thank you. I'll scan the room once more for any other questions and I am not seeing any so, Lisa, I want to thank you and all the members of BOEM for sticking with us, being here and being able to answer those questions to help our discussion.

**Lisa Gilbane** [00:14:37] Yeah, just one more thanks and thank you so much for this opportunity and for the discussion today. It's very helpful and really a great chance so... thank you.

**Pete Hassemer** [00:14:49] All right, thank you. So, with that we're going to move into our Council discussion and action and I'm going to ask Kerry to, since we've had a lot of reports and we heard a lot of different recommendations and guidance, to maybe summarize that then and help start our discussion. Kerry.

**Kerry Griffin** [00:15:10] Thank you Mr. Vice-Chair. Yes, we have heard a lot of information and a lot of advanced and supplemental reports from your advisory bodies and public comment, so I'll do my best to sort of try to synthesize a few of the seminal issues that I heard throughout the day. This doesn't necessarily mean it's, you know, would totally encompass what you might want to consider during action, but at least these are the items that I've heard as sort of, you know, more salient for your consideration. One, and in no particular order here, one is the potential comment letter on the proposed rule from BOEM, the Renewable Energy Modernization Act. There's a supplemental report from the MPC that lays out four areas that they recommend commenting on, and that comment period closes 3/31. And then in the MPC Report 1 there's a series of bullet points and the MPC recommends that the Council consider those and convey those to BOEM. So that is, you know, that's the only firm recommendation that's in the MPC report. I don't know how that might happen, through a letter or just attach that report or whatever, but that is, that was the recommendation from the MPC. We've heard from several advisory bodies and through public comment this request that BOEM rescind the Oregon Call Areas and basically start over and potentially expand the scope beyond thirteen hundred meters. And the HMSAS mentioned this notion of sort of buffer zones and distance from shore and islands and things like that, so that's in there. Regarding draft WEAs, which BOEM has not done in the past, so the draft WEAs would be a new thing. The Habitat Committee report identified a potential sort of constriction if it's only a 30 day comment period they were concerned that we might not be able to, you know, sort of huddle and produce some cohesive, meaningful response within that short of a time. And then the last thing is regarding continued engagement with the West Coast Ocean Alliance. You heard John Hansen talk about their plans, their staffing up. He mentioned the strategic plan they're working on and regional ocean summits and that sort of thing and there was no specific recommendation or anything in there, but he obviously is willing and pleased to engage with the Council, so future engagement with the West Coast Oceans Alliance was something else that you might want to consider. So those were the five sort of areas that I identified and there might be more that I missed, but hopefully that will be enough to sort of frame and kick off your discussion here.

**Pete Hassemer** [00:18:19] Thanks very much Kerry. So, I'm going to scan around here for any hands to start the discussion and I see one waving. Dr. Braby.

**Caren Braby** [00:18:27] Clarification question. I think I missed number four. Can you help me out?

**Kerry Griffin** [00:18:34] The fourth one was the draft WEAs and with the comment period BOEM has said that it would be 30 days and there was concern voiced in the HC report that we might not be able to respond in time.

**Pete Hassemer** [00:18:53] All right. With a little time, people are jotting down some notes. Christa Svensson.

**Christa Svensson** [00:19:02] Yeah, thank you Mr. Vice-Chair. I guess I'll, I'll pick at that marine planning comment about quick response letters should we move that direction and I haven't had the conversation with everybody on the floor about that, but just wondering if that is a justifiable concern or not from Council staff or the Executive Director?

**Pete Hassemer** [00:19:29] Kerry.

**Kerry Griffin** [00:19:30] Yeah, I'm sorry you asked about quick response letters. I didn't quite understand what exactly you're asking?

**Christa Svensson** [00:19:35] Certainly. So the question came up through the marine planning, I believe it was marine planning. There have been an awful lot of reports today about the timeline of December 31st and just wanting to confirm if we send a quick response letter of any kind, if we would have time before that comment period ended to make that happen?

**Kerry Griffin** [00:19:57] Thank you. I appreciate that. Yes, technically we would have time, but I think what you heard from Mike Conroy and as part of the MPC report is that the hope was that there was enough text and enough sort of conceptual, you know, information in the supplemental report that one option you could do was, would be to say, 'okay we have enough information here Executive Director, Kerry Griffin please just go send off this letter' but, yeah, we could do, I mean, you guys actually have another quick response letter that may be even a shorter timeframe than that so, yes, we could do it, I guess. We also have a, you know another briefing book coming up that we're going to be putting together so time is of the essence but, yeah, I mean technically we could do it in time.

**Christa Svensson** [00:20:46] All right. Thank you. And my apologies if I said December instead of March.

**Pete Hassemer** [00:20:54] All right. Further hands for discussion? Phil Anderson and then Joe Oatman.

**Phil Anderson** [00:21:02] Well, on that topic I thought there was also another alternative was that we were provided enough information in report one or two that those, the key points that would be made in a letter were represented in that report and if we felt comfortable with that and comfortable with directing staff to take those, put it in a letter and send it that we wouldn't necessarily have to use our QR process. So, you know there is that option as well relative to that letter.

**Pete Hassemer** [00:21:46] Yes, thank you Phil. And that's what I heard and that's where we're looking for Council guidance, whether you want us to go down the pathway of the QR or the pathway suggested of the Executive Director and staff developing that and being reviewed by the leadership team before going out, so that's on your plate to provide some guidance. Joe.

**Joe Oatman** [00:22:14] Thank you Mr. Vice-Chair. We didn't have any specific, you know tribal reports on this item, but there are some concerns that the tribes have, and I thought I might take this opportunity under discussion to share those with the Council. So, from the tribal perspective, you know, offshore wind has the potential to cause real world impacts to the food, the well-being and economy of those tribes of this Council that has federally recognized fishing rights. So, while all the tribes haven't agreed on a position on offshore wind, those who have regularly participated here have expressed some concerns about the process, as well as the impacts that offshore wind will have on the ecosystem, the fish, and tribal fisheries. At previous Council meetings the Makah Tribe and the Quinault Indian Nation



have expressed their concerns that the process of identifying and leasing Wind Energy Areas is moving much too quickly and that tribal concerns are not being given the due consideration that they deserve. From their perspective many potential negative impacts on the California Current ecosystem and the aquatic resources on which they depend have not been adequately identified or addressed by BOEM. They are very concerned that the cumulative impact of Wind Energy Areas in California, Oregon and Washington, and that the area specific environmental assessments will be inadequate to protect tribal treaty fishing rights. Of particular concern is the potential cumulative impacts on oceanographic processes in the California Current Ecosystem and resources, including upwelling, impacts on migratory stocks of treaty fish and impacts on marine mammals, and displacement of existing fisheries that could impact their fisheries. They've also expressed some concerns on the wind Call Areas that were being put forward as they appeared to repurpose old oil and gas lease areas and thus would not have gone through a proper evaluation of the potential impacts on other ocean areas. They do support the Marine Planning Committee as well as the Coastal Pelagic Advisory Subpanel comments on the spatial model regarding the need for inclusion of additional data, having greater clarity in how this data was analyzed and the need for greater public review. Further, they ask that the model be extended to cover the entire West Coast to ensure that the offshore wind planning proceeds in a consistent and transparent manner. So as tribes, you know, as we think about clean energy, you know, it's something that is very much useful in many respects so we certainly don't discount that, but from some of the experiences that we have had in the Columbia River on clean, renewable energy in a form of hydroelectric dams along the Columbia and Snake Rivers, you know, that experience hasn't been good. These dams have had a negative impact on Columbia salmon and steelhead and the treaty tribes that rely upon these vital resources. We have concerns that offshore wind will be another example of clean energy that has some pretty dirty impacts on treaty fisheries and fishing dependent communities. The tribes want to avoid those negative adverse kind of impacts. It's important, you know, to kind of keep in front that, you know, tribes have signed treaties with the United States government. The Department of Interior and BOEM has specific obligations as both a party to the various treaties and as a trustee for a treaty reserve resources that they are to ensure that the United States honors its commitments to those treaties in all aspects of its work, including offshore wind. So, tribes such as the Makah and Quinault among likely others, are supportive of requiring BOEM to go through the correct procedures for government-to-government consultations, you know, if and when those are necessary, which has been missing so far in this process. So BOEM has not adequately addressed potential treaty fishery or other resource impacts that may occur to migrating species from these projects and sites. And so will be important from our perspective that BOEM be responsive to the commitments it has to tribes. I appreciate, you know the opportunity to be able to share these specific tribal concerns as those relate to the offshore wind.

**Pete Hassemer** [00:27:56] Thank you Joe. Further comments or discussion here? Butch Smith.

**Butch Smith** [00:28:05] Thank you Mr. Vice Chair. I really want to take this, a few minutes here to take the time and point out something that I have seen that doesn't always happen at this Council process and I think for the record needs to be stated for this. You don't often see, you know, the NGO groups, the fishing groups, Audubon Society, the tribes all coming together and pushing the exact same way on a topic, and to have that I think it makes volumes in a statement just that and I think it's pretty impressive how the, those whole communities have come together to testify today and other days and I appreciate Mr. Shester and the coastal communities and the tribes, like Mr. Oatman pointed out, and I'm sure it's, you stated to but I am sure it's more also, so I just want to thank them for coming and taking the time but I think it's like I said, I think it speaks volumes for how many people are worried and concerned about this project. It's been described to me like ESA on steroids, you know, what it could do to have an effect on communities of where we come from on the coast. So, thank you very much Mr. Vice-Chair.

**Pete Hassemer** [00:29:25] Thank you Butch. Phil Anderson.

**Phil Anderson** [00:00:00] Thanks Mr. Vice-Chair. I was trying to figure out the right time to make these comments, but I guess I'll choose this moment. I had the opportunity in my younger years to meet Senator Stevens and Senator Magnuson a couple of years after the Fishery Management and Conservation Act passed Congress in 1976. I'll digress from my statement for a moment, but I remember the one time I got to go and sit in front of Senator Magnuson in his office he had a red bat. It was about that long he had gotten from the Cincinnati Reds, and every time he wanted to make a point, he'd pick that bat up and kind of bang it on the desk. And I, you know, I thought I was sitting in front of God but maybe I was... I don't know. But those two, among others, Senator Inouye, I thought they really had a lot of foresight in terms of what was needed, in terms of laws of the United States to govern how we manage our fisheries. I believe they saw the need to either remove or manage or both the foreign fishing fleets that were operating within our EEZ at that point in time, and there were a lot of them. They recognized that a sound science-based management system of the living marine resources in the EEZ was the only way to ensure healthy fish stocks and a healthy fishing industry into the future. And they had the wisdom to recognize that a regionally based management system would serve the best interests of the fish and the fishing industry. What I'm trying to figure out where I, where I want to stand on a particular issue? I often reflect back to the oath that I took when I assumed the role of a Council member, and I won't bore you with the whole thing but there are a couple of pieces of it that are particularly pertinent from my perspective. One is that you hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the Council for the greatest overall benefit of the nation. Another is you're to be careful to balance competing and private and regional interests and always aware and protective of the public interest in those resources. And the last segment that I would, I reflect on in this kind of a situation is that I committed myself to uphold the provision, standards and requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law. When the potential of the placement of large industrial wind energy projects first appeared, I remember saying that it, that I thought it represented the single greatest threat to the West Coast fishing industry that I'd ever seen, and I still believe that. So, I've contemplated what is the role of the Council in this issue? Is it to stand by and respond to informational requests from BOEM? Is it to hope that they have the good sense to place Call Areas where there is no or minimal interaction with the fishing fleet? Is it to point out the impacts, the placement of large numbers of wind platforms will have on our ability to conduct stock assessments and hope that they care? Or is it to be sure that the collective voices from the Council family, including science, policy, and our stakeholders and constituents, are heard as loud and as forceful as we possibly can when we see a mistake being made that will have irreversible and devastating impacts on our fisheries resources and our fishing industry and communities. I say yes to the latter. While we don't know all of the adverse impacts that will take place if the Call Areas off Oregon were largely covered with wind platforms to the environment, to the seabirds, to upwelling, to collection of science data and other concerns, it's now clear that it would have a devastating impact to the fishing industry and the coastal communities of Oregon and other states as well. It's time to make our voice heard and do our part to reverse and reset the course of wind energy development off the Oregon Coast. Thanks.

**Pete Hassemer** [00:05:24] Thank you Phil. Further comments or discussion? Dr. Braby.

**Caren Braby** [00:05:37] Thank you Mr. Vice Chair. I always hate going after Phil... (laughter) ... I can't top that. I can add a couple of additional thoughts, enhancing thoughts. I wholeheartedly agree in that last point that a very important role for the Council is to ensure that the voices of our broad stakeholders in the Council family are heard loud and clear in this process, and it was with that goal in mind that we built the Marine Planning Committee. That was the primary purpose of that committee. And we are coming up on two years of that committee being in place, it's an ad hoc committee just as a reminder. I am very grateful to the Council for developing that committee and to the committee

members for doing a lot of work and bringing a lot of information to us, so much so that sometimes we are completely overwhelmed and go long on our Council agenda items, which we are today. However, this work is very important because of the reasons that we've heard about in public testimony today, the decadal scale choice that we have ahead of us in what happens with our ocean and none of us want to get that wrong, and I include everybody who's been part of this process today and in the past. I want to thank BOEM for changes that they have made to their process already, in part to requests from Oregon, in part due to requests from this Council that is giving us additional time to have these discussions and build input and engagement into this process. It does not go unnoticed by me and so I think what we have before us today is another request of BOEM to think about modifications to their process that are within their authority under OCSLA to give us some additional time and tools. The end cost suitability modeling that I was able to help present today is a non-standard tool and we spent a lot of time and effort doing that and I'm grateful that we had that opportunity. I think it can be done better, particularly if it went statewide, and so it's those kinds of potential kind of creating the path before us. No one else has traveled this path that we're traveling. We need to create that path with BOEM that we need to figure out today and in future months. So I find myself in a position today where I am in two worlds, one is the world of the State of Oregon, and the other is in the world of the Council and wind energy is being implemented within State boundaries, not by the Council and what I mean by that is that the Governor of Oregon has a relationship with BOEM to work on offshore energy and I am very emphatic that I want to share my opinion here today, but I find that I am not likely to join any vote that occurs around this table today, and I want to make sure that everyone knows that I haven't changed my mind about comments I've made prior, but I think that there is a role for the Council in giving voice to those fishing voices. The state already has a relationship and has a voice with BOEM and so I just wanted to bring that up if the Council goes to a vote that that's in your minds as it is in mine. And I'll stop there.

**Pete Hassemer** [00:10:28] Thank you Dr. Braby. I'll look this way. Christa Svensson.

**Christa Svensson** [00:10:36] Yeah, thank you Mr. Vice-Chair. I have appreciated all of the discussion so far, and I certainly do not mean to cut it off but if there is no other, I do have a motion I'm prepared to bring forward.

**Pete Hassemer** [00:10:50] A motion can always stimulate discussion so go ahead if you're ready.

**Christa Svensson** [00:10:56] All right, thank you. And Sandra, I believe you have my motion already. Okay, I move the Council send a quick response letter to BOEM and the Governor of Oregon requesting that the current Brookings and Coos Bay Call Areas are rescinded and that BOEM not proceed in issuance of draft wind energy, WEAs, at this time. Rather, the Council requests that BOEM restart the process to identify Call Areas and consider all waters off Oregon from 12 miles offshore and beyond, including waters that are greater than thirteen-hundred meters in water depth and using marine spatial planning tools to minimize siting impacts to fisheries and ecosystem resources. Exclude from further consideration all offshore banks and seamounts and require an adequate buffer zone surrounding them as determined by collaborative work by partners including PFMC, ODF and W, NMFS and NCCOS.

**Pete Hassemer** [00:12:15] Thank you. The language on the screen is accurate and as you intend?

**Christa Svensson** [00:12:24] It is.

**Pete Hassemer** [00:12:26] All right. Is there a second on the motion? Seconded by Vice-Chair Pettinger. Please speak to your motion.

**Christa Svensson** [00:12:34] Yes, thank you Mr. Vice-Chair. I really appreciate the amount of discussion prior to my making this motion from Council members, but also from the public and our

advisory bodies. I am also appreciative of BOEM in their outreach to the Council as a means of engaging with all of us involved in West Coast fisheries. Power is integral to modern life in all of our communities, and we need to produce efficient and clean energy. Similar to the Astoria-Megler Bridge or dams along the mighty Columbia, harnessing oceanic wind energy will irrevocably change the environment we live in. We are blessed to have plentiful, inexpensive, and clean power through dams in the Pacific Northwest, but that has come at a cost to both our tribal and non-tribal stakeholders. Whether you've been on the Columbia River for one generation as I have, or your people have been here since beyond memory, for many of us along the Columbia we share the pain of the loss of our famous June hogs and salmon so thick you can walk across their backs as recorded by Lewis and Clark when they traveled across our great nation with York and Sacagawea. Hold on here I'm sorry. Our shared history may only span 218 years of salmon fishing on the river but since the loss of our salmon and cultural ways of life due to the need for power we are understandably cautious about risking the loss of a future that is best for all Oregonians. And in the process of drafting this motion I've received feedback from a myriad of stakeholders. None have proposed permanently halting wind energy. Including wind powered turbines as part of marine planning is vital to U.S. energy security and U.N. sustainable development goals, specifically number 13 on climate action and number 7 on affordable and clean energy. This motion is intended to strengthen the likelihood of a project that meets both energy and fishery needs. Recent developments in current Call Areas and the ability to locate facilities in depths greater than thirteen-hundred meters means we should strongly consider a wider range of options. With that framework in mind, I've made the motion to rescind current Call Areas in favor of a full Oregon coastline review utilizing the NCCOS spatial mapping tool based upon the following comments and concerns. Excessive burden is likely to be placed on marine organisms and fishery stakeholders in the current Call Areas compared to the initial proposed range of 1.17 million acres. Previously unknown constraints such as the DOD exclusion zone and PacPARS fairways were only identified after the Call Areas were announced. Whilst 500,000 unconstrained acres sounds like a large area, it is in fact a reduction of 58 percent and Oregon coastline review of all potential sites would increase the likelihood of finding more appropriate and less conflicted sites and reduce the impact to fisheries participants, their dependent communities, and the wider ecosystem. It would also demonstrate to key stakeholders that BOEM is sincere in their goal to identify areas of development that have the least conflict. Secondly, there are expected impacts to all Oregon fishermen. We heard a little today from Nick Edwards on the potential impacts to the iconic Oregon pink shrimp fishery. And in that fishery upwelling is a crucial key performance indicator for the spring transition. In some ways wind is the most dynamic of the components for identifying when that transition occurs. A transition prior to April 15th indicates a large recruitment year for shrimp, and conversely a transition afterwards does not bode well. Wind is a transition. KPI is defined as ten days of northwest wind in a row, which lends itself on a cultural level to communities connected to shrimp, making predictions on the exact date of that transition. This is similar to Alaskans betting on when the pack ice will break. And for shrimpers, processors, and their communities, many of them plan their businesses the following year based upon what happened on this year's transition. Changes to upwelling either due to physical siting of turbines or to changes in wind patterns are likely to adversely impact one of the largest fisheries in Oregon that we do not often hear about in the Council process. There are similar concerns for salmon, albacore, Dungeness crab, groundfish and Pacific whiting fisheries. Comparable concerns surround protected marine species like humpback whales, sea turtles, and seabirds, as we heard from Audubon, along with animals residing on the sea floor and the habitat they all need to thrive in. While each fishery and species have different attributes and biological characteristics, the impacts on the marine ecosystem and the natural resources within the ocean have to be better understood in order to make informed decisions. Additionally, we have heard from Mr. Oatman today some serious discussion in our... about tribes and really how they have not been consulted in the way that the law requires. Next, I'd like to talk a bit about the NCCOS model, which is essentially designed to reduce or preferably prevent conflict. This sophisticated program can take hundreds of layers of data to identify areas where the least conflict occurs, and the model can only work if the inputs are complete and robust, but when this is the case,

the output is something that all stakeholders can trust and rely on. Currently BOEM is only using the model within the boundaries of the existing call out areas, which is a less than optimal approach. Using a model in a holistic ocean spatial mapping exercise off Oregon makes more sense and it would help mitigate or meet the mitigation hierarchy with which BOEM follows under NEPA. Regarding the preparation for formal public notice of draft Wind Energy Areas and the development of a NCCOS Report happening in tandem, I would expect that we would also see a 30-day comment period similar to other draft WEA announcements. However, depending on the length of that report, 30 days is likely insufficient for members of the public to review and provide meaningful comments. I think it is notable that to date 17 coastal municipalities in Oregon, which include cities, ports, and counties along with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians have passed resolutions in opposition to the current process. And finally, as we've heard in the CPSAS statement, we do need to be considered with national food security. In talking with stakeholders at this meeting, one said there wasn't much the Council could do other than write a letter. And on the surface, one letter seems pretty inconsequential. It's as small as one salmon in the history of salmon, but I'd like to think that a letter from the Council has the impact not just of any salmon, but one particular salmon that in 1987 hit the side of an Alaska Airlines commercial flight, spawned two custom designed airline deliveries, currently has a petition on Change.org to save the salmon, 30 salmon, and is memorialized in thousands of photos around the Pacific Northwest and beyond. Fisheries stakeholders individually do not have a voice in the BOEM process because the process is government to government. The Council on our voice as a government agency is the conduit to focus those thoughts and concerns from commercial, recreational and charter industries, as well as our subsistence and cultural users into a recommendation that amplifies their message. We've heard from our advisory bodies and the public of the need to reevaluate Oregon's Call Areas. Please join me in supporting our advisers and the public with this motion by raising their concerns surrounding rescinding the current Oregon Call Areas and using spatial mapping tools developed by NCCOS, incorporating fisheries information provided by the State of Oregon and NMFS to identify sites for clean power that minimizes risks to food security, the marine environment and all sustainable ocean uses along the entire Oregon Coast.

**Pete Hassemer** [00:23:12] Thank you Christa. Are there questions for the maker of the motion for clarification? And I don't see any questions, so I'll open the floor to discussion on the motion? Corey Ridings.

**Corey Ridings** [00:23:33] Thank you Mr. Vice-Chair. Thank you, Miss Svensson, for this motion and for that excellent explanation. I plan to vote for this motion. I heard... I guess I'll just start by echoing Mr. Boatman's words. I couldn't say them, could not repeat them better but just note that I think there were some really strong statements in there. Tribal concerns are not being given due consideration and species have not been adequately identified and addressed by BOEM to protect tribal fishing treaty rights. I have some concerns with the NCCOS model. It's great work and I really appreciate what NMFS and ODF and W have done to add to that and support that work. Decision support tools like this are incredibly important for big societal decisions like this, but I still have concerns about the methodology and it, I do not believe it's ready to produce final reports for final siting. We heard from many folks today about the need for more data on bird impacts, more information on ecosystem impacts, including critical habitat and corals and sponges, and for more non-spatial data, which I think is social science data to talk about the impacts on humans, communities, and well-being. I think that this needs to be reconsidered from a larger picture to make sure that we're doing this correctly. In this particular case, I think that extra caution is warranted. Hydropower is a great example of what can happen and has very seriously damaged fish populations and the people who depend on them. That's been stated by others but I just wanted to put that out again because I think it is such a poignant example of why in cases like this, even when it is important to think about addressing climate change and what we can do as a nation to do so, that there are moments when there is extra precaution needed, and I think this is one of those moments. So, thank you Miss Svensson.

**Pete Hassemer** [00:25:51] Thank you Corey. Further discussion? Virgil Moore.

**Virgil Moore** [00:25:58] Christa, thank you. Phil, thank you for your remarks as well. I'll make this short. I'll support this. I think we have both a scientific and a legal moral responsibility here. I intellectually recognize that we have got to find non-carbon sources of power. I also recognize during the 40 years I've been in this business the mistakes that have been made in hydropower, in allocation of our Sagebrush Sea. Many other examples are out there that we can find solutions to, and the fastest way to the end is to slow down on this one. I really believe that's our obligation here after listening to all this discussion. I believe that it's going to be a difficult letter to put together to capture some of what we heard here today, but I also know that Christa has written her thoughts down as have Phil and along with what's in the committee reports, the foundation for that communication. And furthermore, if with this action we empower others, we have that responsibility for sustainability of fisheries. But from an Idaho perspective, this takes me back to the old project wild exercises that we used to teach as an organization, and one of them was everybody stood in a circle and had a piece of yarn and you strung it around to everybody and then somebody dropped their piece of that yarn and that whole web fell apart. It was a visualization for teachers and students. And we have dropped a number of threads over the years. We've stretched others to make up for it, but this is a big one. This one could cause a collective collapse and Idaho is here to make sure that the Idaho salmon are taken care of, and there's probably this is among some of the more important things short of removing those Columbia River dams or Snake River dams, that is key to getting that done. So, thank you.

**Pete Hassemer** [00:28:21] Thank you Virgil. Bob Dooley.

**Bob Dooley** [00:28:31] Thank you Mr. Vice-Chair. And Christa thank you so much for such a great motion and great talk about it after. It was that, the justification. I heard about this since, you know, and have been involved since the beginning, and I think you'll recall way back when, when we were talking about aquaculture and how we... I was happened to be lucky enough to go to the East Coast and see this map that James Morris was building the platform, and I came back to the Council and said we need to get engaged. We need to start bringing data into this because the data they have isn't sufficient and he acknowledged that, and we've heard it over and over and over again and there's been some tremendous work by everyone around this table too and industry to bring that data to bear. The single most thing that convinces me that the brakes need to be put on and that's been publicly, and it's been at the front of the format, of the forefront of this of all of our discussions, slow it down, do it right. Don't hear people saying don't do it at all, just do it right. And the single most thing is all the changes that have been uncovered. The PARS study restrictions now. The DOD restrictions, most importantly the depth. When we were told early that you could only go out to thirteen-hundred meters and now they're going out to twenty-six hundred meters, that to me tells us that we need to restart. You don't need to do very much more but all of the issues, I agree with everybody's opinion here today with maybe respectfully, with the exception of the BOEM presentation where they, they still want to go full speed ahead, and I think it warrants being thoughtful and taking a break and doing it right because this is forever like Heather Mann said, this is not reversible once it's in the water it's a whole different thing. So, I will be supporting this and I really appreciate all the thoughtful work that's gone into it, so thank you.

**Pete Hassemer** [00:30:47] Thank you Bob. Doctor Braby.

**Caren Braby** [00:30:53] Thank you. Just quickly I wanted to acknowledge that because I would be on both the sending and receiving end of this letter that I'm planning on abstaining, but the content of the discussion and the motion are all in line with many comment letters that ODFW has put on the record on how we would like to see this process move forward.

**Pete Hassemer** [00:31:19] Corey Niles.

**Corey Niles** [00:00:00] Thanks Mr. Vice-Chair. And yeah, just quickly, this is in no way a comment like Caren said on the reasonableness of these concerns. Yeah, we've joined comment letters too making similar comments but just, you know, from a viewpoint of what WDFW's role is we will also be abstaining. You know our role, our agency's role is pretty clear on state law when it comes to offshore wind and new uses of the ocean and we are to, you know, look at and understand the impacts to fishing and whether they're significant or not and help to try to avoid those. So there are a lot of great ideas in this motion that if and when it comes to Washington's process that are, that we probably would probably be echoing but just, yeah, out of respect for the process in Oregon and the relationship between their governor and BOEM that Caren mentioned earlier we'll be standing, but again not meant to disrespect the ideas and concerns that have been expressed today.

**Pete Hassemer** [00:01:10] Thank you Corey. John Ugoretz.

**John Ugoretz** [00:01:14] Thanks Mr. Vice-Chair. Similar to Mr. Niles and Dr. Braby, the State of California will abstain from a vote that's taking direction at another state on the Council.

**Pete Hassemer** [00:01:29] Thank you. I'm going to look for any more hands and I don't see any so I'm going to call for your votes on this motion. All those in favor signify by saying 'aye'.

**Council** [00:01:44] Aye.

**Pete Hassemer** [00:01:44] Opposed? Abstentions?

**John Ugoretz** [00:01:51] Abstain.

**Pete Hassemer** [00:01:57] Okay. The motion passes with four abstentions. NMFS, or excuse me, I will go by name. Corey Niles, Caren Braby, John Ugoretz, and Frank Lockhart for NMFS. Oh, thank you for that. Thanks for the motion, Christa. There are still a couple of other things that Kerry mentioned on his list if we need to come back to that. There was the suggestion for the other letter. I believe we talked about whether it's a QR process or we have all the information to let the Executive Director and staff. Kerry, was that the one, the bullet points in the MPC report?

**Kerry Griffin** [00:02:54] The letter you referenced would be a comment on BOEM's proposed rule and that's the one that Mr. Anderson and I were discussing about whether if the Council wanted to send that letter on the proposed rule, would it be a QR process or do you feel comfortable that there's enough in the Supplemental MPC Report 1 that you could direct the Director and I to just go ahead and package it into a letter form and submit it? The bullet points in MPC Report 1 is a separate suite of items and so I think I would look for direction on both those.

**Pete Hassemer** [00:03:37] Christa Svensson.

**Christa Svensson** [00:03:38] Yeah, thank you Mr. Vice-Chair. I think we should start from the MPC letter. I did make in my motion to use a quick response process. I think it would be good for all of us to take a quick look at it if there is time, and I think we've had enough discussion outside of the marine planning letter from the Council that we may want to include some of those points as well. So maybe others feel differently but I do feel like that was part of the motion and that was likely to be the game plan.

**Pete Hassemer** [00:04:11] Kerry.

**Kerry Griffin** [00:04:13] Yeah, thank you. It's getting confusing now. Yes, I heard the motion that that was very clearly to be a quick response process letter. There's two other potential letters. One is the comment on the rule and so that was what I was talking about whether that would be a QR process or whether that's enough just to send off and then the bullet points, but yes, I heard very clearly in your motion that it would be a QR process letter.

**Pete Hassemer** [00:04:42] Dr. Braby your hand is up.

**Caren Braby** [00:04:46] Thank you. Yeah, I would be supportive of sending the comment letter on the modern...I can't say it, the modernization rule without further review from the Council based on the MPC Report and the points in the MPC Report 1 on the NCCOS process I think could be packaged along with the rescind Call Areas along with the draft WEA comment period if that was the Council's wish as kind of a, 'if then, then this other thing' kind of letter. So, to me this looks like two letters. One is just send it, and the other is QR that kind of packages everything together and some of it's directed at BOEM and some of it's directed at both BOEM and the Governor, but I think that's probably just fine in my opinion and I support that.

**Pete Hassemer** [00:05:55] Is that clear to everyone around the table? Corey Niles.

**Corey Niles** [00:06:02] Yeah, thanks Mr. Vice-Chair. And Caren were you, you were suggesting as I heard, combining the letter a number of us just abstained from, from comments that we might not abstain from as a state, so that would be fine. I don't know if we could. I'm thinking of a Supreme Court opinion for those familiar with them and you can concur in part and dissent in part in all of that if the sections are clear, but if there's a way that could be done where we could weigh in and not have to approve the part we abstained from and weigh in on the, I'm not going to say that, the WEA part and the comments on the suitability analysis that would be acceptable, but, yeah, I just want to make that comment about we'll likely abstain from the quick response letter on the rescind topic as well.

**Pete Hassemer** [00:07:01] Okay, thanks. Caren.

**Caren Braby** [00:07:04] It seems like that should be easy to write into the letter draft, and I'm just asking if that's something that Council staff has done before in drafting letters, for example?

**Kerry Griffin** [00:07:19] Thank you. Yes. I think we can make that work. We can take the main thrust of the motion about the Call Areas and then I'll work with Director Burden on capturing the suite of the bullet points, put that in a QR letter. It would all come back before you all for approval. So, yeah, we might need to do some massaging, because as you saw in the, in the list of bullet points includes both MPC discussion, public comment, so it's kind of a laundry list but I think we can work to synthesize that down and include it, you know, as appropriate in that letter. And you'll all see it again before too long, hopefully.

**Pete Hassemer** [00:08:12] Corey Ridings.

**Corey Ridings** [00:08:14] Thank you Mr. Vice-Chair. Kerry, maybe this isn't part of the synthesize you just mentioned, but I'm thinking about the Habitat Committee statement that if, if the WEAs are not rescinded and there is going to be a comment period that it be longer than 30 days so that this Council and the public has more time to respond to it. Maybe that was implied but I just wanted to quickly bring that up.

**Kerry Griffin** [00:08:53] Yeah, thank you. Thank you for the question, Miss Ridings. I was doing a quick scan of those bullet points and I don't think, maybe I'll be corrected by one of our MPC members,



but I don't think the request for maybe a longer extension or a longer comment period on the draft WEAs or that sort of thing is incorporated though there, so if you do want that also included in this then, you know, I'd look for the clear guidance on that or perhaps that would be conveyed separately but it seems like it's all sort of part and parcel to this bigger issue, but I would want to hear clear guidance that you do want that, you know, request if and when they move forward with draft WEAs that, you know, they extend the comment period, that sort of thing. If you would like that included then, you know clear direction now would be good.

**Pete Hassemer** [00:09:53] All right. Thoughts on that? Christa Svensson.

**Christa Svensson** [00:09:56] Yeah, thank you Mr. Vice-Chair. I think we need longer than 30 days for any draft WEA. It was part of my comments and the rationale, and I just think the way documents tend to be they're usually more than two or three pages and people will need some time to digest what the documents actually mean and quite often synthesize the data that is presented in them in a way that the public can understand. I don't have a specific amount of time. I was going to ask if there are other Council members who are more familiar with the process having participated in it for many, many years, predating the Marine Planning Committee had an idea in terms of timing, but I do think it needs to be longer than 30 days for the public and for the process at-large.

**Pete Hassemer** [00:10:58] Dr. Braby.

**Caren Braby** [00:11:02] BOEM may still be on the line and can confirm this, but my understanding is that this is a new step in the BOEM process and therefore there aren't specific rules associated with it.

**Jean Thurston-Keller** [00:11:20] This is Jean Thurston-Keller with the Bureau of Ocean Energy Management. That is correct. There is not a mandated public comment period number of days associated with draft Wind Energy Areas in our regulations.

**Pete Hassemer** [00:11:35] All right. Thank you for that clarification. Further guidance? There's a couple of other things yet. The continued engagement of the Council with the West Coast Ocean Alliance, and I know Dr. Braby and maybe it was in the MPC Report, it mentioned that with the formation of the MPC that we maybe have a vehicle for that, so I'd like to hear your thoughts on that also. Or no thoughts. John Ugoretz.

**John Ugoretz** [00:12:23] It's not on that, but I need clarity on what letter or letters we're talking about and what is and isn't included, especially in regards to the motion that the state abstained from. I'm uncomfortable with a letter that includes an abstention in part that could be confused later, so I just... I'm not clear. I think we have an REMR letter that I believe Dr. Braby said should be quick response, and we have a letter requesting a halt to the process, and then we've got these bullets in the MPC Report 1 that goes somewhere.

**Pete Hassemer** [00:13:16] Kerry, help us out?

**Kerry Griffin** [00:13:20] Here's what I'm hearing. There's a motion that passed and there's rationale on the motion, and then there was a follow-up discussion on the bullet points that are in MPC Report 1, et cetera, and so what I hear is write a quick response letter, which means it will be distributed to all the Council members by the Executive Director, and that quick response letter would be inclusive of the request to rescind the Call Areas, start over, look deeper than thirteen hundred meters, all the stuff that's in the motion. It would include that. It would include a synthesis of the bullet points that are in MPC Report 1, and it would include the request that if and when draft WEAs are issued, we have a longer than 30-day comment period. Usually we, you know, I don't know if you wanted to make a

specific ask of 60 or 90 days, but we also often ask to overlap with a Council meeting, that sort of thing. So, all those what I hear would be packaged into that one quick response letter. Separate from that would be the comments on the proposed rule, the Renewable Energy Modernization Rule and what I heard was don't... did I say quick response? Don't do quick response on that, just ask the Director and I to take the contents from Supplemental MPC Report 2 and put that in the letter and submit it. So that's what I hear. Two letters, one has a lot in it and then the other one is, and would be QR, and the second one is not QR process and specific to the comments on the proposed rule.

**Pete Hassemer** [00:15:08] Okay. Thank you for that clarification. Does that help, John?

**John Ugoretz** [00:15:13] It clarifies. It does not help. I am concerned about a single letter that addresses the motion that I abstained from that includes other information that I did not abstain from that was not in the motion, and so I think it would be much easier than having a single quick response that the state objects to, to having two letters for that, one that asks to rescind that clearly shows the voting record, and one that is more of a regular quick response that's providing input to another agency on some important information that our advisory bodies have given us. And then a third letter that is, I guess not quick response, that is Report 2.

**Pete Hassemer** [00:16:08] So I'm going to ask for Chair Gorelnik to go first and then Corey Niles.

**Marc Gorelnik** [00:16:13] All right I just wanted to clarify what I think I understood from John. Take the one letter that Kerry was referring to, make it two letters and one letter is non-controversial, there was no abstentions. The other letter where there was some abstentions, which is essentially a refusal to vote, so there's no vote against doing that, that would be a separate letter. Would you, are you asking that that letter also note abstentions that were made?

**Pete Hassemer** [00:16:50] John.

**John Ugoretz** [00:16:50] And I will clarify why. The reason to abstain is to very clearly show that a State appointee to this panel is not doing something without consultation with their Governor. I want that on the record.

**Pete Hassemer** [00:17:10] Corey Niles.

**Corey Niles** [00:17:13] Yeah, John, I've already spoke to this. I believe with a single letter, you know, that with the same concerns but you could say just that was what I was talking about in terms of you can have California, Oregon, Washington abstain from part one of this letter but, you know, concur with part two, just like the Supreme Court opinion approach, so I already, that's what I was expressing. Whether it's one letter or two I don't care, but that was explaining the same clarity that we abstained from that vote and we would abstain from the substance of the letter as well and we wanted to make that clear.

**Pete Hassemer** [00:17:55] Sorry. What I'm hearing here, and I'm going to be careful to weigh in, but the letter that was directed through the motion, my read was the motion was very clear on what that letter should contain and ,John, what you are asking is that's what the letter stick to and that it also indicate who had object...or who had abstained from the vote. Virgil Moore then Corey Niles.

**Virgil Moore** [00:18:40] Turn that on. I appreciate the state's needs to represent properly their lack of consultation on this issue. At the same time, I do not believe it's appropriate for the record of the vote to be part of any letter on the issue that we approved unanimously other than the abstentions, and that was not part of the motion and I oppose it being part of the letter.

**Pete Hassemer** [00:19:14] Corey Niles, I also believe I identified you.

**Corey Niles** [00:19:17] Well, just a reminder of what happened. I think Caren suggests after the letter that was voted, the motion that was voted on was going to be the topic of the letter, then Kerry asked about those others, the MPC recommendations and going into the same letter because they're all on the Oregon Call Areas. Caren suggested putting them in the same letter since they're both about the Oregon Call Areas. I don't agree or disagree with Virgil's point about voting record, but we could make it clear that again the suggestion was, and whether it's two letters is fine. I'm almost decided not to talk about it, but since it's confusing just make clear that the state, those states and NMFS and whoever else abstained abstain from that part, the piece specifically about saying the process should be, the Call Areas should be rescinded. But I think Caren's suggestion was they're the same topic, they're Oregon Call Area topics so they could go into one letter, and you can bifurcate the two issues where people are unanimous on and not, but that was where we ended up before John brought it back up.

**Pete Hassemer** [00:20:28] Frank Lockhart.

**Frank Lockhart** [00:20:30] I just have a question. I must admit I don't know the answer. What has past practice been on? I mean NMFS abstains a lot, and I guess I was assuming that somehow that was relayed when a letter was going forward, so I guess what is best practice for the Council on that?

**Pete Hassemer** [00:20:50] Executive Director Burden, do you want to weigh in on that?

**Merrick Burden** [00:20:55] Well, do you want me to answer that?

**Pete Hassemer** [00:20:57] With your long history. Yes.

**Merrick Burden** [00:20:58] My long history. Since we've, since I've been here and been part of this letter writing process, we have not formally included the vote as part of a letter. We do of course, you know, keep abstentions in this red folder I have here and they're available through our minutes and things of that nature, but at least for as long as I've been here they've not been part of any letter we've done to date.

**Pete Hassemer** [00:21:27] And I would add to that, because you asked Frank, that our public record that is available on the website indicates what the vote was. When you dig through that it is very clear. The yays, the nays, the abstentions, and recusals, so that is available to the public. John.

**John Ugoretz** [00:21:54] Thanks. And I agree. I think that public record is enough. I think my more important point here is that there was a specific motion about a letter. It did not, as far as I recall, reference MPC Report 1 and the bullet list. I was not voting on that. I was not taking any stance at all on MPC Report 1, which I support. And so, I would rather have it separate, and if I have to make a motion that says we do a quick response for MPC Report 1, then I can vote on it and say yes.

**Pete Hassemer** [00:22:38] Chair Gorelnik.

**Marc Gorelnik** [00:22:42] Okay, I don't think we need a separate motion. I think that the motion that Christa Svensson offered was very specific as to a certain issue, so I don't think we need anymore than a nod around, a nod of heads around the table to make the MPC point a separate letter. What I'm more concerned about is your request and perhaps the request of the other states to note the abstentions in the letter that comes from the motion, or you're okay with not having that done? God bless you.

**Pete Hassemer** [00:23:17] So let me recap what I'm hearing because there were a number of items we

were trying to discuss. There was a motion with specific guidance on what the letter should include and that it was agreed or voted in favor to send that letter and we've discussed the signatories to that. There is a letter regarding the modernization of the renewed, I have it written down here I better say it right, the proposed Renewable Energy Modernization Rule, and I'm not sure we got complete agreement that that letter would be sent, so there is that letter. And then there is, as Kerry presented it to us, consider and provide guidance on MPC recommendations to convey bullet points in the MPC Report. And I hope I didn't mess it up but those are I think three things we have been discussing. So, the letter rescinding the Call Areas via the motion, hopefully, unless I've got that wrong, we're in agreement what that should be we can move ahead. The letter on the proposed rule, I just want your confirmation on what the Council decides to do there, and then the bullet points in the MPC letter so, and it sounds like three letters. Corey Ridings.

**Corey Ridings** [00:25:08] Thank you Mr. Vice-Chair. I'll add one point of clarification, which is just going back to the Habitat Committee letter and thinking about asking for longer than 30 days. I would propose I think 90 days would probably be good and I think our Council meetings are rarely longer than that, so I think that is pretty consistent with Council process. I stand to be corrected, but I'm putting that out. Where exactly that goes, if that's a separate letter or if that can be tucked into one of the other three letters, I would put that out.

**Pete Hassemer** [00:25:44] Okay, I'm hearing that as guidance to the Council staff so I will just look for concurrence from the Council here that they consider that. Head nods? So, I think that message has been heard to consider the Habitat Committee's recommendation. Further discussion or action? Corey Niles.

**Corey Niles** [00:26:11] Yeah. Mr... I want to go home at some point today so I just, for future thought I don't under, I don't agree with the, I don't think people are going to look at the voting record. I would much prefer what I noted as the Supreme Court style of being clear about who joined the letter and who didn't but leaving that for the next time we have to get into this discussion but...

**Pete Hassemer** [00:26:34] All right. Thank you. Bob Dooley.

**Bob Dooley** [00:26:37] Just to register of an opposing opinion. I think if this Council votes on something that the Council speaks as one voice. We don't have the dissenting voices in our letter or in those type of things. The record will show that in the Council record, but if we send a letter that's being suggested like that, I believe that it just defeats the purpose of the letter. I mean that doesn't lead much credence, lend much credence to that letter so I don't think that's it. And then one other point, we just talked about this voting issue and abstentions don't count, right? So, it was a unanimous vote. So, I think we need to consider that. I do respect your opinions on the state opinions. I think you're covered in the Council transcripts and records, but I would really hate to see us sending letters out on every issue that records the dissensions. It doesn't seem right to me, so thank you.

**Pete Hassemer** [00:27:46] Vice-Chair Pettinger.

**Brad Pettinger** [00:27:47] Well worse than that is sending out an opinion on this one and nothing else. I think we should be consistent with whatever we do period. Yeah.

**Pete Hassemer** [00:28:00] Okay. I don't want to stop discussion on this topic so Dr. Braby.

**Caren Braby** [00:28:06] I don't think we've come back to the West Coast Ocean Alliance issue, and I would just urge that the Council continue to have at least staff interaction with that group, but it doesn't have to be in my mind formal, just to keep the lines of communication open between the Council and

the West Coast Ocean Alliance.

**Pete Hassemer** [00:28:29] Thank you for that. Kerry, I think what I've heard covered everything on the list I had heard during our short deliberations on all of this. Can you tell us how we've done?

**Kerry Griffin** [00:28:45] You have done a great job with very thorough consideration of these and, you know, I appreciate the fact these are complex and you want to get it right and so I think we have good direction. We've got the motion letter, which would be a QR. We've got the... the proposed rule comment, which would not be QR, we'll just send that in. And then the second letter with the bullet points would be separate, also QR process. And then just direction to continue engagement and coordination and communication with the West Coast Oceans Alliance. I think the intersection with the Marine Planning Committee, if I may say, would be good. John has spoken to them before and so I think that's a good sort of, you know, avenue in addition to sort of staff-to-staff communication so you hit all five bullet points in the, you know, Council action and guidance so I think we have our direction. I feel comfortable with that.

**Pete Hassemer** [00:29:52] All right. Thank you. No closing comments here. Not seeing anything so I thank everyone for their patience and attention through this agenda item and I'm going to pass the gavel back to our Chair.

**Marc Gorelnik** [00:30:10] All right, thanks very much for taking care of the Marine Planning Agenda Item, Pete. It's a lot of work and you and the Council did well.

#### 4. Approval of Council Meeting Record

**Marc Gorelnik** [00:00:00] So we'll now move to administrative matters. The first item is the approval of the Council, or rather, yeah, the Council meeting record that has been in the briefing book since the beginning, the record of the November meeting and I'd like to see if there are any corrections, additions, or a motion to approve. We'll pause for a minute there are some seats being changed so I'll stand by as our salmon folks leave. All right coming back to Agenda Item G.4, Approval of Council Meeting Record. You have before us Attachment 1, which is the draft record from the November meeting and now is the time to approve it, but if there are any additions or corrections now is also the time for that, so I'm going to look around and see and look for a raised hand. Phil Anderson.

**Phil Anderson** [00:01:19] Thanks Mr. Chairman. I move the Council approve the Council meeting record as presented in Agenda Item G.4, Attachment 1, Draft Council Meeting Record 269, 269th session of the Pacific Fishery Management Council, November 2nd through 8, 2022.

**Marc Gorelnik** [00:01:42] Thank you for the motion, Phil Anderson, and I'll look for a second? Seconded by Virgil Moore. Please speak to your motion if you believe it is necessary.

**Phil Anderson** [00:01:55] I found the record to be accurate and complete and appreciate the staff that put the document together.

**Marc Gorelnik** [00:02:04] All right. Any discussion? I'm not seeing any discussion we'll call the question. All those in favor say 'aye'.

**Council** [00:02:11] Aye.

**Marc Gorelnik** [00:02:11] Opposed, no? Abstentions? Motion passes unanimously. Thank you very much for the motion. That concludes our action on Agenda Item G.4.

## 5. Membership Appointments and Council Operating Procedures

**Marc Gorelnik** [00:00:00] We are on Council discussion and action on Agenda Item G.5 and as I said before we're going to deal with the appointments first and then we'll come back to the Council Operating Procedures. So let me open the floor, see if there's any discussion and after we've had an opportunity for discussion I will turn to folks for motions. So, let's see if there's any discussion. Again, this is really on the appointments side of this agenda item, not on the COPs. All right I'm not seeing any hands, is there a hand? Okay. All right. I've got a list that I'm going to work from for starts, to get us started and then we'll fill in the gaps from there. So, I'm going to first look to the appointment to the Washington Charter Boat Operator position on the Groundfish Advisory Subpanel. Phil Anderson.

**Phil Anderson** [00:01:08] Thank you Mr. Chair. I move the Council appoint Mr. Paul Mirante to the Washington Charter Boat Operator position on the Groundfish Advisory Subpanel.

**Marc Gorelnik** [00:01:21] Thank you Phil. The language on the screen looks accurate and complete. I'll look for a second? Seconded by Heather Hall. Please speak to your motion.

**Phil Anderson** [00:01:30] Thanks Mr. Chairman. I've known Paul personally for probably close to 40 years. He's been active in the charter boat industry in Washington throughout that period of time. He's also more recently here served as a alternate to the person in this seat, so he's got experience coming in with the Council process and I think he'll be a valuable addition to the GAP.

**Marc Gorelnik** [00:01:59] All right, thank you. Any discussion on this appointment, on this motion? I'm not seeing any hands, so I'll call the question. All those in favor say 'aye'.

**Council** [00:02:07] Aye.

**Marc Gorelnik** [00:02:08] Opposed, no? Abstentions? Thank you for the motion. Congratulations to Paul Mirante. And next, I'll go to the At-Large position on the Science and Statistical Committee. Marci Yaremko.

**Marci Yaremko** [00:02:24] Thank you Mr. Chair. I move the Council appoint Dr. Michael Hinton to an At-Large position on the Scientific and Statistical Committee.

**Marc Gorelnik** [00:02:32] Thank you for the motion. The language looks correct. I'll look for a... seconded by Bob Dooley. Please speak to your motion.

**Marci Yaremko** [00:02:40] Thank you Mr. Chair. Dr. Hinton is a former IATTC long term employee with lots of expertise on HMS stock assessments and certainly will bring that expertise with them to the SSC. I guess the SSC is his idea of fun in retirement, so we wish him well. Thank you.

**Marc Gorelnik** [00:03:02] All right, any discussion on this motion? Not seeing any hands I'll call the question. All those in favor say 'aye'.

**Council** [00:03:08] Aye.

**Marc Gorelnik** [00:03:08] Opposed, no? Abstentions? The motion passes unanimously. We'll move on to the ODF and W position on the Salmon Technical Team and Model Evaluation Workshop. Dr. Braby.

**Caren Braby** [00:03:27] Thank you Mr. Chair. I move the Council appoint Miss Cassandra Leeman to the ODFW position on the Salmon Technical team and Model Evaluation Group Workgroup.

**Marc Gorelnik** [00:03:38] All right, thank you. The language on the screen looks correct. I'll look for a second? Seconded by Brad Pettinger. Please speak to your motion.

**Caren Braby** [00:03:48] Cassandra has joined the ODFW team and has many skills to lend to these groups and has been serving very successfully this week already. We look forward to her joining us permanently on this team, on these teams.

**Marc Gorelnik** [00:04:04] All right, thank you. Any discussion? All right I'll call the question. All those in favor say 'aye'.

**Council** [00:04:12] Aye.

**Marc Gorelnik** [00:04:12] Opposed, no? Abstentions? Thank you. The motion passes unanimously. Thank you for the motion. We also have a vacancy, the ODF and W position on the Scientific and Statistical Committee. Dr. Braby.

**Caren Braby** [00:04:26] I move the Council appoint Dr. Cheryl Barnes to the ODFW position on the SSC.

**Marc Gorelnik** [00:04:32] All right, I'll look for a second? Seconded by Brad Pettinger. Please speak to your motion.

**Caren Braby** [00:04:40] Thank you. Dr. Barnes has been welcomed into the Oregon State University faculty and has deep experience in fisheries information and study and we are thrilled to have her on the SSC and part of the ODFW team as a joint faculty member between ODFW and OSU.

**Marc Gorelnik** [00:05:06] All right, thank you for the motion. Any discussion on the motion? All right I'll call the question. All those in favor say 'aye'.

**Council** [00:05:14] Aye.

**Marc Gorelnik** [00:05:14] Opposed, no? Abstentions? The motion passes unanimously. Thank you for the motion. And we also we have a vacancy on the WDF and W position on the Salmon Technical Team. Heather Hall, do you have a motion for us?

**Heather Hall** [00:05:35] I move the Council appoint Dr. Alexandria Safiq to the Washington Department of Fish and Wildlife position on the Salmon Technical Team.

**Marc Gorelnik** [00:05:43] All right. The language there looks accurate and complete. I'll look for a second? Seconded by Butch Smith. Please speak to your motion.

**Heather Hall** [00:05:50] Thank you. Dr. Safiq is an amazing new addition to our agency, and we are really excited to have her on the WDFW team. She dove right in this week to work on the SSC, and we're just appreciate, or glad to have her here. Thank you.

**Marc Gorelnik** [00:06:08] All right, thank you. Is there any discussion on this motion? I'm not seeing any hands. I'll call the question. All those in favor say 'aye'.



**Council** [00:06:20] Aye.

**Marc Gorelnik** [00:06:20] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much for the motion. Thank you Executive Director. Looking at our list here we also have a vacancy for the GAP representative on the Groundfish ESA Workgroup. Heather Hall.

**Heather Hall** [00:06:57] Thank you Chair Gorelnik. I do have a motion for this. I don't want to preclude any Council discussion about it.

**Marc Gorelnik** [00:07:05] I think if you put the motion forward, we'll have an opportunity for discussion on this appointment.

**Heather Hall** [00:07:10] Okay, thank you. I move the Council appoint Mr. Harrison Ibach as the fishing representative on the Groundfish Endangered Species Workgroup for the April 2023 meeting. And for the long term, designate this position as a GAP representative that is appointed every 2 years consistent with the meeting schedule for this group.

**Marc Gorelnik** [00:07:32] All right. Thank you for the motion. Is the language on the screen accurate?

**Heather Hall** [00:07:35] Yes, it is.

**Marc Gorelnik** [00:07:35] All right. I will look for a second? Okay seconded by Marci Yaremko. Please speak to your motion.

**Heather Hall** [00:07:44] Yeah, thank you. I think the GAP has done a really good job of looking through their membership and through the fishing community as a whole to get the right person to speak to the issues that come up with the Endangered Species Workgroup. This workgroup meets every other year and so agenda topics can change. Harrison is going to be a great addition for this upcoming meeting and then this leaves room for the GAP to appoint someone for the next upcoming meeting that maybe fits what's on the agenda at the time. Thank you.

**Marc Gorelnik** [00:08:21] All right, thank you. Are there any questions for the maker of the motion? Discussion? Now's your chance for discussion. All right, I'm not seeing any hands, so I'll call the question. All those in favor say 'aye'.

**Council** [00:08:35] Aye.

**Marc Gorelnik** [00:08:35] Opposed, no? Abstentions? All right, the motion passes unanimously. I believe to my knowledge those are the appointments that we have but I'm going to turn to our Deputy Director Kelly Ames. I do know we have some new vacancies so could you refresh our recollection on our remaining actions with regard to appointments?

**Kelly Ames** [00:09:09] Thank you Chair Gorelnik. We do intend to advertise the commercial troll position on the HMSAS. This was the seat recently vacated by Mr. Wayne Heikkila and so with your concurrence we'll go ahead and get that posted after this meeting.

**Marc Gorelnik** [00:09:30] And we do have two open application nomination processes which we'll take up in the April meeting.

**Kelly Ames** [00:09:37] Yes, thank you for highlighting that. And for anyone who is listening online we do not have any nominations yet so it would be great to see some nominations come forward before

that solicitation closes on Wednesday, March 15th.

**Marc Gorelnik** [00:09:55] Okay, thanks very much. Let me see if there's any other business on this agenda item aside from the COP and related issues. And have I missed anything aside from that? Okay, great. Marci Yaremko or is there someone with their hand raised online or, Marci.

**Marci Yaremko** [00:10:23] Thank you Mr. Chair. I was wondering if there were any Chair's appointments that were necessary at this time?

**Marc Gorelnik** [00:10:31] There is a Chair appointment and can we come back to that? I know that there is a.....we discussed that and let me come back to that. I don't have that in front of me right now.

**Marci Yaremko** [00:10:46] Thank you.

**Marc Gorelnik** [00:10:50] All right. So now we will move into the other portion of the... this agenda item dealing with Council Operating Procedures and there are multiple parts here and I think that it makes sense to adopt them and to address them in parts. The first we have the Council Coordinating Committee Model Harassment Policies. So that was Attachment 4, I believe. Is that correct? Okay, so I'm getting confirmation from Deputy Director Kelly Ames. That's that issue. So again, I think our, the issue here is merely to adopt for public review. We're not adopting any of these policies here. Is that correct Kelly Ames?

**Kelly Ames** [00:11:51] Thank you Chair Gorelnik. Just a few points of clarification here because I know this is a big set of attachments in your briefing book. So, Attachment 3 is the CCC policy addressing allegations of harassment for process participants other than Council employees. Attachment 3 is really the focus here of this discussion. Attachment 4 addresses allegations of harassment of Council employees, and as I noted during the agenda item overview, Council staff is already incorporating that policy into our personnel rules. So, with regard to Attachment 2 for the Council process participants, this is the second time you have seen the CCC policy. So, the Council could decide at this meeting to adopt it as final or you could decide to have additional consideration of this matter at an upcoming meeting. The choice is yours.

**Marc Gorelnik** [00:12:56] All right. Thank you for that clarification. So, let's talk about Attachment 3, which we've had before us. Is there any interest in adopting this? Let's have some discussion about the path forward on this portion of the agenda item. Corey Ridings.

**Corey Ridings** [00:13:16] Thank you Mr. Chair. I actually just have a quick question if that's okay?

**Marc Gorelnik** [00:13:20] Of course.

**Corey Ridings** [00:13:21] Thanks. We heard in the GMT report was talking a little bit about the adoption via the COPs versus the SOPPs, and I was just wondering if Kelly or Merrick or someone could provide a little bit of more clarity on what the difference between those two are and sort of what the implications are for adopting language in either of those documents.

**Marc Gorelnik** [00:13:47] Merrick.

**Merrick Burden** [00:13:49] Yes, thank you Mr. Chairman, and thank you for the question Miss Ridings. And I would also invite General Counsel if Sheila has an opinion to go ahead and speak up for anything I might have, I might butcher here. But there are a couple of things to keep in perspective as we think about your question. So, one is that the SOPPs do take Secretarial approval and that brings

with them a certain degree of gravity that is weightier than our COPs. Our COPs have a... a lot of weight to them. There was a public comment made that we don't always follow them and that is true. The SOPPs are much weightier in that regard. In terms of process and procedure, I have not been through a SOPP amendment, for lack of a better word, before. In talking with some of my fellow Executive Directors, their experience has been that it can take quite a bit of time. And so if you're thinking about the practical implications here, I would maybe encourage you to think about it this way, where one is the COPs, they will carry a lot of weight and certainly as Kelly and I work to incorporate and manage any incidents of harassment or what have you, the COPs will be a really powerful tool for us or anyone else for that matter. The SOPPs, because they can be more involved and take more time with the Secretary, if there are additional steps that you want to take, you might wait until we're ready and put it all together as one package. That's what comes to my mind in terms of a way forward and what the implications of them are, and I guess I would then refer to NOAA or General Counsel to see if they have more to add on the difference between those two documents and their practical implications.

**Marc Gorelnik** [00:15:54] Sheila, do you have anything to add there?

**Sheila Lynch** [00:15:59] I don't. I would just confirm Mr. Burden's assessment that the SOPPs, in order to change those does require a fair amount more process and also those are supposed to be consistent with guidelines published by the Secretary, or NOAA in this case, so I think changing those is a much more involved process than changing the COPs. I have not been through it either, but my understanding is that it would be considerably more involved.

**Marc Gorelnik** [00:16:31] All right, thank you. Corey, does that respond to your question?

**Corey Ridings** [00:16:36] It does. Thank you. And if I may, I'm remiss I should have opened with my appreciation for this document and our ability to move through it. So, thanks to the Council staff for this.

**Marc Gorelnik** [00:16:49] All right. Further discussion? Dr. Braby.

**Caren Braby** [00:16:54] Yeah, I'm having a hard time tracking, so I just want to ask a clarifying question. Today we could choose to adopt COP language, yet if there is something that we would like to see in an SOPP in the long term but we're not ready to make that decision today, we can have a separate adoption future process for the SOPP. Is that true?

**Merrick Burden** [00:17:22] Yeah, thank you for the question, Dr. Braby. I think I would say that is true. Yes, that in fact I might even encourage you to think of it that way if there is more that you want to do on this item beyond what's in front of you here.

**Marc Gorelnik** [00:17:40] All right, looking around the table for further discussion? Phil Anderson.

**Phil Anderson** [00:17:47] So if I, just another point of clarity. So, if we were to adopt the CCC's sexual harassment process for participants other than Council employees, would that be a new standalone COP?

**Marc Gorelnik** [00:18:14] Merrick.

**Merrick Burden** [00:18:20] Thank you for the question, Mr. Anderson. In consulting with some of my fellow EDs about how to best go about this, what I believe almost all of us are proposing is that this would be, what's the right word, it would not be a standalone COP but it would be, our COPs would refer to these policies and so in that way they would be incorporated into the COP without us going in

and trying to figure out how to feather in language in this paragraph in that paragraph. And so what you see in the text that Miss Ames has run through are places in our COPs that reference these policies, and so if you were to pull up then our webpage, what you would see if you move forward in this way is you would have our COPs, our SOPPs, and then you have another bit of reference material that talks about code of conduct and the fiscal material, and then we would envision below that our harassment policies. So, another document referenced on that page. Does that help Mr. Anderson?

**Phil Anderson** [00:19:33] Yeah, I think the answer to the question is that we would move to adopt this as a, as our policy addressing allegations of harassment for participants, our process participants other than Council employees.

**Merrick Burden** [00:19:54] Yeah, thank you Mr. Anderson. And I'm sorry Miss Ames if I'm taking you over here. Feel free just to step in, but I think there's two parts to it. So, one is you would adopt the policy, and the second part is adopt the language in the COP that points to that policy.

**Marc Gorelnik** [00:20:17] Yeah, I'll note that that's how it's structured in Attachment 6 with reference to the... it's a change. I forget the COP number that it's referenced, but there's a section there for the Harassment Procedures Policy. Christa. I'm sorry.

**Christa Svensson** [00:20:41] Yeah, thank you Mr. Chair. I guess I just will kind of put where my thoughts are on this. I am comfortable with adopting the CCC harassment policies. I was comfortable adopting the COP. I am beginning to wonder if it would be better to put it out for public review based upon the amount of comment we received from our advisory bodies and from our public comment and then just from random people talking to me. I am not comfortable putting forward a final motion on the SOPP because I don't think any of these go far enough in terms of being all encompassing, and I am leaning towards... I would be more comfortable if we handled them separately, meaning let's sort out, do we want to essentially finalize the CCC policies and then move into how do we want to handle the COPs? And maybe as we have the discussion get some consensus on can we put a pin in the SOPPs for right now while we sort out what we would like to do moving forward?

**Marc Gorelnik** [00:22:09] Thank you Christa for those thoughts. Phil Anderson.

**Phil Anderson** [00:22:16] So one possible approach would be to adopt the policy, put the COP out for public review that would, that would incorporate the aspects of the policy pertinent to that COP, COP 1 and then delay any actions on the SOPPs until a subsequent time. And that would at least get, make a step forward, get the COP out there, get some public comment back on it, put us in a position to potentially adopt that with the changes as might be informed by the public comment and get us moving forward. Is that?

**Marc Gorelnik** [00:23:20] I think that's what I'm hearing. We've received a lot of great information from the advisory bodies, including and as well as the management entities like the Tribal report, so I think it's fair enough to get, let the public cogitate on that as well. So... Joe.

**Joe Oatman** [00:23:39] Thank you Mr. Chair. I want to suggest something, I guess, for the document if I could? So, under the Section 2 background, first sentence sort of lists the different people involved in the process, and it might be important to include within that list tribal governments, include tribal governments.

**Marc Gorelnik** [00:24:13] Thank you for that. Phil.

**Phil Anderson** [00:24:21] Joe, was that in, the addition would be in the COP? Is that where you were? I'm sorry I didn't know which document you were proposing it to be included.

**Marc Gorelnik** [00:24:36] Go ahead Joe.

**Joe Oatman** [00:24:36] Mr. Chair, yeah. Yeah, thanks Phil. So, looking at the Attachment 3, the Section 2 background, first sentence suggesting that we include the language on tribal governments.

**Marc Gorelnik** [00:24:57] Okay, and that's in the CCC policy, which is Attachment 3 and we, you're suggesting we make that change for purposes of adoption here today? Okay, Corey Ridings.

**Corey Ridings** [00:25:11] Thanks Mr. Chair. Just for clarity sake, building off what Phil just mentioned and what Joe just mentioned as well, if we were to adopt the policy but put the COP out for public review, does that mean that we can then go back and change the policy per the comments that we received back under the COP review?

**Marc Gorelnik** [00:25:38] My sense is policies can be reviewed and amended as a course, in a regular course of action so I don't think it would preclude future changes to the policy. The only question is if we have a two-meeting process and those changes are brought forward say in April, then we'd have to come back in June if it were a two-meeting process.

**Corey Ridings** [00:26:02] I... okay good. I think we would just need to be clear there. I think the real thing in question is the policy itself and how we put them into the COPs is also important, but in terms of the content, as Joe just noted, you know, we need to have a process for being able to think about what we actually want in the policy as well. Thanks.

**Marc Gorelnik** [00:26:25] Sure. Dr. Braby?

**Caren Braby** [00:26:29] Thank you Mr. Chair. I have a question. I'm not sure who to direct it to so it could be to the Council discussion, but I am thinking that there could be some value in adopting the COP language, the policy language today and setting a course for potentially multiple over a period of time that spans multiple Council meetings to have further discussion. That would include going to public comment, but meanwhile we would have at least the starting point in our COP and be adopted by the Council as a starting point, and that would give us time to have additional discussion perhaps offline in a smaller group as well as around the Council table as appropriate to identify how we want to change this starting point. I feel like this is a good starting point but maybe there are concerns or flags in here that need to be changed before we even go that step, but to me it seems like getting these adopted today, setting out a process for amending those including public comment and further Council discussion and then amending those when the time is ripe, you know within the next year for example, something like that makes sense.

**Marc Gorelnik** [00:28:09] I have a suggestion there. Let's see it's to stimulate some Council discussion on that? I see half raised hands but I'm not sure they're fully raised. Phil Anderson.

**Phil Anderson** [00:28:23] I think that sounds like a good approach to me and if I could put together a motion on the fly to do that and put it in front of the Council I would.

**Marc Gorelnik** [00:28:47] Before we go there. Corey Ridings. Do you have a...

**Corey Ridings** [00:28:50] I was just going to potentially give Mr. Anderson a little time to put that together on the fly.

**Marc Gorelnik** [00:28:56] Okay.

**Corey Ridings** [00:28:57] And note that I agree with that process. That sounds like a good plan. I'll just note that we just want to have, continue this discussion here today and later in the year and it sounds like that's where we're heading but just note as long as there's a process in place to do that, I'm supportive of that plan.

**Marc Gorelnik** [00:29:19] Merrick Burden followed by Christa Svensson.

**Merrick Burden** [00:29:23] I will defer to Christa first. I'll follow her Mr. Chairman.

**Marc Gorelnik** [00:29:28] All right Christa. I just went in the order I saw hands, so go ahead Christa.

**Christa Svensson** [00:29:31] So I also think that that is a sensible plan moving forward. I, giving Phil time, would like to have a little bit of a conversation about how to move that forward strategically as Council members. I don't necessarily think we need to have a full-fledged ad hoc committee and set up a humongous process but I do think similar to the Climate and Communities Initiative, having some Council members focus with the CSI team, it could be beneficial for us to have Council members that are interested in this topic look at what we currently have not just with the COPs, SSOP, et cetera, but any other documents we may be thinking about. I, for those of you that don't know my background, have spent the last three years working on grievance mechanisms and whistleblowing and a prodigious amount on social responsibility of time that is, and I think there are some things that Miss Brock touched on but that we would want to include like a code of conduct, anonymous reporting, and the concerns around anonymous reporting. You know how do you vet that if we're going to allow fully fledged. The solution we came up with was bringing in third parties and having the potential for the person through the reporting system be able to contact a third party and do the follow-up with them outside of the organization. In some places that's called a system advocate and that is helpful. If somebody were to have a problem with all of us on the Council and our Executive Director, being able to go outside of the system is also helpful in knowing what that process is. So, I think that would be helpful. I don't know where other Council members are on the idea of having some of us work on this to help further it along without turning it into a major agenda item and an absolute frenzy until we know the direction we would like to get things steered, but I think that that could be very helpful for us.

**Marc Gorelnik** [00:31:54] Thank you Christa. Merrick Burden.

**Merrick Burden** [00:00:00] Thank you Mr. Chairman. I try not to make it a habit of speaking in favor of a, I guess, a pending motion, but on this case I will. And so, as you're Executive Director here over the last year plus I'm aware of more than one incident of harassment and I've found our existing policies to be lacking and so I would encourage you all to take a step forward. I would like us to move forward and have something on the books that's an improvement over what we have now and if we need to keep working after that let's do it, but I'd like to make an improvement or a step forward at improving our procedures here. That's it. Thank you.

**Marc Gorelnik** [00:00:46] All right, thank you. I have a question for Christa that you referenced some Council members, you know, perhaps working with staff. What would be the suggested timing on that, and would you want to provide for some public comment before undertaking that?

**Christa Svensson** [00:01:05] Yeah, thank you Mr. Chair. I am amenable, I guess, if we want to go with public comment. I think we have had already a lot of public comment in the form of advisory bodies and even in public testimony that the Council needs to move forward on this topic and create an environment where all of us feel welcome. I think our demographics nationally are changing. I think

the number of women who are gaining advanced degrees will continue to change and inform the Council process and I think we need to build to our future. So I, you know, if that takes getting everybody on board by waiting until April to provide more public comment on this, I'm happy to do that for a small working group. If we as a Council say, you know, what we want to move forward and we're comfortable starting the process, I'm happy to volunteer for that committee. Obviously I have expressed a lot of interest in this topic but really to me the most important piece is to make sure that we have a future and that we have the public's voice in how to handle that so that they're comfortable coming in the door and know that it's not just harassment that's applicable to Council members or advisory panel members, that it's applicable to everyone. It should be equitable.

**Marc Gorelnik** [00:02:40] No, I certainly agree with that. I'm just thinking in terms of timing. There's really not a lot of time before the April meeting and staff is pretty tied up. So, you know, I would suggest that perhaps, well, I'm gonna go to Kelly because I think she's about to say something I sense.

**Kelly Ames** [00:02:56] Through the Chair, Miss Svensson, Council members, we do have an extended period of time held on the June Council meeting with the expectation that we would be having further discussions on this topic.

**Marc Gorelnik** [00:03:13] So what I'm going to suggest because I agree with Merrick that we can't let the perfect be the enemy of the good. We need to get something on the books now. On the other hand, with regard to this important issue as with any issue before the Council, we should always be striving to make things if not perfect, more perfect, you know, improve them. So, I'm going to suggest that after the April meeting, because staff will be just tied up, but before the June meeting that interested Council members, and I would defer to staff to arrange that, just get together talk about it, come up with a plan before the June meeting. Does that make sense to everyone here? Corey Ridings.

**Corey Ridings** [00:04:12] Thanks Mr. Chair, and thanks Miss Svensson for those comments and idea. That sounds like a decent plan to me, and I would just say here I'm happy to volunteer to be part of that group.

**Marc Gorelnik** [00:04:25] Yeah, I mean I don't want to make this overly formal. I think any Council members who want to participate should be able to as long as we don't have a quorum. Does that make sense? And I'll leave it to staff to organize that. All right, so I want to check in with Phil and see how he's doing. I think he's still working so... Dr. Braby.

**Caren Braby** [00:04:56] While he's still working and thank you Mr. Chair, I just wanted to add a couple of very, you know, small components to my thinking here. One is that third party type of reporting mechanism. It seems like the small group should explore mechanisms that are already in place such as for NOAA. And the other thing that may be an, an enhancement of the Tribal report is this concept that diversity is not only gender diversity and racial diversity, but also rank diversity and so just thinking about not putting the burden of reporting on the highest part of the hierarchy of the Council, but having diversity there because some people may not be comfortable going to the head table to report something regardless of gender or race, right? It's like a separate kind of diversity issue.

**Marc Gorelnik** [00:05:58] I think that's an excellent point. I recall when I first started coming to the Council it was a very intimidating process and only now I realize that we're mere mortal but we don't want too many people to know that, right? (laughter) Look around the table for some additional discussion while we're working on that motion. Christa Svensson.

**Christa Svensson** [00:06:32] Yeah, no I think this is a solid approach forward. I'm excited that we have a path and I just in terms of adding things think that taking some time to look at the clarity in terms of

how we're outlining this as we move forward in terms of a communication plan so people understand what we're trying to accomplish. This isn't, from my perspective, getting people in trouble. It's about being inclusive, and I am really excited that it is appearing to be the, we are all leaning in to do this. This is not just one or two people leading the charge. This isn't just the HR department or staff. This is we're all wanting to lean in and be a part of that and typically that is more effective in this type of process so thank you. Thanks for the time this morning to really dig in on this topic.

**Marc Gorelnik** [00:07:31] Absolutely. Sometimes we are so wrapped up in the technical details of what we do that we forget about the human dimension and the personal dimension that's also important for us to get our work done in a responsible way.

**Christa Svensson** [00:07:47] I do have one more question. I apologize.

**Marc Gorelnik** [00:07:48] Yes, please.

**Christa Svensson** [00:07:51] So, in reading the COPs there was a reference to the harassment policy and I apologize I couldn't find it, and it said there would be a link inserted but I think as we move forward it would be helpful for people to have a copy of at least a draft of what it is, and I apologize again if I missed it but I looked pretty hard and didn't see it.

**Marc Gorelnik** [00:08:17] Kelly Ames.

**Kelly Ames** [00:08:18] Thank you Chair Gorelnik. Thank you Miss Svensson. The idea there was that if the Council adopted Attachment 3, which is the CCC Harassment Policy as a standalone policy as recommended by staff, that then those documents would link to the CCC policy which would then become our policy. So that was the intent of that language.

**Marc Gorelnik** [00:08:54] Butch Smith.

**Butch Smith** [00:08:57] Yeah, thank you Mr. Chair. I just wanted to add something, and being utmost respectful and following things that you were taught with by your grandmother is very important, but we also got to keep in mind when we're doing these things that these people that we serve are independent business people and are not used to HR meetings weekly. Being a captain on the boat is probably the most unpolitical job still in the world. You know there's a lot of difference between, you know, what goes on in the corporate room and what goes on in a boat and there are no lunch breaks at noon and there's no coffee breaks at 10 o'clock. It's a much different scenario and I just want to, we want to keep in mind that the public that we're serving and there is a, there is emotions built into this process from people that are passionate about what they do, and I just don't want to lose sight of that. We heard testimony this week on people that were losing their fishing season. They were emotionally charged not at us. They were emotionally charged because they care about their communities and what's going to happen. It didn't necessarily mean they were harassing or disrespectful to anyone in this process, but I think we want to keep that in mind when you, when whoever we are... are going to meet and talk about that. But I am totally agreeing that, you know, we want to have this to be inclusive to everyone, no doubt about that and we want this to be a friendly and a good place to come do business, no doubt about that, but we got to remember there are some emotions on what we do with this process and the people, a lot of people that we serve, we got to remember that they don't go to government funded or otherwise company funded HR meetings and just keep that in mind too. That's all I ask. Thank you Mr. Chairman.

**Marc Gorelnik** [00:11:09] Thank you. Corey Ridings.



**Corey Ridings** [00:11:11] Thank you Mr. Chair. Thanks, Butch, for those comments. I just, thinking, responding here a little bit, this Council space is not just for independent business people, it's for a wide range of folks in the fishing community and outside of the fishing community. So, you know, as Phil reminded us earlier in the meaning of our oath, this is for the benefit of the nation. So, keeping in mind the wide range and to your point, how we create a very inclusive environment. Also, I have to add, fishermen are some of the nicest people I know. I observed in the North Pacific for a year and it's probably the reason I'm here is because those guys and those gals were incredible people who were 100 percent respectful, amazing to work with, incredibly well-spoken and had tons of knowledge so I just want to acknowledge that. Also just noting 100 percent about the passion. That is why our public is here. That is why our advisory bodies come here. That is why we're here. That is why the people that work for government come here too. And we're here because we are passionate, and we care, and if there wasn't conflict, we wouldn't need to be here. What we do is conflict. So, I just kind of want to acknowledge that, that it is difficult. It is by definition hard and, you know, not something we want to avoid but facilitate and have that done in a way where everybody is able to be here and be part of that so.

**Marc Gorelnik** [00:12:51] Butch Smith.

**Butch Smith** [00:12:54] Mr. Chair and Miss Riding, I agree with what you said completely 100 percent. And I remember a time where you and I were at that side of the table testifying to what workgroup we were working on and I was honored and privileged to sit up there with you coming from two different, at that time two different perspectives on what we were doing and come together to form, like we said what was how we were raised, you know, by to treat people and I agree with that. Thank you for your statement.

**Marc Gorelnik** [00:13:27] Brad Pettinger.

**Brad Pettinger** [00:13:29] Yeah, I think that it's okay for people to be frustrated but there is a limit to how much, how far that goes. I think people they shouldn't make it personal and there's a certain amount of...I think it's good for us to put up, not that people understand what that line is, but certainly, I mean I can, you know, I've been in this process long enough that there's been a lot of frustration in the past but there is a, there's a limit to that. And it's okay to be frustrated but let's not be abusive and let's... I think what we're doing here is... is good, good, good policy and so people will be able to understand where those lines are at so thank you.

**Marc Gorelnik** [00:14:09] Mr. Anderson.

**Phil Anderson** [00:14:13] I had a... it's... I think it made it over there. It's not beautiful, but I just had a couple of comments on relative to this discussion. I was really struck and not in a good way when I heard some of the testimony today on this topic. And there's a lot that goes on in our advisory groups and panels and committees as we sit in here that we don't know about, and unless somebody tells us about it, we'll never know about it. And so the, well, in listening in particular to Tara's comments, as well as talking to a number of you around this table, for at least the second time in my working life I've come to understand that there are problems with some behavior that's unacceptable that I wasn't aware of, and the degree to which it's happening is more pervasive than I realized, which in part I think is why we're talking about this now is in terms of making our policies that are clear, our standards are clear, our expectations of the people who participate in our process are clear, and it's that last point that I think deserves some additional attention. People that have been around the process generally, I think, know what is expected of them in terms of their behavior generally. Doesn't mean they always do it, but they know what's expected. But we have a lot of new people that come in and out of our process that don't have any idea about what's expected here, what our standards are, which in part to me is the reason

we're looked at as one of the best Councils in the nation, the way we behave, the way we treat each other, and unless we find a way to make that, what those expectations are clear to people when they walk into an AP or a room or a SSC or a, you know, STT or whatever it might be, I think we have to find a way to prominently display on the wall, if necessary, some real definitive bullet points about what the expectations are for people that are participating in those meetings so that if you're brand new and you come in you're going to see them. That's point number, or idea number one. Idea number two is if there is behavior that is in conflict with our expectations and our policies, what happens? What is the role of the staff officer that's staffing the committee? What is the role of the Chair in the Vice-Chair of the committee? We need to think about is there a standard that could be written so that there, so that those individuals understand what they are expected to do if that happens. Is it a recess and the Council Staff Officer confers with the Chair and Vice-Chair of the committee and decide how to address it, or do they bring it to the Executive Director and the Deputy Executive Directors attention? But I think if we had some clear guidelines on what the leadership, what the staff officer that's assigned to the committee was expect, what the expectation was if they observed or if there was conduct that was in contrary to our rules. I'm not suggesting we make that up right now, but it would be what I would, I mean it would be an assignment that I would advocate that we make to the Executive Director and the leadership team to think about putting together some protocols on what would happen, what happens. So those are my two things. Figure out a way to prominently display in our AP and other rooms, including ours, what the expectations are in terms of behavior so everybody can see them. They know what they are. If somebody gets up here and starts using profanity, like I remember one time, you know, that's not acceptable and they see it when they come in. So those are, and I do have a motion too so.

**Marc Gorelnik** [00:20:20] Thank you Phil. I do know we had a public commentor today who was in violation of decorum in past and he seems to have learned his lessons, but hopefully we don't have those episodes and we give people a heads-up how to behave and hopefully they can follow that direction. Before we get to the motion let me see if there's any other discussion or we'll have discussion on the motion? All right, I'm not seeing any hands so why don't you proceed with your motion?

**Phil Anderson** [00:20:55] Like I said it's not pretty.

**Marc Gorelnik** [00:20:57] If it gets us there it's great.

**Phil Anderson** [00:21:01] So I move that the Council adopt the Model Fishery Management, the Model Fishery Management Council Policy on addressing allegations of harassment of process participants other than Council employees as represented in the Agenda Item G.5, Attachment 3, March, 2023 with the following amendment. And the amendment's to Section 2 under background. The Council process involves a complex and dynamic relationship among Federal and state employees, and here we would insert 'tribal government employees', and then it continues on as you see on the screen, and adopt the changes to COP 1 as represented in Agenda Item G.5, Attachments 6 that incorporate the applicable policy components of the harassment policy referenced above.

**Marc Gorelnik** [00:21:59] All right, thank you for the motion, Phil. The language on the screen is accurate and complete?

**Phil Anderson** [00:22:04] I believe so.

**Marc Gorelnik** [00:22:05] I'll look for a second? Seconded by Caren Braby. Please speak to your motion.

**Phil Anderson** [00:22:12] Thanks Mr. Chairman, and thanks for the great conversation here today on this very, very important topic. I think this gives us a good starting point here to update and add to our

existing policies dealing with harassment and also then incorporates those policy additions into COP 1. And as we discussed earlier, this is a work in progress and will continue to try to refine as appropriate our policies and operating procedures to ensure that we have a safe environment in which the public can work with the Council on the issues that come before us.

**Marc Gorelnik** [00:22:59] Thank you. Questions for the maker of the motion? Caren Braby.

**Caren Braby** [00:23:04] Clarification on whether the harassment policies Attachment 4 and 3 need to be adopted as a separate motion or if this reference here to those are sufficient?

**Marc Gorelnik** [00:23:21] Phil.

**Phil Anderson** [00:23:21] I have no idea. I would look to Miss Ames to assist.

**Marc Gorelnik** [00:23:33] Kelly.

**Kelly Ames** [00:23:34] Thank you Dr. Braby. As noted in the situation summary, we have already begun to incorporate the policy that applies to Council staff into our personnel rules. So, it's my understanding we don't need a motion there. We have that policy and we are incorporating it. The key factor here is the one that applies to the Council process participants.

**Marc Gorelnik** [00:24:01] Caren Braby.

**Caren Braby** [00:24:06] I think my question remains whether the language after the 'and' is sufficient to adopt that policy.

**Marc Gorelnik** [00:24:21] So it's really a two-part motion. One is to adopt the policy with that amendment, and second to adopt the changes in the COP 1. Is that your intent Phil?

**Phil Anderson** [00:24:30] Yeah. Yes.

**Marc Gorelnik** [00:24:30] Okay. Any further questions for the maker of the motion or discussion on the motion? Christa Svensson.

**Christa Svensson** [00:24:41] Yeah, thank you Mr. Chair. I am supportive of the motion. I will say I had started a motion for the COP portion of this and I had planned on including a comment about modifying for Footnote 1 found in the Supplemental EAS, so just wondering if we can clean up all the language on that or what the maker of the motion's thoughts are on that?

**Marc Gorelnik** [00:25:11] Well, I think if you want to propose a further change to the COP you can amend, seek to amend the motion to include that.

**Christa Svensson** [00:25:23] Okay. Well, I would be happy to make an amendment.

**Marc Gorelnik** [00:25:26] So do you have a motion to amend here?

**Christa Svensson** [00:25:30] So I motion to amend, so after the word 'above' I had 'with the modification to Footnote 1'.

**Marc Gorelnik** [00:25:48] Hold on a second. I want to make sure we're in the right spot there.

**Christa Svensson** [00:25:51] So the very last sentence of this motion where it ends in 'above'.

**Marc Gorelnik** [00:26:04] So you're just going to tag on to the end there?

**Christa Svensson** [00:26:06] I was just going to tag on to the end, yeah. Are you ready Sandra? Okay. With the modification to Footnote 1 as found in Supplemental EAS Report 1, Agenda Item G.5.a. Thank you. That was going to be the correction I would have made and as it stands that is my amendment.

**Marc Gorelnik** [00:27:13] And just for clarity, that was deleting the words 'covers a'.

**Christa Svensson** [00:27:19] Correct.

**Marc Gorelnik** [00:27:20] Okay. All right so the language on the screen is accurate and complete?

**Christa Svensson** [00:27:25] Yes.

**Marc Gorelnik** [00:27:25] It's short and sweet. Is there a second? Seconded by Pete Hassemer? Please speak to your motion to amend.

**Christa Svensson** [00:27:32] Yeah, I think if we are going to adopt a COP, we should have it be as complete and correct as possible and this amendment does that.

**Marc Gorelnik** [00:27:44] All right thanks for that. Any discussion on the motion to amend? Not seeing any hands we'll vote. All those in favor of the motion to amend signify by saying 'aye'.

**Council** [00:27:55] Aye.

**Marc Gorelnik** [00:27:55] Opposed, no? Abstentions? The motion to amend passes unanimously. Thank you for the motion. We're back to the main motion as amended. Further discussion? I'm not seeing any hands. I will call the question. All those in favor say 'aye'.

**Council** [00:28:14] Aye.

**Marc Gorelnik** [00:28:14] No? Abstentions? Motion passes unanimously. Thank you very much Phil for the motion and Christa for the amendment. And I think we discussed letting the SOPPs slide for now. So, before I go back to Kelly I want to see, I'm sure I've missed something here. So first I'll ask the Council? Oh, Dr. Braby.

**Caren Braby** [00:28:43] Is there any formal motion that's needed to bring together a group of Council members after the April meeting?

**Marc Gorelnik** [00:28:55] Merrick, do you have an answer to that?

**Merrick Burden** [00:29:03] Yes, thank you Mr. Chairman. And that is an excellent question Dr. Braby. As we've talked among staff about how to proceed here with this potential idea, you know, as staff we are always willing and welcome the opportunity to engage with Council members. If you would like to form a formal committee that has the strength of a committee, I think you would need a motion. I don't think that's what you're talking about and so the way that I would understand this direction is that the staff are being tasked with drafting a paper that explores some of the items that you've already pointed out and we would welcome discussion with any of you that would like to hash that out with us, and I'm not sure that takes a motion, but if others disagree I'm certainly willing to be shown I'm wrong but.

**Marc Gorelnik** [00:29:59] Virgil Moore.

**Virgil Moore** [00:30:00] Mr. Chairman, on that issue I agree with our Executive Director. But I also believe I heard that you, as Chair, gave a direction that we do this, that we get together with staff. The Chair has some authority to put ad hoc activities together and direct those and that's what I heard is the intent is to do this. The Chair challenged us to do it without appointing the people and asked staff to do that, so I in my mind we've got all the clarity we need to proceed on this relative to that. I don't believe we need a formal committee at this point because we're simply assembling some thinking to bring back for further consideration, so I think the way we're going is just fine.

**Marc Gorelnik** [00:31:00] Yeah, I guess my intent was just to avoid unnecessary formalism that to task staff with inviting a group of Council members who are self-nominated. I don't need to appoint anyone. And it's simply not an issue unless we have a quorum of folks participating and I'd rather leave it informal with an open invitation for Council members, but if we need to, if we find too many people are volunteering and would be great to have that level of interest, then we'll have to have a lot more formalism. Dr. Braby.

**Caren Braby** [00:31:34] The... the last thing that's on my mind is the timeline and Miss Ames mentioned the June Council meeting and of course this is going into our workload planning a bit, but to me that seems like a reasonable time to come back and so just in closing out this item I think all of this discussion I feel very comfortable with I think is a good approach.

**Marc Gorelnik** [00:31:58] Okay great. Corey Ridings.

**Corey Ridings** [00:32:03] Thanks. Just a quick clarifying question. When we opened the discussion Kelly talked about two buckets, one was the Model Harassment Policy which I think we just discussed, and the second was another bucket of work that she termed respectful work environment that was covered under the staff document. So, I just wanted to be clear if we have sort of covered that second bucket and whether that would be part of this ongoing group and something we would then talk about again in June?

**Marc Gorelnik** [00:32:39] Kelly Ames.

**Kelly Ames** [00:32:41] Thank you Chair Gorelnik. Thank you Miss Ridings. You had a very robust discussion today about the types of things that you envision being part of fostering a respectful work environment. What I heard here today was a tasking that we would summarize the comments we heard today as well as take into account any additional feedback Council members have on these very important matters, and that we would bring that all together into a package for your consideration in June and that we would continue to further refine these features that the Council deemed important to that initiative.

**Marc Gorelnik** [00:33:28] All right, not seeing any of their hands.... Kelly, have we completed our, our work here on this agenda item?

**Kelly Ames** [00:33:36] Yes, thank you very much. I really appreciate the detailed attention that everyone put to these important matters. We covered a lot here this morning. We took care of our membership appointments and so we'll get those updated in our roster. I will not recap all of those changes. We will also post this newly adopted Council policy on addressing allegations of harassment as well as the updated COP language so that it is readily available for everyone to reference as needed. And as I mentioned previously, we will take those additional steps to have a discussion potentially at the June Council meeting on the ideas to foster a respectful work environment. Thank you.

**Marc Gorelnik** [00:34:28] All right, I think that does it for this agenda item and allows us to move on.

## 6. Future Council Meeting Agenda and Workload Planning

**Marc Gorelnik** [00:00:00] We have the hardest of the hard core here with us to... we still have a quorum to bring this final agenda item to a close. We've had public comment. We've had reports from our advisory bodies and management entities, and I'll turn to Merrick Burden to manage the Council instruction and discussion.

**Merrick Burden** [00:00:33] Thank you Mr. Chairman and thank you Council members. We're doing quite well here this morning. So just a quick overview. We do look for your guidance and input into structuring these agendas. Like usual there's always a bit of art to putting all of these meetings together, so we... we don't look for motions on this one so that we have the latitude necessary to move things around and put all of the puzzle pieces together appropriately. So that is your ask here. Let's see as we went through the advisory bodies and public comment, I did make note of a couple of things. One was the issue that Miss Yaremko raised, which was the matter of the National Marine Sanctuaries and the coral propagation. That issue, of course, it would depend on when the sanctuaries are ready to come back, and so if you are looking to add that to an agenda, we would be looking to treat that as a shaded item. I think September makes some sense to do that, but we would of course be talking with the sanctuaries and as that date drew nearer, working to either pin that down or move that to a time when they would be ready. Another issue that may warrant some discussion and that triggered some discussion here on the floor was the HMSMT's recommendation to add a drift gillnet transition amendment to the September and November agendas, and of course I think some input from the National Marine Fisheries Service on that given their efforts to clarify what the language in the Drift Gillnet Act indicates and what their obligations are and all of that I think would be helpful for that discussion. One other thing I made note of, and this might be a more minor issue, I don't actually recall, but there was some consideration that I made note of ecosystems in September to unshade the FEP Initiative Progress Review. I don't know if that has a lot of traction here, but I did make note of it. There were some other things I did not make note of Mr. Chairman, but those are the things that stood out to me. Moving over to the April meeting, the GAP did request being able to start earlier. We did already file the Federal Register Notice. So, it would be I don't think that is doable at the moment, but we do have a GMT webinar prior to the meeting where we'll walk the GMT through several materials and the GAP may benefit from participating in that and that might be a good way to plug that hole for that desire, if you will. So how about I stop there Mr. Chairman, and at this point I would appreciate some additional guidance or discussion if you have anything that you would like to see changed or altered here on the YAG especially.

**Marc Gorelnik** [00:03:43] Heather.

**Heather Hall** [00:03:46] Thank you Merrick. I did have... I was going to ask if we could do, add that day for the GAP in April, but appreciate that the option for that is passed. Relative to April, appreciate putting the follow-up on the Sablefish Update on the April agenda and relative to the GAP request as well as maybe unshading Marine Planning on the April agenda were the things I had specific to April. I also wanted to just provide some thoughts on the GMT's statement and their request that the Council confirm that they should be reviewing the NMFS Report under F.8 at this meeting on state and Federal water methods, and they asked for some specific guidance on whether or not they are expected to just talk with NMFS informally about their thoughts on this report or whether or not they needed to come back to the Council when this comes up again, I think, in November, and I appreciate how busy the GMT is over the summer and with the Star Panels and all of that they're busy, and so I didn't want to put an extra workload on them to try to develop a formal report, but also recognize we'll be starting phase two potentially in November, and so having some input, maybe that could come in November, but I'd be open to other people's ideas about that. You mentioned this Merrick on the FEP Initiative

Progress Review, unshading that for September is something I had in my notes that I would support doing, but I think one of the bigger things I noticed and my mind was missing from the Year-at-a-Glance was from our workload planning discussion, and that is the limited entry fixed gear follow-on actions and the scoping on that, I do see that the fixed gear marking is, scoping is scheduled for March 2024, but I was hoping to have the fixed gear follow-on scoping happen well before March 2024. In the discussion on that under this meeting I also suggested whether or not that gear marking could be packaged together with the LE fixed gear follow-on scoping. So, I guess, ideally if that scoping could come back under the Workload and New Management Measure Update that we'll be getting in June that would, I would appreciate that. Those are my thoughts there.

**Marc Gorelnik** [00:07:14] Thank you Heather. Merrick.

**Merrick Burden** [00:07:17] Thank you Miss Hall. I just want to make sure I'm following everything. So when you first mentioned that GMT and their workload, I believe you were referring to what we are calling Phase Two Stock Definitions, and you made note of that coming up in June?

**Heather Hall** [00:07:37] No. November.

**Merrick Burden** [00:07:39] November as it's written on the YAG?

**Heather Hall** [00:07:40] Yes.

**Merrick Burden** [00:07:41] Okay. Could you reiterate what your concern there was? Was it a workload concern on the part of the GMT?

**Heather Hall** [00:07:47] Yeah. The GMT asks for some specific guidance on whether or not they needed to bring back a formal... they let us know they're reviewing that document, but their request was do they need to come back to the Council with a formal report or can they just coordinate with NMFS on that review? And I thought if there was a report and I'm open for other people's thoughts on this, it would ideally come in November when we get that, when that next comes up on the agenda. And I think what I was talking about was that they're very busy during the summer with Star Panels and all of that. So that was just a recognition that they were looking for some guidance. I didn't settle on any formal in guidance, but just wanted to make sure we didn't leave them hanging on that.

**Merrick Burden** [00:08:45] Okay. Thank you for that. And then the other one I want to make sure I'm following correctly is you were suggesting or perhaps asking whether we can package the fixed gear marking, scoping and March 24 with the sort of limited entry fixed gear follow-on scoping, I think is what you referred to it as, but you had a desire to do that earlier than March, is that?

**Heather Hall** [00:09:08] Yes, ideally in June.

**Merrick Burden** [00:09:11] In June. Okay.

**Marc Gorelnik** [00:09:13] Lynn Mattes followed by Christa Svensson. And just to point out to folks Caroline McKnight is in the seat for California and Lynn Mattes is in the seat for Oregon. I have hands raised so I'm going to go to Lynn, then I'm going to go to Christa and then I'm going to go to Caroline, if I remember, and Ryan Wulff or is it Susan Bishop? Thank you.

**Lynn Mattes** [00:09:36] Thank you. I was going to follow-up with what Heather was just talking about and Merrick questioning the GMT and the methodology review. I agree with Heather that if the GMT and NMFS can have some informal discussions between now and September or even at September, that



was what I was thinking when I was speaking about this a couple of days ago. And then if something formal from NMFS with that methodology once the GMT has reviewed it could be presented as we start our scoping in November. That was what I was seeing as the plan, what would be a good plan in terms of workload. The second issue, I had heard it from some staff as well as some other ABs, and then we heard it in the HMSAS Report is the, being able to look more, a little more long term about which ABs are in person and which ones are virtual. If there's a standardized protocol that we could outline or include that on this Year-at-a-Glance, which are anticipated to be virtual, which are anticipated to be in person. I know we started those discussions last November, but I do think that would be helpful for our management teams and our advisory subpanels in making plans, business plans, vacation plans, et cetera. So that's all I've got at the moment. Thank you.

**Marc Gorelnik** [00:11:07] Thank you Lynn. Christa.

**Christa Svensson** [00:11:10] Yeah, thank you. I guess I will say my understanding of the motion we made on Workload and New Management Measures was that the limited entry fixed gear and gear markings was a package. So, I would like I guess a little clarification on that if that was not what we voted on, but that was my understanding certainly when I voted on that and I would be in favor of taking that up in June because I think that there are a number of items that are timely in that including the gear marking piece.

**Marc Gorelnik** [00:11:51] We'll come back to that. I want to just collect all these comments and then we'll go back to Merrick and see if he has any questions or how we're going to synthesize all those. So next will be Caroline followed by Ryan followed by Kelly.

**Caroline McKnight** [00:12:08] Thanks Mr. Chairman. Just a quick sound check. Can you hear me okay?

**Marc Gorelnik** [00:12:11] Loud and clear.

**Caroline McKnight** [00:12:13] Great. Thank you. I would echo Lynn's comments regarding the methodology review for the GMT to have an informal discussion in September and will formally report in November, so just echoing support for that direction for the GMT. And then my comment was actually related to something entirely different, so I want to make sure I don't take us away from where we were, but I was going to speak to the Office of National Marine Sanctuary item and my understanding to where we left it, but I'd like to pause and make sure that I don't redirect us.

**Marc Gorelnik** [00:12:50] All right. Ryan, did you have a new topic or did you want to follow-on to this discussion? And Kelly are you okay if we go ahead with that National Marine Sanctuary comment from Caroline? Okay, go ahead Caroline.

**Caroline McKnight** [00:13:06] Okay thanks so much. Yeah, so just commenting on the Office of National Marine Sanctuary Project plans for the coral planting that we heard under F.4. My understanding was that the sanctuary was indeed going to come back after their public comment period closed and that it was likely to be September they were looking at and I was hoping to see that as a shaded item in September. I would propose for it to come in under an admin item at least initially. I do indeed see that there is some potential for a crossover with other FMPs this item could or would benefit from. So at least on the outset of initial scoping it might be more appropriate under an admin item, and then if we need to redirect and change course after that we certainly could, but that would be my preference for it to be shaded in September as an admin item. Thank you.

**Marc Gorelnik** [00:14:04] Thank you Caroline. Ryan Wulff followed by Kelly Ames.

**Ryan Wulff** [00:14:09] Thank you Chair. Yeah, a few things. Regarding the potential kind of bundling of the fixed gear marking, scoping, and the follow-on actions, NMFS can support that from a scoping perspective in June. I'm not sure all of those actions will be necessary but we can work that out in scoping, so I think that's fine. I'm also, I was going to say this under groundfish but based on Caroline's comments we do support putting the sanctuary item as shaded on the YAG. If it's an admin that's fine with us as well, but we will have to revisit this, right? It's not quite clear if they will have information ready by September from the sanctuaries, but of course we can update as we get to future workload plannings. For ecosystem I just wanted to... I think we would support unshading the September FEP Initiative Progress Review, but removing the Workshop Planning. I think the EWG stated a plan for bringing information to September. We heard support for that during discussion and the June workshop discussion seems a little premature given the plan for May webinars. And then finally on HMS, a couple of things that came out of the advisory body reports. I'm okay at this point if we want to leave the or even unshade the workshop scoping. We did hear earlier during the hard caps update a desire for NMFS to come back to start the consultation with the Council for the appropriations language on the drift gillnet transition and the alternative gear language. The MT has recommended both September and November. I don't think we need two agenda items. I would recommend putting it shaded for September for now, like the MT Report, but I would note that I think there's a lot of overlap between that and the SMMP discussion, so I just want to put a placeholder here. I want to have some discussions with other members who are no longer around the table at the moment, because I do think there's a possibility you could combine some of that in the June action, but we don't need to decide that now for the purposes of here. You could keep them as two separate and shaded and we can revisit this in April. Thanks.

**Marc Gorelnik** [00:16:37] Thank you Ryan. Kelly Ames.

**Kelly Ames** [00:16:39] Thank you Chair Gorelnik. The benefit of going last is that nearly everything I had on my list just got covered with one exception. Miss Hall spoke to the timing for the GMT to review the NMFS methodology to potentially inform phase two of this stock definitions complex scoping, however I didn't hear any discussion about SSC. There was a recommendation by NMFS that both the SSC and GMT look at those. Would it be reasonable to assume you'd also like the SSC review completed in time for the November scoping item?

**Heather Hall** [00:17:19] Thank you. Yes. Thank you for remembering that.

**Marc Gorelnik** [00:17:24] Phil Anderson.

**Phil Anderson** [00:17:29] Two things. One is shortbelly rockfish. We certainly have taken some action to try to provide some overarching protection for that important forage fish species. We do have, we have discussed before the potential of moving forward with a regulatory prohibition on a directed fishery. I'm just noting that I'm continuing to look for a spot in workload on groundfish that we might at least get started with a scoping session on that. I don't necessarily have a suggestion for when to schedule that, but I just wanted to note that it's still on my list of things. The other one is totally different is when, and I think Lynn mentioned it, about trying to plan ahead for when the... our APs are going to be meeting in person versus virtually. And I, well I don't, while I can't say I know I think that there were some complications for our April meeting in terms of meeting space in where we're meeting and that led to us having to make some decisions about having one or more advisory panels meet virtually rather than in person when if we had had the space we would have had them in person, and I believe that holds true probably for the GAP for the April meeting. But to the extent that we can talk with particularly, you know, the Chairs of those groups, if we're thinking about having their meeting be virtual rather than in person, I think it's really important to have that dialogue because I know, I do know that groups like the GAP would much rather meet in person than virtually, and I know there's groups like the SSC maybe that are the other way, but we're asking a lot of them and now they've asked

for an additional day in April and we're not able to give that to them either. So, if I'm a GAP member I'm beginning to wonder have I fallen out of favor or what? But so I'm concerned about that and I would just and maybe there's already a communication process set up with Merrick and Kelly and those APs when there's a decision about whether they're going to meet in person or not, but I know that it's really important to some of those.....SAS is another one for the most part, maybe their November meeting can be virtual, but I just think we need to be really thoughtful about having, making the change from an in-person to a virtual meeting.

**Marc Gorelnik** [00:20:51] I've got a couple of comments on.....go ahead Corey.

**Corey Ridings** [00:20:55] Thank you Mr. Chair. A couple small pieces here. Looking at the agenda for April, if the Budget Committee isn't meeting maybe we could swap the Legislative Committee meeting in for that time period just so it would be later in the day and more folks would be able to attend or perhaps even fly in that morning. I, talking about meeting in person, I noted the EAS asked for having in-person meetings. Right now, they usually meet only twice a year and I heard from several of them this week about how nice it was to be able to be together and just in general saw the benefits of that. So just flagging that. I'm guessing Mr. Director you have this down, but thinking about what we just had a discussion about coming back in June under admin items to think about the Harassment Policy and Respectful Work Environment. Just making sure that gets added in there. And then I wanted to echo Phil's comments on shortbelly. I continue to think that this is important. Shortbelly continues to be an important forage species for our salmon, seabirds, and marine mammals. I noted we saw the shortbelly scorecard earlier in this meeting and the numbers were low and that was great, so I wanted to highlight that. In addition also highlight the excellent report that ODF and W did in 2021. That gives us a great jumping off point on that. So, I would suggest that we put this on the calendar for September as a starting point and see if we can't get that going. And then finally, I'm guessing Caroline might be about to speak to this if she's in the queue, but I'm a little bit confused but just wanted to think about the Cordell Bank cleanup package. I know it was mentioned earlier in the meeting. There is some confusion over waypoints and different areas there and I'm not quite sure how that fits into the larger discussion that we kind of got started off there with Marci earlier in the day, but just wanted to put that out and see if other folks had ideas around that. Thanks.

**Marc Gorelnik** [00:23:15] All right. Thank you. And on cue Caroline has raised her hand. Go ahead Caroline.

**Caroline McKnight** [00:23:23] Thanks Mr. Chairman, and thanks Corey. I do apologize I was not able to hear in Marci's initial comments on this, so I'm hoping that I'm not saying something counter to what she's already spoken to, but in discussion under F.8 I did indeed make the offer that where there is some ability or nexus to attach the Cordell Bank cleanup under F.8, which is a new workload item that we prioritized where there was nexus for it to be done under the Office of National Marine Sanctuary work, where it's appropriate we would be willing to do that. So, it's possible that if we get an update from the sanctuary prior to September on whether September is a good time to unshade or schedule, we'd be willing to bring that back up and have a discussion at that point in time. Whether or not that needs to be on the YAG immediately, I would leave to Executive Director Burden to provide some advice on how we could go about that.

**Marc Gorelnik** [00:24:42] Phil's got his hand raised. Do we want to take a break here and respond to some of these and come back for more comments? Phil.

**Phil Anderson** [00:24:53] Just two things I forgot. On the April agenda, and I know it's hardwired, but there are two things there. We will be, we will have an update from the Pacific Salmon Commission on the catch ceilings for Northern BC, West Coast of Vancouver Island and Southeast Alaska, and I wanted

to make sure that that was conveyed in a formal way to the Council. And there isn't a, and I'm not suggesting that the omission of having a PSC item under salmon is a problem because I normally, I do give the report in March and there is another one in April, but I will do my best to provide a, and perhaps it could go in the informational report or wherever you choose to put it, the CTC memo that comes to the Salmon Commissioners that have those values in that memo, because there's, at least north of Falcon there's a lot of interest in what those values are. So that's one. The second had to do with gear switching, and I know, well, I think coming out of the November meeting in looking at the piece that Jim and Jessi had in our informational reports for this meeting, there was the reference to the potential of having the alternative that Christa was putting forth in November, and it's my understanding that there is also an opportunity if other Council members have an idea that they want to put out there for public consumption, that we can do that. And I just want to confirm that that was, that I'm correct on that?

**Merrick Burden** [00:26:56] Yeah, thank you Mr. Anderson. If I understand your question correctly, well a couple of things come to mind, so one is if you have something that you are willing to share that you want to make available within our briefing book, please feel free to do so. We are, we've discussed internally how to handle that and what we would list it as is essentially a Council Member Report, just like we have state agency reports and we would place that in the briefing book under the appropriate topic. I think that's what you're referring to.

**Phil Anderson** [00:27:29] That's correct.

**Marc Gorelnik** [00:27:34] All right. I just have a couple of things to raise. On regard to the attendance of advisory bodies and management teams, this is an issue that arises both from space issues, which we have in April but also in terms of budgetary considerations, and I think that's something we're going to, if I interpret the agenda correctly, we're going to be talking about Council and process efficiencies on Monday, April 3rd. So that's, it's an important issue. I think advisory bodies feel more involved, feel like they belong to the Council process when they're here. And I've heard that loud and clear from advisory body members as well as a number of Council members. So, I don't know how we address that with given the budget we have, but that's something we're going to have to discuss. Secondly, and I don't know if we have any latitude to address this so I was just going to throw it out there, and it's not about changing any of the topics that are in the April agenda, but I noticed there were a couple of items on the next to the last day that in the past have taken a lot more time than they have been scheduled. And I don't know, I'm not close enough to the topics of the Sablefish Gear Switching and Marine Planning, both of which are on Thursday, April 6th, but since those are two topics that have generally, if not always gone well over their allotment and we just don't have a lot of confidence in the estimated time, if there's any latitude to move those earlier in the meeting and later in the day we could both take advantage of time savings on other agenda items, which is kind of hard to do on as you're approaching day last. And two, we would be less likely to perturb other folks who have business on the Council floor. Let them come in and get their business done and then go on. So again, I don't know if there's any latitude. I don't think we need to discuss it. I think I'm content to let staff take a look at that and see if there is any latitude. If there is, great, if there isn't, well, let's try to be mindful in future Council meeting planning. Merrick.

**Merrick Burden** [00:00:00] Yeah, thank you Mr. Chairman. There's a lot of topics here and so I'm trying to keep these organized in my head, but I did want to respond to some of your particular comments on the April agenda. I think one of the things that we've learned on Marine Planning is that we have a wide confidence interval around our time estimates and sometimes we're on and sometimes we're not, and as you indicated Mr. Chairman, when we're not late in the meeting week it's real hard to catch up, and we experienced that here. And so, without having a specific proposal for how to possibly remedy that in April, it does occur to me that we've heard from the GAP saying they want more time to work on their groundfish items. We can't bring them earlier, but potentially shift some of the things we

have on Monday over to Thursday and bring in Marine Planning earlier. So that kind of thinking is going through my head and that might help to resolve some of that pinch that we're seeing with the order that the GAP is saying that they think they have on their plate, so maybe we could make something like that work.

**Marc Gorelnik** [00:01:08] Again, I defer to staff. We'll manage that, those details here.

**Merrick Burden** [00:01:14] Yeah, understood. Some other thoughts Mr. Chairman, as we have, you know, been coming out of COVID, it feels like we are almost out of it and then we have another flare-up, you know, part of the remote meeting format and honestly part of the April Council meeting constraint we have was coming out of COVID and an inability to find a sufficiently large hotel, and so we're in this is still working our way out of this awkward period. But as we look ahead through the year we have, what I have observed is that compared to March and April of last year where we had very few bodies in-person, we are planning to have the vast majority of advisory bodies in-person as we go forward until we decide otherwise. The exception to that is the SSC has asked to go remote a couple of times and I think that request is reasonable. That's the one that stands out at the moment. So the pendulum has swung as we've just, as we've figured out that trying to run a concurrent, remote, and in-person set of meetings just is a headache and that our advisory body is like many groups don't work as well remotely when trying to grind through some of these important topics, and so we are quickly moving back to a nearly full in-person format. What we, what you also did point out Mr. Chairman, is that we do have this issue of Council efficiencies in April and the topic of that item is on the remote and hybrid and in-person format, that's the focus of that discussion. So that would be an intentional look at that question and how we want to resolve it in light of our budget situation and in light of the technologies that we have available to us. So not a perfect answer, but for folks that are listening I would be planning on in-person meetings for the most part.

**Marc Gorelnik** [00:03:13] All right, thanks. I just saw Lynn Mattes' hand went up when we were talking about moving groundfish and so I wanted to make sure she got her two cents in here before you addressed all the other comments you heard from around the table.

**Lynn Mattes** [00:03:28] Thanks Chair Gorelnik. I was actually just going to agree with Merrick. Moving groundfish items to later in the week would probably be better than trying to move Gear Switching earlier in the week. Gear Switching, even though it's supposed to be a check-in, refine alternatives, I think that's going to take a fair bit of time for the GAP and the GMT so keeping that later in the week provides them that additional time to work on it. Thank you for let me weigh-in on that.

**Marc Gorelnik** [00:04:10] Oh, Christa. I'm sorry.

**Christa Svensson** [00:04:11] Yeah. Thank you.

**Marc Gorelnik** [00:04:12] I'm lost in my own thoughts.

**Christa Svensson** [00:04:14] Well I guess I'm just, I'm in agreement with you that I think having Gear Switching and Marine Planning on the same day at the end of the week could be a recipe for a very, very long day and probably too long of a day. And I in hearing Lynn's comments and wondering, and I don't know Marine Planning in terms of like structuring for how much work goes into that agenda item, if moving that forward hearing that there is some appetite for moving some of those groundfish items later in the week might be possible. So just raising that because I do agree that I think that's two really big agenda items that tend to run long on the same day.

**Marc Gorelnik** [00:05:10] Merrick.

**Merrick Burden** [00:05:13] Well I was going to continue.....I will recognize your comment. I think it's a good one Miss Svensson but I don't have a particular response other than just say, yeah, I think you're right.

**Marc Gorelnik** [00:05:24] You know I think if sablefish is going to stay on Thursday maybe we give people the heads-up that if we're able we're going to start it at the end of the day on Wednesday just to try to capture some time there, but if most of.....our Council folks will be here anyway but I think it's getting the public the heads-up on that would be important so if they want to make public comment and we start that on Wednesday that they don't get locked out because it it's an area where we need, we need that public comment. I'm sorry Heather. I'm getting tired here.

**Heather Hall** [00:06:06] Thank you. I do have a new item. I wanted to make sure we're all caught up and a new item for the Year-at-a-Glance and just to flag this, in thinking about starting phase two of the stock definitions and with complex scoping in November, I just want to bring up what we talked about under phase one. A lot is the need for a workshop and it didn't happen and I think we're going to really need something like that for phase two November scoping. Also want to just say upfront I recognize that we'll be completing stock assessments, you know, at about this time and over the winter is when the GMT does their work on harvest specifications. But I also want to say there's never a great time and I don't want that to be the reason why we don't have the workshop while we get a year down the road and say we really would have benefited from some time where all of these groups can get together and talk about this. So I don't have a specific place on it to recommend it going on the Year-at-a-Glance but I do want to flag it so that we can think about it as the Year-at-a-Glance shift's looking forward and make room for that. I think it'll be really important. Thank you.

**Marc Gorelnik** [00:07:49] Merrick.

**Merrick Burden** [00:07:49] I don't want to cut off discussion, but I do think it would be appropriate to try to summarize what I'm capturing because there's been a fair bit of discussion, some of which seems to be I'm not sure if there's agreement on but let me let me just start here. So in April, I did make note of, you know, Mr. Anderson's note about the CTC memo and putting stuff in the briefing book. We made note that if Council members have gear switching ideas or proposals or things of that nature, that we will be entertaining those as part of the briefing book. We've flipped the Legislative and Budget Committee timing so that folks don't have to show up early in the morning and then wait till the next day. That's a good observation. And then there was talk of trying to flip or make sure we don't have Gear Switching and Marine Planning on the same day and moving Gear Switching earlier and maybe some groundfish matters later. And so, I've made note of that on April. If we go on and look at the Year-at-a-Glance, we've got a couple of things that might trigger some additional discussion. So if we start in June, we're beginning with a total number of time that's five and a half days, which is what we aim for and so there's difficulty in adding things to June if we don't strike something. There was a desire I made note of to take the, a combined scoping package of fixed gear marking and the limited entry fixed gear items, combine those and bring them into June. That'd be hard to do if we didn't strike something. One of the things that Mr. Wulff made note of, he thought that the Ecosystem and Climate and Information Initiative Workshop Planning, that might be too early and he suggested striking that. I think if that's stricken we can probably add the scoping item there, but I know that there's also some support for that item, or at least I suspect there is. So that's something I want to flag for you. Bottom line is I don't want to overschedule and start sending note, sending notice to people that we're going to start planning on six days because we're not. So that's one thing to make note of. Let's see in September, I've heard a lot of agreement to add a shaded item on the Sanctuaries and Coral Propagation. I like McKnight's suggestion, Miss McKnight's suggestion that we consider that as an administrative item since it is a cross FMP issue, not just a non-trawl RCA issue this go around. There was talk about stock definitions broadly and there's this methodology discussion that would need to take place before we get

to the stock definitions issue potentially. So I penciled that in for September with the idea that we'd have a September discussion on methodology and then the stock definitions scoping in November. I want to make sure I'm aligned with people on that thinking. And then finally we do have in September, I believe there was support for the DGN Transition Amendment in September, but not November. That was a suggestion that Mr. Wulff raised in holding that as a placeholder for now until we learn more, and so I've made note of that. The last thing in September is unshading the FEP Initiative Progress Review. And then if I go through November and March, November '23 and March '24, I have no changes. So that's where things stand now. I would not be surprised if I've missed something.

**Marc Gorelnik** [00:11:42] It would only make you human. Let me see. Lynn Mattes, your hand was up and now it's down and now it's up.

**Lynn Mattes** [00:11:51] Hi. Thanks Chair Gorelnik. I misheard something that Merrick was speaking to a moment ago. So that was just it I, my hearing is getting tired too.

**Marc Gorelnik** [00:12:08] All right. I, Christa Svensson.

**Christa Svensson** [00:12:14] Yeah, I'm going to ask a question and I don't know the answer. But in terms of putting the fixed gear package in June, you'd mentioned having to strike the Ecosystem and Climate Information Initiative and I don't want to strike that, meaning I don't want it off the agenda forever, but I am wondering about could we package that in September when people are already meeting and we have four and a half days currently of time instead of five and a half. But I, again I just don't know that agenda item well enough to say this is a great idea or are you out of your mind?

**Marc Gorelnik** [00:13:00] Ryan Wulff.

**Ryan Wulff** [00:13:01] Yeah, thanks. I'd just like to make a suggestion. I mean I don't think we need to make a decision right now to strike anything. I understand June looks a little full. We have a practice of where we sometimes have an agenda that is over the days allotted and we have a whole workload planning session scheduled in a few weeks from now to discuss the June agenda, so I would recommend leaving the things as you went through Merrick and we can return to this discussion on June and April.

**Marc Gorelnik** [00:13:36] Merrick.

**Merrick Burden** [00:13:38] Yeah, thank you, Mr. Wulff, for that comment. I'm not opposed to that but as I think about the Ecosystem and Climate Information Initiative Workshop Planning, what that does is it sets context for the May workshops potentially that the EWG is putting together and how that will be assembled and that will start relatively soon and so I would be, I guess, I have a little hesitation about setting that expectation here because the gears will be put in place pretty soon, and so maybe that's okay but and it could just be reflecting my lack of understanding about this idea. I would note that as Miss Svensson indicated we do have time on September with another ecosystem matter, but I think what this is also reflecting is my earlier voiced confusion when we started this agenda item saying I'm not clear on what we're trying to achieve with this so that might be coming through in spades at the moment. So.

**Marc Gorelnik** [00:14:43] Corey Ridings.

**Corey Ridings** [00:14:45] Thanks Mr. Chair. I am also a little confused but I think that Miss Svensson's suggestion may be a good one. Move that to September. A question I asked Gway earlier was sort of maybe anticipating that it sounds like that they have the flexibility and will then be able to have more information, more specificity, and be able to take what happens in September and turn that hopefully

into a productive workshop at that point. So... for thought.

**Marc Gorelnik** [00:15:23] Heather Hall.

**Heather Hall** [00:15:24] Thank you. I'm hesitantly going to weigh-in here on this one because I know the Ecosystem Working Group has, they have webinars planned for May, two-day webinar in May and they're going to be spending a lot of time in digging into the details of the risk tables and all of that and the species and that kind of thing and so the fact that this has workshop planning on it for June is maybe what's confusing me and maybe if this were just an update on how the May webinars go it would be, and this is kind of getting to what Ryan was saying too, if this is just potentially an update on their work at the two webinars in June and maybe it's a shorter agenda item there'd be room to get the scoping back on the limited entry fixed gear without disrupting the time allotted at the bottom of the table. And again maybe Ryan's suggestion that we just leave it for now is good advice.

**Marc Gorelnik** [00:16:50] Thank you. I don't see any other hands here. Now I see Merrick. Go ahead Merrick.

**Merrick Burden** [00:17:06] Thank you Mr. Chairman. And, you know, we do professional meeting planning for a living at the staff office so I'm looking at calendars, looking at May our briefing book is due the week of the 22nd of May for a turnaround to the Council meeting that is, and I'm thinking out loud as I go here, late June so maybe I'll look at Miss Ames who might be thinking about this also and just does this seem reasonable to have a, treat this as a report out on the May EWG webinars or maybe Mr. Dahl, who is sitting back there and has answered questions on the behalf of many advisory bodies already could be in a position to help us think through this one.

**Kit Dahl** [00:18:09] I don't know if I have a good answer. I guess, what I'm trying to, what I'm struggling with a little bit is I'm not sure, I don't know that the EWG was anticipating discussing this offer of a workshop at their May meeting. And I should note that it is, what they have scheduled are two half days, so in effect it adds up to a one day meeting. So I think their intent was really to focus on developing, getting the first crack at developing these risk, a risk table or risk tables. There was a lot of discussion around more than one species so I'm not sure that you would get anything from them, any thoughts or recommendations from them about the workshop offer but I don't know. I haven't really had a detailed conversation with Yvonne and the EWG about, you know, developing an agenda for that meeting and specifically what, what would be on that agenda and the amount of time they would anticipate would be needed for this discussion. So, I'm not being very helpful.

**Marc Gorelnik** [00:19:49] Kelly.

**Kelly Ames** [00:19:51] Thank you Chair Gorelnik. I might take a stab at this. It seems to me that since the idea isn't fully formed at this time, it might be premature to have this June agenda item scheduled and maybe Miss Svensson's proposal of picking it up in September might give us more time to have the ideas more fully fleshed out.

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

**Corey Ridings** [00:20:22] Thanks Mr. Chair. Building on that, I think I agree with Kelly and also I appreciate the suggestion of Miss Hall that maybe just in light of what Kit said and the close proximity of that webinar to the June meeting I think is what I'm hearing a little concern there, is maybe there could be the workshop planning item could be punted to September for a more fuller discussion at that point, and in June we could have I think what Miss Hall was suggesting, which would be a short-ish agenda item that would allow the EWG to simply give an update on the webinar and share that with the



Council for, just so they have a sense what's going on and can help the EWG continue their work and prepare for September, at which point then we could review that information, see where they're at and theoretically plan some workshops based on that.

**Heather Hall** [00:21:25] That sounds good to me, and I think too, right, we may be overthinking this one. So, I think that sounds right and any discussion about a workshop could even be had during Workload Planning, if that helps TNC with their, you know, need to confirm workshops and secure the funding and all of that. So, I'm thumbs up.

**Marc Gorelnik** [00:21:58] Merrick.

**Merrick Burden** [00:22:00] Yes. Thank you Mr. Chairman. And I've been promising Butch for a while that I would drag out this agenda item so I'm trying really hard. I think this sounds sensible to me to try to bifurcate this issue and treat June as a report out. I think that sounds sensible. Were there other comments on my summary from a few minutes ago?

**Marc Gorelnik** [00:22:28] Let me look online because I think Caroline had her hand up. Let me see if it's still up. It's not. So, I'm not seeing any hands online. I'm not seeing any further hands here but I'll pause because... but I'm still not seeing any hands. So, I think Merrick you may have captured it. I see a lot of people looking at each other debating who's going to raise the hand and Corey lost. So go ahead Corey.

**Corey Ridings** [00:23:07] I just had to take the bait. I was just confused on one thing, which is I heard for the Swordfish Monitoring and Management Plan Workshop Planning. The HMSAS recommended moving it to September or November and I wasn't sure if that had happened or should happen or what the thinking was around that?

**Merrick Burden** [00:23:37] Yes, thank you Miss Ridings. I heard a couple of thoughts on that. Where I ended up so far is to retain the workshop scoping in June and then have an additional matter in September, the DGN Transition Amendment. I think Mr. Wulff was correctly stating that there is a fair degree of overlap between what the vision is for that workshop scoping and what the effort would entail regarding a DGN Transition Amendment. So those two things may come together and if they come together, it strikes me it's more likely that that would happen in September as we learn more about the legislation and that's what comes to my mind, but I look at Mr. Wulff to see if he disagrees.

**Marc Gorelnik** [00:24:22] Ryan.

**Ryan Wulff** [00:24:22] Thanks Merrick. No, that's correct and that's why I said we'll have discussions between now and the April workload planning and be able to address it then with a little more clarity.

**Marc Gorelnik** [00:24:34] Christa.

**Christa Svensson** [00:24:35] All right. I'll also take a bite at the bait that has been chummed out here. Sorry Butch.

**Butch Smith** [00:24:42] Oh no that's fine. I got an hour of list I want to mention.

**Christa Svensson** [00:24:44] So I, yeah, I think June probably is the time we've talked about this workshop for quite a while and I think we have enough there to start taking on the future, but I just want to make double sure that we've got this fixed gear package in June just because it isn't agendized and just double checking and crossing my T's on that one.

**Merrick Burden** [00:25:18] Yes. Thank you Miss Svensson. As I look at June, so with the way that we are now treating the Ecosystem and Climate Information Initiative Workshop Planning as that smaller item, I'm going to go ahead and say that we have some time we can use up to tackle that fixed gear scoping issue. There may also be other places we can provide some flexibility if we have some over, some extra time, but I think that works and so we'll plan to put that down for June.

**Christa Svensson** [00:25:49] Okay. Thank you.

**Marc Gorelnik** [00:25:56] Phil Anderson.

**Phil Anderson** [00:25:58] Was wondering if I tried to bring this agenda to a close whether it be accused of bullying... (laughter) ...

**Marc Gorelnik** [00:26:06] I think that people need to have a reasonably thick skin in the process without it crossing the line into bullying.

**Butch Smith** [00:26:18] You said it, Corey, not me so....

**Marc Gorelnik** [00:26:19] Well, I'm not seeing any. Well, Corey Ridings go ahead.

**Corey Ridings** [00:26:22] More bait. It's bloody water right there. Merrick forgive me if I misheard at some point when you did your overview. Both Phil and I mentioned the potential of revisiting Shortbelly Prohibition. I threw out September I think as a possibility. I would love to see that if we're able to put that on there.

**Merrick Burden** [00:26:50] Yes. Thank you Miss Ridings. A couple thoughts come to mind. One is, let's see as I look at what's added to September, I believe we still have enough time to do that if you wanted to. The second thing that comes to mind is just a question of process and I don't want to throw a wrench in here and try to sound like I'm telling you what to do, but under the groundfish workload prioritization item, is that the right term? Yeah, this was not one of the priorities, and so it raises just some questions of how best to schedule that if it's taken under this sort of order, if that makes sense.

**Marc Gorelnik** [00:27:35] Corey.

**Corey Ridings** [00:27:35] I'm going to claim a little new member status here because it's the first time I've been through that groundfish prioritization process. Does, can you just be a little more clear with me what you, how we would do that and how that would work?

**Merrick Burden** [00:27:52] And I will defer to my deputy who knows more than I do about this. So.

**Marc Gorelnik** [00:27:55] Kelly.

**Kelly Ames** [00:27:57] Thank you Merrick, Miss Ridings. The idea behind the Groundfish Workload and New Management Measures Prioritization process is that all groundfish priorities are kind of established in that agenda item and those priorities then carry forward to future workload planning. And that's kind of the, the way that it's handled, because in the past we spent a lot of time under this agenda item debating the merits of various groundfish priorities so that's the intent there.

**Corey Ridings** [00:28:32] Okay. Thank you Kelly. Just to be clear, does that mean that we should not be taking up any of those? I guess I'm going to call them B list because I notice there's the A and the B list that we went through there. This is not the right time to be talking about B list items.

**Kelly Ames** [00:28:49] Through the Chair, Miss Ridings, that is the process that you've established is that annually you would consider that prioritization, so the next time for the B list items, if you will, would be next March you would consider whether to move those items up.

**Pete Hassemer** [00:29:11] Thank you Mr. Chair. Yeah, and just on the same topic. I mean I'm interested in that agenda item also and I'm not going to get into the prioritization, but I would just offer that maybe the Executive Director and staff can review some of the stuff we had. There might be an opportunity for the GMT and GAP to do research just because my understanding, and it might be clouded because of time, was one of the issues was at directed fishing is somewhat hard to define. I think there are various definitions but putting into regulation and how that impacts other fisheries, so there could be some exploration that would then inform prioritization. And so when there's an opportunity they should look at it, and in the same vein, again, it's not a Year-at-a-Glance thing, but I'm not proposing that there were some midwater trawl things, the selective flatfish area, time area, and again there was the thought that GMT GAP discussion about what would it take to do that would help to inform the prioritization. Not saying it has to be done, but again that's one fishing under an EFP with five years and it's like, you know, they're saying should we quit? Should we go forward? And we didn't have any information. I understand there's some forthcoming, so not Year-at-a-Glance stuff but thinking about how the advisory bodies could look at these things and tell us this is what you might, you know, consider in doing that. Thank you.

**Marc Gorelnik** [00:31:01] Thank you Pete. Going to look around to see if there are any other hands and not seeing any. I'm going to... and I don't see any online. Going to see if Executive Director Merrick Burden has the direction he feels he needs.

**Merrick Burden** [00:31:20] Yes, thank you Mr. Chairman. I think we're doing well. It's been a good discussion. Just let me pause here and go down the list and see if there's anything else that stands out that raises a question. One thing, there was a question about making sure that the harassment discussion comes up in June. It will come up in June. That's part of our regular discussion about COPs and appointments. That's where it will come up. That's something that we don't notice specifically but that's where it lives under that agenda item. Let's see another question. I don't have any other questions that come to mind as I look down the YAG. I'll pause here and look at Kelly and she has thumbs up. Okay. I think, I don't want to bully anyone either, but I think we are doing pretty well Mr. Chairman.

**Marc Gorelnik** [00:32:25] All right. Thanks very much. And I'm not seeing any other hands. I did want to make note that Marci had raised the question of Chair appointment to the CDFW seat on the MPC, and that's Crystal D'Souza, who will replace Chris Potter, so I just wanted to clean that up. And if there's no other business on this agenda item, I'm going to put up for auction the opportunity to make the last motion. Nah, I'm going to give it to Butch unless someone else wants to. It's not a motion without the microphone.

**Butch Smith** [00:33:07] I move that we adjourn.

**Marc Gorelnik** [00:33:11] Is there a second? All those in favor say 'aye'.

**Council** [00:33:14] Aye.

**Marc Gorelnik** [00:33:14] Opposed? Don't you dare. All right, thanks very much everyone. A great meeting. Got a lot done. And don't cool off because we're going to do it again in a few weeks.

## H. Ecosystem Management

### 1. California Current Ecosystem Annual Report

**Marc Gorelnik** [00:00:00] Received a tremendous report. Very informative. We've had reports from our advisory bodies and this isn't really an action item, but let's see if there's any discussion on this agenda item. We've had some suggestions from some of the advisory bodies so let me look around and see if there is any discussion to be had here? Dr. Braby.

**Caren Braby** [00:00:32] I will just here in Council discussion, just raise the issue again about the incredible amount of work that is being done on behalf of the Council's fisheries management by the Science Centers, and that in our next agenda item we are going to be potentially asking them for more work and that that both of those ecosystem asks are on top of the day job and stock assessments and the nuts and bolts of fisheries management, and as a Council I think we need to be really cognizant of that and thoughtful about that as we're working with our partners at NMFS on how that translates into what's feasible and not, and of course the IEA team is very artful in not focusing on the workload and just saying, yes we will do our best and I'm grateful for that, yet I think we really need to put that on ourselves and make sure that we come up with a system that's reasonable for them to keep supplying us with this amazing information. It's a comment. It's not an action. I don't know if there's more conversation to be had on that.

**Marc Gorelnik** [00:02:10] Well, let's see if there any hands. Of course, we have a continuum into the next agenda item so... Corey Ridings.

**Corey Ridings** [00:02:19] Thank you Mr. Chair. Just a couple, I guess, comments and reflections. I'm just noting the team has always been excellent at taking what this Council has provided and what the advisory bodies have been providing and putting that into the next year's science and reporting so thank you for that and, you know, thank our advisory bodies for providing that information and continuing to support the work. I noted the SSCS annual topic review was asked to be skipped and folks seemed to support that and so I would say just it's officially okay for that to happen if that was needed, I don't know, but I do think it is important and good to kind of keep that on the long-term calendar. Just I guess it could be kind of a yearly decision kind of thing. I also want to just say thanks and appreciate the IEA work in terms of its potential support for Initiative 4, so just I guess echoing Caren's thoughts there. I wanted to highlight that the GAP noted in their report, and I heard this in California delegation, the reflection of on the water conditions and how spot on that was, and I thought that was really cool to see the work and the science and everything being presented in a way that it's matching. That's, I think that's a really high compliment and a good indication that this is good science and it's been, you know, validated. And also, it was mentioned this concept of skipper science and I hope we can do more there and that's great and I think Dr. Leising spoke to that on the floor a little bit, so just wanted to reiterate that is important. Also, maybe we shouldn't call it skipper science. I don't know. I don't want to leave the deckhands out or anybody else who happens to be on board. And then finally, just noting the Climate Appendix that was noted by the SSC and SSCES, and there's been a lot of work and thinking that's been going into that so just wanted to again voice my appreciation for that and the connection there and continuing those collaborations and seeing that work continued and continuing to get that Climate Appendix and I think that information continues to grow in importance. So, look forward to seeing more of that.

**Marc Gorelnik** [00:04:44] Thank you Corey. Bob Dooley.

**Bob Dooley** [00:04:52] Thank you Mr. Chairman. I'll try to be brief. Speaking of fishermen science I would call it, rather than skipper science, because it includes, like you say, deckhands and all involved.

That's one of the components of our MREP program and we promote that, and we talk about it that it's not all top down, it goes both ways and fishermen have a place, but it's learning how to collaboratively work together and do collaborative research so that what the products of that are actually usable and verifiable. So, I appreciate the thoughts and the comments you made on that. Also, just an observation that, you know, we tend to look at the utility of this as having specific outcomes and deliverables, but there's just the existence of it and the fact that it's being used by a lot of people, and it gains confidence in use and its validity over time. An example, you know, in our recent U.S. Canada Whiting Treaty negotiations with the, the Canadians did not have a good whiting year, however, a lot of the content of your report kind of explain that and kind of soften the, didn't make it any sweeter to have a, you know, a not so good a results up there but at least it gave it some explanation. So even in that, being, you know, it came through the reports and all that and it was, and it helped us in our negotiations so I really do appreciate it. I do think that we should work toward more fishermen science into the process. I know you spoke a little bit about temperatures at depth, understanding there's vessels of opportunity. Most of the trawlers in the whiting fleet all have temperature at depth on their net sounders can help you. You can get that information. It's about how do we facilitate that? How do we get the knowledge transferred because it is there and my experience industry's more than willing to share it, understanding that it helps them. So thank you.

**Marc Gorelnik** [00:07:28] All right. Thank you very much Bob. Corey Niles.

**Corey Niles** [00:07:35] Yeah, thanks Mr. Chair. I think all speakers echoed thoughts in my head, which I won't repeat. And Mr. Chair yourself, you said the connection to, we're going to move right into the next agenda item, Initiative 4 and they're very connected. But I'll just pick up one thing of, yeah, I think Corey Ridings mentioned how the sablefish development that the Council heard about yesterday evolved out of this unexpectedly, these efforts. So, you never know. Like as Bob was saying, we're not sure what the outcomes are going to be. This is a silly analogy but, you know, like things like Silly Putty got invented because of the space race. There's things that come out of this you do not expect, but I'm just going to, what Chris Harvey said to off the top was it's good to be back in-person, and I think that's the other thing just to highlight and just being lucky to be on the Ecosystem Work Group just seeing the conversations that happen in the advisory body rooms, you know, just a very small amount of them in the hallways. It's just the interactions with folks here at the Council and these scientists has been very valuable and it's encouraging to see the progress being made and yeah, really looking forward to the next agenda item and what's achievable there. And I'll end by, you know, echoing some of the statements about Caren made about how much we depend on the NMFS and the Science Centers for this and I mentioned this during Q&A, but just the open discussion about what their capacity is and our asks of them and our support for even more, you know, interactions as Caren said between stock assessment folks and the IEA folks I just want to recognize again and I hope those discussions will continue on as they have and this next agenda item will be, you know, a next step towards that.

**Marc Gorelnik** [00:09:42] Thank you Corey. Anything further for the good of the Council? I'm not seeing any other hands. Thanks very much. Let me turn to Dr. Dahl and see if we have concluded our business under H.1.

**Kit Dahl** [00:09:58] Thank you Mr. Chair. Yeah, I think you have, along with a lot of compliments on the quality and value of the report, which I'm sure the team that puts it together appreciate. And also just noting that support of the recommendation from the CCIA team with regard to SSC review of the science topics and taking a pass on that this year and that could potentially allow greater engagement in the upcoming topic of the initiative to integrate climate and ecosystem information into management processes. So, I'm sure we'll be looking to those personnel to help in that venue. And so, yeah, that I think covers your discussion and we can move on.

**Marc Gorelnik** [00:11:09] Terrific.

## 2. Fishery Ecosystem Plan Initiative Workplan

**Brad Pettinger** [00:00:00] I think that takes care of public comment, which brings us to Council action, which is to discuss initiative work plan and provide guidance on next steps, so with that I'll open the floor for discussion so. Heather Hall.

**Heather Hall** [00:00:22] Thank you Vice-Chair Pettinger. I'll kick things off. I hope there's... I'm sure there'll be more discussion beyond this, but I do really want to just start with an appreciation for how the Ecosystem Working Group has laid out this initiative work plan for us. I think it is really exciting to see this initiative moving forward. We've really... I think all commented that we enjoy getting the annual ecosystem status reports and now to see this process starting to funnel that information into how the Council makes decisions is just quite exciting. I think at times, too, thinking about how this initiative moves forward could be a bit overwhelming, but I do like the way the Ecosystem Working Group has put some near-term decisions in front of us and then thought about long-term planning for how this initiative gets.....follows through and then comes to a completion. I think I'll stop there with just some introductory thoughts. I think that I just want to also add appreciation for the Ecosystem Advisory Subpanels input on this and all of the advisory bodies thinking hard about responding to the Ecosystem Working Group's request for input. So, thank you.

**Brad Pettinger** [00:01:54] Thank you Heather. Anyone else? Caren Braby.

**Caren Braby** [00:01:59] Yeah, thanks. I wanted to just comment on the concept of workshops and reflect on the value that we've had in convening parts of the Council family out away from the Council table, so to speak, and I think that particularly with difficult to understand and kind of topics it's hard to get your head around, it's good to get outside of this venue and have more free space to just kind of talk about ideas and be a little bit more creative. So, I would like to see a way that we could build workshops into this given that we have the opportunity to do so. I don't know how much specificity we as a Council need to get into. If we agree that that's a good idea it could be something we hand off and say, 'go and do good things' pulling, you know, with a couple of sideboards, but I think that that is going to be important to not only get more of the Council family involved and thereby increase ownership of the outcomes. Improve what's going into the process on the front side. I think there are multiple benefits to that. So I, for one, am wanting to see a way to include that in the process moving forward.

**Brad Pettinger** [00:03:37] Thank you Caren. John Ugoretz.

**John Ugoretz** [00:03:42] Thanks Mr. Vice-Chair. And I'll repeat the thanks to the Ecosystem Work Group and actually all of the advisory bodies who weighed in on this. I think everybody's nicely engaged, which is good. I see there's kind of a cost benefit we have to look at from perhaps the biggest question, which is whether you select a single species or select a few species right now or perhaps, you know, make that decision later after some more discussions. In my perspective I think, you know, maybe the most important thing is to get something out there that can be worked on in a reasonable amount of time with a reasonable amount of effort and see if it works, and then perhaps at a later phase then test that against other species with a broader range of life history traits, with a broader range of fisheries, et cetera, and make sure that what you did in the first round actually plays out for other things. So, I'm not really making a strong recommendation either way, but I really do think we have heard some comments about workload, about the type of people in the range of both our own advisory bodies and outside scientists who need to be involved in this, and if we make it too big then it's just going to be hard to complete and it's going to make everybody else's life hard, so I'm also not opposed to workshops or to, you know, webinars or whatever in May as the Ecosystem Work Group recommended

or a later date, but again we need to just scale that workload to make sure that we're not taking too much of a bite at this point.

**Brad Pettinger** [00:05:38] Thank you John. Corey Ridings.

**Corey Ridings** [00:05:43] Thank you Mr. Vice-Chair. I echo the appreciation of the advisory body reports and the management teams and what went into this. It's nice to have a lot of reports to advise us on and go from. I just wanted to briefly respond to what John just said. I think I share the same concerns about making sure that the work is scaled appropriately as we can. I've been thinking about this as well, sort of what's the right way to approach this? I think maybe I lean towards the other direction, which is thinking about one demonstration species versus a small suite of demonstration species and thinking about the pros and cons and with one species, regardless of what that species is, as I think the EAS outlined in their report and we just heard in public comment, we're only going to get information about what a risk table and other management approaches will be for that specific species, but if we have a few species then we have the ability to kind of take it out for more of a ride and see what it's, see what's possible and identify even some gaps and areas where risk tables are working and not working. I'm also cognizant just of the diversity that exists between our FMPs, or species group, just how truly different they are both biologically, ecologically and their management is, so I think it would be, provide us with a lot of good information about how this tool, risk tables can be used. I think I'll stop there.

**Brad Pettinger** [00:07:32] Frank Lockhart.

**Frank Lockhart** [00:07:36] So I think generally that the agency is supportive of the effort, but as a couple of people have hinted at and some of the speakers from the agency have talked about, workload is a major concern. And I have, we've received a lot of reports and a lot of them talk about these workshops, but it's still I think very unclear exactly what's going to be required to prepare for these workshops, and going back to the workload, who's going to be doing the preparing? So I think, you know, that is a major point that needs clarification, you know, and there may not be the capability for agency staff to fully support a range of workshops... probably not... and so I think, you know, I think Corey's comments about maybe leaning towards something simple at this point in time I think might be, start with that and then see what the capability is going forward, but workload is, you know, not surprisingly coming from the agency, a major concern. So, thank you.

**Brad Pettinger** [00:08:55] Thank you Frank. Heather Hall.

**Heather Hall** [00:08:59] Thank you. I'll just, I want to comment on the workshop idea too and wrapping my head around what that looks like and appreciated Caren's question to Gway about, or Corey's question, one of them too, about the timing of the workshops and really did appreciate the response that they could be flexible and even if that is later this fall and maybe a follow-on to this process that the working group laid out where they meet in May and contemplate some things and come back in September, and then maybe that frees up room for a workshop and follow-up on topics. And then relative to the scope of the pilot or the demonstration species that are looked at here too, I struggle too. I can see how people will want to jump in feet first because this is exciting, but also want to build a pilot that is effective moving forward, and, but also like John said, without being too restrictive on what we recommend here, maybe leaving some leeway for the Ecosystem Working Group at these meetings in May to talk with the Science Centers and others about maybe a sweet spot and from their viewpoint of what that might look like, if it's one or two species that might provide a little bit more information without overburdening the pilot phase, so to speak. Thank you.

**Brad Pettinger** [00:10:42] Okay. Thank you Heather. Anyone else? Caren.



**Caren Braby** [00:10:55] I don't think in Council discussion we've talked about the positive aspect of what the risk table could look like. Right now, we have kind of status quo and if things go bad, and there have been several reports that have talked about, well what happens if we're at normal or status quo and things get really good? Let's add something into that table in order to accommodate that potential outcome or future. I would like to see that in there. And it seems that there are a lot of gradations from status quo to a little bit worse to a little bit worse to really bad, and maybe we could not have so many gradations of things are getting really bad and add what happens if things get better.

**Brad Pettinger** [00:11:49] Okay. Thanks Caren. Anyone else? Corey.

**Corey Ridings** [00:11:57] Thanks Mr. Vice-Chair. Thinking a little bit about risk tables, when the Council was talking about this back in September and the discussion was wider than that, it was about looking at tools in general and processes and ways to bring climate information into management, and the EWG came back with an excellent suggestion of risk tables, as they pointed out and provided us with a really good example from the North Pacific. But there are other tools and other ways to do that, and I absolutely think we should move forward with some, with the suggestion of the EWG to use the risk tables and start there, but just wanted to note, especially thinking about a May webinar that the EWG proposed in their second report and spoke to as well as hopefully if these, I would hope the series of workshops moves forward, that there would also be the opportunity to discuss tools that maybe go beyond risk tables and if there are other appropriate things that might work for this Council, it would be nice to leave that open and see those suggestions in as well so...

**Brad Pettinger** [00:13:19] Okay. Thanks Corey. All right so we have some ideas... Corey, Heather.

**Heather Hall** [00:13:23] Thank you Vice-Chair. I did want to add, this is a bit of a follow-up to the input we heard from Jim Hastie and Mr. Russell yesterday about sablefish and the discussion we'll have later at this meeting, but I know it was, it kind of naturally came up here in thinking about the question I asked to Dr. Hastie about how would we use the information from this update type assessment if, if it goes forward and would there be any, would we be... I guess I heard back from him we would maybe be cautious about how we use that information and so it just seemed natural to think maybe this sablefish update could be worked into this initiative process potentially as one of the other species that is looked at in the pilot study or along with petrale or whatever without being overly prescriptive but just hope that that is talked about with the Ecosystem Working Group or talked about in these May webinars that come up. Thanks.

**Brad Pettinger** [00:14:50] Thank you Heather. Executive Director Burden.

**Merrick Burden** [00:14:55] Thank you Mr. Vice-Chairman. And I'm sitting here listening to this discussion of workshops and it is, it's very encouraging and I certainly thank the Nature Conservancy's offer to host these workshops and help advance this body's interests. It seems to me that this topic could use a bit more fleshing out. I'm not, it's not clear to me as the Executive Director to what degree coordination with staff might be necessary to make sure that whatever comes of these workshops can be useful for you as the Council, and if that's the desire we'd certainly want to at least coordinate to some degree with the workshop organizers and designers. And of course if we're going to be leaning on advisory bodies there are workload concerns anyway, so unless it's clearer to everyone else, which may be the case, what I would propose we do is give ourselves a couple of days for this to percolate and consider it again under our workload planning agenda item and just think there about what it might take from our end to help make sure these workshops are successful and what we might get out of them.

**Brad Pettinger** [00:16:14] Thank you Merrick. Okay. John Ugoretz.

**John Ugoretz** [00:16:19] Thanks Mr. Vice-Chair, and thanks Merrick for that. Yeah, just to be clear, from my perspective I don't necessarily see workshops between now and May as realistic or even necessary. Sort of going back to what the EWG recommended, I think a couple brief online meetings would be good in that timeframe. That may then help us further determine future workshop needs after that. So, I don't know. I wouldn't want to bog down agenda planning with a bunch of talk about ecosystem workshops.

**Brad Pettinger** [00:17:02] Okay. Thanks John. Okay, anybody else? Frank.

**Frank Lockhart** [00:17:10] Maybe a question for the Executive Director. What is going to be presented to the Council under workload planning? Is it just we're going to have some discussions and present whatever the result of those discussions are, or did you have a specific idea?

**Brad Pettinger** [00:17:30] Merrick.

**Merrick Burden** [00:17:30] Yes. Thank you, Mr. Lockhart, for the question. I think part of my question here is that, well, I'm not sure what the aim is and what the goal is and so I'm not anticipating we would have a presentation or anything presented at the, at our workload planning session. What I was offering was instead of give ourselves a couple of days to have some conversations and some thinking about what this may entail. Mr. Ugoretz may have just answered my question about how to proceed here and viewing the May webinars as a bit of a scoping exercise or maybe a diagnosis, if you will, about what our needs are, and then from there we'd be better equipped to see how to move forward and what involvement would be necessary by staff and the advisory bodies and things. So, my offer, Mr. Lockhart, was just to, or suggestion rather, was just to give ourselves another couple of days to see if we can add some clarity to what we're trying to do here.

**Brad Pettinger** [00:18:28] Okay. Thank you Merrick. Okay. So, I guess do we enough clarity as far as moving forward here for now because we'll learn more... Corey.

**Corey Ridings** [00:18:38] Thank you Mr. Vice-Chair. In the vein of clarity and it's not infrequent, I'm two steps behind everyone else. If it wouldn't be maybe inappropriate to have Yvonne step back up and talk us through a little bit more what she was hoping to get out of the webinars in May in light of this conversation. Is that appropriate?

**Brad Pettinger** [00:19:05] We like clarity.

**Corey Ridings** [00:19:06] Thank you Yvonne.

**Yvonne DeReynier** [00:19:09] Pardon me. I assumed it would be appropriate without waiting for the response. Thank you Mr. Vice-Chair, Miss Ridings. So, I think we put, and unfortunately I don't have it up now, our hope for the May webinar meeting in our supplemental report and let me see if I can find it quickly. I was thinking earlier, to paraphrase a quote from General Sun Tzu, 'no work plan survives first contact with the Council process'. So let's see in May we are hoping to sort of, we want to look at the advisory body reports from this meeting in particular because we asked the advisory bodies some detailed questions and we got some excellent, excellent answers and we happen to have the Salmon Advisory Subpanel, some folks from that group come by and they were concerned with all of their salmon work that they wouldn't have time to put a report together for this agenda item, so I think they're going to be doing some more thinking about this. And so we would really like a chance to read through those advisory body responses and see if we can understand where in the different management processes are the best points in the process for including ecosystem information, because part of this initiative of course is information on the species, but it's also opening up the Council process to figure

out where in different points in the process are the right places for the different species. So that's one of our goals is to see if we have a better understanding of the different FMP processes. Then the second would be to look at the North Pacific Fishery Management Council's Risk Classification Table, so that's Table 1 from our first, our briefing book report and figure out, you know, what is the right version of that table or at least what is the right draft version of that table for this Council, because we may not want to have the same ideas as the North Pacific Council. And as Dr. Braby mentioned, maybe we want to be more West Coast cheerful about possibilities for things being good. So, and then... then the third thing is we wanted to take the comments that we heard from the advisory bodies and the Council on future species selection criteria and see what folks had to say there and see if we can lay out a table or something a little more clear for you guys to work through other species selection going forward. So just moving the initiative along and hoping to get some, you know, things for everyone to throw rocks at in September.

**Brad Pettinger** [00:21:57] Okay. Thank you, I guess. Questions for Yvonne? Corey.

**Corey Ridings** [00:22:03] Thanks Mr. Vice-Chair. Am I allowed to ask Yvonne some questions?

**Brad Pettinger** [00:22:05] Absolutely.

**Corey Ridings** [00:22:06] Okay. Thanks, Yvonne, again. Thanks for providing that clarification and directing us to your report. Thinking about the Council discussion we just had, John opened up with some thoughts on the demonstration species and a lot of the advisory body reports and management team reports put forth some various ideas for what those could be in addition to petrale, and I'm hearing kind of discussion here at the table that we have slightly different opinions. There are some shared concerns about workload and just want to get an understanding from you if you think that should be part of the webinars to potentially come out of those webinars with some suite that we can roll out, whether it be one or five or ten to, maybe not ten, however many and that being appropriate to do as part of this first demonstration short term project.

**Yvonne DeReynier** [00:23:01] Thank you Ms. Riding and through the Vice-Chair. So, I would say if there is a species or if there are other species besides petrale sole that you definitely really super-duper know that you want, if you could let us know now that would be great, otherwise what we'll do is we'll look through all the advisory body reports and just give a good think about, you know, what we might be able to do between now and September.

**Brad Pettinger** [00:23:30] Okay. John.

**John Ugoretz** [00:23:34] Thanks Yvonne and Corey. I would not recommend ten or anywhere near ten. I would say maybe three at most. And I would say that I haven't heard anything on the Council yet that gives us clear direction on what a species beyond petrale would be at this point. I read what I thought was pretty broad based support for petrale, and as Miss Ridings points out, there were some other suggestions in there that had various merits so, yes, I could see the, the workgroup in May potentially selecting one or two more, again focused in on workload and whether the benefit of adding those species is worth the cost of the additional workload in the short term. And again, I see this more as a phased project that we do some demonstration, one species or two or three, and then following that you broaden much more significantly and test it out and see if it still works.

**Brad Pettinger** [00:24:46] Okay. Thank you John. Heather.

**Heather Hall** [00:24:50] Thank you Vice-Chair. And I would like to ask the working group to think about sablefish and think about whether it's a species that would provide input to the Council in this pilot phase. Thank you.

**Brad Pettinger** [00:25:10] Thank you. I think... Corey.

**Corey Ridings** [00:25:14] Thank you Mr. Vice-Chair. Thanks Yvonne. I would like to see consideration. I'll echo Miss Hall. I think sablefish is important after what we heard earlier this week as well as chinook salmon and Pacific sardine.

**Brad Pettinger** [00:25:33] Okay. Anyone else? I think you're... I think we're done.

**Yvonne DeReynier** [00:25:41] Thank you.

**Brad Pettinger** [00:25:42] Thank you Yvonne. Okay, so it looks like we're going to have a webinar that... oop, Kit, actually you summarize this up.

**Kit Dahl** [00:25:54] Who me? Thank you Mr. Vice-Chair. So, I take it that you believe your discussion is finished on this topic and I can try to summarize what I've heard. So, there is some... I think the two major topics of discussion were, one was the sort of value and timing of the workshops that TNC has offered to support for this to further this initiative. There were some concerns expressed, particularly from, oops, the NMFS representative about availability of staff and so on over the summer. There was some thought maybe the workshops could follow this sort of initial push of a pilot or demonstration effort and pick up those workshops in the fall that might... and so then the other major kind of topic of discussion was around is it just petrale species or petrale sole, or are there other species that should be picked up as part of this, you know, this demonstration or pilot effort between now and September, and, I think, views differed a little bit. Some openness to more than one but not more than three or maybe four with some, a couple of Council members pointing out sablefish as a... because of the information you heard this week about recruitment and so on, that that might be a good candidate. A couple of other species mentioned there at the end like sardine and chinook salmon. I think generally what I heard was the EWG has proposed having this webinar in mid-May over a couple of days and sort of let them take all of this in and consider the pros and cons of expanding the number of species to test as part of this pilot project and move on from there accordingly. I think that is... I guess going back to the workshop idea, perhaps, you know, they could also, I don't know if this was sort of explicit or I'm sort of channeling this, but perhaps the idea that you have the fairly narrowly focused initial pilot process with one or two or three species and then learn from that and then go into an exercise that takes the lessons learned and applies them more broadly, and perhaps that's where a workshop could be especially valuable. So hopefully I'm not overinterpreting the discussion, but perhaps there was a subtext there along those lines. So, I hope that summary from me reasonably captured the discussion, but that's kind of what I heard.

**Brad Pettinger** [00:29:31] Okay. That's pretty close. I think that one issue is when we bring it back to the Council with the EWG would be like talking to Executive Director Burden that the June is pretty full and so maybe that's something we talk about in workload as far as when that might come back? Please. Yeah.

**Merrick Burden** [00:29:54] Yes. Thank you Mr. Vice-Chairman. Just looking at our Year-at-a-Glance we do have ecosystem matters that come back in September and then in March. I guess I would look to Kit to see if there's much more that we can shed light on in that regard, but those are the next times we would be taking this up at the Council.

**Brad Pettinger** [00:30:11] Okay. All right. Well Kit, with that how are we doing?

**Kit Dahl** [00:30:25] I'm good if you're good.

**Brad Pettinger** [00:30:26] I'm good. All righty. Well, thank you, Kit, and everyone else for hanging in there.

# I. Highly Migratory Species Management

## 1. National Marine Fisheries Service Report

**Marc Gorelnik** [00:00:00] That concludes public comment and takes us to our action here, which I believe is just discussion and guidance as appropriate. We had some informative reports. We had an update from NMFS, and we have other HMS agenda items coming up which may be a more appropriate place for some discussion, but let me just see what we have here. John Ugoretz.

**John Ugoretz** [00:00:29] Thanks Mr. Chair. And a question Ryan for NMFS. As Theresa just mentioned it, at some point the HMS FMP has to recognize the new Federal law and I fully support that amendment and hope that we can get it in place so that it's there when the sunset date happens. Is that something that the Council has to initiate with our normal FMP amendment process or given that it's in response to new congressional action is it something NMFS can do as sort of a clean-up? I'm just not familiar with what process we would use.

**Ryan Wulff** [00:01:11] Through the Chair. Thank you, Mr. Ugoretz, for the question. I can feel Sam Rauch in the back of my head. NMFS prefers to go through the Councils than to utilize our secretarial authority under the act, and I think given the fact that we have five years in this program that we have plenty of time to do so, so I think that would be our preference. Obviously if they said sunset... it right away... that would be something we would look to secretarial action to do. In my opinion, since the grant program is pretty explicitly, as I noted, laid out in the legislation, I think things like this, like amending the FMP is what the... what Congress had in mind when it told us to consult with the Council on a strategy. So we are working on that and will be prepared at a appropriate meeting to come up with some options, some potential timelines, some thoughts and to get feedback and to kind of use that consultation with the Council on a strategy as our guiding approach to come back to you with some options on that front that will allow us the time to go through our allotted Council processes to amend the FMP.

**Marc Gorelnik** [00:02:27] Any further questions or any further discussion on this agenda item? All right, thank you. Kit, I just want to, before we switch gears and move on to I.2, let's see how we're doing on I.1.

**Kit Dahl** [00:02:41] Thank you Mr. Chair. Yeah, I think you're done if there's no more discussion or questions we can move on.

**Marc Gorelnik** [00:02:55] All right.

## 2. International Management Activities

**Marc Gorelnik** [00:00:00] Concludes all of the public comment, all of the reports. We have before us our Council action, which is to provide recommendations. We've received some detailed recommendations from the HMSAS and of course the HMSMT, which reflected on those advisory body recommendations. So let me open the floor to see where we go. John Ugoretz.

**John Ugoretz** [00:00:28] Thanks Mr. Chair. I will echo your earlier praise for the HMSAS. I think they did a great job in laying out details that I think provide NMFS good input on what to do moving forward. I think the HMSMT supports that and provides a little bit more detail in their report as well so I'm happy with forwarding that information along as guidance.

**Marc Gorelnik** [00:00:58] All right, thank you John. Let me see if there are any other comments or if there's general agreement with the comments that John made. Corey Niles.

**Corey Niles** [00:01:07] Thanks Mr. Chair. Yes, except with maybe one big exception. I believe on page, the top of page 3 there that it says the HMS... on albacore... the HMS request the Council submit these comments to NMFS as a Council position to inform for the revisions to the draft proposal. I don't think I'm ready to say this is a Council position. Happy to forward these comments to NMFS but I think I was going to ask, excuse me, Mr. Wulff there again to remind us what the opportunity will be in June for further thought on this and once we have that and maybe then, then we might have a stronger Council position but with that, maybe I'm being nitpicky at this late hour of the day, but forwarding those comments is a great... calling it the Council position is where my concern is.

**Marc Gorelnik** [00:02:07] Ryan.

**Ryan Wulff** [00:02:07] Yeah, thank you Mr. Chair. Yeah, thank you Mr. Niles. Yeah, I mean I'll defer to you whether you want to jump on these recommendations as is, but we will be bringing back a draft in June that will reflect the state of the discussions here as well as between now and then to get Council input. I mean, you heard from, I think, Dorothy and the AS report regarding the Northern Committee deadline in early July, but while a document may be submitted to that before the June Council meeting, the IATTC deadline for proposals is not until later on, so until the end of July really. So, there will be plenty of time for the Council to weigh in on any proposal that the U.S. may support, endorse, put forward to the IATTC at the June meeting.

**Marc Gorelnik** [00:03:00] So just to be clear Corey, you're not objecting to the substance of the recommendations, it's just the process of having the Council write a letter, because what I'm hearing is we will have time, but you don't disagree with forwarding the substance of these recommendations?

**Corey Niles** [00:03:21] Yeah, it's just the label of calling it a Council position was where my concern was.

**John Ugoretz** [00:03:27] John Ugoretz. Thanks, and I'll reiterate that I was suggesting it be guidance.

**Marc Gorelnik** [00:03:34] All right, so Ryan Wulff you have your hand up.

**Ryan Wulff** [00:03:38] Yeah. Just one other thing because it came up. Just a comment not related to that last conversation, but I can confirm that if the Council would like it, we can have someone give a presentation at the June meeting on the recent BPNJ outcomes. It sounded like that was a recommendation coming forward, but the question obviously was whether NMFS would have or

NOAA or maybe even State Department would be available, but I can work on that if the Council would like that and add that to part of our June report.

**Marc Gorelnik** [00:04:08] Yeah, I think the request was specifically to have someone from the State Department but barring that someone from NMFS would be great. All right. I want to look around the table and see if there's further guidance on this agenda item? I don't want to rush it but if there isn't any further guidance we can move on. Corey Niles.

**Corey Niles** [00:04:32] Yeah, thanks Mr. Chair. And I would... and thanks, Ryan, for explaining the timing again and the opportunity in June. I do in, you know, working with staff I hope we could maybe get a presentation or maybe there could be another webinar beforehand to prepare. I know you expressed the concern, which was a good one, about those in the fishery not maybe being available in June, but something earlier to prepare us. And, yeah, I want to commend, you know, your staff, Miss Barroso and Pacific Islands I think Valerie Post and Dr. Steve Teo and Desiree Tommasi they were, I was on the last meeting, it's great but as you heard the HMS folk, the AP say there's still some confusion. I've still got a lot of questions like reading this report, like the ten-year rebuilding provisions. I think if there's anything there is consensus on the Magnuson Act not being a perfect law is that there is the ten-year rebuilding requirement in the Magnuson Act and we have a National Academies Report saying that's maybe not... that's too inflexible. So one illustration of I think there's a lot of... there's some questions that, you know, we would as an agency would like to think more and provide you some better guidance in June, and if we can get a presentation in preparation for that or at the meeting, I would like to make that request. But again, thanks to your staff on the Regions and Science Centers so far it is, they've been communicating well but it is complex as you heard.

**Marc Gorelnik** [00:06:05] All right, thank you Corey. All right, anything further from the Council table on this agenda item? Kit.

**Kit Dahl** [00:06:19] Thank you Mr. Chair. Well, I think as expressed you have, I guess you could say, endorsed the contents of the HMSAS report as guidance to NMFS while making clear that at this point you wouldn't construe it as a position of the Council and, in particular, probably the key issues will be the adoption later this year or in the summer of the Harvest Control Rule element of the harvest strategy for North Pacific albacore at the IATTC, and there will be an opportunity in June for further input on that and even though at that time in terms of the Northern Committee meeting the opportunity to submit proposals by June will be closed, but for proposals for the IATTC they'll still be time, so in that regard can further clarify and elaborate your recommendations in terms of development of that harvest strategy. And then essentially the other elements of the HMSAS report are forwarded and we'll probably look to June also for some further discussion related to Pacific bluefin but I think you have indicated you support the position, no, I shouldn't say positions, the views expressed in the AS report in that regard. So, I think with that I believe that NMFS has sufficient guidance on what you favor in terms of them going forward in terms of U.S. positions negotiating points for these issues. And then finally just also the mention that, Mr. Wulff mentioned that they will think they can provide a briefing on the elements of this BBNJ treaty in June, made that offer, whether it's somebody from NMFS or the State Department to explain the implications of that agreement.

**Marc Gorelnik** [00:08:53] All right, thank you Kit. I'll look around the table see any hands? I don't see any. Thank you.



### 3. Drift Gillnet Hard Caps Update

**Marc Gorelnik** [00:00:00] So that concludes public comment and will take us to our Council discussion and action slash guidance. We'll wait for that to come up on the screens to remind us. So, I'll look for a hand to get us started. John Ugoretz.

**John Ugoretz** [00:00:20] Thanks Mr. Chair, and thanks as always to the team and the advisory subpanel, and in this case actually NMFS Southwest Center Staff did a lot of work on this. Everybody has done a lot of work on this. And based on all that analysis to date the likelihood of reaching or exceeding a hard cap in the next 4 to 5 years is extremely low. What we've learned through the analysis is, as we knew, bycatch is rare. We've had to develop special tools to estimate it even and the true conservation value, as noted in the analysis for hard caps, is one that accrues over long periods of time, and it's a marginal annual safety valve but over many years and decades it would actually provide great benefit. But right now, the amount of work required to complete this action I don't think is outweighed by the short term potential limited benefits. And while hard caps, another reason that we considered them was to incentivize switching to things like buoy gear and other gears that we hoped to develop, that incentive, the ship of that incentive has sailed with the Modernization and Bycatch Reduction Act. Either people will switch now, or they will switch in five years, or they will cease fishing and those are the only options on the table. As Gary just mentioned, the number of active vessels in this fishery continues to decline. In the past two seasons seven vessels participated with only six in the last season, and, I think, given that something Teresa mentioned, it makes abundant sense to continue to urge NMFS to maximize observer coverage for those few remaining vessels and that we should easily be able to get a higher amount of observers out there on these few boats and few trips that are being made each year, and given that our management team can continue to update us as they have been with their reports on bycatch every year, and they can look at those high priority protected marine mammal and sea turtle species and if there's something that changes we can do something different, but at this point I don't see a reason to continue discussing hard caps. I think we have a very large bulk of work that we should save that we can fall back to at a later date if needed, but at this time it's not something that is worth Council, team, center and everyone else's efforts. I also think that we should continue to work with NMFS on developing and implementing the transition program as stated in the act that relies on grants. I think if we do that quickly and we do it in a way that further incentivizes people to transition that that could have an impact and more people may leave the fishery earlier and so I would like to think about agendizing that as soon as we can, work with NMFS to get it on our calendar and to move quickly with that. So, with that I think my position's clear and I'm happy to answer any questions.

**Marc Gorelnik** [00:04:06] All right, thanks for that John. Let me see if there's... Phil Anderson.

**Phil Anderson** [00:04:15] Thanks Mr. Chairman. I guess I would just say at the outset that I agree with John. I was a proponent of hard caps when we started deliberating about them. I was a proponent of the Council being able to make a policy decision that we could set hard caps at a level that was less than maybe the PBRs, but it was in the context that the gear would be, have an opportunity to continue in the future. It was a, it was a tool in my mind to help ensure that we were taking the appropriate steps to limit bycatch and that we would and that the people that chose to continue in the fishery would do their level best to minimize bycatch to the greatest extent possible. I was also a proponent of the deep-set buoy gear, but as an alternative. But the people that wanted this gear to be totally eliminated regardless of any management safeguards we built in have succeeded in getting rid of it, and I am not in favor of this Council taking additional time to consider and try to implement hard caps with the sunset of this gear type on the near horizon.

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

**Caren Braby** [00:05:57] Thanks I'm going to keep it brief. I agree with John's comments and Phil's comments and just add that I think the Council's time and NMFS time is much better spent on continuing the work on deep-set buoy gear and looking for alternative gears that are more economically viable rather than investing in this hard cap action. The end.

**Marc Gorelnik** [00:06:27] Thanks for that. Let me just... John mentioned more than that but that's the most fundamental issue in front of us. I want to see if there's a consensus around the table here on that point that we should not invest more time in hard cap regulations. Bob Dooley.

**Bob Dooley** [00:06:48] Thank you Mr. Chairman. To that point I agree we shouldn't invest more time in this but, however, I think it's a sad day that we're losing that fishery and we're losing faith in our fishermen by not giving them standards and giving them the tools to prove that they can do something. I have a lot of faith in fishermen. A lot of faith in their ingenuity and I think it's a sad day that we lose that fishery, but it's done... that ship has sailed and I don't think we should do any more work on hard caps at this time.

**Marc Gorelnik** [00:07:28] All right. Thanks for that Bob. The Executive Director, oh Corey Ridings go ahead.

**Corey Ridings** [00:07:35] Thanks Mr. Chair. I just wanted to answer that a little bit. I agree that we do not need to continue work on hard caps at this time. I would like to echo some of what John stated around that we still have a responsibility here and there are still bycatch standards to be met and whatever NMFS can do, or we can do to increase maximum observer coverage for the few remaining vessels I think is a really smart idea. And I heard that our management teams can still have tools to update us so I think all of that should continue. I have some questions about the unobservable exemption, if possible, to remove that. I think that would be helpful in meeting the observer rates that we need to ensure that we are meeting the purpose and need of hard caps if that is not going to be in place. John, I want to just mention briefly, you talked about the conservation value of hard caps that accrue over time, I understand that was the function and design of that and it made sense, but there are also, you know, we still have five years left and there is value in taking care of our bycatch and taking care of our protected resources and making sure that those rates are low and even lower than the PBR as Phil mentioned. So just opening up there I think agreeing with John and maybe that's even a bit of a question for NMFS there but thank you Mr. Chair.

**Marc Gorelnik** [00:09:23] All right. Thanks for that Corey. I think there's fairly clear direction around the table and I don't know if we need a motion. I think a motion would make it cleaner but I'm seeing nods that maybe we don't. Well, Dr. Braby.

**Caren Braby** [00:09:44] Sorry to add one more thing. In terms of reporting, I absolutely agree. We need continued reports. I just want to flag that we had designed regression tree analysis for finfish that would be a heavy lift for the team and just like other workload I would say that I would not support that, that I would want to keep reporting for finfish simple as well.

**Marc Gorelnik** [00:10:16] John Ugoretz.

**John Ugoretz** [00:10:19] I think I was going to agree until what you just said at the very end so I'm not as sure if I misunderstood you but what I said when I was talking earlier, I think we should have them report on marine mammals and sea turtles annually. I agree that the finfish analysis is difficult to perform and doesn't give us that much and we will have the direct observer reports each year in case something changes.

**Marc Gorelnik** [00:10:52] All right. In a minute I'll go to Kit, but I think what I've captured is that there's a consensus around the table not to pursue the hard caps regulations any further. There is an interest in improving observer coverage by perhaps removing exemptions so we can have a more complete data set over the remaining years. I also heard John suggest or encourage NMFS to work on a funding mechanism so that we can assist. Well, why don't you? What was the last point? I thought you were talking about...

**John Ugoretz** [00:11:29] I just, I'd like us to work on the transition soon and ensure that it is as robust as possible to help encourage people to transition before the sunset. If that grant transition program isn't implemented in the next 2 to 3 years, it has no real value.

**Marc Gorelnik** [00:11:53] Right. And I think I heard Ryan say earlier that looking into the funding issue, which we don't have an answer to yet. So, unless I have screwed up, which I typically do, I think that is where we're at. I want to... before I go to Kit I want to make sure we haven't short circuited any discussion or any positions folks want us to take. Christa Svensson.

**Christa Svensson** [00:12:20] Yeah, thank you Mr. Chair. I just wanted to comment that I'm appreciative that people are wanting to move forward. I've spoken fairly extensively on this topic that I, had I been able to vote I would not have voted for hard caps because they are not scientifically based, but that at the last meeting I would have been willing to move forward even with the hard cap conversation to keep the fishery going, and I agree that it is a sad day and a sad time to lose any fishery. And in my comments at our last time that this came up I mentioned that I was concerned about other fisheries being targeted after this, and I will just take a moment here to mention that I've had people pass on that now we've got set net fisheries being targeted in campaigns and I continue to be concerned that we have put ourselves at risk for all Category 2 fisheries by allowing this fishery to dwindle and now be moved into extinction, and I can remain hopeful that we will continue to work on EFPs and I am thankful that we are choosing to spend our time, from the sound of it, looking at opportunities to grow our swordfish fisheries in a way that will allow us to capitalize on that opportunity.

**Marc Gorelnik** [00:14:03] Okay, thank you Christa. Bob Dooley.

**Bob Dooley** [00:14:08] They know it's getting late Mr. Chairman, so I'll try to keep it brief, but I just wanted to respond to the observer question about increasing observer coverage. In all of our fisheries except for I think one, which would be the catch share program, we leave it up to the experts to determine the level of observer coverage that's required to have accuracy, and it ranges from 1 percent observer coverage in some fisheries to 50 percent in voluntary or in non-lap programs, or even lap programs to 100 or 200 percent in the trawl fishery, but we have experts, we have the people that are charged with that duty and that would be National Marine Fisheries Service and the observer programs. So, I would defer to them to guide us on if there's any utility in pursuing a higher level at this stage of a game of observer coverage. Now I will couch that by saying I'm always a, I'm a huge proponent of accountability, a huge proponent of making sure we have adequate, but in this particular case with five years left, any of these type of things to increase to change are going to take time and bandwidth. So, I, if National Marine Fisheries Service and the observer program think that it's beneficial, I'm for it, but if not I think we're wasting our time. So, thank you.

**Marc Gorelnik** [00:15:42] Yeah, I don't interpret the guidance as a demand that NMFS do any particular thing. It's just it is a fairly small data set, you know, with only a handful of boats. All right, is there anything further here? Corey Ridings.

**Corey Ridings** [00:15:56] Thanks Mr. Chair. Just a quick detail there. I think we heard Miss Labriola mention not even just more observed sets, but a shift in the season may be necessary to better cover the fleet, so just noting that. I suspect NMFS knows that. I just wanted to add that there. Thank you.

**Marc Gorelnik** [00:16:16] All right. And, Ryan, I guess at some point we'll hear back from NMFS on this guidance. Great. All right, Kit, how are we doing?

**Kit Dahl** [00:16:24] Okay. So you, you gave a nice summary a little while ago but then there were a bunch of subsequent comments and observations so I guess I'll just reiterate that. So, the main message that I heard is the Council does not wish to continue with the action of implementing hard caps so that falls off your agenda in June. Then there was discussion around in the absence of in pursuing implementation of hard caps, the desire to be able to continue to get information on the, on the bycatch in the fishery and so on and that you would look to continue to get information from the management team on and that bycatch performance report related to marine mammals and sea turtles but recognized that there was a fair amount of workload and extending that methodology to the finfish component of the performance metrics, and you don't think that is necessary given that workload and there are, the information that you have available to you and the observer reports and so on to be able to get an idea of what those bycatch levels are. And then the other, just to generally encouraging NMFS to continue to consider the appropriate level of observer coverage in the fishery in light of that there are just a small number of vessels so it may not entail, you know, really in absolute terms an increase in observer coverage to effectively increase the rate of observer coverage I guess I would say, but recognizing that that's something in NMFS' wheelhouse and perhaps a hope that NMFS will keep the Council apprised of their, what they're doing as far as observer coverage for the remaining seasons in the fishery. And then finally, just emphasizing that Council's wish to be engaged in development of a transition program and the desire for early engagement and the hope that that transition program can be structured in a way that can encourage, essentially encourage earlier exit from the fishery rather than in a way that would leave participants until the very end of the statutory period of the fishery, so that's a future discussion to be had on that. That's my best effort to capture your discussion.

**Marc Gorelnik** [00:19:21] All right. Thanks Kit. Let's see if anyone disagrees with that summation? All right that concludes that agenda item. Great work. Concludes HMS for the meeting.