

COUNCIL MEETING TRANSCRIPTS
273rd Session of the
Pacific Fishery Management Council
September 7-14, 2023
DoubleTree Spokane
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In-Person Meeting

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Meeting Transcript Summary

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

A. Call to Order

3. Agenda

Brad Pettinger [00:00:00] A motion to approve the agenda? Marc Gorelnik.

Marc Gorelnik [00:00:04] I move the Council approve the agenda as shown as Agenda Item A.3, September 2023.

Brad Pettinger [00:00:14] Second by Bob Dooley. Okay. All those in favor signify by saying "Aye".

Council [00:00:16] Aye.

Brad Pettinger [00:00:16] Opposed, no? Abstentions? Okay. Agenda is approved. Thank you very much.

B. Open Comment Period

1. Comments on Non-Agenda Items

No transcription for this agenda item.

C. Salmon Management

1. National Marine Fisheries Service Report

No transcription for this agenda item.

2. Methodology Review – Final Topic Selection

Brad Pettinger [00:00:00] With that, that'll complete the reports and take us to public comment. And we have zero. And I'd just like to mention that people are kind of smelling... maybe something burning in the room. It's understanding that they just turned the heaters on somewhere and it's just from the dust, whatever, so we'll keep you monitored on that. But... just it's never good to smell something burning in a hotel so, but I think we're good for now. With that I'll open up for Council discussion. Pete.

Pete Hassemer [00:00:36] Thank you Chair Pettinger. I'll start it off. I don't know if it's an easy one, but it's a non-action one since we just finished talking about the PBT piece of it. I appreciate California bringing it to our attention there. As I mentioned, I've quite an experience. I know Mr. Oatman has quite some experience in the Snake River Basin and my colleagues from Idaho. That being, for quite a number of years every hatchery salmon and steelhead released in the Snake Basin, and I believe it's still true, above Lower Granite Dam is marked through parentage-based tagging. So that's in excess of 20 million juveniles per year. It's well coordinated and it's a very powerful program for what it is doing and the objectives in that basin. It's a little hard for me to put my head around, you know, what's the ultimate goal is here? From what I'm reading is it gives the opportunity to increase production by releasing fish at an earlier age or a smaller size when applying external marks would be a problem, a fin clip or something like that. That's just my assessment of what's happening. And so, as I look at it, it's not parentage-based tagging. That's the issue because looking at the American River example, a million fish and sorting out natural origin returns from hatchery, it could be very successful in that application. But in the broader sense when we look at these models and there are non-externally marked salmon that are coming back, how that impacts these other programs and forecasting is a little bit fuzzy. So, I think based on that, it's going to... it will take some time for the STT to work through this and think about all those impacts and what the intent of the program is. You know, I'm not telling California what to do in those programs, but from the Council perspective how does the release of non-marked fish impact these other programs, and could this, the PBT data be captured and brought into the models is a very important piece that in my mind it's new and this idea that the STT might need some, you know, broader outside help to understand these programs and how those works. I don't know how to put it together, but I think we have to think very hard about it and give the STT considerable time to do that when their plate is already full. And again, that goes back to... appreciate the early heads-up from California that this is coming because some of those fish are out there. So, I'll stop there with that. Thank you.

Brad Pettinger [00:03:50] Thank you Pete. Further discussion? Kyle.

Kyle Adicks [00:03:56] Thank you Mr. Chair. I'll just say I support the four items that the STT identified as being ready to move forward. Maybe starting with the easier of the two, I'll speak to the FRAM documentation. This has been a recurring thing that maybe it's methodology review, maybe it doesn't, but there's probably not a better opportunity for the MEW to bring forward the progress that's been made each year. Over the summer Angelika Hagen-Breaux, who actually retired from WDFW, spent her last weeks working on the pieces that will come forward this year and another WDFW staff member will be prepared to present those in October. On the OPI forecast, you might have gathered from my question of Dr. O'Farrell, I'm not exactly sure what that group will have ready by the September 25th deadline. They've done a lot of work and have a way to assess different forecast methods, but I don't know that they'll have a recommendation for a forecast method. They could, but that's less than two weeks away and they've got work to do just to document what they've done to have it ready for methodology review. So not sure exactly what will be ready, but there could be a case that arises where they have this sort of assessment ready and it could become clear that there's a better forecast method than what we're using, it just might not get identified until we get into methodology

review. So come November I'm not sure what we'll have to look at. If we haven't put a new method through review, I don't know what we would do with the information that here are a couple of methods that work better than what's already been approved through methodology review. So just flagging that that we might need some follow-up discussion in November depending on what actually goes through review and what comes out of that.

Brad Pettinger [00:05:39] Thank you Kyle. Okay. Marci.

Marci Yaremko [00:05:43] Thank you Mr. Chair. I just want to flag the SSC report and appreciate their consideration of the topics that the STT brought to them that will be ready for review, those are the first three. And then the SSC references that they recommend that the topic be reviewed in 2024. So essentially keep it on the list so that when it's ready for review next time, hopefully next year, it's there for us. I would also, I guess, ask Council staff with regard to the planned meeting in October, SSC references the potential for the federal government shutdown and what should happen in the event that that occurs. I'm also wondering if the planned meeting for October is a virtual meeting and that it's expected that NMFS employees will be able to participate in the meeting should the government not incur a shutdown?

Brad Pettinger [00:06:56] Is that a question for Robin or Frank?

Marci Yaremko [00:06:58] Partially for Robin, partially for Frank. I'm just interested in federal participation and if the meeting is scheduled for the dates and if it's remote.

Brad Pettinger [00:07:07] Frank.

Frank Lockhart [00:07:10] Well, assuming that there's not a furlough and a shutdown, then I think that federal employees would be able to participate remotely. I don't have their... the specific people. I haven't contacted the specific people about that, but I have no problems that have been identified to me that there's any problem with them attending.

Brad Pettinger [00:07:34] Okay. Robin, do you have anything else on that?

Robin Ehlke [00:07:42] Yeah, thank you Mr. Chair. I would just add that we do plan to have the October methodology review held via webinar so there would be no need to travel, and that was to accommodate a potential, not federal shutdown, but a travel ban in the month of October for federal employees so we've accommodated that well. And then just further going into if there is a federal shutdown, which was part of the SSC report, what the plans for that might be, and we won't know obviously until later, but I would assume that the methodology review meeting would be postponed until such a date that all the members could participate, including federal employees. So, I hope that helps answer your question. Thank you.

Brad Pettinger [00:08:50] Thank you Robin. It does. Okay Marci? Okay. All right. Anyone else? All right. Well, Robin, I'll turn to you to see how we're doing on this agenda item?

Robin Ehlke [00:09:08] Thank you Mr. Chair. So, your task today was just to identify the topics that are ready to move forward. And just looking at the SitSum, the first three items will move forward and then Item 5, just the documentation of the FRAM Model as well. We will not be discussing Item 4 regarding the Sacramento Index. We've identified that the October review meeting date will be held October 11 and 12, and we will do that via webinar so no need to travel. This meeting may be delayed or potentially postponed if there is indeed a federal shutdown which would not allow for federal employees to participate. So, with that I think you've,...well, I'll also just say that you acknowledged

the report of CDFW and STT regarding PBT. I think that is a conversation everybody wants to continue and I hope it does occur in the near future. So, with that on your radar and your discussion on the topics ready, I think you've done your work under this agenda item.

Brad Pettinger [00:10:24] Okay. Well, thank you Robin, and thank everyone for some really good discussion on the Council floor here and Pete, you have a question?

Pete Hassemer [00:10:31] Yeah, just a closing comment. I hope this is appropriate time. I appreciate Robin mentioning accommodating that there's references to it as the federal shutdown, which I believe is related just to the budget, whether or not Congress passes a budget or a continuing resolution, and Mr. Lockhart mentioned, you know, are they furloughed that they can't participate? But we heard yesterday there, and I think this is guaranteed but maybe not, a federal blackout where in from October 1 through 24 no Department of Commerce employees can travel anywhere if it's not mission essential or critical. So, as we go through the rest of the meeting it might be, so we don't get wrapped up too much about thinking are we doing virtual or in-person meetings, that the month of October I think you better consider if there are federal employees it's going to be virtual and maybe you can verify that that is the rule.

Brad Pettinger [00:11:37] Frank.

Frank Lockhart [00:11:38] Yes, that is the rule and it has already affected several meetings that we've been discussing. So, yes, it is a fairly strict rule. They are being very strict on providing exemptions and like you said, kind of mission essential or critical kind of terminology is being used. So just regular meetings like generally we're talking about here would not qualify for that. So, if federal employees are needed in October it's going to have to be virtual participation.

Brad Pettinger [00:12:12] Thank you Pete for that clarification. Okay, well that takes care of C.2 and we're going to take a 10-minute break, and when we come back Vice-Chair Hassemer will have the gavel.

3. Fishery Management Plan (FMP) Amendment 24: Southern Resident Killer Whale Chinook Threshold Clarifications

Pete Hassemer [00:00:00] That completes our reports. I need to look very quickly. We have no public comment sign-ups so that will take us to Council discussion. I'm going to look around for any hand. Kyle Adicks.

Kyle Adicks [00:00:15] Thank you Mr. Vice-Chair. And thanks to those who were involved in drafting the language in Attachment 1 for, replacement language for the killer whale section of the FMP. I think it is very helpful. It will eliminate some of the confusion we had in the 2023 planning process as we realize maybe the language from the original version wasn't quite as clear as we thought it was. Speaking to the STT and SSC reports, appreciate the... the suggestion from the STT of adding a more specific reference to the Shelton Paper. I think that makes a lot of sense. The people involved all know what we're talking about when we say the Shelton Paper, but adding that reference and adding that to the literature cited is a good clarification. Speaking to the points made by the SSC, I went back and forth in my head on those two sentences in the second paragraph, but I think it's good to have them there. It does summarize a lot of information in two sentences. But I think it's good that people can just go to the FMP and see, okay, that's the logic for that decision and then if they want to go look into those other references they can, but I like having that language there. Good point on FRAM Model, we all get used to saying FRAM Model, but it's a little redundant because the model is in the acronym so that is a good point. The bigger issue I think is that November timeline and what the timing of FRAM changes might be coming from the co-managers. There could be changes that come in December, January. If we know their change is coming, we would know that they're likely coming by November so we could alert the Council that there may be some FRAM changes between now and March. If not, then great we can go ahead and sign-off on the rollover of the threshold with no change. It's a fairly small group of people that do that work and a fairly small group of people that would have to do the work to calculate a new threshold. So, I would hope that if we were in a situation where there were going to be FRAM changes forthcoming after the November meeting, that we could flag that and the Council could revisit it in March once all that work could be done.

Pete Hassemer [00:02:28] Thank you. Further discussion? I'm not seeing any hands and we do need a motion on this to release this for review, so Kyle.

Kyle Adicks [00:02:47] Thank you again Mr. Vice-Chair. I do have a motion. I move that the Council adopt for public review the draft language for Amendment 24 to the Pacific Coast Salmon Management Plan as presented in Agenda Item C.3, Attachment 1, with the following modifications. In the first sentence of the third paragraph, replace "and Shelton et al", with "And the spatial distribution model whose initial development is described in Shelton et al 2019". And in the second sentence of the third paragraph, delete the word "model" from FRAM Model.

Pete Hassemer [00:03:23] Thank you. The language on this screen is accurate and complete?

Kyle Adicks [00:03:29] Yes.

Pete Hassemer [00:03:30] Thank you. Is there a second? Phil Anderson seconds. Go ahead and speak to your motion as necessary.

Kyle Adicks [00:03:37] Thank you Mr. Vice-Chair. I don't think there's really need to say much more than what I said during Council discussion. I will just add that I didn't put it in the motion, but obviously this would require adding that reference to the literature cited section of the FMP.

Pete Hassemer [00:03:51] All right, thank you. Questions for the maker of the motion? And I'm not seeing any questions on it. So discussion on the motion? And it appears to be very clear to everyone. So not seeing any hands for discussion I will go ahead and call the question. All those in favor signify by saying "Aye".

Council [00:04:17] Aye.

Pete Hassemer [00:04:17] Opposed, no? Abstentions? Motion passes unanimously. Thank you very much. And Robin, I'm going to turn to you and ask if there is any further work on this item?

Robin Ehlke [00:04:36] Thank you Mr. Vice-Chair. No further work needed. The Council has reviewed the proposed language. They've heard from your advisory bodies. They've adopted a motion for public review that includes some of the recommendations from those advisory bodies and we'll move this forward for public review and discuss it again come November.

Pete Hassemer [00:05:07] All right, thank you very much. That can close out that agenda item.

D. Pacific Halibut Management

1. Preliminary Catch Sharing Plan and Regulations for Implementation in 2024 or later

Pete Hassemer [00:00:00] That concludes all our reports and our public testimony. Concludes our listening phase and takes us into discussion. So, the Council action before you is up there, adopt the preliminary catch sharing plan and regulation changes for public review for implementation in 2024 or later as needed. And I will look for any hands to start the discussion here. I know there's a lot to digest. Mr. Gorelnik.

Marc Gorelnik [00:00:41] Well, I know how difficult it can be to get the ice broken, so I will break the ice. Every time this comes up to the Council it's really difficult. It's difficult for everyone because there are only so many fish out there and they have to be shared. I just want to point out that for purposes of today's action, we're merely adopting some alternatives for public review and that we don't have to drill down and say who gets what here. It's just a matter of establishing the range and let's see what the public has to say. I may have more to say but I just wanted to break the ice there.

Pete Hassemer [00:01:30] Thank you Marc. Any other hands? Lynn Mattes.

Lynn Mattes [00:01:36] Thank you Vice-Chair. I agree that this is a difficult discussion as it is whenever we get into allocation issues and a number of sectors, states, et cetera, are experiencing difficulties with no salmon seasons, with reduced bottom fish opportunities and trying to find anything to help fill that void, fill that... help provide some opportunity and Pacific halibut seems to be one of those that we're looking to right now. I appreciate the discussions we've been having and I know they've been tense and they may likely continue to be tense. I also appreciate the GAP trying to help eliminate some options for us to help make our decisions easier. I do have some concerns about some of the proposed management measures as we're moving forward, particularly the inseason flexibility date, considering that Oregon sets aside a certain amount of quota for a late season fishery and how that would interact. That being said, I appreciate the discussions we've had and the reminder that this is just sending things out for getting review from the public. I don't know that I've helped the discussion, but at least tried to express a few thoughts to begin with.

Pete Hassemer [00:02:56] Thank you Lynn. I'll look for other hands to continue the discussion, offer comments and remind you that motions are needed for our action today. Chair Pettinger.

Brad Pettinger [00:03:13] Thank you Vice-Chair Hassemer. You know there's nothing, nothing tougher than these discussions. It affects virtually everybody. You know, I think that one way to look at this is, and it's fortunate that the Halibut Commission didn't continue the hook-and-line survey into California. I believe the number was 11 percent was in California waters I believe. The one they did. You know who knows where it's at right now. But it kind of makes me wonder what, how much fish would have to move into California before we did make a decision. Does that matter in this context of this subject matter as far as where the fish live? Because I know that we apportioned sablefish north and south by how much fish live below, above and below 36 degrees. Stock assessments for groundfish or a portion, if they're not coastwide, they're apportioned north of forty-ten. An example, I think chili pepper, 7 percent of the chili pepper rockfish goes to the shelf rockfish complex. So it's, I think I'll just say it is more for consistency and so as far as how we do business. And so, I do know there's more of halibut in California than there has been in previous years because I have a vessel that fishes out of Eureka and I can say that for the last four or five years that I've never known of a spot where people just didn't go anymore because there's too much halibut to fish there. Basically guys, hey, just I mean, I think we had 44 halibut one time and right in front of Eureka. And so, you know, with catch monitors, observers on board a boat, we see that and word gets around and we leave and we close those areas, at

least voluntarily. So, I would say that also that we've been sharing California salmon for a long time. I'm actually I kind of... I voted no on the last time this came up because I thought the arguments that were being put forward by folks were that good. So, I'm going to throw some out there just because they should be out there, at least for discussion. I'm not sure where we're going, but I hope we could get something that works for everybody. I'd be interesting to hear... well, I don't we get into bigger details but this is a tough, tough decision, whatever we do when we get to the end of this and I think we just need to be consistent on how we manage fisheries. So that's all I got.

Pete Hassemer [00:06:06] Thank you. Phil Anderson.

Phil Anderson [00:06:11] Thanks Mr. Vice-Chair. As painful as it is, I think it's always good to go back and take a look at your management regimes that we have for various fisheries. And I think we're doing a deeper dive on halibut, obviously, than we normally do and I think that's, as painful as it's been so far, that's been I think a good thing to do. I don't know where the halibut resource is going. The last IPHC meeting in January, you know, our stock assessment author's, there were like six or seven indicators and they were all at the bottom as low or as low as they've seen them in a long time, from everything from recruitment. And what they saw as the spawning biomass was going down and lack of strong year classes and all that stuff. So, I don't know where we're headed, you know, in a broader sense in terms of whether 1.65 that we have now is a CEY and a 1.5 or so FCEY is going to maintain itself. I can unfortunately remember when we've been down and under, under a million. And if you think things are tough now, you get down to those levels and it really is difficult. I think our discussion, you know, as hard as we have fought, and I say we, you know, really led by the tribes, the Makah tribe in particular, Russ and Patrick Depoe bringing forward the 1.65, whatever that was 5 years ago now I think. We have... and there's, you know the states, all three of them around the table here and National Marine Fisheries Service and people like Tim and others have contributed to that argument that how important that number has been to Area 2A and so I... my point there is I think catchin', demonstrating that we need those fish by catching them is an important thing for us to do. And I think the discussion around inseason management flexibility, I think that, you know, has largely been something that has been out of reach for us in the past or we have believed it to be out of reach. And so, I think trying to reach for it and figure out a potential process whereby we could make some inseason transfer quota to more fully utilize our 2A is a good thing. And I will have a suggestion on how to move forward on that when the time comes. The allocation piece and, you know, what's fair, what's equitable, you know, is as in many cases is in the eyes of the beholder. Is it days on the water? Is it total catch? Is what, you know, how finite do we divide it up into different areas? Our catch share plan, I remember when it was developed there was a time we didn't have one, but as the management of halibut matured and our recreational fisheries developed in area 2A and we had some really horrible allocation discussions when we initially got the catch sharing plan that we do now and the non-treaty commercial fishery north of Grays Harbor was eliminated. That's why the incidental catch in the sablefish fishery comes out of the Washington sport share was because we, Washington, brought forward to the Council for consideration a recreational priority north of Grays Harbor, and it was in large part because we were, we had the tribal share went from 25 to 35 percent from 1989 to 1993, I think it was. And then we had a payback provision for three years. So, we've been through a lot, and I think we've spent a lot of time and appreciate all the work the states have done in bringing forward the information about how their various fisheries are prosecuted and put together and the rationale behind how they manage their fisheries. When we started down this road, the thing that I was most, probably most concerned about relative to allocation is what happened at least in Washington during the pandemic and the closing of Neah Bay and La Push. Neah Bay was by far and away is where the most anglers went. It's where the most catch was, and La Push would have had as many, it's just the ports not that big. But when those ports closed down, a lot of, not all, but a portion of those found other places to fish halibut, and one of them was in Westport. And Westport's... so the distribution, number one, the distribution of our angler effort throughout our different areas has changed dramatically in the last few years. So, trying to make, look

at the performance of fisheries during this time of upheaval associated with COVID, at least in Washington, was a concern as to people drawing conclusions about from looking ahead by what happened in the last couple of years. So, I'm going to stop there. I'll probably have some comments on motions that are made and so forth, but I think this is worthwhile for us to do. I think we'll be better off when we're done regardless of where we end up. I think we'll make some improvements to the catch share plan. I'm hoping we'll make some improvements to our inseason flexibility capabilities. And I think we've enhanced our understanding of the various fisheries along the coast amongst each other.

Pete Hassemer [00:13:35] Thank you Phil. Further discussion? Comments? It appears we're running out of general discussion and comments. And I remind you that we do need motions at the end of the day to complete our action. Lynn Mattes.

Lynn Mattes [00:14:00] If we're to that point, I have a motion that I think it should be an easy one to get us started and maybe get us going.

Pete Hassemer [00:14:08] Thank you.

Lynn Mattes [00:14:08] If it's appropriate?

Pete Hassemer [00:14:09] Let's roll with it. Sandra and Renee, it's a ODFW Motion 1 that I sent a few minutes ago. And this is just going to be in regards to the proposed changes to the Oregon recreational fishery in Report 2. So, I move the Council forward for public review the proposed change to the catch sharing plan for the Oregon recreational fishery as shown in Agenda Item D.1.a, Supplemental ODFW Report 2.

Pete Hassemer [00:14:38] Thank you Lynn. Is the language that's on the screen accurate and complete?

Lynn Mattes [00:14:43] Yes, it is.

Pete Hassemer [00:14:44] Thank you. Is there a second to the motion? Seconded by Christa Svensson. Go ahead and speak to your motion as necessary.

Lynn Mattes [00:14:56] Thank you Vice-Chair. This one seemed like it was an easy one to get us started, break the ice. It's just changing some language to the fixed dates, or the fixed and backup dates in the Oregon Central Coast subarea all depth fishery. So, it just seems simple. I don't know that I need to speak much more to it.

Pete Hassemer [00:15:16] Thank you. Are there questions for the maker of the motion? Heather Hall.

Heather Hall [00:15:21] Sorry about that. Excuse me, I don't have any questions. But I do have a motion ready when the time is appropriate.

Pete Hassemer [00:15:28] All right, let's finish this one up then. Questions for clarification to the maker of the motion? Seeing none, open it up for discussion on the motion? There are no hands so I will go ahead and call the question. All those in favor signify by saying "Aye".

Council [00:15:49] Aye.

Pete Hassemer [00:15:49] Opposed, no? Abstentions? The motion passes unanimously. Thank you Lynn. Heather, please go ahead.

Heather Hall [00:16:06] Thank you Vice-Chair Hassemer. Just going to pile on the approach of checking off the low hanging fruit here. I have a motion. This is my WDFW Motion 1 Sandra. Thank you. I move that the Council adopt the proposed season structure alternatives and changes to the catch sharing plan for 2024 as described in Agenda Item D.1, Supplemental WDFW Report 2 for public review.

Pete Hassemer [00:16:53] Thank you. Is the language on the screen accurate and complete?

Heather Hall [00:16:56] Yes, it is.

Pete Hassemer [00:16:58] All right. Is there a second to the motion? Seconded by Lynn Mattes. Go ahead and speak to your motion.

Heather Hall [00:17:05] Thank you. This really just puts out a range of alternatives that reflect public input from our stakeholders and supported by the GAP in their report. I think it gives us a good starting point for our discussion to come back for a final action in November. Thank you.

Pete Hassemer [00:17:24] Thank you. Are there questions for clarification to the maker of the motion? I'm not seeing any hands on that. I'll ask if there's any discussion on the motion? Lynn Mattes.

Lynn Mattes [00:17:39] Thank you Vice-Chair. I seconded it as I expressed after Miss Hall talked about the report since it does include the Columbia River, which we co-manage and that we are supportive of it, therefore it seemed appropriate to be the one to second it and agree with it.

Pete Hassemer [00:17:54] Thank you. Further discussion on the motion? Not seeing any hands I'll call the question. All those in favor signify by saying "Aye".

Council [00:18:04] Aye.

Pete Hassemer [00:18:04] Opposed, no? Abstentions? The motion passes unanimously. Thank you Heather. Marci Yaremko.

Marci Yaremko [00:18:20] Thank you Mr. Vice-Chair. Yes, I, too, have an easy low hanging fruit motion for CDFW. Sandra just checking that... one minute. Okay. Thank you Sandra. I move the Council adopt for public review the California subarea management options described in Supplemental CDFW Report 1 to, add a provision to the CSP to authorize use of the RCA lines as defined in federal regulations at 50 CFR Part 660 in the recreational Pacific halibut fishery off California to limit catch of groundfish species of concern, which would be including but not limited to quillback rockfish, either through preseason or inseason implementation by NMFS. Second, to implement a new recreational management line at Point Arena to form two California subareas north and south of Point Arena. The California recreational allocation would be shared between the two areas, with the area south of Point Arena receiving a set amount of up to a thousand net pounds per year to accommodate de minimis incidental catch in that area.

Pete Hassemer [00:20:08] Thank you Marci. Is the language on the screen accurate, complete, and I notice when you were reading you skipped the latitude reference, but I assume that is correct for Point Arena.

Marci Yaremko [00:20:21] Yes, it is. 38 degrees, 57.5 minutes North latitude. Thank you.

Pete Hassemer [00:20:26] All right, and everything else is accurate. Is there a second on the motion?

Seconded by Marc Gorelnik. Please speak to your motion as necessary.

Marci Yaremko [00:20:39] Yes, we covered this content in our report and just giving us the ability to use RCA lines to manage the recreational fishery to minimize impacts on certain groundfish species of concern would be a benefit to allow, to minimize interactions with certain species. And then secondly, the new management area that we are proposing for south of Arena, we've heard a number of public comments in recent Pacific halibut discussions about fish in the San Francisco area around the Farallones that occasionally come available into the fall and are occasionally taken in fall months after the directed Pacific halibut fishery has closed for the season. So, this alteration of the subarea would accommodate de minimis incidental catch in that area. Thank you.

Pete Hassemer [00:21:48] Thank you Marci. Are there any questions for clarification to the maker of the motion? Phil Anderson.

Phil Anderson [00:21:56] Thanks Mr. Vice-Chair, and thanks for the motion, Marci. My question on the next to last line where it says, "Point Arena receiving a set amount", and then in parens up to one thousand net pounds per year. So I was, I thought, when I, before you had the, I thought the set amount was a thousand pounds, but it sounds like the thousand pounds could vary from year to year because it says "up to".

Marci Yaremko [00:22:28] Sure. Thank you for the question Mr. Anderson. We haven't, I guess you'd say, finalized the recommendation on the set poundage amount. It might be 500 pounds, it might be a thousand pounds. We haven't gone back to review the actual catch estimates from this area to determine what an appropriate amount might be. And again, this is a very de minimis opportunity. It's one or two fish a year, but we think there might be value in allowing retention of those occasionally caught fish so that we can obtain some biological data from them. Thank you.

Pete Hassemer [00:23:10] Thank you. Further questions for clarification to the maker of the motion? I'm not seeing any hands, so I'll open it up for discussion. Any discussion on the motion? Mr. Lindsay, Josh.

Josh Lindsay [00:23:30] Thank you Mr. Vice Chair. I just, I plan to vote in favor of the motion, but I just wanted to, to highlight that at least for the first bullet, that's going to require some regulatory changes to put that in place, which would probably require a few more details of how those RCAs would operate? Transit? A variety of things that would likely require further details prior to some sort of final adoption. And so, I just wanted to highlight for the Council now that although we're comfortable putting this out for public review and giving the public some heads-up, if you will, that this is something the Council's looking to potentially review, that there's going to be some more finer scale details to be figured out. Thank you.

Pete Hassemer [00:24:17] Thank you. Further discussion? And again, I'm not seeing any hands so I will call the question on this item. All those in favor signify by saying "Aye".

Council [00:24:34] Aye.

Pete Hassemer [00:24:34] Opposed, no? Abstentions? Motion passes unanimously. Thank you Marci. That has taken care of, I believe the catch sharing plan. Heather Hall.

Heather Hall [00:25:03] Thank you Vice-Chair. I have another motion that addresses season structure for 2024. This is, Sandra WDFW Motion 3. Thank you Sandra. I move that the Council consider the status quo directed halibut fishery structure for 2024. That is, the 2024 season would be a series of 3-

day openings beginning at 8 a.m. on the fourth Tuesday in June, ending at 6 p.m. on the Thursday of that week. Include the following in the range of alternatives for public review. 2 options for announcing 3-day openings. Status Quo. Additional 3-day openings would occur every other week, Tuesday through Thursday, until the directed fishery allocation is obtained. In Option 1, 3-day openings would occur every other week, Tuesday through Thursday for the first two openers, with subsequent openings separated by four weeks. Notice the dates of the first 3 openers prior to the start of the season.

Pete Hassemer [00:26:36] Thank you Heather. Is the language on the screen accurate and complete?

Heather Hall [00:26:41] Yes, it is.

Pete Hassemer [00:26:42] Thank you. Is there a second to the motion? Seconded by Lynn Mattes. Thank you. Go ahead and speak to your motion as needed.

Heather Hall [00:26:51] Thank you Vice-Chair. This motion and action is just to include the season structure for the directed halibut fishery, maintaining the basic 3-day a week openings, but then addressing the option that the GAP requested be considered included at least for public review, where the first couple of openings would be more traditional separated by 2 weeks, and then after that, as catch accounting needs for NMFS requires, would be separated by 4 weeks. And then the... notice the dates for the first 3 openers just gives folks a good idea to get a ways down the road in the directed halibut fishery where they know what to expect.

Pete Hassemer [00:27:46] All right, thank you. Are there questions to the maker of the motion for clarification? I'm not seeing any hands. Is there any discussion to follow regarding the motion? And I'm not seeing.... oh, Marci Yaremko.

Marci Yaremko [00:28:07] Just wanted to convey that this this motion reflects the discussion we had in our delegation this morning and was requested by the D.C. participants to give them some ability to plan better. So thank you.

Pete Hassemer [00:28:25] Thank you Marci. Further discussion? And I don't see any hands so I will call the question on this one. All those in favor signify by saying "Aye".

Council [00:28:36] Aye.

Pete Hassemer [00:28:37] Opposed, no? Abstentions? Motion passes unanimously. Thank you Heather. Phil Anderson.

Phil Anderson [00:28:53] Thank you Mr. Chairman. I think this still comes under the definition of low hanging fruit. You might have to use a stepladder, but I think we can still get there. Sandra, this is the management objectives motion. I think there's a little bit more at the top, isn't there? There we go. Thank you. With your permission, Mr. Vice-Chair I'll proceed.

Pete Hassemer [00:29:41] Please proceed.

Phil Anderson [00:29:44] I move the Council adopt for public review the proposed management objectives for the catch sharing plan as described in the Agenda Item D.1, Attachment 3, with the revision to Section 1, incidental halibut catch in the salmon troll fishery as written below. That is, one, incidental halibut catch in the salmon troll fishery. The primary management objective for this fishery is to harvest the subquota is an incidental catch during the April, June salmon troll fishery. The second management objective is to harvest the remaining troll quota as incidental catch during the remainder

of the salmon troll fishery. These management objectives will be achieved through landing restrictions. See Section 5.7.4. The landing restrictions are meant to assure that the incidental harvest rate is appropriate for salmon and halibut availability, does not encourage targeting, target fishing on halibut, ensure an equitable sharing of the halibut landings among the fishers, and does not increase the likelihood of exceeding the quota for this fishery.

Pete Hassemer [00:30:52] Thank you Phil. Is that language that's on the screen, I believe it's accurate and complete, is that correct?

Phil Anderson [00:30:58] That is correct.

Pete Hassemer [00:30:59] Thank you. Is there a second to the motion? Seconded by Butch Smith. Please speak to your motion as necessary.

Phil Anderson [00:31:05] Thanks Mr. Vice-Chair. So, we've heard from the SAS that they were, would like to maintain the status quo language. This motion largely does that in the first paragraph. It does add the last sentence in that first paragraph, which was part of the proposed language in our Attachment 3, which is the management objectives will be achieved through landing restrictions, in that Section 574. And then it also includes the second paragraph that was included in Attachment 3 that is new language that I thought enhanced the explanation of the fishery and the management objectives. So that was the rationale in bringing this forward, this slightly modified in keeping with, and in recognition of the comments received from the Salmon Advisory Subpanel.

Pete Hassemer [00:32:06] Thank you Phil. Are there any questions for clarification to the maker of the motion? Not seeing hands, is there any discussion on this motion? Lynn Mattes.

Lynn Mattes [00:32:26] Thank you Vice-Chair. Appreciate the brief interaction I had with the SAS members and their feedback, and then Mr. Anderson's clean up here. The intent when we were working on this between June and now was not to try to change the intent of the objectives or anything, but to maybe streamline the process a little bit more, some feedback I'd been hearing from Oregon salmon managers. So, I think Mr. Anderson's recommendation here does that. And I appreciate the quick feedback I got, we got from the SAS and them answering my questions to help me understand where the issue was.

Pete Hassemer [00:33:04] Thank you Lynn. Further discussion on this motion? And I'm not seeing any hands. I will call the question. All those in favor say "Aye".

Council [00:33:16] Aye.

Pete Hassemer [00:33:17] Opposed, no? Abstentions? The motion passes unanimously. Thank you Phil. Heather Hall.

Heather Hall [00:33:32] Thank you Vice-Chair. I have another motion. This is WDFW Motion 2. Thank you Sandra. I move that the Council adopt the proposed regulatory changes as described in Agenda Item D.1, Attachment 6 for public review.

Pete Hassemer [00:34:02] That looks accurate and complete, is it?

Heather Hall [00:34:05] Yes, it does.

Pete Hassemer [00:34:06] Thank you very much. Is there a second to the motion? Lynn Mattes

seconds. Please speak to your motion as needed.

Heather Hall [00:34:16] Thank you Vice-Chair. This motion adopts the regulatory changes that we've been hearing about, and the EC has been discussing for a while for public review. It reflects the input from the EC report, which also supported the options in Attachment 6 for public review. I think that covers it. Thank you.

Pete Hassemer [00:34:44] Thank you. Are there questions to the maker of the motion for clarification? I'm not seeing hands. Any discussion on the motion? Josh Lindsay.

Josh Lindsay [00:34:59] Thank you Mr. Vice-Chair. I apologize if this sounds a little bit repetitive as the Council might guess when you start getting into VMS regulations and some of the things being proposed by the EC. The devil's in the details and we're likely going to need to see a further, more in-depth analysis of sort of the exact participants involved in some of this, some of the cost analysis, cost benefit analysis Robin mentioned in her proposal. So again, NMFS is in favor and will vote in favor of this motion to put this out for public review, but just want to again highlight maybe what is already known around the table, that there's going to be some more details that need to be fleshed out for these. Thank you.

Pete Hassemer [00:35:40] Thank you Josh. Further discussion? Give ample time here for anyone to raise their hand. I'm not seeing any hands I will call the question. All those in favor say "Aye".

Council [00:35:55] Aye.

Pete Hassemer [00:35:56] Opposed, no? Abstentions? The motion passes unanimously. Thank you Heather. Is.....let me just take a break and we haven't heard from Robin in a while. I will just ask her how we are proceeding and what other work we need to do here. Robin?

Robin Ehlke [00:36:31] Hey Mr. Vice-Chair. I have been tracking all of your conversations well. I think you guys are moving through the motions and the work that we need to get done. There's two more items, and they're probably the biggest ones, so you have indeed taken care of the low, lower hanging fruit. What I think we need from the Council yet are motions that would address the flexibility inseason topic. Items found in Attachment 4, and also including some of the proposals found in the GAP statement and in the CDFW statement. And then also the allocation shift topic. That would be in Attachment 5. And I think certainly the GAP addressed those topics and I think California might have as well in their report. But either way, one, two, three, four, five, six down, two to go.

Pete Hassemer [00:37:35] Thank you Robin. That's what I had on my checklist. I just wanted to confirm that. So, I will look around for hands. Phil Anderson.

Phil Anderson [00:37:45] Thanks Mr. Vice-Chair. I'm willing to sacrifice myself and take a crack at the inseason flexibility matter.

Pete Hassemer [00:37:56] Please.

Phil Anderson [00:37:56] I do have a motion prepared. It will need a little editing, but I can do that as I read it. The motion is pursuant to recreational halibut quota inseason management flexibility. I move the Council adopt for public review the following inseason management process for potential inseason recreational halibut quota transfer between states. You can get rid of the "1", if you would, because there isn't a 2. There was at one time but it's gone. Similar to the flexibility provided in the non-treaty whiting fishery, create a process that sets up as an automatic action in which one state could notify the

National Marine Fisheries Service at the earliest time possible, taking into account state management objectives, an amount of their recreational halibut allocation that could be made available to another state. Up to that amount could be transferred to another state for their use through the remainder of the calendar year. It's not, the next one isn't meant to be indented. It's my typing skills, or lack thereof. NMFS would notify the other two states and determine through those discussions how to reapportion the unutilized pounds. The regulations also include a trigger date of August 15th where if a notification had not occurred by that time, discussions between NMFS, or excuse me, let me, I have to deviate and you'll have to, I'll go slowly here Sandra. I am... I'm going to start after the word "time", so there you go. So, after the word "time", "Council staff would facilitate a discussion between National Marine Fisheries Service and the three states to receive updates on catches and other inseason matters as needed".

Pete Hassemer [00:40:53] Thank you Phil. Give you a minute to look at that to make sure it's accurate and complete, and then I'll ask you. Does it look good?

Phil Anderson [00:41:04] Yes, it does.

Pete Hassemer [00:41:06] Thank you. Is there a second to the motion? Seconded by Heather Hall. Please speak to your motion.

Phil Anderson [00:00:00] Thanks Mr. Vice-Chair. Well, I obviously stole or borrowed an idea that came forward from Council staff in their discussions with the GAP and in the identification of current, a current process that exists. And obviously this would need to be flushed out between now and November by Council staff, National Marine Fisheries Service, and the states. But the principal objectives here, number one, set up something where if there were, if poundage was identified that could be transferred, that the transfer could be made and begin being utilized by the other state in a timely, what I'll call a timely fashion. The other principle here is that it is the state who is the entity that determines whether or not they have excess quota or unutilized quota, and it is the state that determines when they are able to make that determination. So, I'm not setting up multiple triggers, dates, I'm using the term, "earliest time possible" so that the states could track their individual area quotas and if they, as well as their fishery overall from a state, a holistic perspective from the state, and if they conclude that they have extra halibut, then they could make that notification to NMFS and that would set up this process. It also obviously would, in addition to that, in the absence of a notification occurring on or before August 15th, it would have the Council staff facilitate a call to get updates from each one of the states with NMFS participation so that the various states were up to speed and understanding of how each other's fishery was proceeding and whether or not there may be some unused quota identified at a date later than August 15th. Those were the kind of the principles that I used in developing this proposal.

Pete Hassemer [00:02:46] Thank you Phil. Are there any questions for clarification to the maker of the motion? I don't see any hands so I will open it up for discussion on the motion. Marci Yaremko.

Marci Yaremko [00:03:07] Thank you Mr. Vice-Chair. Just not a question on clarifying the language, but I am just asking your assessment, Phil, of the likelihood of a state notifying of availability of expected extra quota in the subarea to be made available to another state prior to August 15th?

Pete Hassemer [00:03:39] Phil.

Phil Anderson [00:03:46] I believe that all three of our states that manage halibut are responsible managers and that they carefully track their catch and that they have a predictive capability and that they, and when we have our season objectives specified in our catch sharing plan, in many cases we

have the days, the number of days that are available to fish, and I think that if they get into a situation where there are fish that they will not be able to utilize, that they will be ready and willing to make those fish available to another state. What the probability of it happening are? I never have been to a casino and done any gambling and I'm not going to start now.

Pete Hassemer [00:04:49] Marci.

Marci Yaremko [00:04:51] Thank you Mr. Vice-Chair. I'm just looking at the last sentence, and the trigger date of August 15th. Am I understanding that that trigger date is to result in Council staff inquiring with the three states on catch up dates? But then I don't see anything following that. It sounds like a discussion would happen, but there's no associated action with that. Is there a connection to this with the quota transfer? There's no mention of quota transfer, it just sounds like a discussion about progress of catch in each fishery. So, I'm just looking for some clarification about what the trigger actually does?

Phil Anderson [00:05:55] Triggered does two things that could happen now if people, I mean we don't have to make it happen, it could happen voluntarily, but I don't believe it has. And so, this is, would set up a specific discussion point, communication point between the states to update each other on where they are on their catches and whether or not they believe that there will be any unutilized catch as they look forward to the balance of their seasons and their current catch, do they believe that there will be any unutilized quota in their states? And if so, when might that occur? So that's the purpose of it. It is not, it doesn't trigger an action in that it doesn't mandate a transfer of quota be made available at that time. But at the same time if there was, for example, a sense that, a note that some fish would be available in September, that there would be potentially some kind of an early heads-up about that and some planning.

Pete Hassemer [00:07:38] Further discussion on this motion? Josh Lindsay.

Josh Lindsay [00:07:43] Thank you Mr. Vice-Chair. And maybe this should have come during the questions and clarification, so I may turn to Mr. Anderson to better understand some of the intent, if that's okay? Recognizing that you sort of preempted some of my earlier comments and recognizing there may be some more details that need to be figured out, you note in that first part similar to the flexibility, are you envisioning then, at least it's my understanding, and recognizing that folks around this table understand whiting much better than I do, my understanding is that has some very specific numbers and proportionments associated with how that determination gets made, which enables the one meet.....or one notice and sees an action that the agency takes. Were you envisioning similar sort of criteria being developed for this process?

Phil Anderson [00:08:48] I'm relying... I'm not an expert on the inseason transfer protocols for whiting. I do know that there are some people who are experts, and several of those experts participated in the GAP meeting, and several of, well at least one of those experts that I think was supported by another of those experts included this as a potential way to do this in the GAP report. And because I know who those people are and I have a great deal of confidence that they know what they're talking about, thought that that sounded like a reasonable thing to look at and potentially, and as the motion says, it says create a process that sets up something similar that results in that automatic action. So, yea, I'm not the one to sit down and look and say this is how it would work and or that it needs to be changed in these ways in order for it to work. You and your folks are, along with others, but it does work in the whiting fishery, and I don't, they're not specific amounts. Those amounts that are transferred between the at-sea sectors, when that does occur, vary from year to year on what's unutilized. I did not include... they also had another example of where they're transferring unutilized fish from the tribes to the non-treaty fishery and there is a trigger date I think of September 15th. If nothing happens, there is an automatic

communication that occurs on September 15th. That's where that second paragraph here came from, that idea or that concept came from. So, I tried to pull that concept out of that process. So, this may get flushed out and come back in November and with a this isn't going to work answer, I don't know. But because I have a great deal of confidence in the experts that suggested that we think about this, I thought that it had merit and deserved some further thinking.

Pete Hassemer [00:11:28] Thank you. Josh, further questions?

Josh Lindsay [00:11:29] No, just through the Vice-Chair, I appreciate Mr. Anderson providing that context for it and it's helpful.

Pete Hassemer [00:11:37] Thank you. Further discussion on the motion? Marci Yaremko.

Marci Yaremko [00:11:45] Thank you Mr. Vice-Chair. I read this motion and my take away from it is it really doesn't do anything. It gives an appearance that a state might raise their hand and say, "I think maybe I might have some fish by the end of the year". But I'm not hearing that there's, or not expecting there to be great likelihood that would happen. And then an August 15th trigger date stimulates a discussion to receive updates on catches when we all receive regular updates on catch progress through the season every, twice a month from IPHC. I don't feel like this motion provides a range of alternatives for public review that adequately considers inseason flexibility options that we desire to build into our catch sharing plan looking forward so that we more fully utilize our Area 2A TAC. It's been impressed upon us that that should be our goal is that we utilize our TAC because it's important to us. And a number of our representatives have impressed upon us the need for inseason flexibility and that that tool is the way that we share effectively during the season to better meet collectively our needs and Area 2A. That said, and just to say that I will, I have another motion, a different motion for inseason flexibility that I would appreciate the Council considering. I'm thinking back to Marc's initial remarks when we started this discussion about our goal here today being to develop a range of alternatives for public review. In that spirit I am prepared to support this motion. I appreciate the discussion Mr. Anderson just offered about we may look into this between now and November and find that it doesn't have merit and we can park it at that time. I think that's, I think that's worthwhile. I know we haven't had a lot of time. We just received the GAP's report this morning laying out this particular mechanism. So, with that in mind I'm willing to support it, but I would just note that I do have an additional motion that addresses inseason flexibility and that I'm approaching this discussion in the spirit of being inclusive and trying to build in alternatives that will help us achieve the ultimate goal. So that completes my remarks. Thank you.

Pete Hassemer [00:15:14] Thank you Marci. Heather Hall.

Heather Hall [00:15:18] Thank you Vice-Chair. And just to add to this discussion, I support this approach. I feel like we've heard from our stakeholders and our advisory bodies a real willingness and interest to be flexible and to share quota when it's available across states. And we talk about... I look at this and I think about what we've been doing in Washington, and this mirrors what has been really effective for us in as we've tried to address the effort shifts that we saw with the port closures and the impacts of the pandemic, and I spoke to that and I read the sentences in our WDFW report word for word because they were important, because it relied on the support from National Marine Fisheries Service to help us do that. So, I think there's an opportunity to bring that approach to the larger West Coast. It's been an effective tool and, and I see value in it, and I hear our stakeholders saying there's value in it. I completely understand, and we've been listening to NMFS when they say, you know, we need more details or some more specificity. And so, if we work through that this fall, or maybe it takes us a little longer, I think it's worth the effort. So, I'll be supporting this motion. Thank you.

Pete Hassemer [00:16:59] Thank you Heather. Further discussion? Josh Lindsay.

Josh Lindsay [00:17:06] Thank you Mr. Vice-Chair. Miss Hall might have set me up fairly well for this. In thinking about these inseason actions that are being discussed and I'll put out there the agencies in favor of trying to find flexible ways to ensure 2A allocation is met. But these inseason actions, as folks might be aware, we treat as a one Federal Register Notice Rule. There's a list of them in the briefing book that we put out this year, some of the ones that Miss Hall mentioned that we do currently for the states for recreational actions. To enable us to take those one action rules, which would, which some of this inseason action implies, we have to do something that's called, Make a Good Cause Waiver, which is under the Administrative Procedures Act, saying that it's okay to waive notice and comment and cooling off on some of our regulations. And a criteria for that is not a low bar all the time. And so that's why, I just wanted to give that as some of the reasons why I sort of put out that we need some of these more details. For us to be able to put some of these regulations through place, we need to make that good cause waiver that the public has had prior notice and is sort of understanding what the inseason action the agency might take. And so, the more we can think about some of these details, and it sounds like folks are willing to think about some of those details and the agencies willing to work through those details as well, the more likely we're going to get to some place where we can implement some of these flexibility measures that folks are looking for. So, I just wanted to mention that.

Pete Hassemer [00:18:47] Thank you Josh. Further discussion? Bob Dooley.

Bob Dooley [00:18:56] Thank you Mr. Vice Chair. Phil, thanks for the motion. I know there was a lot of creativity in this in the whiting sector when this was adapted to that sector, both in the tribal rollovers as well as the bycatch rollovers between sectors. I think there's a couple things in here that speak to flexibility. We heard earlier about the date of August 15th in relation to implementation of something that it might be too late. So, in the spirit that we're talking of flexibility, maybe as long as that data isn't hard wired, if we find out it needs to be changed it can be changed. I think that's good. I think there's something to be gained here, particularly I see Frank Lockhart in the back of the room over there, and Frank has a lot of expertise in this and I keep thinking about, you know, if it's just one party that has the identification of excess and what that might include, the transparency of that is important because it is a, it's a handshake between the, to work together between all the states and sectors and everybody involved. And so there needs to be confidence that it's not unreasonably withheld and that the identification of this excess is really well vetted. So maybe it's not just in the purview of the state that has the excess, although I see the benefit of that to a certain extent, but I see that, you know, when we talk about this, I think overall this is a really good tool in the toolbox. I think some of the other things that were proposed earlier or talked about earlier may be another tool that we should analyze... our tools. But I think this is one we should add to the toolbox. I'll be supporting this understanding that it is a, it's a framework that hopefully comes back with questions and answers and adjustments to get us there. So, thank you.

Pete Hassemer [00:21:11] Thank you Bob. Further discussion? Looking left and right very carefully and I'm not seeing any additional hands so I will call the question. All in favor of this motion signify by saying "Aye".

Council [00:21:31] Aye.

Pete Hassemer [00:21:31] Those opposed, no? Abstentions? The motion passes unanimously. Thank you very much. I realize there's additional work to do here. Marci has signaled there might be an additional motion there. Before we get to that I want to take one last short break so you can organize your thoughts. So 10 minutes. Let's come back here and wrap up work on this item.....(BREAK).....All right. Thank you all. Let's continue on this so we can wrap this up.

Remember we have a reception today, but if we need to take time tomorrow on this topic we can do that too so I will look for further hands. Any motions regarding items? Marci Yaremko.

Marci Yaremko [00:22:35] Thank you Mr. Vice-Chair. I have a second motion pertaining to inseason flexibility. I believe Sandra has it. Sorry, I can't see. Thank you. I move the Council adopt for public review the inseason flexibility options as described in Agenda Item D.1, Attachment 4 with the following modifications. First add August 1 and July 15th for consideration as trigger dates as described in Agenda Item D.1, Supplemental CDFW Report 1, and Agenda Item D.1, Supplemental GAP Report 1. 2. Add the inseason flexibility process as described an Agenda item D.1, Supplemental CDFW Report 1, where following a trigger date as described above, all recreational fisheries would be open 7 days per week and fish against a combined recreational quota for all three states. 3. Include an alternative for a 1-fish bag limit for all recreational fisheries in Area 2A through the inseason trigger date using the above trigger dates described, after which the bag limit could be increased to 2-fish coastwide as described in Agenda Item D.1, Supplemental CDFW Report 1, and mentioned in Agenda Item D.1, Supplemental GAP Report 1.

Pete Hassemer [00:24:43] Thank you Marci. I'll let Sandra finish that and scroll up so the entire motion is before us and you can look it over for accuracy and completeness. Is it accurate and complete?

Marci Yaremko [00:25:04] Yes. Just one typographic change in the third bullet. Using, in the parentheses, "using the trigger dates described above".

Pete Hassemer [00:25:23] Thank you. Now it is accurate and complete?

Marci Yaremko [00:25:28] Yes. Thank you.

Pete Hassemer [00:25:29] All right. Is there a second to the motion? Seconded by Corey Ridings? Please speak to your motion.

Marci Yaremko [00:25:38] Thank you Mr. Vice-Chair. We appreciate the time that has been spent since the June meeting to develop the content in Attachment 4. There's been a fair amount of discussion and a lot of different ideas about how to provide inseason flexibility. I think we all recognize that there's work yet to do to really get at our ultimate goal of fully utilizing the Area 2A TAC and freely moving fish between areas and needs with flexibility that we'd like to provide in the CSP. We've got a long way to go, but I believe the alternatives described in Attachment 4 start us down that pathway. I would recommend that we add the trigger dates of August 1 and July 15th based on a number of considerations that we've heard already today. First, you know there are, there's likely to be a time lag between the trigger date and the effectiveness of any rule or action that would actually allow for commencement of fishing in a sector that availed itself of newly available quota. Additionally, it was noted by industry stakeholders that allowing for earlier dates might allow more opportunity to more fully utilize quota before the end of the season. Oftentimes, fishing activity begins to drop off in the later months of the year in the fall, so earlier trigger date may allow for better utilization of available quota from sectors where we've allowed for flexibility for quota to move. Regarding the second bullet. We've had some discussion about this with the concept being that recreational fisheries would, after the trigger date, all have combined quotas with the remainder that's available in those pots that would be open seven days per week so that all state recreational fisheries would fish against a combined recreational quota. I appreciate the discussion that we've had around the table here today and the acknowledgment that some ports, some areas have higher catch rates than others. I recognize there is, you know, a variety of catching potential out there that differs between states and areas, but the goal here is to ensure that we utilize this recreational quota across West Coast recreational fisheries. Thinking about the exchange I had with Lynn and the situation right now with the Oregon Fisheries in 2023, it would sound that right

now they're opening, or in their Oregon coast subareas in the south coast area they're open seven days a week fishing against a quota, and it's expected to continue through the end of, of the year. So I don't know that I share the concern that we would take a combined pot West Coastwide in a matter of a few days, but again I think this is the type of discussion that we should have and consider if this alternative might be modified to spread the remaining catch out over a longer time period or for, specify for certain areas to operate differently. But as just an initial alternative to scope, the concept would be to allow all fisheries to open seven days per week and fish against the combined quota. Regarding bag limits, we've had some discussion here surrounding the bag limit tool. Certainly, it is a tool that allows for increased harvest or can allow for increased harvest on an inseason basis. That is something that may work to better utilize the allowable quota. We'd look for the application of an increase in the bag limit to be equitable across the recreational fisheries coastwide. We've heard some public comment about the equity situation that is created when one jurisdiction has a higher bag limit and others do not. So considering, again, the needs of all West Coast fisheries combined and looking at this tool and through the equity lens, implementing or having the possibility to implement an increased bag limit for all areas seems an appropriate alternative. With that I'll take any questions.

Pete Hassemer [00:31:26] Thank you Marci. Are there any questions for clarification to the maker of the motion? I don't see any questions so I will open up the floor for discussion on the motion. Any discussion? Lynn Mattes.

Lynn Mattes [00:31:48] Thank you Vice-Chair. Since this motion, and at this time we are talking about forwarding things for public review, I think I will support this. However, I have some grave concerns about a number of pieces within it that hopefully will be fleshed out... fleshed out... fleshed out more between now and November. None of these will be a surprise. It's things I've mentioned already this afternoon. We have a fishery that has quota set aside to begin in August and how does that play with the August 1st and July 15th dates? I still have concerns about the 7 day a week. Oregon, in Oregon on Labor Day weekend, a 3-day weekend can take 52,000 pounds in a 3-day weekend in the Central Oregon Coast subarea. That scares me a bit. Additionally, the 7 days a week isn't always about halibut. There are other considerations, such as bycatch of yelloweye rockfish. And how would that, things like non-halibut implications, non-halibut reasonings be incorporated into that? And then on the third piece with the bag limit, this one I'm really struggling with because we don't have the same limits on other fisheries throughout the different states. California currently has a 10-fish bag limit for the bottom fish fishery. Oregon only has five. Both of them are doubling so why is one a competitive advantage and the other not? We were able to go to a 2-fish bag limit this year because of the average size being where it is and the quota. If our quota goes down significantly, or even next year if our average weight is up 5 pounds net weight, we probably wouldn't be able to go to 2-fish. So, there's a number of factors in there that need to be considered. So just wanted to restate those because it is public review and we have time between now and November for additional discussion, I will support it with those concerns expressed.

Pete Hassemer [00:34:00] Thank you Lynn. Heather Hall.

Heather Hall [00:34:04] Thank you Vice Chair Hassemer. And similar to Lynn, I am trying really hard to see this through the lens of public review and exploring and getting public input. But from my halibut managers hat, there are just so many barriers I see in some of these bullets that also want to be completely transparent in the public review that I, I just feel like they're actually a no go in many ways. So, for example, Washington is not open for halibut fishing in July because we have our salmon fisheries underway and we're not quota managing two fisheries at the same time. It's just the issues that we choose to do to manage our salmon and our halibut at the same time, the idea of opening all recreational fisheries 7 days per week, whether that's July 15th or August 1, or August 15th is mind boggling to me. As I tried to explain earlier where we have the options that our subareas can be opened

up to 7 days a week in August and September, we have never done that, like for example Westport, and this is where we're talking about the volume of halibut that we can catch in a matter of days. And so, to wrap my head around as a manager how we would navigate that and I just, I'm trying not to be close-minded, but I just, I'm struggling with how I can support that. I don't have strong thoughts about the 1-fish bag limit. That is a place where public review would help me understand that from the stakeholders point of view and for me to think about it myself. But those are just some initial thoughts, and I'm less clear about whether or not I can support the motion as it is. Thank you.

Pete Hassemer [00:36:44] Thank you Heather. Phil Anderson.

Phil Anderson [00:36:49] Thanks Mr. Vice-Chair. I won't be supporting this motion. And my reasons are, number one, I think it's up to us to put out a reasonable range of alternatives for public review. It doesn't mean you just put out anything and everything. And I don't think this is a reasonable range of alternatives. And I'll just speak to each bullet to tell you why. There was a fair amount of references to catching our 2A allocation and the importance of that. And I agree that that's important, but I'm not willing to give up our management objectives for each one of our management areas in those communities in those ports in order to do that, and that's what this does. We, there is no way that we on August 1 or July 15th that we're going to be ready to say whether or not we have additional fish unless we have another pandemic where we only caught 6,000 fish a day compared to 51,000 fish a day, pounds of day in 2015. So, it just, it's setting up unrealistic expectations in my view. The trigger date, as I said before of, and that we just open the coast up coastwide and have a free-for-all, even if you could manage it, and I don't think you can, it is... again you're just giving up on your management objectives for your area, for our areas and we're saying it's okay to just wrap the season up in four or five fishing days, and I just don't, that doesn't make sense to me. All to make sure we catch our quota? We're better, I just think we're better than that, better managers than that, and we've proved it. I don't have strong feelings about the 1-fish bag, but I do have heartburn that we have to do in Neah Bay what you do in Crescent City. We're not going to... there's no way we're going to a 2-fish bag anytime soon. We don't have, I mean our catch rates are way too high even with the 1-fish bag. We're not going to 2-fish so. But if an area at the end of the day in September, in order to catch their quota, needs to go to 2-fish, great. That's right in line with the objective of catching our 2A quota. I don't want to be dismissive of the, where you have towns that are close like Crescent City, but to have this in a catch share plan that applies coastwide where you've got hundreds of miles between areas and you're demanding that they have the same bag limit, that doesn't make a lot of sense to me. But at the end of the day, it won't matter because we're going to have a 1-fish bag limit into, I don't know about into perpetuity, but for a long time ahead, so it really doesn't matter.

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

Butch Smith [00:00:07] Yeah, you know, I supported the first motion because it potentially it gives fish to a state that needs them and they can manage them how they need to use them and I agree with that. And I agree with the concept of the state sitting down rather than try to rip quota out of states that need that quota and move it somewhere else in cooperation and getting together and in sharing fish somewhat what we do up on the Washington Coast with salmon between the troll group and the sport group has been a marvelous showing of how groups can work together. I don't think it does, I don't think this... to me it doesn't do it and I just I think the first motion was much better. I believe in sharing fish if we've got the allocation, but I believe in sharing the fish that'll help the state that needs them and let them manage them how they see fit and not put a concept on every state that this is the way we should, every state should manage the same if it doesn't fit the objectives. So, I cannot support this motion for those reasons. Thank you.

Pete Hassemer [00:01:39] Thank you Butch. Further discussion? Marci Yaremko.

Marci Yaremko [00:01:46] Thank you Mr. Vice-Chair. I'd just like to offer a brief response to a few of the remarks made. I fully admit this is not a perfect path forward or a complete path forward. It is not a complete range. I think we've all acknowledged that there are a number of ways that we can consider inseason flexibility and we have yet to fully flesh that out. However, I believe it's a step forward. I'm looking at the situation with repeated underage in the sport sectors, the other states, totaling in the hundreds of thousands of pounds in recent years. That's a lot of fish to leave on the table. I acknowledge that historically, particularly in Washington, some of the Puget Sound opportunities and the catch rates witnessed in various subareas of Washington that the capacity to catch a high volume of fish has been demonstrated. But that's not recently. What I'm seeing is a need for the Council to address changes in this fishery that have occurred since 2019. The proposal in front of us was my attempt to offer an equitable way between states and their recreational fisheries to mop up the remainder of what might be left. We've heard Josh suggest to us that an automatic action and the publication of a rule getting that out on the streets, it might take two to three weeks after that trigger date to actually have something that hits the streets. That means after Labor Day. So, to me it's not unreasonable or unrealistic to think that if there are over 100,000 pounds left in the combined sport allocations and we're talking about opening fisheries mid-September, that those fisheries cannot be prosecuted for seven days a week, even with the possibility of a 2-fish bag limit. That to me is a reasonable alternative to consider and flesh out. That's my intention with offering this range is that we think about how we work through these considerations and continue to develop them. But just want to respond that I do not think it is unreasonable to propose an equitable way to share quota that is parked in particular sectors. Thank you.

Pete Hassemer [00:05:24] Thank you Marci. Further discussion? Corey Ridings.

Corey Ridings [00:05:31] Thank you Mr. Vice-Chair. I plan on voting for this and I just wanted to speak a little bit to that. Note that I appreciate the comments that Lynn, Heather, and Phil made about this. I'm looking at this and thinking about ways to increase our big picture flexibility as conditions and needs change across our coast. This feels to me like it's a continued refinement and that we're learning from each other. Possibility of trying new things and getting creative. That means that we do have to consider new things and I think that sometimes that can be uncomfortable, and I think that what we're doing here today is that work and that it's important. As noted, this is an early point. We're sending this out for public comment and public review. I think it can add to that process of bringing in new information, hopefully spurring some creativity and hopefully bringing in some additional thinking to this. I personally don't feel like I have all the info. All of the three states provided really good reports and yet I think there's still a lot to understand, including more social and economic data to better understand what we can do best for the entire coast. So, I just wanted to lay out my thinking there. Thanks.

Pete Hassemer [00:06:53] Thank you Corey. Further discussion? Heather Hall.

Heather Hall [00:07:02] Thank you. I'm just, I'm stuck on Marci's use of equitable for everyone in the second bullet in particular. And not that I don't disagree with the idea of equitable and spread out opportunity, but when we talk about opening every one of the Washington sectors 7 days per week in August, I don't think there's going to be equity depending on how much quota we have left, and as a responsible manager I don't think I could even project that we could stay open an entire week and not exceed a quota. I don't see that as equitable. I think if we are, all those subareas in Washington are open 7 days a week, there's nothing going to be equitable.

Pete Hassemer [00:08:01] Thank you. Further discussion? Christa Svensson.

Christa Svensson [00:08:13] Yeah, thank you Mr. Vice-Chair. I'm actually not totally sure how I'm going to vote on this one, but I did want to speak a little bit to the piece about flexibility in the third

bullet point. I think it is really difficult to be flexible if we are all doing the same thing along a coastline as long as ours is. I think we have built flexibility into our system. It's not just groundfish where we have different bag limits. We have it for albacore, have had it for albacore in the past. Different states handle their fisheries differently, and I do think that it really isn't equitable, as we've heard from some of our colleagues around the table, to put this type of consideration forward under the guise of equity, where people need different things for different reasons. And it's initially I thought, wow, you know I'm in favor, but listening to people around the table I do have some, some very serious reservations about this. And I realize it's for markup for public comment, but I also am concerned at times that when we put too many choices out that are too far in one direction or another, that we get a lot of people upset or commenting on things that are really unlikely for us to pursue. And I just, I think that that also needs to be mentioned when we put these types of motions forward in terms of public comment and the ability for us to make a decision down the path that we are influencing the public as well.

Pete Hassemer [00:10:16] Thank you Christa. Further discussion? Bob Dooley.

Bob Dooley [00:10:25] Thank you Mr. Vice-Chair. A lot of good comments around the table. This is a pretty far, a pretty open proposal here and I just, you know, addressing it for bullet points. What I'm hearing is the reason for the August 1st and the July 15th in the first bullet point is to give time, as Josh had mentioned, to get an opener if there is an identification of excess or to be able to fish on. But I don't see this as a trigger date to make a decision in those early dates. It's... initiate the conversation of the estimation what might happen on August 15th so that potentially we could get something going to be implemented. So that's one thing I see that's probably not clear here. Second bullet point, I'm really, really concerned about the safety factor. We've been concerned about derby fisheries forever, and this just starts a huge derby fishery and a big competition. And then it doesn't address how much fish, because if you going to open the whole coast to seven days a week and there's not much fish identified as being able to fish on, it's not manageable. You know, a little experience in that in open access fisheries and you know, in fisheries I fished in they wouldn't even open them because there wasn't enough fish at stake to manage and they couldn't manage it. So, it doesn't have that component. The bag limit, I don't have much to say about that other than I think that we hear enough that 2-fish is probably too much. Overall, it's a really far benchmark and I think it's almost... I'm really worried about putting something out with this much latitude in it, this much. But in the spirit of... I do know there's fish been left on the table. California definitely could use it. I hear that loud and clear from my constituents, the people I represent that there needs to be something to be able to get access to fish if it's there. None of the motions are addressing the real issue here of California maybe not having enough to begin with. You know, it seems like we've skipped over that. But I don't know what to say about this. I really don't know if I could vote for it or not. I'm torn. If I look at it as a benchmark or something to work to come back and have a... but as it stands as it is right now, if that's what it is, I couldn't vote for that. But I could vote for it as analysis or put it forward to come up with something much more responsible, I guess is the word. So anyhow I'll stop. Thank you.

Pete Hassemer [00:14:07] Thank you Bob. Marc Gorelnik.

Marc Gorelnik [00:14:09] I just simply want to quickly clarify that this is for analysis and I'm sure this is not the final motion we'll see on this agenda item.

Pete Hassemer [00:14:17] Thank you. Further discussion? Careful... I was looking carefully and Chair Pettinger.

Brad Pettinger [00:14:33] Thank you Vice-Chair Hassemer. I think I have a hard time supporting in the sense we're talk about leaving fish on the table but adding a trigger date at August 1st or July 15th where Washington's going to start their season, second part of their season on August 1st and Oregon

hasn't even started their summer all-depth fishery. So, I mean I just, I don't see what that does for us. And I don't really think we should be telling other states how to manage the fisheries with the given amount of fish they have. In bullet 2, open 7 days a week it seems pretty reasonable to me. Although for analysis I think it would probably be a fairly quick analysis as far as a thumbs up or thumbs down. So I think that... I'm not sure this motion really does what we need to do so I'm having a hard time supporting this at the moment. Thank you.

Pete Hassemer [00:15:47] Thank you Chair Pettinger. Further discussion? Joe Oatman.

Joe Oatman [00:16:04] Thank you Mr. Vice-Chair. I recognize that, you know, this doesn't deal directly with the tribal fishery for halibut. I think from a tribal perspective, you know, we have significant interest in ensuring, you know, that the tribes, you know, and the states are able to utilize the halibut, halibut allocation that we get for 2A, and so there's interest in ensuring that, you know, what we do come up with, you know, hopefully it leads to that outcome. We can kind of address that problem that we're contending with. When I look at the motion and listening to the discussion and hearing some of the what appears to be some critical concerns as to whether some parts of this is realistic, meaning, you know, something that, you know, we can do and it will help lead to a outcome that we all collectively desire, that causes me to think, you know, is this something that I could support? And I think the bullet 2, maybe in particular, you know, seems to be, you know, highly problematic. And so, I'm kind of on the fence on this because, again, you know, it doesn't involve, you know, the tribal fisheries or tribal interests that I represent here at the table. You know it does raise, you know, some broader implications. So, I just wanted to share that comment. Thank you.

Pete Hassemer [00:18:16] Thank you Joe. I will look around for any other hands for discussion on this motion. And not seeing any I'm going to call for the question. The motion is before us on the screen. All those in favor signify by saying "Aye".

Council [00:18:38] Aye.

Pete Hassemer [00:18:38] All opposed, no?

Council [00:18:43] No.

Pete Hassemer [00:18:43] Abstentions? Executive Director Burden I do not know which was favored here, the "Ayes" or the "No's". I would like to request a roll call vote.

Merrick Burden [00:19:03] Okay, certainly Mr. Vice-Chairman. Just give me a minute here. Okay, I will be working from voting sheet number one. The motion reference I've titled it as "D.1 Flexibility" made by Miss Yaremko.

Marci Yaremko [00:19:29] Yes... (Laughter)....

Merrick Burden [00:19:29] Butch Smith.

Butch Smith [00:19:37] No.

Merrick Burden [00:19:38] Phil Anderson.

Phil Anderson [00:19:50] No.

Merrick Burden [00:19:52] Virgil Moore.

Virgil Moore [00:19:54] No.

Merrick Burden [00:19:56] Josh Lindsay.

Josh Lindsay [00:19:59] Yes.

Merrick Burden [00:20:01] Marc Gorelnik.

Marc Gorelnik [00:20:02] Yes.

Merrick Burden [00:20:05] Lynn Mattes.

Lynn Mattes [00:20:07] Yes.

Merrick Burden [00:20:10] Corey Ridings.

Corey Ridings [00:20:12] Yes.

Merrick Burden [00:20:15] Joe Oatman.

Joe Oatman [00:20:17] No.

Merrick Burden [00:20:22] Marci Yaremko.

Marci Yaremko [00:20:28] Now I can say yes.

Merrick Burden [00:20:33] Heather Hall.

Heather Hall [00:20:34] No.

Merrick Burden [00:20:37] Christa Svensson.

Christa Svensson [00:20:38] No.

Merrick Burden [00:20:41] Robert Dooley.

Bob Dooley [00:20:43] Yes.

Merrick Burden [00:20:46] Brad Pettinger.

Brad Pettinger [00:20:47] No.

Merrick Burden [00:21:02] Let's see Mr. Vice Chairman I have six "Yes", seven "No", so the motion fails.

Pete Hassemer [00:21:11] Thank you Executive Director Burden. So, the motion before us fails. At this time, while you think we have a little more work to do and we are going to continue on this agenda item, we have a very busy week just to see if we can finish it here unless there's complete silence and no further action. Marci.

Marci Yaremko [00:21:46] All right, we'll keep going. CDFW Motion 3 please, Sandra. Thank you. I

move the Council adopt for public review the allocation modification options as described in Agenda Item D.1, Attachment 5 as modified by the GAP in Agenda Item D.1, Supplemental GAP Report 1 and Slide 16 of Agenda Item D.1, Supplemental Presentation to omit Method 2 and convert the Option 3 allocation to non-tribal equivalents while omitting Option 4. Also omit the FCEY triggers attached to these allocation alternatives.

Pete Hassemer [00:22:39] Thank you Marci. Is the language on the screen accurate and complete?

Marci Yaremko [00:22:44] Yes, it is. Thank you.

Pete Hassemer [00:22:45] Thank you. Is there a second? Bob Dooley second's the motion. Thank you. Please go ahead and speak to your motion as needed.

Marci Yaremko [00:22:54] Yes, thank you Mr. Vice-Chair. This motion would include three of the four allocations that were presented in the presentation and is a reasonable range for consideration. And we look forward to public review of those alternatives. As described in the CDFW report, we recommend omitting the FCEY trigger amounts that were attached to the allocation alternatives because the need to reallocate is not related to what the FCEY amount is. The need to shift some allocation to California is now and exists regardless of what the FCEY amount is. We have not heard any reasoning put forward as to why an FCEY trigger is necessary. The size of the pie doesn't reflect the importance of the increase to California in the allocation. I'd note that all of the alternatives to shift fish to California from the recreational pots of Oregon and Washington, these are all very minor allocation shifts at the upper end under the current FCEY that Area 2A has for 2023 would move a total of just under 30,000 pounds to California. That would be the equivalent of California receiving 7 percent in total to add to the 4 percent that we currently have. I think we've heard a number of public comments supporting the upper end of the range. I believe the GAP has worked through the alternatives and I certainly support the recommendation of Council staff as well as the GAP to convert that Option 3 allocation to a non-tribal equivalent for simplicity. It certainly will help, I think, the public understand the range of alternatives much more easily. So, with that, that completes my rationale. Thank you.

Pete Hassemer [00:25:35] Thank you Marci. Are there questions to the makeup of the motion for clarification? And I'm not seeing any questions for clarification so I will open the floor to discussion on the motion. Is there any discussion? I am not seeing any hands so we will call the question. All those in favor of the motion signify by saying "Aye".

Council [00:26:07] Aye.

Pete Hassemer [00:26:07] Opposed, no? Abstentions? The motion passes unanimously. Thank you Marci. And as a refresher, we have had motions on the items that we needed motions on but that does not mean all of the motions are in so I will look around for hands. Heather Hall.

Heather Hall [00:26:43] Thank you Vice-Chair Hassemer. I do have another motion to add and I just sent it to Sandra. I could actually... it's a short one. Whatever's easier, either write it on the type as we go or wait for my email to come through.

Pete Hassemer [00:27:04] I'm not sure how fast things travel for through virtual space or whatever you call it here. We'll give it a few seconds.

Heather Hall [00:27:14] Okay.

Pete Hassemer [00:27:19] There it is on the screen. Go ahead and read your motion.

Heather Hall [00:27:22] Thank you Sandra. Thank you Vice-Chair. I move the Council adopt for public review the inseason flexibility options as described in the Agenda Item D.1, Attachment 4 for public review.

Pete Hassemer [00:27:38] Thank you Heather. That language looks accurate and complete. Is that so?

Heather Hall [00:27:43] Yes so.

Pete Hassemer [00:27:44] Thank you. Is there a second to the motion? Seconded by Phil Anderson. Please speak to your motion.

Heather Hall [00:27:51] Thank you Vice-Chair. And this, I didn't want to leave without including this part, which was included in the last motion that I think is really important. I think there's some really good things in there. I know they don't go as far as what, where we, our last discussion just was, but I do think there's value in the flexibility that's offered in Attachment 4, an opportunity to dig into those and get public comment on that before November. Thank you.

Pete Hassemer [00:28:28] Thank you Heather. Are there questions to the maker of the motion for clarification? I do not see any hands, so I'll open the floor to discussion on the motion. Marci Yaremko.

Marci Yaremko [00:28:47] Yeah, I just want to thank you Heather for the motion. I certainly support keeping this dialogue going. I think we're off to moving things forward and I look forward to the refinement and development of more specific approaches that I think this document will generate a lot of discussion and give us ample food for thought moving forward. So, appreciate having it go out for public review. Thank you.

Pete Hassemer [00:29:16] Further discussion? Josh Lindsay.

Josh Lindsay [00:29:25] Thank you Mr. Vice-Chair. Feeding off some of my previous comments, again I'm supportive of the language moving forward. And I think Marci just alluded to there might be some more details. Some of this language in the catch sharing plan is currently in codified text in our regulations so those, we'd need to review how those could be modified and likely add to that to actually get some of the flexibility envisioned here. And the other thing I want to flag is sort of been relevant to a couple of the motions here and something for folks to think about as we move towards November. Some of these allocation pots that we're talking about are allocations that are implemented through IPHC regulations, through rulemaking that's done jointly between the West Coast Region and Alaska Region, not a catch sharing plan necessarily change. So, we'd have to think about how to make those modifications through the IPHC process as well. And similarly, some of these are done through two different now NMFS regulations, one through the directed fishery rule that we do to set those allocations as well as the rules exceptioning recreational regulations. So, we'll need to think through a process of how to potentially amend both those regulations inseason. It will be something that the agency will need to work through on some of this as well. Thank you.

Pete Hassemer [00:30:45] Thank you. Further discussion? I will look very carefully. And I don't see any hands, so I'll call the question on this. All in favor of the motion signify by saying "Aye".

Council [00:31:00] Aye.

Pete Hassemer [00:31:00] Opposed, no? Abstentions? The motion passes unanimously. Thank you Heather. I will look around the room to see if there are any other hands. If there are further motions. And I will cue up Robin to see how we have done on this item, if our work here is complete or if there

is more we need to do. Robin, how about your perspective?

Robin Ehlke [00:31:35] Well, no one probably has a sense of humor right now so I could say, “Oh no, you got a lot more work to do”, but you guys did an awesome job and you have covered every aspect of the conversation today. Nine motions and every one of them will be adopted for public review and really help the public understand or at least get an idea of what direction the Council is going and the things that they're going to start thinking about. So, thank you all very much. I think we had a great conversation. I have everything I need here to move forward and share with the public what your decisions were today. So great job and thank you very much.

Pete Hassemer [00:32:26] Thank you Robin. Before closing this agenda item, I just want to make sure no one has any closing comments? And I'm not seeing any hands, so with that I will close this item.

E. Habitat Issues

1. Current Habitat Issues

No transcription for this agenda item.

F. Ecosystem Management

1. Initiative 4: Ecosystem and Climate Information – Progress Report

Pete Hassemer [00:00:00] That completes all of our reports and public testimony. Takes us to Council discussion. As you can see, action is provide Council discussion and guidance as appropriate. Maybe not to direct to you but just some reminders. What we have, the EWG Workgroup or the EWG report 1, Page 2 had an itemized list of guidance they were looking for and recommendations. You heard in the public comment the steering committee for the workshop was meeting. There's a draft agenda in there. Slide 14 in the EWG presentation had some potential topics. And then of course all the advisory body reports. There were recommendations in there. So, I'm going to look for a hand to start the discussion on this. Lots of information. Oh, sorry, John Ugoretz.

John Ugoretz [00:01:04] Thanks, and, yes, there's a lot of information here in front of us. I definitely appreciate the work that the Ecosystem Workgroup and everyone else has put in to date. I think Mr. Anderson's question regarding salmon back when the Ecosystem Workgroup was speaking sort of expresses my concern with where we are right now, and that is the Ecosystem Workgroup has a lot of really good information on a starting point of when to insert ecosystem and climate information into our processes, but really not any of the details on how or what would come in. And that's where I see the need for work rather than focusing on broad FMP group discussions to flesh out details. I really think that the near-term work should continue to focus on example species like petrale and sablefish and better flesh out what it is we're actually providing and how it's provided and bring that back to the Council prior to considering the details of annual Council process and when we discuss certain things. So, for example, I think much of Section 2 of the EWG report could be put on hold until we have a better feeling for where we're going with things. I think some of the advisory panel groups essentially provide that same sort of guidance where, you know, the EAS report talks about using petrale sole and sablefish and to look at them as looking at the efficacy of the risk tables. I agree that we're not ready to actually use that in the 2025-26 process, but rather I think as Executive Director Burden mentioned, you know, maybe using it as a look back and seeing how it would have worked. I think the Coastal Pelagic Species Management Team report points out some of the specific ways that the risk table process could be further developed and we could use those example species to do that. The CPS Advisory Subpanel talks about how climate range shifts could be included in this process, and that could be looked at with the example groups. I think the Groundfish Management Team brings some of those same ideas of using the petrale and sablefish to further develop the on-ramp process. The risk tables themselves I think needs some work. I think in particular that there's something missing there with regard to fishing pressure that if the Council's going to focus on a species, it should be a species where the fishing pressure is great enough that our efforts could affect the species as a whole in the face of climate change. So, summing up, I think that the timelines in the Ecosystem Workgroup report are aggressive. I think there's a lot of work to be done before we get there, and I'd rather see it focus on the example species rather than getting into FMP groups at this point.

Pete Hassemer [00:05:07] Thank you John. Further discussion? Frank Lockhart.

Frank Lockhart [00:05:18] To me, it seems to me that we have been well-served by kind of kind of reminding ourselves of the specific asks of the EWG in the past and kind of going through that. And I'm wondering if it would be possible to put up on the screen the EWG asks for guidance to maybe guide our discussion a little bit. I don't want to presume, but for me that would be useful to me so I don't know if that's possible.

Pete Hassemer [00:05:52] So that would be page 2 of EWG Report 1 if you can display that, or the second half of that page. I can tell the computer's working on it. So there, is that what you were looking

for Frank?

Frank Lockhart [00:06:31] Yes it was. And so, I guess kind of... I... thinking of this and then kind of comparing it to what John said, I'm not exactly sure how what John said kind of applies to this. But, you know, the EWG was asking us for, you know, providing guidance on Section 2 and well, all of these things, you know, and I don't know if it would. I guess what I'm trying to get at is that maybe my question is back to John. You know, John, looking at this on the screen now, how does your comment kind of apply to this? If that's not too vague of a question for you.

Pete Hassemer [00:07:25] John, I see your hand up so go ahead.

John Ugoretz [00:07:32] Absolutely. I think for Bullet 1, my guidance on Section 2 of the report would be to hold those recommendations until we have a better understanding of how this whole process works. With regard to Section 3, the specific timelines, my recommendation would be that we use petrale sole and sablefish as examples over the next year to flesh out the timeline, see how it works in those two example processes, and perhaps while doing that consider how those timelines might be different for different FMP groups, but focusing on the two example species. With regard to the risk evaluation, I do think we could again consider some of the advisory group recommendations, better flesh out those risk tables with better definitions, and importantly consider what's missing from the risk tables, for example, fishing pressure. And then with the last bullet, I think that that goes to the same thing as the bullet before that. So, I think, again, I'm feeling like we need more definition and example of how this process would work and then move forward with considering further implementation and timelines.

Pete Hassemer [00:09:28] Thank you John. Does that answer your question, Frank? Good. Heather Hall.

Heather Hall [00:09:35] Thank you Vice-Chair Hassemer. And thank you, Mr. Lockhart, for putting this up. I think it's helpful too and I appreciate the comments from Mr. Ugoretz. I feel like, well, I feel like there's a really strong interest to bring this ecosystem information into the Council process. And I feel like we're on the verge of doing it and have a bit of an opportunity to get that ball rolling, see what it might look like with these draft petrale and sablefish risk tables, but also cautiously wanting to be careful about how we do that and where we spend our time. It seems like a really good starting point here because there is some uncertainty about how the risk tables might be used of starting out by making sure that they, that we hear from the ecosystem and the groundfish folks. So maybe making sure that this information is considered by the SSC at their September 21 meeting and brought to the full SSC in November is perhaps a good place for us to start and hear from them and then see where this goes from there.

Pete Hassemer [00:11:06] Thank you Heather. Further discussion? Corey Ridings.

Corey Ridings [00:11:18] Thank you Mr. Vice-Chair. Thanks John and Heather for that. Heather, I just wanted to quickly support that idea. I had it in my notes when thinking about the risk tables portion of this larger discussion to have that go to the SSC and reconsider this in November when we have the Ecosystem Subcommittee and the full SCCs thoughts on this.

Pete Hassemer [00:11:46] Thank you. Lynn Mattes.

Lynn Mattes [00:11:52] Thank you Vice-Chair. And I'm on similar thinking to Miss Ridings about review by the Groundfish Subcommittee of the SSC and come back in November with more information.

Pete Hassemer [00:12:07] Look around for hands. Executive Director Burden.

Merrick Burden [00:12:14] Thank you Mr. Vice-Chairman. I do want to be sure that we are setting appropriate expectations and have a clear way forward. One of the things that, well, there are a couple of things that are really stuck in my mind as I think about this issue. One is personally I'm fairly excited about it. I think it's really interesting stuff. I think one of the most important aspects of something like this is that we are all clear about what we're doing and we have a very good understanding about its implications and that the Council is able to make good decisions. It's hard for me to imagine fitting this into the current spex process and making decisions that everyone is comfortable with and knows what's going on when we get through the spring and our June meeting. Maybe there's a way, it's hard for me to see that from where I sit at the moment. What I would propose is that, yes, let's have the SSC consider this at their upcoming meeting, provide some more feedback. I have a lot of reluctance in setting the expectation that we try to fold this into the current spex process. I think there are some workload considerations. That's a big consideration on my mind. It's probably not the biggest one. The biggest one is that everyone around the table knows what we're doing when a decision is made, and it's hard to see that at the moment. If I'm wrong I'd appreciate being corrected, but that's where, that's my observation where I sit.

Pete Hassemer [00:13:52] Thank you. John Ugoretz.

John Ugoretz [00:13:55] Thanks, and I couldn't agree more with what Merrick just said. We need the details before we can decide how this will work. There's also the question of the proposed TNC workshops. I just, I don't see we're ready to dive into CPS, HMS, and salmon at this point in the game. I think the workshops would be much better served to further flesh out the process and give us a better understanding of the how using those example species.

Pete Hassemer [00:14:39] Thank you John. Frank Lockhart.

Frank Lockhart [00:14:44] I must admit I'm, given what is up on the screen right now and kind of given where I thought things were going, I really am not that sure of kind of... what the... kind of the sum total of the comments we've had under discussion is actually leading to. And I'm wondering if we could call the EWG Chair up to kind of give the interpretation of what she views as, you know, what has, has she heard sufficient guidance, I guess? And then maybe point out if we're missing anything and some important things going forward. So, if I don't... if with the Vice-Chair's permission, maybe invite Yvonne up?

Pete Hassemer [00:15:32] Thank you Frank. I think what I would like to do first is ask Dr. Dahl what he's heard in terms of a workload, a process moving forward and some of these recommendations and we can look for clarification, too. So, Kit, can you summarize where you think we are?

Kit Dahl [00:15:59] Yes, I can try. Thank you Mr. Vice-Chair. So, what I've heard so far is it seems at least Mr. Ugoretz expresses a strong opinion to hold off on... so the EWG in their report has laid out this species selection process. It's both a method and process to hold off on that. The EWG had some recommendations, as you can see, around putting out that methodology for public review and having the Council adopt it as an ongoing thing in March, and but that not to move forward with that right now and instead really focus on some specific examples around the methodologies like the risk tables. So doing more work on those specific applications to gain a better understanding of how this might, these types of things might work in different FMP processes. And then I also heard some comments, maybe there isn't total consensus here, but about asking the... so the SSC Ecosystem Subcommittee is already queued up to take a look at those risk assessment tables for the two species that they have a meeting

scheduled for that. And then there is a suggestion that that move on to the full SSC in November and then where things... I don't think there is consensus... is... would that then be brought forward in some form in November presumably through the harvest specifications agenda item, or is that too much to ask at this stage? So that's what I've heard. I don't know that I captured every comment, but it's kind of my attempt at summarization.

Pete Hassemer [00:18:09] Executive Director Burden.

Merrick Burden [00:18:13] Yes, thank you Mr. Vice-Chairman. To add a bit to what Kit is saying in response to Mr. Lockhart's question. What I'm hearing, Frank, are... we're essentially we're having, well, there are two ways to think about the discussion that's happening. One is, I'm hearing and what I'm weighing in on personally, is what is the Council's process as it relates to our groundfish FMP process? I don't think that's a question for the EWG. The EWG does have some valid questions and I think that's an almost a separate discussion from the one we're having now.

Pete Hassemer [00:18:52] Thank you. And Frank, if you desire, we can have the EWG, but I guess my preference is the Council be clear first on what they would like the EWG to do or how the process goes forward. Corey Ridings.

Corey Ridings [00:19:13] Thanks Mr. Vice-Chair. Pardon me. Merrick, thanks for your comments. I agree. I think in my head what you described is actually what we would hopefully get some clarity on if we could hear from the SSC and sort of get their perspective on it. And then if it, in November, if we were to move through the SSC ecosystem meeting that Kit just referenced, as well as the full SSC's thoughts in November what that could look like if it's appropriate to add to the spex? What's the workload like? You know having side conversations with people involved in groundfish, the workload could be incredibly small, or it could be incredibly large, and that's a huge difference about whether we're able to incorporate that or not. So, I just wanted to sort of voice my perception there that I think that hopefully we can actually answer those questions as part of moving through to the next meeting and hearing from the SSC.

Pete Hassemer [00:20:19] Thank you. Looking around before we find out if we have enough. I guess I'm not sure on the workshop. If Kit, if you need additional input, I heard Mr. Ugoretz make a recommendation or a suggestion on what might not be in there and what could be. I did see a head nod in the back from part of the steering committee, but how the Council feels about that process going forward? If there's any suggestion or comment on that? Or will the steering committee continue to work? So, Kit, I'm going to ask you again to summarize.

Kit Dahl [00:21:09] Thank you Mr. Vice-Chair. Yes, so we had the comment from Mr. Ugoretz about having those, rather than those workshops, kind of really zero in on specific applications of the FMPs again, to take a step back and take a broader look at our processes. So that's the one comment I heard. I hope I characterized it correctly and certainly the Nature Conservancy and the steering committee can take that on board and kind of rethink, you know, what the substance of the workshops would be. And I think we've heard also some comments, well, we heard a comment from the GMT about the timing of the workshops and in regard to their... their workload, so that's another very specific comment that the steering committee can take on board and, you know. look at alternative dates, I guess, that might work better for that group. So, yeah, that's what I've heard so far as far as recommendations on those proposed workshops.

Pete Hassemer [00:22:27] All right. Thank you. So, our task was to provide guidance as necessary. I'll look around and see if everybody's comfortable. And again, I'll ask you Kit if you've heard enough here from our discussions on this one. This was a process update. Corey Ridings.

Corey Ridings [00:22:51] Thanks Mr. Vice-Chair. I'm sorry. I'm a little bit confused. Are we talking about the workshops and closing out that discussion or about this entire agenda item?

Pete Hassemer [00:23:02] I'm thinking about the entire agenda item. We've gone through a lot, but if there are... I don't want to cut off discussions here.

Corey Ridings [00:23:13] May I?

Pete Hassemer [00:23:14] Yes.

Corey Ridings [00:23:14] Okay, Thanks. Sorry, apparently, I'm a little slow this morning. I just wanted to... thinking about what I think I heard John say, and John please correct me if I'm wrong, just trying to work through this. The EWG presented us with some species selection process and criteria, and I asked that we consider putting that out for public review. I think it would be beneficial to put that out for public review, get more information on that, see if it resonates with people. I personally, looking at a couple of the advisory bodies and public comment, think about that as could we consider thinking more about that in the context of the stock assessment prioritization? So, I would like to see that work move forward as envisioned by the EWG.

Pete Hassemer [00:24:16] All right, thank you. John Ugoretz, I see your hand up.

John Ugoretz [00:24:20] Thanks, and I think maybe to clarify, I am not ready at this point. I'd rather see and hear what the SSC has to say perhaps after November we'll be ready, but, no, I'm not ready at this point to put this out for public review.

Pete Hassemer [00:24:48] Chair Pettinger.

Brad Pettinger [00:24:50] Yeah, thank you Vice-Chair Hassemer. I'm not sure what we'll be putting out for public review if people would... I don't think there's enough detail here, what it would all entail yet. You know I think we're pretty, I think folks are pretty excited about the work that's being done. I know certainly I think everybody really looks forward to the California Current Ecosystem Status Report every year. I think that's probably one of the favorite probably reports that we see. See what's happening. I think the GAP statement really speaks to me as far as kind of where we're at. In a perfect world it'd be great to kind of plug and play and you get your information and you'd be off you go. A friend of mine who got a risk discussion, I guess, or a seminar, he worked for a towboat company and they said that it's not what you don't know that gets you in trouble, it's what you think you know that ain't so which gets you into trouble. And with that I think that I'd like to have... I think more work needs to be done here and I'd hate to have to incorporate, go too far down this path until we know what we got and how accurate is. I think there's just too much... I mean, we have... I look at the tables on the for salmon and groundfish and CPS, I don't think there's no huge rush here. I mean we only have one fishery that's really potentially it is the anchovies and CPS and that's, I think we set the quota far lower than what we should, it could have been. I think about 1 percent, I think, is the ACL from what the biomass is. Groundfish, where we have, you know, these stocks are long-lived and one or two bad years does not affect groundfish as far as viability because they are so long-lived. So, and then you have salmon with all the different variables there but some of these are rushed. I think we ought to do... whatever we're doing we ought to do it right and it would be a very measured approach to it. And I think we did take care of the spex cycle we have right now what get it done because we're, as Executive Director Burden indicated, there's not much else we could add on to that and we risk not making that date and I don't think we're prepared to do that. So, thank you.

Pete Hassemer [00:27:13] Thank you Mr. Chair. Heather Hall.

Heather Hall [00:27:17] Thank you Vice-Chair Hassemer. I just wanted to maybe express how I'm thinking about things as we attempt to wrap this up and see if I'm on the same page as everyone. And I think the next step is to get some understanding from the SSC on these draft risk tables by hearing from them in November. And then in looking back at the Ecosystem Working Group's Report number 2, where they describe that there is more work to be done on the process. They have suggested coming back to the Council in March of 2024 with a more detailed proposal and that the information from the SSC, the information provided and the really helpful advisory body and management team reports at this meeting I think can help. The TNC workshop in January can all help bring that all to the next phase. And I'm not sure if I'm missing anything. Maybe that's a question for Kit, but that feels like the path forward.

Pete Hassemer [00:28:33] Thank you Heather. So, there was a summary of a path forward. There's still the question, I guess, we heard about the species selection criteria going out for public review, not being ready for that, so just want to make sure we're clear on where the Council is on this. Corey Ridings.

Corey Ridings [00:29:02] Thanks Mr. Vice-Chair. I think maybe this is a moment just to seek some clarity around what is going to be part of the SSC Ecosystem Committee agenda? Would you, could we ask Kit about that?

Pete Hassemer [00:29:24] Kit.

Kit Dahl [00:29:25] I wasn't. Are you?

Pete Hassemer [00:29:31] Sorry.

Kit Dahl [00:29:31] Asking me? I wasn't sure.

Pete Hassemer [00:29:33] Yes.

Kit Dahl [00:29:34] Merrick's hand signals confuse me, but.....

Pete Hassemer [00:29:37] So it was a question. There was talk about the ecosystem, the SSC Ecosystem Subcommittee meeting in September reviewing, I believe the risk tables and coming back in November, what the SSC agenda would include or look like. And I see you have Marlene next to you to help also.

Kit Dahl [00:30:04] Yeah, thank you Mr. Chair. And fortunately, the agenda for that meeting is posted on our website and I managed to open it while you're speaking. So essentially the agenda items are to just, and I think a general presentation discussion of the approach to developing the risk tables and then I'll look at these pilot examples for petrale and sablefish, a fairly fulsome discussion of those. I'm sure that they would, you know, kind of provide a bunch of guidance on maybe what would be needed to improve those or further flesh them out. And then the final agenda item is just a broader discussion on potential use of risk tables and other ecosystem information in the Council process, and then how that intersects with SSC determined category designations, scientific uncertainty buffer, and review process. So, sort of, I take that last part as, you know, making that connection between the results of a risk assessment and the methodologies that are in use for setting ACLs, I guess you'd say, or determining the uncertainty buffer that is used to arrive at the ABC. So that's what I have.

Pete Hassemer [00:31:38] All right. Thank you. Does that help? Okay. So again, I realize there's a lot of moving pieces here, a lot of information. I think Heather summarized what the process was. A piece

of that is the SSC Subcommittee meeting in September, full SSC review in November, coming back to us potentially. I know the dates are uncertain, but a workshop at some point and that agenda is under development. What am I missing? Phil Anderson.

Phil Anderson [00:32:28] I'm not sure what you're missing, if anything, but it would, I still think it would be valuable, as Frank had requested earlier, to have our Chair of the EWG come up and that group asked us for guidance in a number of different areas. They've heard the discussion. If they have questions of clarification or perspectives, I think it would be valuable for the Council to hear from Yvonne.

Pete Hassemer [00:33:06] Excellent. Good time for that. So, Yvonne, welcome back.

Yvonne DeReynier [00:33:22] Thank you Mr. Chair, Mr. Anderson, members of the Council. So, I will first say that it is my practice and I assume the practice of a lot of other advisory bodies to relisten to the Council conversation after it's happened through the wonderful Council staff and contractor recordings. So sometimes I don't understand what you guys are telling us and need to refigure that out later. I think looking at our page 2, and you are declining to provide guidance on Section 2 and Appendix A and leaving that to the SSC, ES, and SSC to perhaps comment on whether those are ready to go out for public review. You are asking as far as timelines and on-ramps for more specifics for when those might come into the management processes and how they might work in the management processes. It sounds like you are declining to provide comment on Appendix C, although there is some guidance on petrale sole and sablefish in the current groundfish cycle. And let's see... so... and then in our recommendations it looks like we have been given the opportunity to have meeting times with other advisory bodies that you will not be sending out the species selection criteria unless we hear from the SSC, ES, and SSC that that's doable. That you're not assigning us any additional species under the species selection criteria. And I didn't hear whether you were going to consider any of the Climate and Communities Initiative tasks as potential tasks for the TNC workshop, but I thought perhaps not. So that's our list and how it sounded like it jived with your list.

Pete Hassemer [00:35:44] All right. Thank you Yvonne. So, does that help everyone? Okay, not seeing any hands I'm going to turn back to Kit and ask, maybe just summarize the path forward again. I may have gotten it wrong.

Kit Dahl [00:36:13] Okay. I think Miss DeReynier did a fairly focused summarization based on what they were asking, which was projected on the screen from that second page of their report. I don't know how much I need to reiterate what she said beyond generally sort of putting a hold on the species selection criteria method and process for the time being. Perhaps, Miss DeReynier suggested perhaps you would see if the SSC would look at that and once they, when and if they have some comments, maybe revisit that proposal. And so, and then in terms of kind of generally having the specific application of the risk assessment tables for petrale and sablefish go to the SSC and potentially hear from them in November on any comments they have about those. And let's see, what else am I missing? I think you endorsed the EWG meeting with the advisory body, specifically the GAP, GMT, CPSMT, and CPSAS this fall as those advisory bodies have agreed to and didn't as, and had some discussion around kind of recommendations for what the TNC Council workshop could take up. So that's my perhaps less than stellar summarization, but I think it's, I think Miss DeReynier gave a focused response to her understanding on behalf of the EWG so we can sort out how we move forward with this initiative and come back in March with additional information.

Pete Hassemer [00:38:43] All right, thank you. So, I'll look for any other hands on this that summarizes our path forward and see if there's any further questions, comments? Corey Ridings.

Corey Ridings [00:38:57] Thanks Mr. Vice-Chair. Thanks, Kit, for that. That sounded right to me. I just had one additional bit that we didn't get to in discussion, and that was recognizing the on-ramps portion of the report that the EWG provided to us, and I just wanted to thank them for providing that. I thought they were useful. We had a couple of comments... I think they could be improved to be easier to understand, but I think they're a nice foundational sort of educational product that can help us get through that. So, I just wanted to thank them for that and recognize that a couple advisory bodies provided input on that and not to lose that and just if we can update those so.

Pete Hassemer [00:39:39] Thank you. Yes, lots of comments in our advisory body reports. Phil Anderson.

Phil Anderson [00:39:47] Well, let me admit up front that I'm not clear on much of what we've talked about, but I'm not sure there's enough time left in the day to get me clear on everything. So, I'm relying on my colleagues around the table who have a better grasp of what we're doing here. But what one of the components here of this that I thought we were making progress on, and I'm not clear if we are, is trying to look at moving forward with these two, with these two species, petrale sole and sablefish, and doing a trial. We looked at '25 and, for '25 and '26 we looked at, we talked about both doing it proactively and reactively in that looking at it and trying to incorporate our ecosystem information into those two species and into that process for '25, '26. And then we also, there was some discussion about not doing that, but looking at it more in the rearview mirror of if we had done that, what would we have done differently than what our normal process is and what I'm not.....and that was a piece that I was feeling pretty good about, that we were moving forward and doing a test case here so that... and we would learn about maybe have some more refinements about where the on-ramps were in our process for these two species so that we would kind of test drive this and then over time build in, bring in additional species, assuming that we had some success with those two and most likely would learn as we go and the next time around maybe do some additional things or not do some things, and that, it's that piece that I'm not sure, I'm left unclear as to whether we're making progress in doing the, just what I'm calling the test drive of this to see whether or not we can be effective in building those ecosystems considerations into our management through a management cycle used in these two species as a test. So, if somebody can help me understand where we ended up with that or if we have, or if there's some additional work to be done between with the SSC piece and when we come back in March to find out kind of exactly what kind of a path that we are going to take in pursuing that, that would be helpful to me to understand that. So, I'm not sure who to ask that question of or who can provide some clarity to me on that, but if someone would be willing to do it, I'd appreciate it.

Pete Hassemer [00:43:18] Thank you. So, I'll look around first and see Corey Ridings. You want to respond?

Corey Ridings [00:43:26] Thanks Mr. Vice Chair. Thanks, Phil, for that. It sounds like you actually do have a pretty good handle on this. I'll do my best shot to respond to that. My understanding is that we want the petrale sole and sablefish example risk tables to go to the SSC Ecosystem Subcommittee, which I believe is happening next week or the week after, the just, it didn't get scheduled ahead of this meeting unfortunately, but is what it is, to have them take a look at it and then they can provide their examples or their recommendations to the full SSC in November. And from there be able to take that advice and hopefully also hear from the GMT and potentially the GAP, if they can do that as well, about how that might look moving forward. And Phil, I thought you just said it well, is that proactively? I mean if it ends up being in a great case, you know, maybe we can use it, maybe we can't. If we can't, can we do a dry run or do a test case and see how that would have worked through if we had used it in '25, '26. And to me, you know, that could elucidate for us, where do we need more information? You know what's not working? You know, again, maybe the workload is huge. Maybe it's not. And so, we can gain information from that to use it down the road for what you suggested is in my mind as well,

which is depending how this goes, you know, can we use this process in other species? Can we use risk tables as a tool on other species? In this case, we are just looking at petrale and sablefish, data rich, both groundfish. It'd be nice if we could use this and figure out does that work for other FMPs? Does it work for data poor stocks? And that's kind of the long road I'm looking at and how this connects to it.

Pete Hassemer [00:45:21] Thank you Corey. Phil....

Phil Anderson [00:45:24] That was very helpful. Thank you.

Pete Hassemer [00:45:29] All right. So, with that, we have an understanding, or some understanding. Kit has summarized that. Yvonne summarized the EWG perspective for the EWG, their perspective on that. Kit, I will just turn to you and ask if is there anything else we should do here?

Kit Dahl [00:45:53] Oh, there we go. No, I don't think so. We'll move forward. I think in the near term we've heard about you do want to have this taken up through the SSC, and at least here in November, presumably as a component of the harvest specifications agenda item from the SSC, perhaps some input to the degree they have the capacity to do so from the GMT and the GAP on their perspectives about the use or potential use of these methods and the specific application. And then, you know, that could lead to further consideration down the road, you know, and maybe if they say we just don't have the capacity to think about this right now, then there's the other concept that was discussed of a sort of retrospective evaluation or assessment of how they could be used or could have been used once the dust settles from the specifications process and people have more breathing room to think through this. So that's the short term. There are a number of other things I don't need, I don't feel the need to kind of try and summarize and repeat them for a third time. So, but just to be clear on that most approximate aspect of what your discussion was about.

Pete Hassemer [00:47:31] All right, thank you. And we'll be hearing back likely in November on some of this then. So, with that, not seeing any other hands, final comments, I will go ahead and close out this agenda item.

G. Groundfish Management

1. National Marine Fisheries Service Report

Brad Pettinger [00:00:00] Okay, that will take us to Council discussion and guidance as appropriate. So, I'll open the floor for if anybody has... Marc Gorelnik.

Marc Gorelnik [00:00:13] Thank you very much Chair Pettinger. Thanks for the reports. I am concerned. This has been a topic that's been elevated for the last year and a half, both within the Council and outside the Council, having to do with the need for a fishery independent data collection for stocks that are not accessible by trawl. There have been... stakeholders have gone to Congress asking for money. Folks have spoken to the leadership at NMFS asking this be elevated. And I have to be honest, I have not heard anything from NMFS yet that suggests that there's a need for this. At the very least I'm not aware anyway. Maybe it's going on. I'm not aware of any internal requests for the funding. So, I do know that there is some funding coming to NMFS through the Bipartisan Infrastructure Law and the IRA and it is my hope that some amount of that funding can go towards a hook-and-line survey, and not just for California, but throughout the areas that are managed by this Council. I don't want to take anything away from the trawl surveys because those are also important to Council-managed fisheries, but there is certainly an imbalance in resources between the trawl and the non-trawl fisheries in terms of data collection. We have issues with quillback. We have issues with copper in California. There's issues with canary in other parts of the coast. I think Oregon and Washington having to do frankly with how the mature females are distributed. Are they distributed in areas accessible to trawl or not? And so, I just want to take this opportunity to reiterate the need for resources. And while I know the planning has to go into it and workshops may be part of it, we have an existing hook-and-line survey in Southern California. I don't think this is, I don't think this needs to be, it needs to be analyzed, it doesn't need to be overanalyzed. And I think that the sooner we can get this started, the better. And I'm hopeful with funding that's now in place, some of that can be dedicated to that purpose. Thank you.

Brad Pettinger [00:02:59] Thank you Marc. Well said. Anyone else? Executive Director Burden.

Merrick Burden [00:03:10] Yes, thank you Mr. Chairman. This is I guess a question back to Keeley about the Take Reduction Team and that process. As I'm sure you're aware, we have the policy directive, the integration of the ESA with Section 7, Section 7 with the Magnuson Stevens Act process signed by our formerly esteemed Assistant Regional Administrator for Fisheries, and the process that you describe moving forward just leaves some questions in my mind about how we would integrate the Council in with the ESA work and the Take Reduction Team? It sounds like a very fast process once the agency starts rolling. I've always taken the policy directive to be, have more sequencing involving the Council upfront and specifying some of the actions and the range of alternatives and things of that nature. Could you help to close that gap in my mind? Or is that still under development within the agency about how this process will work?

Keeley Kent [00:04:16] Thanks for the hard question. My understanding is that because of the statutorily required time limits.....all right, so how quick we have to move depends on which fisheries are on the team. If it is sablefish pot only, then there is more time because the fishery impacts aren't as severe. If we are pulling in the other Category 1 and 2 fisheries, which are the state fisheries that interact with humpbacks. There is less time to develop that plan. Then we move into the... we only have 6 months. I think the timing of that is not flexible and so that won't leave a lot of options in terms of ongoing Council processes. My understanding though, is the goal of having that seat for the Council liaison is trying to walk that line where appropriate. But generally, you know the directive that you're looking at is ESA, and what we're talking about is an MMPA process. There isn't a direct connection to Council action per say, but there is interest in making sure that we are providing that connection

point through that liaison seat. And so, I think the Council thinking about, how do you want to fill that seat? You should be thinking about how you want to try to maintain a connection point with what will happen in that realm versus the more typical ESA things that we deal with in the Council process.

Merrick Burden [00:05:57] Thank you. I might follow-up some more later, but appreciate the answer.

Brad Pettinger [00:06:02] Okay. Thank you Keeley. Lynn Mattes.

Lynn Mattes [00:06:05] Sorry, that discussion just brought up another question for me and you may not be the one to be able to answer it, but who, how, and when is it going to be decided which other fisheries, if any, need to be brought into this process? That's still very unclear to me who's going to make that decision, how, et cetera?

Keeley Kent [00:06:28] Thanks for the question. It is a NMFS decision. We are taking input through that scoping notice process. We are interested in input from the states as the other possible fisheries are all state fisheries, but it is ultimately an agency determination which fisheries are involved in the team. That decision, I don't know the exact timeframe beyond, you know, we'll go through scoping, evaluate the feedback that we've received. That will play into that two-year period between the scoping notice and then when the team starts its work. You know, there's a long period of time of prep work, so it'll be on the earlier end that that decision is made because it will totally drive how we develop that team. And then there is a pretty extensive process of vetting everyone that will go on that team. Because the teams have such a short amount of time to do their work, there's a lot of time spent on finding the people that can be on the team, that are ready to come and make decisions and make compromises and make things happen quickly. So, because I understand that that takes a lot of time, the vetting and then the compilation of all of the information that the team will need to use to make decisions, you know, all of the fishery information, the marine mammal information, I think that it happens on the earlier end. But in terms of an exact date, I don't know and I'm not entirely sure when and how that gets communicated publicly. I will go and ask for more information. I should've also noted that the overlap of that scoping notice will, we're expecting will be open during the November Council meeting, so if the Council is interested in hearing more directly from our Office of Protected Resources and then the Regional Protected Resources, because they will have a more driving role versus sustainable fisheries, I am happy to communicate that and look to get those folks involved and we can set up, you know, a more focused question and answer and we can have more of that discussion with the people who know more answers than I do.

Lynn Mattes [00:08:41] I appreciate that. That actually was really helpful for me. Thank you.

Brad Pettinger [00:08:45] Thank you Lynn. Thank you Keeley. Marci Yaremko.

Marci Yaremko [00:08:49] Well, I didn't have this question until you gave that answer. But I just want to clarify the situation with regard to sablefish long-line gear, which is a federal fishery. And earlier you had described that there are several sectors of sablefish pot gear, but I just want to be sure I'm clear on understanding the situation with regard to inclusion or not including sablefish long-line, that sector within the TRT. So maybe you can speak to whether NMFS is wanting a recommendation on that, perhaps from the states, perhaps from the Council, or NMFS will make a determination on that point with or without advice?

Keeley Kent [00:09:36] Thanks, yeah, good question. The fisheries that we'll be considering, including in the Take Reduction Team and Take Production Plan, that is going to stem directly from how they are categorized on the list of fisheries. So, we are only considering currently listed Category 1 or Category 2 fisheries for inclusion on a Take Reduction Team. The long-line fishery is a Category 3, so

it is not listed as an option. So, the sablefish pot fisheries are the only federal groundfish fisheries and then the state fisheries are the only other options on the table right now. Right now, we are working with what is on the list of fisheries today. What are the categories in the future? You know we would have that discussion. If a fishery were to change categories, that's a different discussion. But today we have to work off of what we have in terms of the fishery impacts.

Marci Yaremko [00:10:30] Thank you. That clears it up. Much appreciated.

Brad Pettinger [00:10:34] Okay. Thank you Marci. Anyone else? Okay, Todd.

Todd Phillips [00:10:42] Yes, thank you Mr. Chair. I believe that you have heard both from the region as well as the Science Center. You've had discussion about a variety of things. I would say that you have completed your Council action and I can answer any questions if you have them, otherwise you're good.

Brad Pettinger [00:10:58] Marci.

Marci Yaremko [00:10:59] Yes, thank you Mr. Chair. I don't believe we provided feedback with regard to the logbooks. It sounded to me from your initial discussion points that you were seeking input from the Council and the states regarding the application of the non-trawl logbook in paper form for year 2 for California and Washington, and just wanting to acknowledge the GAP statement on that point. And certainly, California concurs with that recommendation that we don't need that second year of paper. Thanks.

Brad Pettinger [00:11:35] Thanks Marci. Okay. I'm not seeing any hands so...

Todd Phillips [00:11:43] Yes, thank you Mr. Chair. I think Miss Yaremko hit on an item that we did overlook, and I believe we are, we have answered the questions that Keeley had, and you have given guidance and had good discussion.

Brad Pettinger [00:11:55] All right. Well, thank you Todd.

2. Adopt Stock Assessments

Brad Pettinger [00:00:00] With that, that concludes public comment and takes us to Council discussion and action. So, with that I'll open the floor for discussion. Lynn Mattes.

Lynn Mattes [00:00:14] I sort of alluded to this when Merrit was speaking. This has... my comments have nothing to do with our stock assessors or our STAT teams. They are some of the most intelligent and diligent people I've ever worked with. They have done everything they can to try to ensure that the best information, the best model is being used, but I have some concerns. And again, I appreciate Dr. Wetzel for trying to help alleviate these. She and I have exchanged a number of emails. I don't know if I'm just being daft or if it's so complicated, and this is not a slight against her efforts. One issue that comes up, in addition to something seems to be pulling everything down as far as the scale in the biomass the last two cycles, is how complicated stock synthesis has become. I've spoken with somebody within ODFW who has worked on stock assessments in other places, and he said stock synthesis is not used in other arenas because it's too complicated. Again, these are some of the most intelligent people I've ever met, and at least once an assessment I hear somebody say, "oh, I don't know what that does", "I don't know why that's there" when referring to stocks synthesis. Rick Methot has to get contacted for help by some... every now and again for help with stock synthesis. What happens when Rick retires? Who are we going to call? And I don't think it's going to be the Ghostbusters. So how stock synthesis, the model that we're using become overly complicated. Two cycles ago, it seemed everything was hinging on REC DEVs, which it took me two assessments that year to learn meant recruitment deviations, not recreational development. This year everything seemed to be, a lot of stuff seemed to be relying on Sigma R. I asked for a definition of Sigma R and it was copied directly out of the SS Handbook to me and sent to me. I understand the individual words. I do not understand the sentence of those individual words combined together. I cannot go and talk to my public or the Oregon Fish and Wildlife Commission and explain to them what Sigma R is. Sigma I think means change, and R, I'm assuming in this case means recruitment, so it's likely something to do with change in recruitment over time. But again, this process has become complicated, so complicated that good, bad, or in-between, the results are difficult to explain to people who are not immersed in this process. I'm trying to figure out how I go to the Oregon Fish and Wildlife Commission in December and explain to them we're going to be looking at a 40 percent cut in black rockfish for '25 and '26 and beyond, when every indication within the State of Oregon says black rockfish is healthy or increasing. Same thing with canary rockfish. How do we explain to them a decrease in canary? The assessments are what they are. I don't think we can legally do anything other than adopt what they are, but there are concerns myself as well as other staff within ODFW about stock synthesis itself and how complicated this process has become. And again, this is nothing against our assessors. They are hardworking people trying to do the right thing, using everything they have at their fingertips to try to come up with the best results of, or the most accurate results available. And with that I think I'll end.

Brad Pettinger [00:04:00] Thank you Lynn. Further discussion? Marci Yaremko.

Marci Yaremko [00:04:05] Yeah, thank you Mr. Chair. Certainly, there are several outcomes here that I think are going to be difficult for us to work through, allocation schemes, reductions and opportunities, a number of challenges I think we see ahead. But I guess I would like to take the opportunity here to think a little bit about the process that we undertook this cycle with stock assessments. And there was a silver lining in the sense that there were a number of advances and developments in our public process and the availability of data and a lot of public review. I want to really shout out a big thank you to Chantel and her team for spending so much time with California on the copper assessment. Meetings weekly to go through data, data streams, trends. We put a lot of energy and blood, sweat and tears into this collectively and certainly there was a lot of leadership and I want to acknowledge it. And while we

don't necessarily like the outcomes here in many cases, the commitment to the pre-assessment data workshops, discussions after those workshops about assumptions and, you know, just working step by step with the assessors as they developed the drafts, I think has just been... cannot go unnoticed. So, I just really wanted to thank the whole crew involved and want to compliment Council staff on the development of the PAM site and the ability for information to be posted in advance of meetings with, you know, opportunity for everyone to follow along and participate remotely. So, thank you.

Brad Pettinger [00:06:30] Thank you Marci. Further discussion? Phil Anderson.

Phil Anderson [00:06:38] Yeah, thanks Mr. Chair. Well at the risk of piling on a little bit, but this will be my last chance to do this so on stock assessments so. One of the things that has been the most frustrating for me at least over the years is that we don't have any way to evaluate the effectiveness of our management measures because we never get a chance to compare apples to apples. From one assessment to the next there are so many changes from assessment to assessment, you have no idea whether what you have been doing as managers in terms of managing to our ACLs are being effective or not. And I used to live in a, well maybe sometimes I still do, in a land of panacea that we would get to a point where we would be able to assess whether our management measures were achieving the management objectives by use of stock assessments. I don't ever see that happening. And I, like in many ways with Lynn and the black rockfish assessment, in Washington the only reason Washington isn't facing a similar situation that Oregon is, is that our fisheries shifted offshore and we are catching far more yellowtail and canary now than we did a decade ago and fewer black rockfish. Otherwise, this black rockfish assessment and the ACL that goes with it at about 240, we were catching 350 and plus and we, a decade ago and we would be in that same... the only reason where we're going to probably squeak by without having to have a lot of major restrictions is because of that shift, otherwise we'd be in serious trouble. And I think like Lynn are hearing and observing that our black rockfish resource has not demonstrated that kind of a reduction in the biomass that the assessment indicates. So... and I think the points that Lynn made about complexity and the ability to explain, let alone understand some of the variables that are in our assessments and with the slightest tweak of one dial like natural mortality you can completely change what you, what that stock looks like. And so, I'm just voicing frustration. I know it doesn't do any good. I, like others, have tremendous respect for our stock assessment authors and all the hard work that goes into these assessments and I know that they're trying to give us the very best scientific information they can about these stocks, but that said, it's very frustrating to come to this, a point like this every other year when we get new assessments.

Brad Pettinger [00:10:21] Thank you Phil. Further discussion? Bob Dooley.

Bob Dooley [00:10:24] Thank you Mr. Chairman. Thanks, Phil, for those comments. I'm kind of the same, same line of thought. I guess everyone hears me incessantly talk about MREP, and over my experience with MREP I have come to know our stock assessors. I've come to know all the people involved in making the soup and they're top notch. They're just the best. And I recall it's been five or so years ago we had an EBFM workshop through MREP, a national workshop that was in San Diego, actually La Jolla, and it was about EBFM. And the conversation that struck me, there was a conversation between Jason Link, who's probably the premier EBFM person from the East Coast, and Kevin Piner from the Southwest Fishery Science Center, and they had nearly a debate, nearly an argument about the validity of that in the room, and what stuck with me was that, yes, if you can only afford one thing, if you only had money for one thing, would you put it in EBFM or would you put it into science stock assessments, more science to get the data. And unequivocally it was we need the data. And I see us going forward and trying to create new machines to give us an answer, the new slot machine you put a quarter in and it gives you 50 cents, and I think I hear just this throughout this whole conversation that we're short on data, that we need to have the data to make these assessments, and they have a bigger effect than all the machines we're trying to create. We have a limited budget. We all know that. And I

think we really need to get the data from these places we can't survey. It's hurt us in copper. It's hurt us in Canary. Those are going to come back and haunt us for years here in more ways than we even know how this is going to affect us. And I think we need to start thinking in that direction that we need to focus on getting the missing data so that we know. And then I'll drift a little bit here, again. I worry about this whole process that because of the last Magnuson reauthorization, the whole... any control over these stock assessments have been taken pretty much out of the Council's hands. That we, we're innocent... we're bystanders. Once we commission a stock assessment it's however it comes out is that, and I mentioned this before, but I think there needs to be a place where we can go back and say the data is not there to make this work. It's going to be faulty. We know that so let's not go forward. But I think it gets to a point, and we've seen it a couple of times here, more than that, where it's best available science and no fault of the people doing it. It is what it is and it's the system we're dealt with, but I'm really concerned that we are hampering our fisheries so badly that by doing this and we need to step back and rethink this because if this continues, we're all going to be in big trouble. Thank you.

Brad Pettinger [00:14:08] Thank you Bob. Marc Gorelnik.

Marc Gorelnik [00:14:11] Thank you Chair Pettinger. I just wanted to add a note of solidarity with the comments of Lynn and Phil. It wasn't that long ago we were talking about quillback and the data produced by CDFW showed no reduction in harvest, if anything, an increase in harvest slightly over a period of time where effort if anything had been reduced. It's not a stock that can be targeted. For all practical purposes it's a mixed stock fishery in the nearshore. Other stocks around it are doing well. How did this one stock suddenly fall into trouble? Not to say that it's impossible, but it's not apparent from the objective data that we as, or my speaking for myself as a layperson, can observe. And then we're seeing the same thing now with some of these stock assessments, so it is a source of frustration. With regard to the stock assessments being the best available scientific information, that's no doubt true. That doesn't necessarily.....as Chair Pettinger mentioned, all stock assessments are wrong, but some are helpful, and I'm not sure that these will prove in the long run to be helpful because they're producing such different results than past models have, and we rebuilt stocks over those past models. So that's all I have.

Brad Pettinger [00:15:50] Thank you Marc. Anyone else? Corey Niles.

Corey Niles [00:15:59] Yeah, thanks Mr. Chair. Well, I can't articulate all the thoughts going round and round in my head right now, but I think, yeah, I guess I just in respecting all the frustrations and having watched this, I don't know this might be my eighth cycle, it just, you know, it never surprised by all these changes, and it is way more volatile than anyone would like. I guess it being complex isn't the problem in my mind. I mean I don't... an airplane's complex, my computer's complex. I want them to be complex. You know, I want them to do the best, the best they can, and it's just the nature of trying to figure out how many fish there are, how many, how productive they are. And a lot of the issues I believe come from lack of collecting data back in history and we're never overcoming that. But I just I think, as you heard, yeah, I want to echo what Marci said too about just the excellent communication between the states, I mean the STATs and the states and everyone this cycle I got to see how the, you know, Washington black rockfish worked, and it's really hard to keep everyone in the loop and collaborate. And but the efforts like by Dr. Cope, Jason Cope are great so. But I'm trying... the point I'm trying to get here is I think, as Dr. Field said, they're hearing this, they're seeing this too, and how like Phil said just small changes to these assumptions can... it's not just parameters, it's weighting the data differently, slightly differently, changes makes big differences and is there a way that they can have the estimates come out to be more robust to that? And I think that's going to be a topic that the stock assessment community is going to be thinking about and we should encourage them to think about it. Like in the Halibut Commission, Ian Stewart who, I don't know if he started here, but was an assessor in our process and does an ensemble model with halibut and thinks, you know, it took a lot of effort to

get it going, but he thinks it's less effort now than to do it the way we do here. So, yeah, point here, I hear our stock assessors wanting to help with this issue and when the time comes I hope the Council continues to encourage that. But yeah, the frustrations and the volatility in how the goal posts move is... it makes this, you know, tough on managers, tough on the fishery, and also, yeah, collecting data. We don't have a time machine but, yeah, collecting data, more data, you know, now is something that we should also be continuing to sound to call for. So, thank you.

Brad Pettinger [00:18:34] Thank you Corey. Anyone else? I'm not seeing any hands....oh, Lynn Mattes.

Lynn Mattes [00:18:41] Well, if there's no other hands, I do have a motion ready when we get there, if we're there.

Brad Pettinger [00:18:50] Okay, I think we're ready.

Lynn Mattes [00:18:55] I sent it to Sandra a little while ago. Hopefully she'll be able to pull it up. Thank you Sandra. So, I move the Council adopt the following stock assessments, stock categories and sigmas for use in 2025 and beyond, provided in the Council's September 2023 Briefing Book under Agenda Item G.2, as recommended by the SSC in their Supplemental Report 1. For full assessments. Copper rockfish off California (North and South) Category 1, default Sigma of point five for both. Black rockfish off of Washington, Category 1, default Sigma of zero point five. Black rockfish off of Oregon. Category 1, default Sigma zero point five. Black rockfish of California (North and Central), Category 1, default Sigma zero point five for both. Canary rockfish. Category 1, default Sigma zero point five. Petrale sole. Category 1, default Sigma zero point five. For Data Moderate Assessments. Rex sole. Category 2, default Sigma one. Shortspine thornyhead. Category 2, default Sigma one point zero. Limited Update Assessment. Sablefish. Category 1, default Sigma zero point five. And 2 catch-only projections for widow rockfish and yelloweye rockfish.

Brad Pettinger [00:20:38] Okay, thank you Lynn. Is the language on the screen accurate?

Lynn Mattes [00:20:41] Yes sir, it does appear to be so.

Brad Pettinger [00:20:43] Thank you. Looking for a second. Seconded by Bob Dooley. Thank you Bob. Please speak to your motion Lynn.

Lynn Mattes [00:20:54] I know based on the discussions we've been having, or wait is it for clarification or actual discussion? Just want to make sure I'm in the right spot. We got it seconded?

Brad Pettinger [00:21:06] Yep.

Lynn Mattes [00:21:06] Okay. Sorry.

Brad Pettinger [00:21:08] You're great.

Lynn Mattes [00:21:09] Clutch in my brain slipped for a moment. Based on the discussions we've been having here for the last little bit, I don't think, or I think many of us are uncomfortable and maybe not even, and maybe even unhappy with the results of some of these assessments, but these are the assessments we have. And I think legally we have to adopt them, and this is what we have and we have to work with. The categories and the sigmas are what the SSC recommended in their report, and I believe the GAP recommended those as well. I don't have really any other discussion points at this point on this.

Brad Pettinger [00:21:47] Okay. Thank you Lynn. Questions for the motion maker? Okay, discussion on the motion? Okay I'm not seeing any then I'll call for the question so. All those in favor signify by saying "Aye".

Council [00:22:05] Aye.

Brad Pettinger [00:22:08] Opposed, no? Abstentions? Okay the motion passes unanimously. Thank you Lynn. Marlene.

Marlene Bellman [00:22:22] Thank you Chair Pettinger. The Council has heard from the SSC, its advisory bodies and the public. You've had a robust discussion and had a lot of good points to make. A quick question to answers. You had a motion and have currently completed your task in adopting the current stock assessment information in front of you.

Brad Pettinger [00:22:46] Okay. Thank you Marlene.

3. Stock Assessment Methodology Review – Final Topics

Brad Pettinger [00:00:00] That takes us to Council discussion I guess if we can't get him on there so there we go. All right. With that I'll open the floor. Keeley.

Keeley Kent [00:00:12] Thank you Mr. Chair. I had an opportunity to email a bit with my Science Center colleagues, so I'd like to try to summarize from their perspective a bit of the prioritization question. I will do my best not to butcher it. So, from the agency perspective, we would like there to be at least a tentative plan to do this review because it is possible that this method would be used for aging and that data would be incorporated into 2025 assessments. And what we would not like to see is have the 2025 assessment and the STAR panels be the first place where that is really seen, and I think that has the possibility of certainly disrupting the STAR panel process. There's still a possibility that, one, you know, we wouldn't have a suitable set of results to go through with that process, or two, that the stocks that we decide to assess in 2025 aren't the right stocks for this method right now, but we would rather have the placeholder for this review in advance of the 2025 assessment cycle, and then we could cancel if needed. So that's, you know, the perspective that's been shared with me on their view of the prioritization and I'm happy to try to talk that through further, but I wanted to share that with the Council.

Brad Pettinger [00:01:36] Thank you Keeley. Okay. Anyone else? Corey Niles.

Corey Niles [00:01:45] Yeah, thanks Mr. Chair and Keeley. Not, maybe you don't have this information, but since you were in contact, and not super relevant maybe for what we're doing here, but in terms of this being a NMFS priority, I guess I just wasn't clear on, you know, Council budget-wise, what the Council is sponsoring versus what NMFS... Dr. Holland mentioned and NMFS bring forth the resources. Is this something that is being funded by NMFS or is this something that the Council's, goes with the Council's budget? And it sounds like a good idea either way, but more of a curiosity question.

Brad Pettinger [00:02:25] Okay. Keeley.

Keeley Kent [00:02:28] I don't have an answer, but I can look into that. And I can also talk further with Director Burden about that.

Brad Pettinger [00:02:37] Executive Director Burden.

Merrick Burden [00:02:39] Yeah, thank you Mr. Pettinger. We are, as I think you all know, we are just getting started on a very preliminary view of our 2024 budget. I don't have a good sense for the Council resources this would take so I think it would benefit from a conversation with Miss Kent and others as well.

Brad Pettinger [00:02:56] Thank you Merrick. Okay. Anyone else? Okay, Lynn Mattes.

Lynn Mattes [00:03:05] If we're to the point, I do have a very short motion for this to help us move forward.

Brad Pettinger [00:03:14] Okay. Thank you. Please.

Lynn Mattes [00:03:16] Okay. I sent it to Sandra with the other ones so hopefully... there we go. I move the Council adopt the fish age estimates developed using Fourier Transformed Near-Infrared Spectroscopy methodology for review in 2024.

Brad Pettinger [00:03:35] Okay, is the language of the screen accurate?

Lynn Mattes [00:03:38] I believe so, yes.

Brad Pettinger [00:03:39] Okay. I'm looking for second? Seconded by Corey Ridings. Thank you Corey. Please speak to your motion.

Lynn Mattes [00:03:49] Thanks. I'm assuming that the NMFS staff and Council staff will have discussion about the budget pieces and whether or not this review, where this review would fit in, but in the interim this would let our folks get started on this review. Having just the capacity and budget to have otolith readers is getting more and more difficult, I think, for the Science Centers and Pacific States. So, if there's a way to have some better production methodology, even for some species, I think it's worth looking into. Thank you.

Brad Pettinger [00:04:20] Thank you Lynn. Okay. Questions for the motion maker or discussion of the motion? Marci Yaremko.

Marci Yaremko [00:04:28] Yeah, thank you Mr. Chair. I will support the motion. I appreciate the discussion that we've had around this topic. I would note that the objectives here are well-intentioned. We want to reduce the burden ultimately on our age readers and try to improve our efficiencies. It does appear that the method may only be appropriate for certain species and probably not appropriate for many of the species for which we have the most concern with age data and that take the most time to age, or that we have uncertainties surrounding age data like we've learned with shortspine thornyhead this cycle. So I would trust that as this work proceeds that we keep in mind our objective is to improve efficiency and that we, you know, at an opportunity to... or that we proceed, but that if it becomes clear that the cost benefit does not pan out here, that we keep that in mind what our end goal is here, because I wouldn't want us to spend a lot of time developing this method and at the end of the day have it ultimately detract from the limited aging capacity that we have at the moment. So, it's good to hear that there is special funding that has been provided for this work and that it is a coordinated national objective, but certainly I think we need to keep our bigger priorities and our needs for our 2025 assessment cycle at the forefront of our thinking. Thank you.

Brad Pettinger [00:06:16] Thank you Marci. Further discussion? Corey.

Corey Niles [00:06:21] Yeah, thanks Mr. Chair. Thanks, Lynn, for the motion. I won't repeat what was said about the importance of otoliths and being able to process more of those. Yeah, yes for sure. I guess just tying... Marci brought up the good question about priority and just thinking ahead, you know, always introspective about our process and what our priorities are. And, you know, we have a limited SSC attention, limited expert attention, limited funds and I'm just kind of thinking back to last year and with some lingering disappointment when we had hoped to have a workshop on the stock definition issue and then later realized that we'd already spent our workshop budget, so to speak. So, yeah, just that's thoughts, just want to get that thought out there, but yeah, thanks Lynn for the motion. Supportive of this for sure.

Brad Pettinger [00:07:15] Thanks Corey. Vice-Chair Hassemer.

Pete Hassemer [00:07:20] Thank you Mr. Chair. This is one I probably should keep my mouth shut on, but in addition to does it work, there's a piece of that that I assume is part of this review. Is it better than what we are doing? There's a speed component or efficiency, how many can you read? And this is where I shouldn't say it, but I had a little experience with this type of technique, Fourier Transformations, fast Fourier and these signals, and it'll work. When you apply the transformation to

the signal it's going to tell you something that's going to give you some significant components, but is it better? And so that's the part that questions me is you can apply this tool and it's going to give you a lot of stuff, but is it going to be better than what we have? And I think that's what Marci was getting to in her comments. So thank you.

Brad Pettinger [00:08:21] Okay, thank you Pete. Okay, anyone else? Not seeing any hands I'll call for the question. All those in favor signify by saying "Aye".

Council [00:08:32] Aye.

Brad Pettinger [00:08:33] Opposed, no? Abstentions? Okay motion passes unanimously. Okay, thank you. Marlene, how are we doing here?

Marlene Bellman [00:08:47] Well, you've heard from your advisory bodies and had a robust discussion again, as well as adopting the current proposal for review during 2024. So, with that, I think the Council's task has been completed.

Brad Pettinger [00:09:01] Okay. Well, good work everyone.

4. Fixed Gear Marking and Entanglement Risk Reduction; Limited Entry Follow-On Actions

Pete Hassemer [00:00:00] All right, thank you all. We've had an excellent presentation overview of the topic and some reports, and public comment leads us to a discussion. So, you've had a little bit of time to digest it. I will look around for the first hand to start the discussion. Maggie Sommer.

Maggie Sommer [00:00:25] Thank you Mr. Vice-Chair. I wanted to really appreciate the thorough attachment provided by staff with the purpose and need and range of alternatives, as well as the work plan that splits the items into two packages, and the tentative schedule that reflects a priority for the gear marking and risk reduction items. This is consistent with the priorities we have expressed previously, and I think the work on developing the range of alternatives really sets the Council up well to move forward with a very solid position at this point. Just a couple other acknowledgments. Really appreciate and support the GMT's recommendations for analysis. When the analysis for the limited entry fixed gear follow-on action component is taken up to attempt to address whether gear specific endorsements are still necessary to limit harvest capacity. And then I wanted to recognize the Enforcement Consultant's comments on dropping a buoy line and some of the discussion we had in public comment on that. You know I take very seriously concerns about the ability to enforce closed areas and the potential for derelict gear. I also heard some potential benefits of buoys on both ends in terms of operational considerations and that it can depend on specific circumstances. At the same time, you know, we are having this discussion because we want to reduce entanglement risk and reducing vertical lines in the water can help. So, I would support keeping the option of dropping a line in the range of alternatives at this point and expect to further explore those tradeoffs as we move forward with this package. Thanks.

Pete Hassemer [00:02:19] Thank you Maggie. Further hands? Try to be fair looking left and right, Heather Hall.

Heather Hall [00:02:33] Thank you Vice-Chair. And I just want to echo the appreciation for this really helpful Attachment 2 with the information. The presentation today also was extremely easy to follow and understandable and the GAP and GMT reports too. I think I just would say agree completely that we're set up well for the discussion this afternoon. In terms of line marking, I did have a question for Maggie, and this has to do with, this is in the GAP report and their question to have more direction from NMFS about the distance of marking and mark spacing that would be adequate, and just wondered, I think this is a question to Protected Resources Division on how much marking is sufficient to, would be sufficient? And I'm asking it because it's a question we're asking in the Dungeness crab fisheries too on how much of a line needs to be marked to be considered adequate?

Pete Hassemer [00:03:53] Maggie Sommer.

Maggie Sommer [00:03:55] Thank you very much and thank you Miss Hall for the question. You know I think first I'll just again make a distinction between the Dungeness crab fishery and the sablefish fishery. Obviously, we know a lot of the operational distinctions and there's a lot we don't know about entangling gear. What, at this point, what we are looking for, and I guess let me just say upfront, we don't... at this point I don't have a specific distance, for example of line, that must be marked to provide or a specific interval between marks. We are... we recognize the importance of feasibility in this and some practical considerations. We want to make sure that whatever we end up with does provide a significant improvement in our ability to attribute observed entanglements to specific gear types, and at the same time we want to make sure that we are taking into account some of the practical considerations. So, at this stage, what we were really looking for is to hear from the GAP and from

industry and I appreciate some of the comments that they have provided on some of the means and methods and what would be feasible. And we will continue to work with the Council through this process to evaluate proposals for line marking distance and intervals.

Heather Hall [00:05:37] Thank you.

Pete Hassemer [00:05:39] All right, thank you. Further discussion? Caroline McKnight.

Caroline McKnight [00:05:46] Thank you Mr. Vice-Chair. First, I'd like to just say thank you for the Staff report in the presentation today, I found them to be outstanding as well. But I'd also like to commend the GMT and the GAP for an amazing amount of content that they got through and provided very clear reports. It's been very, very, very helpful. I have one question I think it's going to be for you, Maggie, relative to some of the comments that we heard today about not just limited manufacturing companies that make this line, but also just a limited amount of line that's being made period, or that it may be custom orders only, in looking at the line marking Alternative 3 and the discussion about transitioning from temporary methods of line marking to the manufactured line, is the intent here for it to be only manufactured line in the future or will there always be the flexibility to go back to some sort of temporary marking? And I ask that specifically in light of some of the concerns we heard about availability of getting it. It seems like it would be reasonable to leave some kind of backstop in event of that kind of situation moving forward. Thank you.

Pete Hassemer [00:07:01] Maggie Sommer.

Maggie Sommer [00:07:04] Thank you Mr. Vice-Chair. Thanks, Miss McKnight, for the question. You know certainly the bottom line here is that we want the line to be marked. So maybe working backwards from the end of your question. We want to make sure that there is always some feasible option for line to be marked, even for example, if we were in, if permanent marking regulation or requirements were in effect for manufactured colored line and that was not available. I think all of that is, is still to be determined. I think we are early in the process. We are still working through, you know, we're still learning and working through our understanding of some of the aspects of this issue, some of the logistical and manufacturing and procurement constraints that we have heard raised here today. You know I understand there's probably been a lot of thought and discussion put into this by the states in particular as they have gone through this with Dungeness crab gear marking ahead of our process and our timeline and certainly without my involvement. So, there's probably a lot of knowledge out there too that I don't have. But I think to answer your question, I think it's too early to say whether the certain end point at this time is that it must be manufactured colored line. We will be looking to flesh that out further through this process.

Pete Hassemer [00:08:47] Thank you. Follow-up?

Caroline McKnight [00:08:53] Yeah, If I may?

Pete Hassemer [00:08:54] Please.

Caroline McKnight [00:08:54] Thank you Mr. Vice-Chair. Thank you Maggie. That is helpful. Along those same lines, and given that this is early and this is, you know, moving things forward, I think one thing that is not entirely crystal clear for me is what meets the mark for a regulatory language development versus inclusion in a best practices guide? And so, there's a little bit of talk about the effectiveness and usefulness of a best practice guide. I agree that there is a lot of merit there. But having some information, I guess, moving forward about if there's some standard or metric that needs to be a distinguishing factor between where something goes would be really helpful to know how we can

provide guidance moving forward. So not that you have to answer that now, but just a thought moving forward. Thank you.

Pete Hassemer [00:09:47] All right, thank you. I'll give you a chance for a response if you want, but you don't have to. Maggie.

Maggie Sommer [00:09:53] Thanks Mr. Vice-Chair. I will respond briefly. Thanks for the question. You know regulations need to be enforceable, so it needs to be clear and something that's clear and measurable. And I would say it needs to be something that is ready to be put into that status, so measures that have been well tested and well developed. So, you know, there is some gray area, I want to recognize that. And I appreciate the staff suggestion of a best practices guide and the GAP suggestion of content for such a guide. I think that's a good path to go down for some of these items. And again, I think, which items are appropriate for that. I think we have a good range for regulatory alternatives laid out here in the staff paper. And then I think there are a number of other things we can continue discussing and however a best practices guide might end up being developed, that process can really work through with industry input on things that could be considered for inclusion in that, which could provide some consistent guidance to the fleet.

Caroline McKnight [00:11:15] Thank you.

Pete Hassemer [00:11:17] Thank you. Marc Gorelnik.

Marc Gorelnik [00:11:20] Thank you Vice-Chair Hassemer. I just... a brief comment. I know that manufact... line that is manufactured in color is one of the alternatives here. And there was a comment that perhaps there was manufacturers would not manufacture it for more than one customer based upon intellectual property concerns. Well, as the only IP attorney sitting around the table I will say that that is not true. I mean they may choose not to, but it won't because of any legal impediment. And, in fact, I think if the National Marine Fisheries Service specifies a color scheme, I think... I can't imagine manufacturers would have any reluctance to manufacture in those colors.

Pete Hassemer [00:12:12] Thank you. Is there further discussion? Chair Pettinger.

Brad Pettinger [00:12:23] Yeah, it's always good to mark lines so that when it gets entangled, we know what it comes from, but I think that the risk reduction here is probably more important, and I think what Pogy had to say in his testimony about the clump weight, keeping the line tight. I'm not sure where we insert that, but I think that there's a lot of value in that. It makes sense. Slack line is what catches whales I believe, right? And so, I think that somewhere in this process we need to maybe incorporate that. I'm not sure where, but I think that's a, that's just a common-sense, easy way to minimize whale impacts and I think we ought to incorporate that somewhere in here. I'm not sure how to do it, but thank you to Pogy for sharing. And I think I'm not sure if how many people know about that, but something that needs... if nothing else voluntary action needs to be taken it seems like to me. So thank you.

Pete Hassemer [00:13:21] All right, thank you. Looking around. Heather Hall.

Heather Hall [00:13:27] Thank you Vice-Chair. I have a question on a different subject, but I did want to just speak in favor of ideas like that, best practices. I know we're working on tools to reduce entanglement risk and we're moving forward with that. There's a lot that can be done with these best practices and they're supported by industry. They're using great information like Pogy shared with us that others can use. So, I don't know how that works, but to the extent that we can support that I'm all for it. My question is about as we're thinking about risk reduction measures and the presentation from Oceana, I've been thinking about area closures and my first thought is it'd be helpful to understand

where whales and the fixed gear fishery co-occur. Where is that co-occurrence? And then we can focus any type of management measure in those areas. And so, I wasn't sure if there's any work... the Science Center has been extremely helpful to the Washington Dungeness crab fishery in understanding that co-occurrence, and so I wasn't sure if that process has started using logbook data or fishery location data to explore that. And then the second part of my question is, I know we have block area closures that are available to the fixed gear fleet, but I'm not sure if it can be used to reduce bycatch of marine mammals. And that might be a question for NOAA GC.

Pete Hassemer [00:15:22] Thank you. So, I'll turn to either NMFS or NOAA GC, Maggie or Rose. Maggie Sommer will take the first attempt at that.

Maggie Sommer [00:15:35] I will. Thanks Vice-Chair. And thank you Miss Hall for the questions. We don't have the ACs for fixed gear in place now. We, you know, they will be developed as part of Amendment 32 and we would need to do some further evaluation to determine whether they could be used in fixed gear fisheries for whale interaction related purposes.

Pete Hassemer [00:16:13] Executive Director Burden.

Merrick Burden [00:16:17] Thank you Mr. Vice-Chairman. Just following on our Chairman Pettinger's here question. Perhaps a question for Jessi. This might be a preference question or just a restructuring of the analytical document question, but if this Council were to desire some further exploration of something like the clump weight and a taut-line approach, is it your opinion it should be added to the range of alternatives or included as a best practices document? Or do you have any thoughts on that?

Pete Hassemer [00:16:52] Jessi, I think that was to you.

Jessi Doerpinghaus [00:16:58] Thank you Mr. Vice-Chair, Mr. Burden. Good question. I guess thinking... I kind of think about it like the surface gear discussions that we've been, like the surface gear was brought up, you know, as a... we could add it to a range of alternatives, it could be a best practice, but if it was something that you wanted to specifically look at, I don't know how you would exactly write that in a regulation just off the top of my head. So that's where I maybe lean towards a best practice would be my suggestion. So, it would be something we could just scope out as a part of that idea. But in terms of analysis, you know, if you're developing a best practice guide and I would think a lot of that would kind of like come down the line later when we're actually working on like issuing the best practices guide. So, I don't know how much analysis would be incorporated at this point, if that makes sense.

Pete Hassemer [00:17:57] Thank you. And I guess I would take the opportunity to give a little assist and nod to Jessi on that. As I think about that, we heard, I think it was an A.4 buoy and a 70 pound, and if we go to A.5 or A.3 and how many pounds and how far above the bottom and NMFS is thinking about all the regulations there, so best practices sounds good. So, other discussion? Lynn Mattes.

Lynn Mattes [00:18:30] Thank you Vice-Chair. Follow-up a little bit on what Heather was just asking about spatial distribution of humpback whales. It seems to me there would also be a temporal component. I know at least off of Oregon we don't have whales off of our coast year-round, they migrate through. So having, if we're going to look at it, having a seasonal, some seasonal information might be helpful as well. Not necessarily a question, just a suggestion as we move forward with some analysis.

Pete Hassemer [00:18:56] Thank you. Further hands, discussion on this topic? And remember we do need motions. Bob Dooley.

Bob Dooley [00:19:08] Thank you Mr. Vice-Chair. Thinking about the perfect world comments, you know earlier in our agendas, that this isn't a perfect world. We don't know. There's a lot of variables here. And I think leaving some... putting things in regulations scary because you've closed the box and you get... tend to go away from innovation. We've heard just today in public testimony some innovation that we didn't hear about before and I think we need to encourage that. So, I'm a best practices guy. You know I always say that, you know, if you want something done tell a fisherman he can't do it and he'll show you how it's done. So just, you know, I think I trust our fishermen. We give them the guidelines of what we're looking to achieve and I think we'll come up with a lot of good ideas. But starting to... down the regulatory road I think puts us in a box and very diffi... we know how difficult it is to change regulations and the time and the cost. So, in an understanding with one of the graphics there that we're talking about, this particular fishery that's responsible for one percent of the entanglements. And so, keeping it in context that, yes, I get zero, but I don't know that we put that zero standard on anything, otherwise we wouldn't have accidents on freeways. So, thank you.

Pete Hassemer [00:20:35] Thank you Bob. Chair Pettinger.

Brad Pettinger [00:20:41] Just a kind of clarification that it's one percent of the known entanglements, but there's 50 percent we're not sure where they're coming from so there's that unknown so.....

Pete Hassemer [00:20:52] All right, further? Any motions? Heather Hall.

Heather Hall [00:21:01] Thank you Vice-Chair. I do have a motion if we're ready to move to that.

Pete Hassemer [00:21:05] I believe we are ready.

Heather Hall [00:21:14] I move the Council adopt the following based on the reports by the GAP and the GMT. Fixed gear marking. Adopt the purpose and need with proposed changes, with the proposed change should replace the last sentence with, "Action is also needed to improve the effectiveness of the currently required biodegradable escape mechanisms in pot gear". Adopt the range of alternatives presented in Attachment 2 with the following changes. Under Item 1, buoy marking, remove Alternative 2 which is sector and gear specific. Number 2. Item 2, line marking, remove Alternative 1, which is all of the line from portion of the line marked. Number 3, which is also Item 2, line marking, add a suboption for Alternative 2, method of marking, to include an interval of at least every 10 fathoms. Number 4, Item 3, add an alternative to the range of alternatives for surface gear limitations that includes two options of maximum length, 5 fathom and 10 fathom. Consider developing a best practices guide. For limited entry fixed gear follow-on, adopt the purpose and need presented in Attachment 2. Adopt the range of alternatives presented in Attachment 2 with the following changes. Number 1, Item 2, fourth permit stacking, remove from the range of alternatives. Number 2, Item 4, permit price reporting, remove Alternative 1, which is sablefish endorsed permits only.

Pete Hassemer [00:23:34] Thank you Heather. It's long so I'll ask Sandra to scroll up and just let you peruse that. As I followed along it appeared accurate and complete, is that correct?

Heather Hall [00:23:51] Yes, I believe it is.

Pete Hassemer [00:23:52] All right. Thank you. Is there a second? Seconded by Lynn Mattes. Go ahead and speak to your motion.

Heather Hall [00:24:01] Thank you. Again, this just goes back to the excellent layout of the Attachment 2 Staff report and the GMT and GAP reports, which I think helped walk through this very simply. I think that the range of alternatives for both of these items is comprehensive and also wanted

to say acknowledge that this is kind of a long motion and it includes both the fixed gear marking and the limited entry follow-on actions, but I recognize that they have two different regulatory timelines proposed and understand that. So, I'll just kind of go from the start. From the GAP report and the purpose and need under the fixed gear marking and entanglement risk reduction, their suggestion clarifies the range of alternatives relative to the biodegradable escape panels. Under Item 1, buoy marking, and Alternative 2, sector and gear, whether that's sector and gear specific. This alternative was proposed to be removed and I think the most critical information is the gear associated with entanglements. Less critical is the sector. I think the GAP report described that well. For Item 2, line marking, this removes under the portion of line mark that removes Alternative 1, which is all of the line. That just is I can see being excessive and extremely costly. Under... this is still Item 2, method of marking, this... the GMT did speak to removing Suboption C, which was marking at least every 50 fathom. This gets at some of my questions to Miss Sommer about how much of the line does need to be marked, and it feels like we're unclear on that at this point, so it's retained for now. I completely appreciate the GAP's report that it is a lot. I know how much 50 fathoms is and so but I just wanted to retain the flexibility by keeping that in, at least for now. Under Item 3, the entanglement risk reduction, this adds a new alternative that limits the maximum length of the surface gear at the 5 fathom and 10 fathoms. And let's see if I've covered everything here. All right, so moving on to the limited entry follow-on. There was very few changes to what was proposed in Attachment 2. Appreciate the input from the GMT on the analysis relative to the alternatives for limited entry fixed gear permit endorsements and the exploration on capacity as under Amendment 6. Removing the fourth permit stacking, I know we have talked with stakeholders a lot about the interest in that item over the time during the program review. Understand from the GAP report and speaking to others that just with the fact that it modifies the three permit own and control limit to four permits, that that I think is where there's no longer interest in retaining that alternative. And then per the GAP again under Item 4, the permit price reporting removes Alternative 1, just the GAP's expression that it would be important to have owners of all limited entry fixed gear permits disclosing that permit price information would be valuable. And then relative to Item 6, cost recovery, I know the GAP had supported removing Suboption 2 on this and my motion does not include removing Suboption 2. It retains it for now just, I think the rationale that the GAP provided was good but it's not a lot of work and I think it's important to maybe leave that on for now until we get to PPA or another phase of the, this process. Thank you.

Pete Hassemer [00:29:40] Thank you Heather. Are there any questions to the maker or the motion for clarification? I do not see any questions, so I will open the floor then to discussion on the motion. Maggie Sommer.

Maggie Sommer [00:30:00] Thank you Mr. Vice-Chair, and thank you, Heather, for putting together the comprehensive motion. I just wanted to make a brief comment on the cost recovery part since we had originally suggested that vessel owner be responsible for paying. I wanted to say that we actually see the logic in the GAP's rationale for having the permit owner be responsible. That makes sense. I just agree with the logic Heather laid out at leaving vessel owner in at this point for analysis, but wanted to say at this point we certainly support the concept of it being permit owner.

Pete Hassemer [00:30:41] Thank you. Further discussion? Lynn Mattes.

Lynn Mattes [00:30:48] I just wanted to echo the thanks to Miss Hall, as well as to both the GAP and the GMT for how they laid out their reports and the discussions they had and the information they provided us. I believe it was very helpful in our process. So, it was just to say thanks to those folks.

Pete Hassemer [00:31:06] Thank you. Caroline McKnight.

Caroline McKnight [00:31:09] Thank you Mr. Vice-Chair. Thank you, Heather, for the motion. I will

be supporting it. I also want to just comment that this really hearkens from the feasibility workshop that was held earlier this year where it was very stakeholder driven and amazing input that I feel like it culminated to this right here. And what I see on the screen is a tremendous amount of consensus with maybe just a few exceptions that encompass a broader range of an ROA. And then just a last comment here is that I do see that this is just the beginning or the tip of an iceberg. There is obviously a lot of work going through state fisheries to develop a whole multitude of risk entanglement, you know, principles and practices, and I think that this work is just starting for this Council and it will continue to go. But for right now in this moment in time, what I see on the screen is a great step, a leap forward, not a step. So, thank you.

Pete Hassemer [00:32:10] Thank you. Scanning the room for additional discussion and not seeing any I will call the question on this motion. It's on the screen before us here. All those in favor signify by saying "Aye".

Council [00:32:29] Aye.

Pete Hassemer [00:32:29] Opposed, no? Abstentions? The motion passes unanimously. Thank you. And with that I have a suspicion that completes at least our general action, but I will look to Jessi to see if there's something else we should do here. We have a few minutes to use up.

Jessi Doerpinghaus [00:32:59] Mr. Vice-Chair.

Pete Hassemer [00:33:00] Excuse me Jessi. I have a hand over here. Corey Ridings.

Corey Ridings [00:33:05] Thank you Mr. Vice-Chair. I'll take the bait on a little extra time to use up. I just... thanks for the motion Heather. And I just wanted to add a few comments and thinking about, like the time area closures that we discussed. We talked about gathering more data on co-occurrence, if and how block area closures could work, noting that this fishery is different than D crab and fish is over a much larger amount of physical space, and that doing that data gathering could be very helpful. So, I hope that it's something we continue to explore and can do some of that thinking and bring some of that data analysis in so that it can be a tool that we can use in the future. I may be speaking a little bit out of turn, but I'm vaguely familiar with the concept of EcoCast, which is something that was developed at the Southwest Fishery Science Center for HMS fisheries. And I think about those sorts of science and data tools that might be useful in the future for something like this. Thinking about pop-up gear. I wanted to appreciate what Ben Enticknap brought to the Council and talked about that. Pop-up gears a real trigger topic. And so, one way to make someone mad at you real quick say "pop-up gear", but I think it does hold real potential in the future. And I wanted to echo what Miss Hall said earlier about in response to her question and that line of discussion that you don't need an EFP right now to add it to your gear and test it. Pogy said something earlier, I think it's really true that nobody is looking to lose gear. Nobody's trying to do this in any fishery. So, if there are innovations out there like pop-up gear or something different than pop-up gear that helps us avoid entanglements but also just helps us fish better overall, I hope that we can help contribute to that development, encourage that to move forward. And then finally, I just wanted to echo what Caroline said, the states are doing a lot of work on this in the D crab space and thinking creatively and trying to find solutions and as much as we can take advantage of that moving forward, I hope that we do that.

Pete Hassemer [00:35:28] Thank you very much. And it is not my intent to close off discussion on this, so in the context of our Council action I'll look around. Bob Dooley.

Bob Dooley [00:35:39] Yeah, thank you Mr. Vice-Chair. Just a question, an open question to whoever wants to answer it. Maybe Heather. We let the... the GAP had talked about Item Number 3, including

the removal of the base permit designation, which I assume relates to the use of slinky pots? Is that I think, no? Am I missing something? Okay, so that I get that, but we didn't include that so I'm curious.

Pete Hassemer [00:36:13] Well I'm going to... Jessi is trying to respond. You threw it out as an open question, so you want to take a shot Jessi?

Jessi Doerpinghaus [00:36:24] So the GAP was... excuse me, Mr. Vice-Chair. Mr. Dooley, so you said the GAP was supportive of removing the base permit designation, which is part of the range of alternatives, and that was identified in the tier review as an unnecessary administrative burden. It just is a length designation that NMFS keeps so it has nothing to do with slinky pots or gear endorsements. We already have duplicative regs that require that a vessel has a permit registered to a sufficient length.

Pete Hassemer [00:36:54] Does that clarify that? All right. Thanks. Further discussion on this agenda item? I'm not seeing any so, Jessi, how did we do?

Jessi Doerpinghaus [00:37:12] Mr. Vice-Chair, y'all did excellent. You adopted a purpose and need and a range of alternatives for both fixed gear marking and entanglement risk reduction, and they LE fixed gear follow-on actions. We have a lot of good suggestions for things to consider, to consider in the analysis and what a best practices guide might be and how to incorporate that into the analysis. And so, the next time you'll see these items they'll be in separate packages as you directed in June. And we're scheduled, I think, to be back with a PPA for gear marking in March 2023. And because I forgot at the beginning of my presentation, I just wanted to say thank you to Maggie Sommer and Gretchen Hanshew for their help in developing Attachment 2 and really with the purpose of need developments and figuring out the line marking nuances. So... but you've completed your action for today.

Pete Hassemer [00:38:01] All right, thank you very much. With that, I will close out this agenda item and return the gavel to our Chair.

5. Cordell Bank Conservation Area Revisions - Scoping

Pete Hassemer [00:00:00] That completes our reports, public testimony. Just to update you, your watches and your stomachs might tell you it's lunchtime, but we had a break a very short time ago. For our next agenda item some of the folks coming, their plane is delayed, so it's our desire to just continue with this and then it will be to the Chair's discretion how long a lunch hour to give you. So, with your indulgence we'll just keep moving forward on this agenda item. And with that, I will open the floor to discussion. Caroline McKnight.

Caroline McKnight [00:00:44] Thank you Mr. Vice-Chair. Noting time here I won't be too repetitive, but just to reiterate just a couple of points. Yes, this is not a new proposal. We brought this forward in March. You might be asking yourself why are we removing one type of conservation area just to replace it with another? How does that solve the problem? And I think that the use of our newer tool, these groundfish exclusion areas is something that very much fit the definition of overlapping the EFHCA so that we could effectively maintain the protection levels and clarify the regulations and streamline them in a way that is the most effective for both of our recreational and non-trawl commercial fisheries to follow. So, we largely see this as a cleanup and a revision to improve things as we've now moved our RC boundary. And with that, I'll pause and see if there's more discussion.

Pete Hassemer [00:01:48] Thank you. I will look around for any hands. Lynn Mattes.

Lynn Mattes [00:01:56] Thank you Vice-Chair. I just wanted to express some appreciation for CDFW, and it was fun to hear Andre on the line for a few minutes there, but express the appreciation for trying to clean up regulations while still providing the conservation measures we're looking for. Hopefully that helps both the biota there and it makes things simpler for fish or fish people and enforcement. So, appreciate you all looking at that.

Pete Hassemer [00:02:24] Thank you Lynn. Further discussion? Bob Dooley.

Bob Dooley [00:02:36] Thank you Mr. Vice-Chair. I noted that the GMT asked a couple of questions at the end to be for clarification, and I don't know if they... I assume Caroline might be able to address those but it seemed appropriate to address them.

Pete Hassemer [00:02:53] Caroline, would you like to respond?

Caroline McKnight [00:02:55] Thank you Mr. Vice-Chair. Mr. Dooley. I think that the questions will inevitably be answered through the analysis. To speak to the first question, the answer would be we would be looking to use the GEA in the same manner that we've used them and applied them in Southern California Bight inside the Cow Cod Conservation Area, which would prohibit all recreational, commercial fishing. To the second, I do believe that I'm going to leave that to EC comment to speak specifically to transit, but that would be addressed in the analysis. Thank you.

Pete Hassemer [00:03:29] Thank you. Further discussion? Not seeing any hands. Caroline McKnight.

Caroline McKnight [00:03:39] If there's no further, I am prepared with a motion.

Pete Hassemer [00:03:44] Please go ahead.

Caroline McKnight [00:03:47] Thank you Sandra. I move the Council adopt the recommended revisions for further development as described in Agenda Item G.5.a, CDF and W Report 1, September '23.

Pete Hassemer [00:04:02] Thank you. That language on the screen looks accurate and complete. Do you agree?

Caroline McKnight [00:04:06] Yes, it does.

Pete Hassemer [00:04:07] Great. Is there a second? Seconded by Bob Dooley. Thank you Bob. Please speak to your motion as needed.

Caroline McKnight [00:04:15] Thank you Mr. Vice-Chair. Yes, just to reiterate again, with the implementation of Amendment 32 and the changes in the RCA structure, it became very apparent that the Groundfish Conservation Area was going to be exposed and needed a very hard look and refresh, given its age and how it was no longer applicable, and also we hadn't really been, you know, in that area. So, this is largely cleanup from our perspective and some of the extra benefits here are that we now have that GEA tool to use in lieu of it to maintain protections where needed for sensitive habitats while also streamlining regulations. So, it was good timing on all sides. Thank you.

Pete Hassemer [00:05:07] Thank you. Are there any questions to the maker of the motion for clarification? I don't see any questions. I will open the floor to discussion on the motion? Any hands for discussion? I am not seeing any so I will not belabor this. I will call the question. All those in favor of the motion signify by saying "Aye".

Council [00:05:34] Aye.

Pete Hassemer [00:05:34] Opposed, no? Abstentions? The motion passes unanimously. Thank you Caroline. I believe that was our only action so I will look to Jessi to tell us if we need to do more here? And I will also look around the table if there are further hands if anybody has anything to add. Go ahead Jessi.

Jessi Doerpinghaus [00:06:03] Thank you Mr. Vice-Chair. Yes, you did quick work of this Council action and you have adopted the CDFW proposal for our next step in this process. When we will take that up, when we discuss that I'm guessing during workload planning, but if there are any questions on that I'd look to Director Burden.

Pete Hassemer [00:06:28] All right, thank you. And I believe that completes our work here. So, we'll close out this agenda item and I will pass the gavel back to our Chair.

Brad Pettinger [00:06:39] Okay, thank you Vice-Chair Hassemer. Great work getting that quickly through that.

6. Initial Harvest Specifications and Management Measures Actions for 2025-2026

Brad Pettinger [00:00:00] And that brings us to a Council action. So, I'm not sure if people want to consider going on for awhile or someone wants a break, but we could... this might take a while, potentially so maybe we'll just open the floor here and then... Ryan.

Ryan Wulff [00:00:19] Yeah, thanks. I didn't mean to cut you off. If you are opening the floor, I just wanted to say a few things before the discussion started.

Brad Pettinger [00:00:26] We'll go to people want to have a break and I indicated they want to take some time off. Okay, so please.

Ryan Wulff [00:00:34] Okay. Thank you Chair. I wanted to start by appreciating the work done by the Council, the advisory bodies, the management team, industry, and the public to bring forward these items for possible inclusions in the '25-'26 specifications. As we were starting the process here, I'll give some kind of overarching remarks as usual as we go through the spex process and then get a little bit more specific on some of the things that we'll be discussing here. But as always, we need to prioritize amongst items that are most important to be implemented on January 1st. That's why we have a dedicated groundfish agenda item to discuss priorities that are probably more things on all of the list here that we're discussing that can be, get done by January 1st, so, you know, we just note as we continue forward through the specification process, the Council addressing prioritization of measures in particular when we're talking about all of the things that are kind of labeled here as new management measures, hearing some priorities will be helpful as we go through the process here and, and as we go through the process if we start to see that analysis or development of any management measures are incomplete, NMFS will have to come back to the Council with potential alternative pathways separate from spex to consider and implement those potentially other pathways, et cetera. So just kind of setting the stage as we embark on the spex process that we may have to come back as we put some of these forward once we see some of the analysis and comment back to the Council at a future date on those points. And it's possible even if we do get completion through the Council process, if we do have a number of these new measures that are a little bit ancillary to some of the main specifications and actions, NMFS will use its discretion to determine when to complete rulemaking. For example, in my other example we may have more than one package that is a rulemaking package that is needed in order to make sure that the first and the top priority in rulemaking will be the items that truly need to be in place by January 1, 2025. So those are just my general overarching remarks that you've heard from NMFS multiple times throughout the spex process. Getting into some of the specifics here, I did want to follow back up to the question from Miss Mattes regarding the federal water clarification. For all management measures, the Council and NMFS can develop measures like bag limits, which is the example that was referred to in the GMT report, the Council can develop measures that are silent to depth area or to distance from shore through the Council process. But as a reminder, when the Council and NMFS take action, that measure is only applicable to federal waters. If and when the state takes separate action, then that creates the state water requirement. And at the end of the day there can be consistent management measures like bag limits across state and federal waters, but just being clear on which of those processes creates what. And then finally I wanted to note, since NMFS is the one that requested the GMT put it in, I just wanted to speak to this a little bit regarding Item 6 in table 4 of the GMT report, which is the open access permit registration in this supplemental GMT Report 1 as a possible new management measure. Specifically what we are proposing for consideration is smaller in scope than the item the Council heard us propose under the new management measure list and wanted to just highlight this as this I believe also is of a preview for some of the discussions we'll have this afternoon under G.8, inseason, that there continues to be a push to allow an effort shift to the 12E

midwater hook-and-line gear types and an early but still somewhat uncertain understanding that these gear types may have less quillback interactions. So, in order to verify that and to continue to allow effort in that emerging portion of the fishery, we'd like the ability to specifically consider targeted monitoring of that component of the directed open access fishery under our observer program. So, as we mentioned under when we discussed this previously in our original proposal to add an open access, registration, or permit, we would need more advanced notice of potential participation in order to target observer coverage. And we think this action would also benefit better inseason tracking of activity in this emerging opportunity. So, what we had proposed the GMT and is on the table for discussion is just the opportunity to scope this issue, in particular for 12E gears and wanted to highlight that NMFS would commit to bringing back more information for the Council to consider at the November meeting. And if the Council decides there is a path forward on this for the upcoming biennium, NMFS would be happy to carry that workload in developing the analysis and support for a Council consideration. Thank you.

Brad Pettinger [00:05:58] Thank you Ryan. All right. Anyone else? Lynn Mattes.

Lynn Mattes [00:06:07] This is going to feel like I'm picking on NMFS or Ryan and I hope it doesn't come across that way. On this federal jurisdiction piece, I know we were going to be discussing this as part of the Stock Definitions Phase 2. Previously when we have been analyzing the specifications, going back to my 15 years on the GMT and going through our own state processes, the previous interpretation was if a species is in the federal FMP, it is covered under federal regulations regardless of if it's in state or federal waters. This new interpretation that the federal regs only apply to federal waters has me concerned about how the GMT will be doing their analysis when ODFW staff is doing projected impacts for bag limit impacts to canary rockfish, yelloweye rockfish. Should they only be concerning impacts in federal waters or as we have been doing all waters? Similarly, some of the open access fisheries occur inside of 3 miles. Should the GMT be including those impacts in their impact analysis or only the activity that is occurring in federal waters? I'm not trying to be confrontational here. I'm just trying to understand where the line, where the line is and what counts as part of the federal action and what doesn't, because this seems to be a new interpretation which I thought we were going to be getting to in 6 months or so. Thank you.

Brad Pettinger [00:07:39] Ryan.

Ryan Wulff [00:07:41] Yeah, thank you for the question, Miss Mattes. Through the Chair, so I mean as far as the analysis, we can consider impacts across waters, right? I don't think that's any different, but the Magnuson Act is pretty clear about jurisdiction. And while species in the FMP have ranges across federal and state waters, the actual regs in the FMP only apply to federal waters. So we're just clarifying here that if you want to consider certain measures, and I think the GAP has one, their last one, Number 6, which looks at 20 fathoms or measures that could potentially be in state waters, that in order to put that in regulation, you're going to need a state measure to implement that because the federal regulations will only be for federal waters. So, I hope that's helpful.

Lynn Mattes [00:08:34] Then just a brief follow-up. And again, I'm not trying to be confrontational. It was specifically called out in the recreational section, but would this apply to the commercial fisheries as well?

Ryan Wulff [00:08:46] Through the Chair, thanks. Yes, it applies to both.

Brad Pettinger [00:08:52] Thank you Lynn, Ryan. Caroline.

Caroline McKnight [00:08:57] Thank you Mr. Chair. Thank you Mr. Wulff for the explanation

regarding that Number 6 item on Table 4 in the GMT report. That certainly helps alleviate some of the concerns I had about workload in general, but it did prompt a few others. One is just a comment to appreciate the connectivity that that has with our upcoming G.8 inseason and some anticipated changes that we might see in fleet operations and gear configurations. So, my question is specifically, would that registration requirement be needed for a vessel that only operated in state waters and never transited through or conducted fishing activity in federal waters?

Ryan Wulff [00:09:46] Through the Chair, thank you for the question. No, it would not apply to. Sorry, could I follow-up just a little bit? And we planned, part of why I wanted to get in front of discussion, letting you know that NMFS understands by putting this forward, we would be responsible for bringing much more information to the Council on issues just like that at the November meeting.

Brad Pettinger [00:10:13] Thank you Ryan. Caroline.

Caroline McKnight [00:10:13] Thank you. Just in response to that. Thank you Mr. Wulff. I think that the initial thought is that there's a very high probability of vessels using 12E gear could be entirely in state water. So, I think as long as there's some recognition for that, I think that that's fair. Thank you.

Brad Pettinger [00:10:29] Okay. Thanks Caroline. Anyone else? Lynn Mattes.

Lynn Mattes [00:10:36] Hopefully this comes across as a little more positive to NMFS anyway. I know the list of proposed management measures at this point when we're looking at what's in the GMT report, what's in the GAP report, ODFW and CDFW reports, it may seem too much right now, and I think we're all aware of that and the considerations. I anticipate between now and September going home and talking with staff and with the public about which ones are the highest priority, which ones are the lower priority, which ones do we need now, which ones can be can wait? I know the GMT often brings in a sort of a mini-scoping or some additional information for us to help us make those decisions in November. So, while the list may look daunting right now, I think we'll be working between now and November and at the November Council meeting to further refine that so that we have a package that's manageable for our Council staff, the GMT and the NMFS workload to help meet that January 1st deadline. So, I just did want to acknowledge that, especially since I know in the ODFW report I added a couple of new things to the list that I said I probably wasn't going to do.

Brad Pettinger [00:11:47] Thanks Lynn. Anyone else? Caroline.

Caroline McKnight [00:11:51] Thank you Mr. Chair. I have I think a question, a process question that I think might be most appropriate for Council staff, but you can help guide me here. I'm looking at the GMT report on Page 3 that specifically discussed the rebuilding analysis for quillback rockfish that's anticipated to be coming up at a meeting at the end of September and then back in front of this Council at the November meeting. I know that due to the timing of these meetings, the catch projections for that rebuilding analysis was required in early August and so I'm trying to connect what we know now at this meeting upcoming in G.8 that maybe there's going to be some anticipated changes to inseason and that would affect what we provided as catch projections for '23 or '24. And so, while it's not in front of us here, I don't want to miss an opportunity or make sure that there's just a discussion or acknowledgment that there is an opportunity to revise those catch projections either now if we need to, or if that's more appropriately done at the upcoming subcommittee meeting. And then subsequent to that, it would be in front of the Council in November because November seems too late.

Brad Pettinger [00:13:15] Chantel is online if you'd rather have her answer that. So, Chantel are you there?

Chantel Wetzel [00:13:24] Thank you Chair Pettinger. I am.

Brad Pettinger [00:13:27] All right.

Chantel Wetzel [00:13:29] So my understanding is that, so the Science Center has removal assumptions provided by the GMT, has done the analysis and that analysis is slated to go to the SSC for review at the Groundfish Subcommittee at the mop-up meeting at the end of this month. Any revisions to the catch assumptions for 2023 and 2024 could be done, but I do believe that would trigger another SSC review since all of the pieces they will be reviewing are dependent upon those assumptions, the time to rebuild, the probabilities, all of those pieces that we need out of the rebuilding plans are completely dependent upon those removal assumptions. And so, I think if there were requests to revise those removal assumptions, we will want to make sure that that is acceptable to the Groundfish Subcommittee and that they could do a new review of any new analysis, noting that depending upon the timeline of that, you know, that could create challenges in this upcoming harvest specification process, depending on when that occurs.

Brad Pettinger [00:14:53] Okay, thank you Chantel. Caroline, do you have any further questions on that?

Caroline McKnight [00:15:00] Thank you, Chantel, for the answer. I think my comments are probably more for Council discussion rather than additional clarification for Chantel. Thank you.

Brad Pettinger [00:15:10] Thank you Chantel. Okay, anyone else? Or we could take a break here right now. That would be timely. I'm not seeing any hands so sound good? Okay. Let's do a... we're still running a little behind. So, let's do a 10-minute break if possible and we'll come back at around 11:32, 33 or something like that. So, all right.....(BREAK)..... Let's come back into session here on G.6, which has been... no public comment but good Council discussion and open the floor back up for more if needed so. Or a motion? Lynn Mattes.

Lynn Mattes [00:16:06] Thank you Chair Pettinger. I just emailed so hopefully it's in the ethernet, a motion to get us started on this agenda item. I apologize to Sandra for not getting it to her quicker, but we were frantically finalizing a couple of minor things.

Brad Pettinger [00:16:21] Okay. Thank you Lynn. We'll just pause here until that comes up. I think it's a pretty slow ether this morning so. Carolyn.

Caroline McKnight [00:16:56] Thank you Mr. Chair. While we're waiting, I guess I would like to follow up a little bit of discussion where we left off on that question to Dr. Wetzel about quillback rebuilding analysis. I guess just as a matter of comment here, it's difficult to kind of reconcile that we have had a stock definition process that didn't line up entirely perfectly with our normal stock assessment process and has put us in this position with quillback where I'm hearing that we've provided catch projections for '23-'24 and then taken inseason action that would substantially change those catch projections and that we don't have a process in place necessarily to address that appropriately. I can't emphasize enough the impacts that quillback rockfish and the specifications are going to have on the state of California, especially north of Point Conception all the way to the Oregon border. I'm not sure if there's a solution here that we can solve today, but noting if it's a matter of assembling a few more SSC folks at that mop-up meeting or scheduling something else to address it would certainly be helpful given the situational circumstances that I think were beyond everyone's control. But I think it's a matter of kind of looking at how we can align those processes better to address it rather than waiting 2 years to address assumed removals in the future. So that's furthering discussion. I'd be, would be welcome to entertain it further while we're waiting. Thank you.

Brad Pettinger [00:18:33] Okay. Well sure.

Todd Phillips [00:18:43] Thank you Mr. Chair and Miss McKnight. So I'm sort of unclear on the timing issue, but it's my understanding that it would take, if the Council were to request additional runs, it would take 6 to 8 weeks to get done, which could potentially put us out of alignment with November, which would then, then if we didn't have those numbers in November we wouldn't have them until essentially when the Council met next, which would be in March and that would put spex way off. Additionally, I think that in regards to the GMT is that the GMT went with a known number which was based on the GEM product and they were highly uncertain about what the reductions California is going to take and what the results in reduction mortality would be. So, they were leery about using uncertain numbers. That's sort of some context there for that, which I'm sure you're aware of. So as far as process, our ace reporter back here is looking into it, but that's what I, I guess can confuse people with. Thank you.

Brad Pettinger [00:19:53] Thanks Todd. Caroline. Ryan.

Caroline McKnight [00:19:59] Thank you through the Chair. Thank you, Mr. Phillips, for that response. I guess my understanding of a mop-up is that if runs need to be redone or, you know, you're addressing issues with an assessment, that's why it goes to this mop-up. And so, the rebuilding analysis for quillback fit sort of that bill in terms of timing and also needed to be updated. So, my expectation would have been that it would have gone through a full review, just like any other assessment that had gone to mop-up. And I'm not entirely sure that's what I'm hearing or what I expected from Dr. Wetzel's response. And it's really in recognition that due to that mismatch in timing, we now know that that 24 number, while uncertain, is definitely expected to change from what we knew in August. I think that's the recognition we're looking for. Thank you though.

Brad Pettinger [00:20:46] Thanks Caroline. Okay. We're going old school here so... the floor is still open, by the way, for discussion. Heather Hall.

Heather Hall [00:21:16] Thank you Chair Pettinger. I was going.....I'm not sure if the motion, the third motion that I sent to Sandra is available, but I'd be happy to start with that motion if it buys some time.

Brad Pettinger [00:21:31] I think we have so many minutes of the day so.

Heather Hall [00:21:34] Sure.

Brad Pettinger [00:21:36] Please.

Heather Hall [00:21:38] But I'm not positive that Sandra has it yet and she's probably working on... well, I can do that, but maybe in the meantime I did want to speak to the management measures and the state reports and just acknowledge there was not a state report on new management measures for WDFW. We'll be looking to leave this meeting, again, work with our stakeholders, look at the information that we have here and where we are with harvest specifications, but we anticipate being able to accommodate seasons in '25-'26 based on what we know now about species like black rockfish, canary rockfish through routine measures so.

Brad Pettinger [00:22:30] Very good. Okay, one more minute we'll have, we'll have something up it sounds like so. All right.

Lynn Mattes [00:23:33] Thank you. Apologies for the delay. It seemed to be an issue with my VPN preventing the email to go through. So, if we're ready?

Brad Pettinger [00:23:43] We are.

Lynn Mattes [00:23:43] Okay. This is a ODFW Motion 1. I move the Council conditionally adopt the '25-'26 overfishing limits, stock categories, and P Star values presented in Agenda Item G.6, Supplemental Revised Attachment 1, and Supplemental Revised Attachment 2, Tables 1 for 2025 and Table 2 for 2026 in Agenda Item G.6.a, Supplemental SSC report, including the updates listed in the SSC report. While correcting the dover sole, default....default Harvest Control Rule ACLs in Table 1 and Table 2 in Attachment 1 to be at constant catch of 50,000 metric tons. Default Harvest Control Rules for copper rockfish off California, black rockfish off Washington, Oregon, and California, and petrale sole as recommended in Table 1 in Agenda 1, or Agenda Item G.6.a, Supplemental GMT Report reproduced below. This applies ABCs, a P Star of .45 for all 5 of those species. In addition, for the stocks indicated below, request projections associated with the alternative Harvest Control Rules presented in Table 2 in Agenda Item C.6.a, Supplemental GMT Report 1, September 2023 reproduced below with the exception of Alternative 2 for sablefish prior to the November Council meeting to inform the adoption of a range of alternative Harvest Control Rules at that time. For rex sole, the default is P star .40. Alternative 1 is P Star of .45. Shortspine thornyhead, P Star .40. And Alternative 1, P Star .45. Canary rockfish, default P Star .45. Alternative 1, P Star .40. And sablefish, default P Star .45. Alternative 1, P star .40. And request the Science Center staff provide catch-only projections for yellowtail rockfish north of 40-10 and chilipepper rockfish, as requested by the SSC. A catch-only projection for dover sole, if possible, in time for the October GMT work session as requested by the GAP. And an update of the catch assumptions for black rockfish off Oregon using the updated mortality estimates for 2023 and 2024 as outlined in the ODFW report. The Council will confirm or update these values after receiving results of the SSC's review of all values in November 2023.

Brad Pettinger [00:26:31] Thank you Lynn. Is the language on the screen accurate?

Pete Hassemer [00:26:33] Point of order, Mr. Chair?

Brad Pettinger [00:26:35] Yes.

Pete Hassemer [00:26:36] I believe there's an error right there. Did you intend that to be G.6 a?

Lynn Mattes [00:26:48] Yes, that was a copy paste error. That should be G.6.... Agenda Item G.6.a, Supplemental GMT Report 1. Thank you.

Pete Hassemer [00:26:55] Thank you.

Brad Pettinger [00:26:56] Thank you Pete. Okay I guess now is the language accurate?

Lynn Mattes [00:27:04] To the best of my reading, yes, it is.

Brad Pettinger [00:27:06] All right. Looking for a second? Seconded by Bob Dooley. Thank you Bob. Please speak to your motion as appropriate.

Lynn Mattes [00:27:19] Thank you Chair. We heard good information from the SSC, the GMT, and the GAP about what we should be adopting for the default Harvest Control Rules, as well as any alternative Harvest Control Rules. I think they've documented it pretty well, the reasoning why. The SSC Report helps fill in some of the yellow highlighted rows from Attachment 1 and then the additional requests for the Science Centers. Hopefully they are simple enough with catch-only projections for the yellowtail and chilipepper, the dover sole and the black rockfish to try to get some slightly better updated information. We did, in this motion I am removing Alternative 2 for the alternative Harvest

Control Rules for sablefish that the GMT recommended. The idea there may still have merit, it just at this time it's not fleshed out enough for to be comfortable with the full understanding of how it would relate to the tribal fisheries and subsequent fisheries. If somebody brings back some additional information in November, we may reconsider it then. Other than that, I think the reports we've heard addresses most everything there. Thank you.

Brad Pettinger [00:28:43] Thank you Lynn. Questions for the motion maker? Discussion on the motion? Okay I'm not seeing any. That said I'll call for the question. So... oh, Ryan.

Ryan Wulff [00:29:01] Sorry, I just wasn't quick enough. Just a quick clarification question because I was trying to jot down what you said, but I think for the direction clarifying that chilipepper and yellowtail are catch-only projections and dover sole, black rockfish off of Oregon are new projections only? I just think I missed that specifics. I'm sorry.

Brad Pettinger [00:29:32] Lynn.

Lynn Mattes [00:29:32] Through the chair, Mr. Wulff, yes, the SSC report specifically said catch-only projections for dover sole. It may not be exactly a catch-only projection, I may have the terminology slightly incorrect there. The GAP was recommending that the run be updated because it has been assuming full ACL attainment for, I believe '23 and '24, and if the overall catch was much, much lower than that, it could impact the '25-'26 OFL to be above that 50,000 metric tons are right about that point. And then similarly with the black rockfish off of Oregon, it's just updating with the last two years of catches to see what that will provide. So I apologize if there's a terminology issue.

Brad Pettinger [00:30:26] Okay. Thank you Ryan. Heather.

Heather Hall [00:00:00] Thank you. And also, I'm sorry I didn't get my hand up quite soon enough and Miss Mattes did speak to this, but I just wanted to also appreciate the GMT's thinking about the alternative under sablefish of the sub-ACL. I think we have what we need with the P Star approach and can think about that as, you know, as we go forward and perhaps come back with something different in November, but also just wanted to thank them for thinking creatively about that. I know the SSC has somewhat provided some caution about how we move forward with sablefish, so I just wanted to add that. Thank you.

Brad Pettinger [00:00:47] Thank you Heather. Okay, anyone else? I'm looking? I see no hand. Ryan.

Ryan Wulff [00:00:54] Yeah, just I still think there's kind of maybe two different things here because I think what I heard you describe on dover sole was more of a catch-only projection, whereas I think the plan was not to update the removals for dover sole only to provide a new projection. So, I just wanted to specify on dover sole.

Brad Pettinger [00:01:16] Lynn.

Lynn Mattes [00:01:16] Through the Chair, Mr. Wulff. I was trying to capture what the GAP's recommendation was, which I believe was updating the take, maybe not doing a full catch-only projection, but updating the take to more accurately reflect current or recent catches, which are much below the 50,000 metric ton ACL. And then similarly with the Oregon update on the catch assumptions.

Brad Pettinger [00:01:52] Todd.

Todd Phillips [00:01:52] Yes, thank you Mr. Chair. Miss Mattes, I do have one thing that I'd like to

clarify with you just so I make sure I'm on the same page. Sandra, if you could scroll to the top there. So, you have, yes, correcting the dover sole default Harvest Control Rule line there, it's my understanding and the intent of your motion is that the default is set as a constant catch but the dover sole projections would be used to inform the alternatives for analysis?

Lynn Mattes [00:02:22] Through the Chair, Mr. Phillips. Yes, that's correct. The current... applying the default of 50,000 metric tons would be above the current, or the OFL for '25-'26. The GAP recommends looking at an ABC equals ACL P Star of .45. The intent is to update the dover sole catches to better inform that P Star calculation.

Todd Phillips [00:02:52] Thank you very much Miss Mattes.

Brad Pettinger [00:02:55] Okay. Thank you Todd. All right. No one else? Okay now I'm going to call for the question. All those in favor signify by saying "Aye".

Council [00:03:07] Aye.

Brad Pettinger [00:03:07] Opposed, no? Abstentions? Okay, the motion passes unanimously. Thank you. Thank you, Lynn, for that motion. And now I'll look to Caroline.

Caroline McKnight [00:03:27] Thank you Mr. Chair. I believe I'm prepared with another motion here from Sandra. Thank you. I move that the Council adopt for public review the preliminary range of management measures outlined in agenda Item G.6.a, Supplemental GMT Report 1. Routine measures are shown in Table 3. Remove Items 1 and 2 from new measures as shown in Table 4. Clarify Item 5 on new measures as shown in Table 4 is to apply discard mortality rates for commercial open access fisheries as appropriate. Agenda Item G.6.a, Supplemental GAP Report 1. Agenda Item G.6.a, Supplemental CDF and W Report 1. Agenda Item G.6.a, Supplemental ODF and W Report 1.

Brad Pettinger [00:04:25] Thank you Caroline. Is the language on the screen accurate?

Caroline McKnight [00:04:28] Yes, it is.

Brad Pettinger [00:04:29] Okay. I'm looking for a second? Seconded by Marc Gorelnik. Thank you Marc. Please speak to your motion as needed.

Caroline McKnight [00:04:36] Thank you Mr. Chair. I'll just take these in order here. I'm starting with the GMT report. Everything outlined in Table 3 is all routine measures and as noted by the GMT, preliminary and relatively incomplete but we should see a more focused and complete table in November. Moving on to Table 4 and removing moving Items 1 and 2. Item 1 is to prohibit directed fishing on shortbelly rockfish. This item is currently sitting on the Council's workload and prioritization list and it is not currently prioritized, so I don't find the scope of work and the workload associated with it to be entirely appropriate to be considered under the specifications process. Similarly, Item Number 2, which is the natural bait allowed with long leader gear in the recreational fishery, is also sitting on the workload prioritization list, but as noted by the ODF and W report, there's some associated concerns with additional canary that make it more appropriate to remove it at this time. Next bullet is to just talk a little bit about clarifying Item 5, which reads currently in the GMT report as "Update discard mortality rates as appropriate". I think the intent here to clarify it is to apply the discard mortality rates rather than using the word "Update". That would more appropriately reflect the scope of work described by the GMT in the report and on the floor. Moving down to the GAP report. The items here were entirely mostly routine, although they did have a few new management measures to propose that fit largely into the scope of achieving or staying within specifications relative to regulatory changes for groundfish and

other associated species that can help allow for attainment and staying within other species. Moving down to the CDF and W report, I do want to take just a minute to come back to the specific items listed in here. The most important I think being that the, and again, I'm going to come back to our quillback rockfish current status and reiterate again the profound impacts that we are expecting quillback specifications to have in '25-'26 for California north of Point Conception. We're expecting that the rebuilding analysis that we're going to see in November will yield an OFL that is less than what we are currently operating under because it's going to be combined into one. So, regarding the management measures that are put forward by the CDF and W report, they're going to be extremely limiting, nearing to zero fishing opportunities in the nearshore. We're going to hear more about that as we approach G.8 and on our inseason agenda item later today. Moving on to the ODF and W report, similarly the items put forward here are meant to attain specifications as appropriate and I think I'll leave, I'll leave it with that. Thank you.

Brad Pettinger [00:08:14] Okay, thank you Caroline. Okay, questions for the motion maker? Discussions or discussion on the motion? Lynn Mattes.

Lynn Mattes [00:08:28] Thank you Chair. Appreciate Miss McKnight including the ODFW report. We agreed with the GMT in removing Item 2 off their Table 4 is, we're also recommending removing. That just leaves looking at a sablefish, possible sablefish trip limit or bag limit increase. So, I appreciate you including that and that you didn't feel comfortable speaking to it. Otherwise, I support this, and I think it's trying to get where we need to go with removing a few items that are outside of the scope of the spex process, but yet still looking at items that will hopefully help us achieve our management goals. And so, thank you.

Brad Pettinger [00:09:08] Thank you Lynn. Anyone else? Okay, I'm not seeing any hands so that being the case I'll call for the question. All those in favor signify by saying "Aye".

Council [00:09:21] Aye.

Brad Pettinger [00:09:21] Opposed, no? Abstentions? The motion passes unanimously. Thank you Caroline. And with that how are we doing Todd?

Todd Phillips [00:09:38] Yes, thank you Mr. Chair. Well, you have heard all the presentations and discussions from the varying advisory bodies. You have had a good vigorous discussion and you have adopted 2 motions, which I think covers the, covers the gambit of your actions here. You did adopt default Harvest Control Rules specified in the motion for Attachments 1 and 2, and you do have some default harvest, or excuse me, alternative Harvest Control Rules for us to look at and definitely have identified a preliminary range of altern... or new management measures for us. So, I would say you have achieved your actions here.

Brad Pettinger [00:10:13] Well, thank you and Caroline do you have.....

Brad Pettinger [00:10:17] Yeah, sorry. Thank you Mr. Chair. Just in closing, a couple of comments that have come up now that we're, we've completed some business. Mr. Wulff, I wanted to come back to the open access registration for the 12E gear and the question that I asked earlier relative to its requirement in state waters. In hearing some of the back and forth regarding federal, how federal rules apply in federal waters versus state, I didn't want to make it clear that I'm not sure that California would have the resources to create additional state rule for that to apply in state waters to the 12E, so I did want to make that general comment aware before we proceed too much further. And then secondly, I just wanted to acknowledge that there's quite a list here relative to harvest specifications for various updates, noting the SSC report that there's still a lot of numbers missing here and there for various

reasons and noting that some of those are, you know, very important relative to the GMT being able to understand the impacts. Specifically, I mentioned or asked the question of vermillion and not having that number until November certainly hurts us to not have an early indication of where our specification for '25-'26 might take us. So, it's just more of a recognition of the workload and where we're at with the entire process. And then lastly, I just wanted to come back to make sure I'm not missing something. My final question for Mr. Phillips. Again, sorry to come back to this quillback rebuilding analysis, but I just wanted to verify definitively that there's nothing additional that would need to be done today relative to addressing a revised catch assumption. Thank you.

Brad Pettinger [00:12:11] Thank you Caroline. Okay. No one else? Well done. Todd.

Todd Phillips [00:12:16] I can. Thank you Mr. Chair. I believe that Miss McKnight had a question for me there.

Brad Pettinger [00:12:22] Sorry.

Todd Phillips [00:12:22] So I think it is within the Council's purview to make those requests if you wish to have a revised run to do so. You would need to specify that for the Center and then obviously we would have to get, the Center would have to respond if they can do that. So, my understanding that yelloweye back before I started, there was a similar situation where they looked at a high and a low or 2 different numbers. So, it seems like that could apply here. Does that answer your question.

Brad Pettinger [00:12:58] Thank you Mr. Phillips. I think in part, yes.

Todd Phillips [00:13:02] Okay.

Brad Pettinger [00:13:02] I think my specific question is does that require a motion right now to do so? And does the motion require a very specific or specified amount, or can it be vague and that the Council's directing another crack at it? Thank you. Thank you for the question.

Brad Pettinger [00:13:24] Deputy Director.....

Kelly Ames [00:13:30] Thank you Chair. Thank you Miss McKnight. I think given where we are in the specifications process, having specific guidance at this time on the removal assumption you would like to have modeled would be ideal.

Brad Pettinger [00:13:51] Caroline.

Brad Pettinger [00:13:52] Thank you Miss Ames. I appreciate that answer. I guess the challenging bit is that we haven't concluded business under G.8 to make a definitive, to provide a definitive number other than to provide general Council guidance that a number could be anticipated to be changed, and could that information be provided subsequent to the conclusion of inseason action? Thank you.

Brad Pettinger [00:14:24] Kelly.

Kelly Ames [00:14:30] Through the Chair, Miss McKnight. Chair Pettinger just recommended that maybe we go ahead and take the lunch break, have a quick discussion about this question, and then we could expeditiously wrap this up.

Caroline McKnight [00:14:44] Thank you. Totally fair. Thank you.

Brad Pettinger [00:14:47] Okay. Ryan.

Ryan Wulff [00:14:50] Yeah, I think I'd like to make some comments before while we take, before we take our break, because I think there's a lot here in this potential request. I mean, we're concerned about the process delays and any changes to the mortality estimates that feed into the rebuilding analysis would be, need to be developed by the GMT. The rebuilding analysis would need to be rerun by the center staff, re-reviewed by the SSC Groundfish Subcommittee and the SSC after the mop-up happening at the end of September. And I don't know if there's any time really for the GMT or our center staff to conduct this work with the previously agreed to lead time necessary, so we're unsure whether the subcommittee and the SSC would have sufficient time to schedule new meetings and do another review ahead of or as part of the November Council meeting, when the Council will need to adopt the rebuilding analysis. So, if the Council fails to adopt the rebuilding analysis at the November meeting, the over winter work of developing the rebuilding plan, including all the management measures necessary to constrain catch and the analysis of the needs of the fishing communities that accompanies the SBR analysis will be compromised. So, from our understanding, it's unlikely significant new information will be available in the next few weeks that would meaningfully amend our precision of understanding of the projected quillback mortality for '23 or '24. So, you know, and I note, as Miss McKnight said, we have yet to take the discussion under inseason and how that might relate to action in federal waters, but even after that point NMFS would need a few weeks to put forward those recommendations and any changes would be unlikely to take effect until sometime in October or the start of November. And finally, if the realized mortality in '23 and '24 are below the current GMT estimates of future catch-only projection as part of the '25 assessment cycle may be requested to account for them. So, these are just all things I wanted folks to be able to think about as we break before we come back to discuss this potential request. Thank you.

Brad Pettinger [00:16:55] Thank you Ryan. Okay, with that we're going to break for lunch and we'll be back in an hour. And so it'll be 1:10, so let's try to be back here ready to do business at 1:10.....(BREAK).....Okay, we're back on the G.6 finishing up here. No? Just a second. All right. And now we're back on G.6 and just finishing up and there was some clarification that needed to happen, I believe. Todd, is that correct?

Todd Phillips [00:17:40] Yes, thank you Mr. Chair. Welcome back from lunch Council. It's my understanding that there was some additional, there's continued discussion on this particular item that Caroline McKnight has brought up. I'm not sure exactly where we are in the queue of things, but....

Brad Pettinger [00:17:52] I think we're pretty close in the queue here to potentially having something. Caroline.

Caroline McKnight [00:18:04] Thank you Mr. Chair. I believe we're just waiting for a motion to make its way through the ethernet momentarily.

Brad Pettinger [00:18:16] So much suspense. Caroline.

Caroline McKnight [00:18:27] Okay. Thank you Sandra for the motion. I move the Council request a 2024 removal assumption for the California quillback rockfish rebuilding analysis of 6.32 metric tons.

Brad Pettinger [00:18:44] Thank you Caroline. Is the language on the screen accurate?

Caroline McKnight [00:18:47] It is, yes.

Brad Pettinger [00:18:48] I'm looking for a second? Seconded by Marc Gorelnik. Thank you Marc.

Please speak to your motion as needed.

Caroline McKnight [00:18:55] Thank you Mr. Chair. Yes, just noting that in August we needed to transmit to the GMT for consideration assumed removals for '23-'24. And at that time what was transmitted over to the Science Center was a figure of 10.62 metric tons, which is anticipated to be used in the rebuilding analysis. This value was based in part on the recently released 2022 GEM Report, noting a much higher encounter of quillback in the open access non-nearshore sector. It is the position of this motion that that number, or that value is now too high based on anticipated inseason actions the Council will be considering the under G.8 later today. That will shift gear types in the sector specifically to minimize any encounters with quillback rockfish. These are anticipated to be carried into 2024 and CDF and W is engaged in those discussions with GAP representatives and other interested stakeholders. That, in addition to state action already taken to reduce quillback impacts in the recreational fishery, also contribute to this reduced number. I just want to acknowledge that this does come with a considerable amount of awareness for the workload issue that we have described here across all of our agenda items and specifically within groundfish, but would note again that this is an extremely constraining stock for California and this representation of the best catch projection is warranted and reasonable at this time. And again, would note that this is a product of extenuating circumstances due to our stock assessment and process not being aligned with our stock definition process that we found ourselves in this position. Thank you. I'll take any questions.

Brad Pettinger [00:20:49] Thank you Caroline. Questions for Caroline on the motion? Discussion on the motion before us? Ryan Wulff.

Ryan Wulff [00:21:01] Yeah, thank you. I appreciate the motion. I do still have some additional concerns. I think just by adding one run. You know the Science Center just recently rereleased the rebuilding analysis that was going to be discussed at the end of this month. That would, if my understanding here is that would have to be entirely redone, and even though it's just one removal assumption, it would have to be run multiple times. So, there is a workload issue here. I also believe that if we end up getting through the process and going above the revised, these revised removal assumptions, it may put us in a difficult place where it invalidates the rebuilding analysis and any targets or ACLs. So, it's tough. I'm still just trying to understand some of the rationales for this, which is obviously very different than the 10.62 GMT estimate for 2024. I guess that's more of a comment. Thanks.

Brad Pettinger [00:22:13] Thank you Ryan. Anyone else? Caroline.

Caroline McKnight [00:22:20] Thanks Mr. Chair. Just a point of clarification Mr. Wulff. Could you elaborate on what you mean by invalidates the rebuilding analysis? The current OFLs are somewhere in the neighborhood of, you know, one to slightly over one metric ton? This number is still substantially higher than the OFL itself. Thank you.

Brad Pettinger [00:22:43] Ryan.

Ryan Wulff [00:22:49] Thank you. I think I'm going to phone a friend on this one and ask if Chantel Wetzel can respond.

Brad Pettinger [00:22:54] Please. Chantel are you there?

Chantel Wetzel [00:22:58] I'm here. Thank you Chair Pettinger. And thank you Miss McKnight. I think what we're saying is that if we assume 6.3 metric tons in a new rebuilding analysis for next year and mortality exceeds that value, we now have rebuilding targets, rebuilding timelines, STR harvest

rate, because by the time we know whether we're below this number we'll be beyond the spex cycle. Those values that will come out of this rebuilding analysis will no longer be valid in that the ACL should be higher than any updated analysis would support. So, I think that's what Ryan is speaking to in the fact that it would invalidate any of the pieces we adopt out of a new rebuilding plan if we were to exceed the 6.3 metric tons next year. And I believe Jim Hastie from the Science Center is also online, and I would request that maybe we could go to him to see if he has anything to add on that or clarify.

Brad Pettinger [00:24:10] Thank you Chantel. Okay, further discussion? Okay, I'm not seeing any so I'm going to call for the question. All those in favor signify by saying "Aye".

Council [00:24:25] Aye.

Brad Pettinger [00:24:28] Opposed, no? Abstentions?

Ryan Wulff [00:24:30] Abstain.

Brad Pettinger [00:24:31] Okay. Motion passes with one abstention. National Marine Fisheries Service. Thank you Caroline. Okay. Todd.

Todd Phillips [00:24:41] Yes, Mr. Chair. So, I do believe you have, with the new motion you have completed your business here for this particular agenda item.

Brad Pettinger [00:24:49] Okay. Very good. Well, we're shortened up our, how far we're behind by a little bit. So, with that we'll close this agenda item out and I will pass the baton to Vice-Chair Hassemer for the next groundfish item.

7. Final Trawl Cost Project Phase 1 Report and Next Steps for the Trawl Catch Share and Allocation Reviews

Pete Hassemer [00:00:00] So that will take us into Council discussion and action and bring it back up here. Listed it as two. I think there's sort of three there. The review of the final report, consider that. Think about guidance for Phase 2 and then next steps for the trawl catch share and allocation review. So, I will look around for a hand to initiate discussion. Maggie Sommer.

Maggie Sommer [00:00:34] Thank you very much Mr. Vice-Chair. I would like to thank Mr. Brannan for the very in-depth report which provides information that will be helpful as we move into the second review of the Trawl Catch Share Program. We heard your interest starting quite some time ago about examining costs of the program in the upcoming review and provided this support to enable a more in-depth look of that, look at that. I'd like to take this opportunity to highlight the value of the economic data collection information for this report. Darrell mentioned it, Mr. Brannan mentioned it, but there are a few points in the document also where the EDC data were used but not referenced, so I wanted to make sure everyone understands the value of this data. And NOAA fisheries staff continuously worked to decrease the cost of the EDC survey and decrease its burden on respondents. We're always looking for efficiencies, whether it's in the EDC Program or anything else we undertake. I did note that there's some items documented in Mr. Brannan's report. For example, the VMS reporting requirements mentioned in his presentation today that might not be cost saving measures, but we can take them into consideration in the upcoming trawl program review and we have noted those. And then I'd concur with Mr. Brannan's comments that a decision on potential cost savings program changes really comes down to policy decisions and tradeoffs, and I think the GAP noted that too, and that's obvious around this table. That's really what we hope to examine in Phase 2. Thanks.

Pete Hassemer [00:02:24] Thank you Maggie. Further discussion? Lynn Mattes.

Lynn Mattes [00:02:34] Thank you Vice-Chair. And just a thank you to Mr. Brannan for the responsiveness to addressing the requests we had the last time and trying to incorporate those. I think he did a pretty bang up job on doing that so just wanted to express some appreciation there.

Pete Hassemer [00:02:54] All right, thank you. See if there's anything else to say. I believe, Dr. Seger correct me if I'm wrong, it's not necessary for the Council to approve this report, but as it gets finalized and goes in the final print I'm going to look around the room and make sure everybody is comfortable with any last minor edits, corrections that need to be made. I think every so often you see we have some typos, some things in documents, so they can do those without substantive changes. I'll take these one at a time. Anything else on the final Phase 1 Report? And I'm not seeing anything, any hands, so guidance for Phase 2? I believe there was some in the SSC report. I'll look for any discussion on that. Corey Niles.

Corey Niles [00:04:09] Well first, thanks Mr. Chair. Yeah, and echoing what Maggie and Lynn said on the thanks and the importance of this economic data collection and the thoughtfulness here. But, yeah, I guess as I understand it this is really guidance. This is a... guidance is going to the Executive Director here who has some discretion with the Phase 2 funds to define the scope of what goes... how those are used. And I guess I don't have anything better to say than what Mr. Brannan said, what the SSC said, and I think and I know our Executive Director was one of the, you know, one of the folks helping us design this program. So, a lot of confidence that it will be used. But, yeah, I think the general question should be, you know, what can the Council do? You know information to help the Council when it gets the review with what it can do to help this fishery perform better, get back to the original achieving the goals and objectives we had, maybe evaluating whether our goals and objectives are good.

Again, I don't have anything specific here, but that was... I think would be most useful and helpful with these extra resources we have here.

Pete Hassemer [00:05:32] Thank you. Further discussion on the Phase 2? Any guidance there? And maybe before we get to the next steps for the catch share and allocation reviews, I'll ask Dr. Seger what he heard in terms of guidance for the Phase 2 approach?

Jim Seger [00:05:57] Thank you Mr. Vice-Chairman. Earlier in your discussion Miss Sommer mentioned that in Phase 2 we'd be focusing in on cost changes and recognizing that these are policy decisions in bringing forward the tradeoffs. We also heard about paying attention to the guidance in the SSC report. I do want to note that in the SSC report, the two bullets, one was aiming at improving industry participation. Depending on how we move forward in Phase 2, it may or may not be a... the contract may or may not be so focused on industry participation as kind of developing the analysis and delving into these particular areas that you've identified. The other thing I wanted to note in the last bullet in the SSC report is that it talks about not limiting it to only those program elements that could be reduced. It could reduce costs. And this might be a question for NMFS or something NMFS might want to respond to, but I believe these funds are specifically, that we're kind of focusing in for this project on that aspect of the cost of improving the situation of industry. And certainly, there are revenue sides. The revenue side needs to be examined too, and we've heard discussion of different ways that could be done. But I guess my question there is a limitation on our use of the funds. And before doing that, let me just wrap up by saying I think, you know, the Council staff will take this general guidance from the Council, whatever else you might have to say today, and we'll then take a look at the best way to use these funds towards the overall objective of developing analysis that could lead to policy choices for you down the road. It would help reduce costs.

Pete Hassemer [00:07:58] All right, thank you Dr. Seger. Maggie Sommer.

Maggie Sommer [00:08:02] Thanks Mr. Vice-Chair. And thank you Jim for the summary there. You know, the overall intent of this project is to explore whether and how the program could be improved to better realize the goal of increasing net economic benefits. We determined that we would first examine costs and the potential for savings in Phase 1. We recognize that there's more that goes into greater net economic benefits than lower costs. Obviously, there's the revenue side of the equation and there are a lot of nuances in there. So, we certainly are supportive of the SSCs recommendations there that Jim just highlighted, you know noting that the... we want this to be efficient and effective and so building on the work that has been done in Phase 1 makes sense. So, we don't really want to start here and start new and broaden the scope and start new on a lot of things. I would suggest that we have some good information here in the report and the advisory body recommendations for Executive Director Burden to go forward and work with staff and think about the best way to structure a Phase 2.

Pete Hassemer [00:09:27] Thank you. Corey Niles.

Corey Niles [00:09:31] Yeah, thanks. Just to maybe come at it again. I wasn't just pointed at the SSC report. I was pointing to the back, the response that Mr. Brannan had to my question about where would you go next? And the part that resonated with me was where are the areas that this Council can influence, like greater net benefits, which kind of require some evaluation of what is going on in the fishery, what is affecting the performance of the fishery and where are the parts of that that we can influence? So that was... I didn't hear you mention that exchange Jim, but not blaming you for that. But to me that's kind of the key question and we can use as much information as we can to help with the fuller review when we get there.

Pete Hassemer [00:10:24] Thank you Corey. So, we've got some good guidance on the Phase 2 piece

of the project. I'll look around. Last call for any discussion or further guidance on that and not seeing any. Let's talk about the trawl catch share and allocation reviews and remember in Attachment 2 a suggested schedule. See if there's any hands or comments on that. Corey Niles.

Corey Niles [00:10:59] Not to cut off discussion Mr. Vice-Chair, but I do have a brief motion that might help us with that if you're interested.

Pete Hassemer [00:11:07] Please go ahead. I didn't see any other hands.

Corey Niles [00:11:13] Thank you. I move that the Council adopt the proposed catch share and intersector allocation review process shown in Agenda Item at G.7, Attachment 2.

Pete Hassemer [00:11:22] Thank you. That looks accurate and complete? Is it?

Corey Niles [00:11:27] Yes.

Pete Hassemer [00:11:28] Is there a second? Seconded by Lynn Mattes. Please speak to your motion as needed.

Corey Niles [00:11:35] I think just briefly, yeah, the Council staff put a lot of thought into this and has a lot of experience with it and as I think the GAP's reaction is, as Jeff explained in response to my question, it was a good one of this, it looks like a good schedule, but there's also room to... there's flexibility in it to change as we see what comes out of it so I don't think anything needs more to be said than that. Thank you.

Pete Hassemer [00:12:07] Thank you. Any questions for the maker of the motion? Executive Director Burden.

Merrick Burden [00:12:15] Thank you Mr. Vice-Chairman, and thank you Mr. Niles. I think you just spoke to my question, but maybe it bears repeating. As I look at it and interpret what we call the straw proposal for catch share and intersector allocation review process, I think of it as the general architecture of what we would follow rather than prescriptive steps. So, one of the things that's on my mind is just we have staff turnover happening next year. Mr. Seger is retiring as I think everyone knows. We also have budget issues we still have to work through this year. So, if I'm misinterpreting your motion to be other than like architecture that we follow as we go through this review process, please let me know. But that's how I'm interpreting the motion.

Pete Hassemer [00:13:04] Corey.

Corey Niles [00:13:04] Yes, I agree with your interpretation.

Pete Hassemer [00:13:08] Thank you. Further questions for the maker of the motion? Not seeing any questions, discussion on the motion? Seeing no hands for discussion I will call the question. All those in favor signify by saying "Aye".

Council [00:13:26] Aye.

Pete Hassemer [00:13:26] Opposed, no? Abstentions? Motion passes unanimously. Thank you Corey. I will first, before asking Dr. Seger to summarize, look around the table for any hands. Further discussion, comment, motions? Jim, there are no hands going up so I'm going to ask you how we've done.

Jim Seger [00:13:58] Thank you Mr. Vice-Chairman. Yes, I think you've completed business for the day here. You've... it's apparent that the Phase 1 document is ready for finalization. You had a discussion that provided guidance on Phase 2 reference, including referencing guidance that can be drawn from the advisory body reports. And you just had a motion which adopted your schedule as a architecture for moving forward on the catch share and intersector allocation reviews.

Pete Hassemer [00:14:27] All right. Thank you very much. That completes this agenda item.

8. Harvest Specifications Technical Corrections and Inseason Adjustments – Final Action

Pete Hassemer [00:00:01] And that I believe completes our public comment period. I thank everyone, the public and all of you for your patience, perseverance, as we work through that. That is going to lead us into our Council action. And as I indicated, we are going to take up one item today, which is Number 3 on the list before you, adopt the 2023-2024 inseason adjustments as necessary. So, I will look for any discussion on that item. Caroline McKnight.

Caroline McKnight [00:00:46] Thank you Mr. Vice-Chair. I guess I'll just start by saying again, thank you to the GMT and the GAP for an outstanding amount of hard work and collaboration to reach the alternative recommendations in both of your reports. Specific to those quillback recommendations, I think there's a fair acknowledgment here that this is not a favorable situation for our fisheries to be in. It's very difficult to be faced with severely constrained harvest limits now and in our future. And I think we heard that very clearly through all the public testimony and I did hear every word. There's no good measure of comfort I can provide in this situation. But unless there's additional discussion, I am prepared with a motion.

Pete Hassemer [00:01:36] All right. With that offer I will first look around for any other further hands. Mark Gorelnik.

Marc Gorelnik [00:01:42] Thank you Vice-Chair Hassemer. And I just think that we can't let this moment go by. I appreciate Miss McKnight's comments recognizing the difficulties encountered in California sport fisheries and also the, the non-trawl commercial fisheries that are also affected by the copper and quillback assessments we have. I just want to remind everyone of the presentation of the comments that Merrit McCrea made a few days ago, showing that much of the change in abundance we're seeing is a consequence not of the data but of the model changes. And I appreciate and I know that the Science Center works diligently to give us the best stock assessments they can, but sometimes it doesn't work. As was noted in the CDFW report on this agenda item, according to removals from the fishery last year and the stock assessment we have on quillback, 28.6 percent of the entire quillback stock was removed in one year. And you're dealing with a stock that we probably don't access that much of its habitat in a given year and especially, you know, given weather and distances and whatnot. It's just not credible. I had asked Miss McKnight if there was any corresponding data for other stocks, I kind of put her on the spot. She didn't have the answer. That's okay. I went back and looked at removals for copper rockfish north of Point Conception in California and compared that to the recent stock assessment and found that four and a half percent of that stock was removed over that same period of time. And these are both nearshore stocks. They coexist. You send hooks down you don't know what you're going to get. It's really hard for me to imagine that we can possibly remove that much quillback. I think the truth is probably much closer to four and a half percent, and what that means is that our stock assessment is inaccurate. And I'm not suggesting that the Science Center didn't do its best, but sometimes the best isn't good enough. And as a consequence of that assessment, we're going to be putting people out of work. We're going to be ruining businesses. And it's not as if these businesses have a fallback, you know with other... you know, with no salmon, for example. So, I realize we here are constrained by the stock assessments we're given, and we have to manage according to them, but I just want everyone to recognize and I want the Science Center to hear that there are real world consequences to the data we're given, and if that data isn't good people are going to suffer unnecessarily.

Pete Hassemer [00:05:12] Thank you Marc. Further discussion? Phil Anderson.

Phil Anderson [00:05:19] I wish I had my thoughts together as well as Mr. Gorelnik did, but I share what he, his thoughts. I'm trying to... and we talked a little bit about this when we adopted our stock

assessments here whenever that was, yesterday, the day before. When you have something that comes out in a model that's nonsensical, you have to have the ability to stop and pause before you say, well, we're going to use that because it's the only thing we have, or it's been judged to be the latest and greatest. But if it doesn't pass the red face test in terms of logic, somehow the policy makers have to have the ability to hit the pause button and send it back for another look before you use it. And I feel so damn helpless sitting here at this table with this situation and the quillback one just screams at me that we shouldn't be using the new assessment until it gets another look because it doesn't make sense. And the part that people like me can... when I look at that, that doesn't make sense isn't because I'm some scientist, but to think that 28 percent of the resource was removed in one year and it doesn't make any sense. So, I'm just expressing, obviously, my frustration. It's late. I'd be doing this even if it was 8 o'clock in the morning. But if, when we walk away from this decision and we walk away from this vote, do we just say, well, that's what we got to do, or do we start looking for ways, a way, or ways that when we see something that just doesn't pass the logic test, that we have the ability to send it back and maybe it comes back and they examine it and say that's what it is, but this one just reeks. I'm sorry. It just doesn't make sense to me. And I know that, you know, me saying that is just filling a room with hot air, because unless we figure out a way to change this system, it'll happen again. And I just think that's a travesty for our system that's built on credibility and sound science.

Pete Hassemer [00:08:51] Thank you Phil. Marc Gorelnik.

Marc Gorelnik [00:08:55] I have a question, perhaps it's for Executive Director Merrick Burden. We're using the stock assessment because it was approved by the SSC and that binds us. Is it, is there a pathway for us to ask the SSC to take another look at this stock assessment?

Pete Hassemer [00:09:13] Executive Director Burden.

Merrick Burden [00:09:24] I'm sure there's a way. I don't know what it is at the moment. I'd be happy to converse with my fellow staff here over the evening and maybe we take this up again tomorrow.

Pete Hassemer [00:09:36] All right, that sounds like a good plan because we will be on this agenda item tomorrow morning. Further discussion? Not seeing any hands, I had the offer of a motion so I will turn to Carolyn McKnight.

Caroline McKnight [00:10:04] Thank you Mr. Vice-Chair. I believe Sandra has a motion. It's coming up here. Thank you. I move the Council adopt the GMT recommendations for commercial trip limits and recreational quillback, zero retention and season closures as described in Agenda Item G.8.a, Supplemental GMT Report 5, September 2023.

Pete Hassemer [00:10:35] Thank you. The language on the screen is accurate and complete?

Caroline McKnight [00:10:40] Yes, it is.

Pete Hassemer [00:10:42] Thank you. Is there a second? Seconded by Heather Hall. Thank you Heather. Please speak to your motion.

Caroline McKnight [00:10:51] Thank you Mr. Vice-Chair. I guess I'll start these comments by thanking Phil for giving me a word that I couldn't find this evening, which was feeling a little bit helpless. Despite that, I concur with the GMT's assessment that these measures are warranted, both because the ACTs that are specified in federal rule for both north and south of 40-10 have been exceeded, but also the OFL, or overfishing limits. In combination with the 2022 GEMM report that is showing notably higher than previous years mortality, intersecting with the proposed amendments

under, excuse me, the proposed Amendment 31 action to define one stock off of California that is anticipated to be declared overfished. We find ourselves in a cross-section here that is putting us in this very tough decision that no doubt has very real and serious impacts that we've heard very well articulated here tonight. That being said, the risk tolerance is low and not taking action could jeopardize future rebuilding efforts. Specific to the GEMM report and those higher mortalities associated, with the mortality of the quillback associated in the OA sector, I just want to note that the GMT has used every existing data source and with the GAP input to innovate this 12E gear specific trip limit, which is designed to target midwater healthy rockfish species. And I just want to point to their, the GMT Report 5 that they did note that these gear types are likely to pose a minimal negative impacts to quillback rockfish while offering some fishing opportunity that could minimize the very real economic impacts to coastal communities north of Point Conception. They also noted that, or concluded, that it's also a low expected quillback impact due to looking at 2023 fish ticket data and combing over all the relevant EFP project catch and discard data from 2009 to 2022. It's a considerable dataset to be looking through. To provide some clarity to this motion, the GMT report did have some mention of modifications to RCA boundary lines. This motion is not recommending a change to non-trawl RCA boundaries at this time, which is consistent with their recommendation based on the fact that the trip limits are being adjusted. Relative to the vermilion LEOA and minor nearshore trip limit reduction, I concur that with the GMT that it is reasonable to expect that by zeroing out all nearshore opportunity, there is going to be some effort shift that could occur to the shelf. We know that this gear is successful at catching vermilion. Vermilion is a stock that CDF and W tracks inseason and has been fully attained over the past several years. So, looking through the end of the year, this measure is prudent and that we don't want to solve one potential harvest overage concern and then potentially create another. I do appreciate the GMT flagging the conservation concern relative to vermilion south of Point Conception. I'm not putting any recommendations for that at this time, as I would just note that there's still the ability to take state regulations to address any potential expected overages if any are identified. And then for the recreational actions for the zero retention of quillback and the offshore-only season structure changes are really just a concurrent action with what we've already done on the state action side. And then just to round it out there is the trip limit recommendation for sablefish. I would just note that that is part of a standing inseason item for the GMT to evaluate in order to maximize fishing opportunities for this important economic species. And relative to the lingcod trip limit increase north of 42. I saw a clear demonstration from the GMT that there is little conservation concern to both target and non-target species such as yelloweye with their recommendation. I think that's it. Thank you.

Pete Hassemer [00:15:28] Thank you Caroline. Are there any questions to the maker of the motion for clarification? I see no questions for clarification. I'll open it up for discussion on the motion? Butch Smith.

Butch Smith [00:15:46] Yeah, Caroline I... you know you had to do this motion. I can hear it in your voice that you don't want to do this motion. I'm going to be voting no. I don't want to say yes to a tragedy. I don't want to say yes to an action that we know is wrong or feel is wrong without the second look, or an option without a second look. It's nothing against the state of California, believe me. But I don't want to add to, I don't want to be one adding to this tragedy. And if my no vote helps us set up a process to look at these kind of glaring spotlights, we're modeling ourself out of the business. We're improving the model out of the... us out of the business. And, you know, we had this same thing a couple of years ago in salmon, and we knew it was wrong and people lost fishing time because of it. Next year we fixed it. Well, some of these people don't have next year and I'm going to be voting no. Thank you Mr. Vice-Chair.

Pete Hassemer [00:17:07] Thank you. Bob Dooley.

Bob Dooley [00:17:11] Butch I couldn't have said it better. I can't condone this. I just can't go with it.

I live in Half Moon Bay. I heard my people say this. I heard Jaime. I just the... there's got to be another answer. Our hands are tied. We're put in a place that we just can't make a decision. You can't turn fisheries on and off, and you just can't do that. National Standard 8 says we need to at least take into consideration our communities, and I think this doesn't take it in at all. I think this puts small boats in risk of safety violation of National Standard 10. I am just... this is beyond belief that we're doing this again. We did it a couple of years ago with copper. And I'm just... I am not... I just can't support this and I won't be part of it that says that I was the guy that raised my hand and said "Aye" to something that puts our communities out of business. I've seen our communities in California that used to be strong trawl communities and they're gone. That infrastructure leaves. There's no more, there's no infrastructure south of Bodega Bay really, very, very little and, you know, they're struggling to try to get back and there's got to be another way. I mean if all we are here is rubber stamping what we're mandated to rubber stamp, count me out. Thank you.

Pete Hassemer [00:18:55] Thank you. Further discussion on the motion? Heather Hall.

Heather Hall [00:19:01] Thank you Vice-Chair Hassemer. And I just wanted to comment and offer appreciation for the, the GMT. I know they worked so hard this week on this issue. They turned every stone. They stayed up late to look for alternatives. I know nothing feels good about taking the action here, and I really feel for my colleague in California. And being in this position I really appreciated the public testimony that we heard about this and thought a lot about trying to put my feet in the shoes of if this were happening in Washington and how hard it would be and how hard it would be to take these actions that affect our stakeholders. So, I just want to share that. Appreciate the conversation we're having right now. That's it. Thank you.

Pete Hassemer [00:20:13] Thank you. Bob Dooley.

Bob Dooley [00:20:17] Sorry Mr. Vice-Chair for coming in again, but I do want to express my appreciation for all those that worked very hard to do what we're mandated to do, and that's not my complaint. My complaint is that we are mandated to do it when we know it's wrong. That's my complaint. But the work that was done to make it fit is well appreciated. I know there was a lot of people worked very, very hard and it's, in no, Carolyn, and not against you and your motion. I know it's your best intention to work with the tools you have, but I just... I can't support it. So, thank you.

Pete Hassemer [00:21:02] Further discussion on the motion? Chair Pettinger.

Brad Pettinger [00:21:08] Thank you Vice-Chair Hassemer. Phil mentioned earlier about, you know, basically we need to do something different than what we're doing. And after hearing Butch's little speech there, I think sometimes you blow things up to get the attention to get something done. I think that the quillback situation probably illustrates perfectly and to such a great extent that you can't overlook it. We can't overlook it. I was doing a little calculation as far as how much fish we're talking about? 63 ton. You know how much it is? The ceiling's about 13 feet tall. You do a square, 13 by 13 by 13, so we have the cube. That's all the quillback off of 1100 hundred miles of coastline of California and the offshore reefs. I wouldn't be surprised if there's that much fish on St. George Reef. So, I think maybe we need to send a message for me, at least I think I do, and I'm with Butch, I think. I'm going to vote no too. I think we need to, I think, you need to show you're serious and this, the effects it's going to have the coastal communities of California especially, it's just too much. I'll stop there.

Pete Hassemer [00:22:49] Phil Anderson.

Phil Anderson [00:22:51] Yeah, I'm sorry to do a second round two, but as much as I appreciate the thoughts of my colleagues who have expressed their view that they're going to vote no, I don't think

that is going to help. In matter of fact if this motion fails, it probably puts California in a worse place. Voting yes and then not doing anything to follow up with how to keep us, with figuring out a way to respond to situations like this in the future without just feeling like you're a rubber stamp, to me is where we need to put our effort. I will respect your, I will respect everyone's vote, but I don't think you're going to accomplish what you think you're going to do by voting no. Where we can make a difference is to really start figuring out what we can do to respond to situations like this in the future. Putting CDF and W in a box by voting their motion down. If the no guys get the majority is not going to do one thing to help them or their constituents. I understand how you feel, and I'd love to vote no too, but I don't think it solves the problem. I think it makes it worse.

Pete Hassemer [00:24:35] Virgil Moore.

Virgil Moore [00:24:39] So Phil, to build on your comments. Certainly, my impression is all of us are very frustrated that we don't have something to do to address this issue. We have a motion on the floor, and we have a choice here to vote it up or down or to offer some alternative motion that could perhaps address what it is that we've been articulating. Why is it that this model is inconsistent in its outputs with the information that most folks are articulating doesn't fit? Can we give some direction? Can we give a deflection here that allows us to move forward with examination of that model in light of that such that we get a better understanding of what's going on before we are put into a position to make a decision that is very gut wrenching based on that. I do understand California's in a very difficult situation because they've already taken action. And can the Council do something that offers some way to deal with that? I don't know. This is outside of my arena. But what I do know is we have an obligation to address what Bob talked about. This doesn't seem right. Something doesn't fit. And it's the old adage, all models are wrong, some are very, very useful. And what we've got here is one that isn't useful in this arena other than to point out that we've got this discrepancy between what people are seeing near shore and what the trawl model data that went into that model modification cranked out something that we go, whoa, wait a minute. And I had a job at one time as a research manager in Idaho where if that kind of stuff came up through the ranks in my staff, I stopped it simply because it didn't make sense and we went to work and tried to figure it out. Now we usually came up with a solution, and that's what we need to figure out, is what is the solution to this? What could we offer as an alternative to adopt, to move us forward but not get us into the pickle that Phil just talked about? I'm not sure I got the mental capacity to work on that right now. And I wonder if we, I wonder if we can deflect this motion until we have a chance to ponder it tonight before we put ourselves in a difficult situation of a vote that is going to be very hard. I'm not sure where I'm at yet. I certainly know, though, that there's got to be a different motion that can address this in some way. Thank you.

Pete Hassemer [00:28:06] Thank you Virgil. And I will note that there could be additional motions. There could be guidance that's offered in addition to this. Mr. Gorelnik had his hand raised. I hate to be a stickler for rules, but our procedures are everybody gets two chances. You know, we're limiting it to two chances to speak before everybody has a chance. So, I will come back to you Marc, but I want to see if those who have not had a chance to speak want to say something. So, Christa Svensson.

Christa Svensson [00:28:42] Yeah, thank you Mr. Vice-Chair. I think this is a very difficult topic. I think we've heard some incredible testimony and I think that it is very late. And in our family we say morning is wiser than evening. I think we've also tasked our Executive Director to potentially come with a way forward and I don't know how the vote will end tonight, but I think we all know that I am fond of motions to reconsider in the event that we can find a path forward and we are unhappy with the way things are voted. And I think it's probably going to take us, if as many people are as uncomfortable with what is proposed here or is as uncomfortable as I think they are, whether they vote in favor of this motion or not, I think we have very clearly stated that many of us believe there is a problem with the model. I myself think that there is a problem with the model. At the moment I'm in the mind of voting

with Phil because I agree, as difficult as it is, and my heart breaks for you all, that putting the states in a position where it is more impossible for them to move forward is not necessarily a position that I want to create. But I will also say that I would have my hand up in a split second if there is a motion if we do need to vote on this tonight. If we can table it or make some other choice, I'd be very amenable to that as well. If we're looking for a substitute motion, that would be appropriate. I'm just not certain we're going to solve it at 7:32 this evening.

Pete Hassemer [00:30:44] All right, thank you Christa. And refreshing my memory, who spoke before we had the motion and who spoke after it? Mr. Gorelnik you only had one chance. Please go ahead.

Marc Gorelnik [00:30:57] Yeah, I appreciate Mr. Anderson's comments, and that's where I want to be. I very much regret that when we were presented with the assessment we didn't take the stand then. I think that that would have been a time that was ripe to send it back to the SSC and say, take another look. My recollection is that the SSC had only the briefest amount of time to consider that assessment. I don't think it was thoughtfully reviewed, but we're not there now, we're here now and I appreciate Mr. Anderson's comments. Nonetheless, I think that a no vote would be a satisfying protest at what we're facing here. Another option is, as Mr. Moore suggested, is to give this a little more thought before we're forced to an up and down, up or down vote.

Pete Hassemer [00:32:04] Thank you. Butch has his hand up. Then we've had questions about tabling it, so after Butch I'm going to ask our parliamentarian to weigh-in on that process and what we might need to do, so Butch.

Butch Smith [00:00:00] Yeah, well there's no doubt that, you know, Phil speaks from great wisdom, and I understand that. And my comments still stand. And I understand, you know, like I said in my statement, I understand what Caroline has to do. And I wasn't trying to convince anybody to vote this motion down, but I think a unanimous vote sends the wrong message too, because I do think some no votes or one no vote, I'm speaking for myself, sends a message of we're not pleased here, because we usually vote almost always in unanimous form. And I still just, like I said I'm not trying to convince any of you to vote no, but I just in this case, and I've made some, we've made some hard choices in the state of Washington, and if I believe it's for the conservation, I'll be the first one to step forward and my record is clear on that. But in this case, I just can't and, and I will still be voting no. So thank you. Thank you Mr. Vice-Chair.

Pete Hassemer [00:01:23] Thank you. I would like to now turn to our parliamentarian. Ryan's trying to raise his hand, so sorry Chris. Ryan.

Ryan Wulff [00:01:37] Yeah, thanks Mr. Vice-Chair. I'd like to weigh in really quickly on this discussion, if possible, before you go to the parliamentarian. Appreciate frustrations around the table. Appreciate all the public comment that we've heard. I also would like to reiterate all of the work that has gone in, the GMT, the GAP, and others here trying to find a proposed way forward here. And I want to remind folks, as the clarification question I asked the GMT, you know, this motion only addresses what we are doing for the next couple of months. So, we are trying to minimize additional impacts to quillback for a number of reasons and trying to take some additional action that is needed now. It also contains, I want to remind folks that in addition to that, this motion also contains some additional fishing opportunities for 12E gear specific trips that was worked on extensively over the week. There's also a number of things contained in this motion that are not related to quillbacks, that are other species that are not just the GMT, but the GAP and others have supported in this. So, they would lose those opportunities if this was voted down for the next coming months. So, I want to make clear that that's also understood when you get to the vote. When it comes to these broader discussions and looking at some of the comments that we're talking about next year or 2024, we will be revisiting

that at the November inseason action, and we'll have some time between now and then to come up with that. So, I just wanted to reiterate those points. Note that NMFS will be voting yes on this for all of those reasons, and hopefully that can help maybe get us focused on what the real content is of this motion that is focused on just the next couple of months of fishing. Thank you.

Pete Hassemer [00:03:37] Thank you Ryan. So now I will turn to our parliamentarian and ask, I believe, the questions before us. Since we have a motion on the floor, we've had some discussion. Can we table this motion until tomorrow? Suspend our action for today? What are the pathways forward for us?

Chris Oliver [00:04:01] Yeah, Mr. Chairman. I don't think I need to phone a friend for this one. It's pretty... I think you have two pretty straightforward options. The maker of the motion, if you want to put this off, the maker of the motion, with concurrence of the second, could simply withdraw the motion, then you have a clean table and you can adjourn for the evening. Or someone can make a motion to table, and it's a non-debatable motion to table. That's your two options. You can go either way.

Pete Hassemer [00:04:33] All right, thank you. So, we have some guidance on what is available to us. I believe the third is to continue our deliberations and take a vote. So, there are those options. I am looking for a hand. And if I don't see any, the logical step for me is to call the question on this. And that's what I'm going to do. I will call the... Lynn Mattes.

Lynn Mattes [00:05:15] So I don't have what you just asked, but I was waiting my turn to speak about this so I will try to be very brief. This is a horrible situation we've been put in, but like Heather, I've put myself in what would we be doing in Oregon? We're going to be in some similar situations because of black rockfish and canary rockfish and there's no good alternative. I'm torn between what we may think is right to do and what we legally have to do, as well as what Mr. Wulff spoke about that this is for just, not just, but this is for the end of 2023 and we're going to be having this discussion again in November for 2024. Because the way I'm reading the GAP report that they are recommending, or they agree, they don't recommend, they agree with the GMT on the trip limits and things, and legally what we're required to do under Magnuson, I think we have to go forward. Therefore, when we get to the calling of the question, I think I'll have to support this. I'm not sure about, I don't know if I can be the one to table it and I know Miss McKnight is scheduled to leave, which is going to complicate matters. Right now, I don't know if I could tell you my mom's name, let alone try to make a coherent vote any more than what I've just said. So, I'm in that struggle bus with everybody else. So, thank you for letting me have a couple of moments.

Pete Hassemer [00:06:49] Thank you Lynn. Other hands? Corey Ridings.

Corey Ridings [00:07:02] Thank you Mr. Vice-Chair. Thanks everyone for this dialogue. If this comes to a vote I will be voting for this motion. I think that I personally and everyone needs to take accountability for the responsibility that we agree to, which is advising NMFS to uphold the MSA. Whether we like it or not, and I'm in the not pile for the record, it is BSIA. This is a long process and we had opportunities before to weigh in on this, to revisit this, and I think Mr. Gorelnik pointed that out well. But we have to take responsibility for the fact we did not. I think a no vote would feel really good and I would like to take it right now, but I'm afraid that it would be at the cost of the fishermen of California and the communities of California, and I don't want to do that and I don't want to add to the confusion and I don't want to delay the process to get things done right. I'll stop there. Thanks Mr. Vice-Chair.

Pete Hassemer [00:08:25] Thank you. I'll look carefully. Mr. Gorelnik.

Marc Gorelnik [00:08:31] I just want to...thank you, Mr. Vice-Chair. I just want to point out the state has already taken action with regard to quillback. And so, whether this passes or not, the restrictions will still be in place. So, I appreciate Mr. Smith's feeling on this. I agree with him that we need to send a message here, but I do agree with the points that have been made, including by Mr. Wulff, that there's more to this motion than just the quillback. So, I just wanted to set that landscape out there for everyone.

Pete Hassemer [00:09:13] Chair Pettinger.

Brad Pettinger [00:09:17] I think we have the vote it's going to pass, but I think that the fact that people are voting no as a protest sends a message and because it hasn't been done before I don't think on something like this. And so, I'm still going to vote no and feel good about it, but understanding that's probably going to pass, that's, I understand that California's already taken action. But I think just it's good debt on the record to start the discussion that we need to have when we're done here today. Thank you.

Pete Hassemer [00:10:04] Thank you. I'll look for any other hands. Seeing none I will now call the question. The motion is before you on the screen. All in favor signify by saying "Aye".

Council [00:10:16] Aye.

Pete Hassemer [00:10:16] Opposed, no?

Butch Smith [00:10:20] No.

Marc Gorelnik [00:10:20] No.

Pete Hassemer [00:10:23] Abstentions? Abstentions from Phil Anderson, Virgil Moore. Executive Director Burden I'm in a biased position being on the side here and trying to decipher "Aye's" from "No's", the number. Can we do a roll call vote?

Merrick Burden [00:10:58] Yes, certainly Mr. Vice-Chairman. Just a minute here. Okay, I'll be reading from voting sheet Number 2. The motion reference just for the record is G.8 CDFW moved by Miss Caroline McKnight. Lynn Mattes.

Lynn Mattes [00:11:36] Yes.

Merrick Burden [00:11:38] Virgil Moore.

Virgil Moore [00:11:39] Abstain.

Merrick Burden [00:11:42] Butch Smith.

Butch Smith [00:11:43] No.

Merrick Burden [00:11:45] Corey Ridings.

Corey Ridings [00:11:47] Yes.

Merrick Burden [00:11:51] Caroline McKnight.

Caroline McKnight [00:11:51] Yes.

Merrick Burden [00:11:55] Joe Oatman.

Joe Oatman [00:11:57] Yes.

Merrick Burden [00:11:59] Christa Svensson.

Christa Svensson [00:12:01] Yes.

Merrick Burden [00:12:03] Phil Anderson.

Phil Anderson [00:12:04] Abstain.

Merrick Burden [00:12:08] Heather Hall.

Heather Hall [00:12:10] Yes.

Merrick Burden [00:12:13] Marc Gorelnik.

Marc Gorelnik [00:12:15] No.

Merrick Burden [00:12:17] Robert Dooley.

Bob Dooley [00:12:18] No.

Merrick Burden [00:12:20] Ryan Wulff.

Ryan Wulff [00:12:22] Yes.

Merrick Burden [00:12:25] Brad Pettinger.

Brad Pettinger [00:12:27] No.

Merrick Burden [00:12:38] Seven yes. Four no. The motion passes.

Pete Hassemer [00:12:45] Thank you. Thank you all for that. As I said, we're going to complete our work on the inseason action, again, unless anyone desires to continue that tomorrow. So, I think with that motion we are going to suspend our meeting for the day and resume on agenda item G.8 at 8 a.m. tomorrow morning.....(BREAK)..... We're going to continue and finish up our work on Agenda Item G.8, the groundfish management harvest specifications, technical corrections. Let me describe what I think is a plan to get through this this morning and see if there's some agreement with that. We finish the day with a motion and action on inseason action. The first thing I would like to do is make sure there's nothing else we need to do there, any other discussion or action. Inseason is between now and December 31st of this year, so anything that pertains to that that we need to do on inseason. Then we will take up the technical corrections topic, any discussion and action needed there. When we finish that work, we will go on to the whiting reports, have discussion and any potential action there. When we are sure we've finished all of our work in each of those three bins, I'm going to ask Executive Director Burden to make a few comments, thoughts about some of these other issues and processes. We talked about potential pathways forward and then wrap-up any discussion we want to have. There was a lot of discussion about quillback assessments and various things, so we will have an opportunity, but I would like to put that to the end and make sure we cover these three action items first and then make sure we've discussed everything else we need to do. So, does that sound okay? We're good to go?

So then my first question is inseason and I would accept a negative head nod if there's nothing else we need to do here. Lynn Mattes.

Lynn Mattes [00:15:23] I don't think this is maybe a formal thing, but at the bottom of the GMT report on Page 19, they did express there was some concern about vermilion south. We don't have enough information at this point to do anything, but maybe we could request the GMT look into that more and come back to us in November with some more information to see if anything is warranted. So, I think, just some informal guidance would be helpful there, and maybe that was enough just to ask for that.

Pete Hassemer [00:15:51] All right. Thank you. There was that guidance provided. I see Todd shaking his head. Yes, they've captured that. Staff has captured that so it will be relayed to the GMT. Anything else on inseason? And not seeing anything, then let's move on to the technical corrections to the harvest specifications. And I will look for someone's hand to start that discussion. Heather Hall.

Heather Hall [00:16:21] Thank you Vice-Chair Hassemer. Good morning, Council members. I'll just be brief here. I think there was a...I appreciate all the work that was done to make the technical corrections and make the Council aware of them. I know they're needed to have that corrected for 2024. I don't want to jump in front of any more discussion, but when the time is right, I do have a motion for that.

Pete Hassemer [00:16:51] Thank you. We've got the signal there's the motion ready, but before we get to that make sure our discussion on this item is complete. So, I will look for, excuse me, any other hands? I'm not seeing any so Heather please go ahead with your motion.

Heather Hall [00:17:15] Oh, thank you Sandra. I move the Council adopt the technical corrections to the 2024 harvest specifications as described in Agenda Item G.8, Supplemental Revised Attachment 1, September 2023. And Agenda Item G.8, Supplemental Attachment 5, September 2023.

Pete Hassemer [00:17:42] Thank you Heather. The language on the screen is accurate and complete?

Heather Hall [00:17:46] Yes, it is.

Pete Hassemer [00:17:47] Thank you. Is there a second to the motion? Seconded by Lynn Mattes. Please speak to your motion.

Heather Hall [00:17:54] Thank you. I think it's pretty straightforward. Both of these agenda items capture the necessary corrections that are needed for 2024 and that helps us move forward.

Pete Hassemer [00:18:10] All right, thank you. Questions for the maker of the motion for clarification? Not seeing any questions, is there any discussion on the motion? And I'm not seeing any discussion so I will call the question. All those in favor signify by saying "Aye".

Council [00:18:30] Aye.

Pete Hassemer [00:18:31] Opposed, no? Abstentions? The motion passes unanimously. Thank you Heather. Is there anything further on the technical corrections? And maybe I'll just look to Todd and make sure we've done everything on that piece.

Todd Phillips [00:18:52] Thank you Mr. Vice-Chair. Yes, the motion is simple and specific and it is precisely, I think, what we need to move forward. Thank you.

Pete Hassemer [00:19:00] Thank you. So, I think that completes our work on technical corrections and takes us to the whiting reports that we heard yesterday. We had the three whiting sectors here deliver reports to us. That was because of a request from the Council for them to come and explain or discuss with us their fall 2023 fishing plans as they relate to the salmon and rockfish bycatch. And so, you heard those reports and there are items in our briefing materials, and so I will look for any hands to initiate the discussion on that topic. Phil Anderson.

Phil Anderson [00:19:51] Thanks Mr. Vice-Chair. Good morning, everyone. First of all, I just want to express my thanks, probably on behalf of the Council to the two whiting cooperatives that came and gave us a report yesterday. I thought they provided some very informative information to us, some insights on how the 2023 season is going with the focus on the spring portion of the fishery where we saw bycatch rates at a higher level pretty much across the board than we have in recent years. I was, I think, I also have learned that since we started managing the fishery with set-asides on the rockfish and sablefish pieces, I think I went through the record, I found the Federal Register notice back in 2017 and then there was a reference to 2019 and Mr. Pettinger and I have, have discussed what year it actually started. But when we moved away from hard caps to set-asides there was an, in my memory is that there was an assurance from the two co-ops that they were going to work closely together to minimize to the maximum extent possible the bycatch. And also, on the salmon side of things, keep salmon bycatch to a minimum. I suspect that as over the relatively short timeframe that we've been, put the set-aside approach in place. I think there's been some growth in the communication between the co-ops in learning how to best discuss issues that come up both from a preseason perspective so there's an understanding amongst the two co-ops as to what measures are going to be in place, as well as inseason when issues come up maybe that are unexpected, and this year probably would fall into that category. I was, I don't know about struck, but I was in listening in to both reports yesterday from the two cooperatives, I sensed that there was a need for some improvement in the communication, maybe both upfront as well as inseason when you run into bycatch events that are of concern. And so, my general approach here and what my recommendation is going to be through a motion at the appropriate time is for the Council to urge the two co-ops to develop an inner- cooperative agreement much like they have in the North Pacific. This is not, this is something that they have done and have done successfully in the North Pacific and I think it's important for the co-ops to discuss and have some protocols or plans for how they're going to deal with issues when there are unexpected bycatch events that like happened this year. And I would just call out dark blotched where we are over the set-aside amount. We're not, we don't have a conservation issue. We're well below the ACL, but we set these set-asides as part of our biennial spex and there is an expectation to manage to those understanding that there's going to be some times when they're exceeded. So that's my general comments here. And I said I do have a motion for consideration when you are ready Mr. Vice-Chairman.

Pete Hassemer [00:24:49] Thank you Phil. So, there's the offer of a motion there. I want to check and see if there's any further discussion? Bob Dooley.

Bob Dooley [00:25:01] Yes, thank you Mr. Vice-Chair, and good morning. Thank you, Phil, for those comments. They're right along the lines that I was picking up on too. I'd just add on to that that we were through the conversations and the testimony yesterday and the reports that there's a real, there was an ask for clarity from the Council of what we, what we are expecting, at least that was my interpretation. And I can tell you that when we went from hard caps that applied to the sectors individually to a hard, to a set-aside that is a common pool with the expectation, like Phil had mentioned, that there are times when that may be exceeded, but there's no given blanket approval that you can do that, it's at least that's in my interpretation and I think we need to make that clear. And so, taking that back a little bit, I just want to... it was stated last meeting, I think Phil said it, is there's an expectation of each of those groups that they're entitled to their pro-rata share of the set-aside. And when one sector or the other is going over that line, it should come with communication, it should come with some type of protocol

agreement or understanding that you're not going to jeopardize the other sector, the other sectors part. So, I hope that that's what we get coming back from the sectors is some type of agreement of how they, as they approach their portion of the set-aside, that there is communication, that there's full transparency and notification. And then on the next level, if they're approaching the overall set-aside, not just one sectors component over the others still within the overall set-aside, that there's communication with the Council, communication with the agency, communication with everyone to understand the why's, what's going on, and how understand the landscape going forward if there is a going forward. And I, just from the lens of our conversations this week, I would like to, you know, just point out that canary in the future may look more like a hard cap than a set-aside. There's not going to be a lot of as there is in darkblotched, a lot of extra fish laying around. So, I think it's important for that. So I hope that, I'm anticipating Phil's motion will comment more at that time, but I'm hoping we're sending clarity to the sectors that we as we did then trust them to be, have many more tools, better tools and better ability to react to these bycatch events than any of the tools available to us through BRAs and BACs and things like that, that the tools are in the co-ops. We have, we have been assured over the years that that, that they would be the trustees of that, and they would manage that and have given them our confidence that they can do that. And I still believe that's the case, but we see now that maybe there's a little more transparency, a little more assurance to the Council and to the agency that they are certainly good stewards, which they are of this resource and are sensitive to the bycatch needs or the bycatch restrictions. And particularly, you look at salmon this year, particularly understanding the temperature of the room, so to speak, might not technically be going over some set-aside or some restriction in a buy-op, but there's a lot of this coast, California through Oregon, that are sitting at the beach, salmon fishermen, and those sensitivities need to be there as well. So, I guess what I'm saying is overarching this is a responsibility to avoid bycatch to the extent practicable at all times, at all levels of abundance. And I think that's the overarching mandate. But as I think Brent Paine said yesterday, with privilege comes responsibility, and I think we need some transparency in that. So, thank you.

Pete Hassemer [00:29:58] Thank you Bob. Since we're talking about communication, I'm going to turn to Mr. Anderson and ask him to present his motion and we can maybe have more discussion on that.

Phil Anderson [00:00:00] Thank you Mr. Vice-Chair. Hopefully my latest rendition of my motion made it to Sandra this morning. Thank you Sandra. I move that the Council encourage the Pacific Whiting Conservation Cooperative and the Whiting Mothership Cooperative develop an inter-cooperative agreement that establishes preseason and inseason measures to minimize the bycatch of groundfish species that have set-asides and salmon species that have whiting sector guidelines associated with the biological opinion. Ideally, the inter-cooperative agreement will specifically reference bycatch avoidance measures that each cooperative has in their respective bycatch reduction plans, recognizing that there will be differences as well as commonalities in the avoidance measures used by the two sectors, and would contain a suite of possible inseason actions that will be taken if a cooperative exceeds or is projected to exceed its preseason expected bycatch rate and or share of a groundfish set-aside or salmon guideline. The Council encourages the inter-cooperative agreement contain a data sharing component. The goal of the data sharing, data sharing portion of the agreement is to allow individual sector participants to obtain real time bycatch information, thereby assisting each sector's goal of minimizing bycatch of key species. The Council requests the Pacific Whiting Conservation Cooperative and the Whiting Mothership Cooperative provide a status report at the March meeting relative to progress made on developing the potential agreement with the hope that an agreement is in place for use in the 2024 season.

Pete Hassemer [00:02:08] Thank you Phil. That language on the screen, although it's not necessarily complete with respect to the motion, it is accurate, and everything is in there?

Phil Anderson [00:02:19] Yes Mr. Vice-Chairman.

Pete Hassemer [00:02:21] Thank you very much. Is there a second? Seconded by Bob Dooley? Please speak to your motion.

Phil Anderson [00:02:27] Thank you Mr. Vice-Chair. As I mentioned, in 2019 the Council replaced hard caps with set-asides for species taken as bycatch in the at-sea whiting fishery. The set-asides are set by the Council as part of the biennial spex process, and the set-asides are single values for use by both at-sea sectors. It is left up to the industry to decide how those set-asides are shared, and I think this is an important thing to just point out that that provides maximum flexibility for the at-sea sectors to take the necessary measures to minimize bycatch, but at the same time maximize their utilization rate of whiting. The numerical limits on salmon bycatch are also a shared value, including the broader groundfish gear types. The Council took this action to avoid inseason management crises, including scheduling of emergency Council meetings to address situations in which a preseason hard cap needed to be adjusted within the available ACL to avoid the unnecessary loss of whiting harvest opportunity. My memory is that the at-sea sectors offered assurance to the Council that they would work together primarily through the two cooperatives to manage the fishery to stay within the groundfish set-asides established by the Council with the understanding that there would be years when the set-asides might be exceeded. And in those unusual cases, additional measures would likely be taken to minimize overages to the degree practicable. There is also an important salmon component to the bycatch issue for the at-sea whiting fishery. Again, there is a single number shared by the two sectors as well as other sectors within the, or gear types within the groundfish fishery. My memory is that the Council heard from the at-sea sectors that every reasonable measure would be taken to minimize salmon bycatch. I commend the two cooperatives for their follow-through on their commitments. The sectors have taken extraordinary measures to live up to their commitments, and you heard that as part of their reports. This year we saw increased rates in bycatch, particularly in the CP sector. It has come to light that improved coordination, communication, real time data sharing and some level of formalization of the preseason and inseason bycatch control mechanisms could assist in minimizing bycatch. The goal of this motion is to encourage efforts to be undertaken by the two cooperatives to make progress on improvements to minimizing bycatch and to work together inseason as appropriate to address bycatch issues of concern as they arise. You may be asking yourself why is a motion needed for this? And my response is simply that a motion is the central mechanism that the Council uses to express themselves. A motion is a proposal that all the members of the Council can take action or stand on relative to an issue of concern. And in this instance, because of the importance of the two sectors, and in particular in this case, the cooperatives to work together to meet our goals of minimizing bycatch on rockfish and salmon, a motion is warranted. Thanks Mr. Vice-Chair for allowing me to speak to my motion.

Pete Hassemer [00:06:45] Thank you Phil. Are there questions to the maker of the motion for clarification? John Ugoretz.

John Ugoretz [00:06:53] Thanks Mr. Chair, and thanks Phil for the motion. Just a simple question sort of related to your very last point there. I appreciate and agree with the fact that motions are how the Council makes their will known. How do you see the Council providing this encouragement to the groups?

Phil Anderson [00:07:23] Thanks Mr. Ugoretz for that question. I've thought about that, and we can talk about this if this motion happens to pass, but I think conveying the motion itself to the leadership of the cooperatives is the way to make our wishes known to them. And I also think that they're also listening to us today, so this isn't a surprise. I have shared this with the, I won't say I got it to every member of the two cooperatives, but I shared this motion with the two cooperatives as I was developing it and prior and to public comment so they would have an opportunity to suggest to me edits, which I did make several edits in response to them. But back to your main question, I think conveying this through with a cover letter from the Executive Director to the leadership of the cooperatives would be

the most effective means.

Pete Hassemer [00:08:42] Thank you. Further questions for clarification? I'm not seeing any questions. Open the floor for discussion on the motion? Butch Smith.

Butch Smith [00:08:56] Thank you Mr. Vice-Chair. And I will be supporting in this most excellent motion. I think that this industry came a long way and I think they just need a little nudge to go a little farther and I think this motion does it. And I'm confident that those sectors will, will sit down and do it. I've always said it's better for the fishing groups to work it out rather than we work it out for them, and I hope they got that message yesterday, and I think they did, and I will be supporting this motion. Thank you.

Pete Hassemer [00:09:36] Thank you Butch. Further discussion? Bob... I'm not sure whose hand went up first. Heather Hall, Bob Dooley, John Ugoretz, in that order.

Heather Hall [00:09:56] Thank you Vice-Chair Hassemer. I appreciate this motion and have appreciated the conversations that we've been having about this since June. The information that was presented by the co-ops yesterday was really valuable and also what was in the briefing book about this. And I think what's obvious is there's a question about what do we do when a set-aside is reached? And an acknowledgment yesterday from both the co-ops that at a minimum it starts with communication and that maybe some of that was lacking this spring and that they can do better about that. Also know that when the set-aside approach was adopted as an alternative to hard caps, there was an awareness that there is nothing like 100 percent probability, so this isn't super surprising. And so just this effective communication, and I think as Mr. Smith said, moving this to the next level and building that inter-cooperative coordination will, will really help with that question about what happens when a set-aside is reached and what are the expectations for each of the co-ops in that situation. Thank you.

Pete Hassemer [00:11:29] Thank you Heather. Bob Dooley.

Bob Dooley [00:11:31] Yes, thank you Mr. Vice-Chair. And Phil thank you for such a great, complete motion. It's, I know we shared and I really do appreciate the thoroughness of it and you're speaking to the motion covered a lot of additional ground. I see this as a clarification for the Council to give clarity of our expectations to the co-ops. I have no doubt they have a long history of doing, of being very proactive, both co-ops. And by and large the absence of this inter-cooperative agreement has worked to now, but this last spring identified a potential problem or shortfall. And I think clarifying what the expectations of the Council is and how we go into this is important and communicating that. And I... since this started in the spring there's been a lot of talk, a lot of, you know, and a lot of questions, and I think this really clarifies where we would like to see it go. It sends a clear message and I agree that transmitting it the way that was described is a good idea. So, but also realize that the participants are, I'm sure, listening and the message will be delivered. So I look forward, I have full confidence that with their expertise, particularly 23 years in the Bering Sea and pollock being part of an inter-cooperative they have the tools, they have the know how, and they can do it best to figure out how to bring forward to us and give us the assurance that these, that it's under control and there will be full transparency. So, thank you. Thanks for the motion. I will be supporting it.

Pete Hassemer [00:13:40] Thank you Bob. John Ugoretz.

John Ugoretz [00:13:43] Thanks Mr. Chair. And yes, thanks again Phil for the motion. I'm also supportive of the motion. And I do want to point out that California Department of Fish and Wildlife wants to thank the Salmon Technical Team for their report on this agenda item and their review and consideration of the Groundfish Management Teams projection analysis that revealed the higher-than-

average Chinook salmon bycatch in the spring whiting fishery. We agree with the technical team's concern regarding potential bycatch of Klamath River Fall Chinook in the whiting fisheries fall fishing season and appreciate the STT's cautionary reminder for the Council regarding critically low forecasted abundance of that stock, which has remained in an overfished condition since 2018. Moreover, Klamath River Fall Chinook are facing further conservation concerns this year resulting from a Klamath Dam removal and associated disruptions to habitat. So, we expect that National Marine Fisheries Service will be watching the whiting bycatch reports very closely and that if NMFS determines actions are required to protect critical salmon stocks, we expect that NMFS will take those actions. Thank you.

Pete Hassemer [00:15:05] Thank you John. Further discussion on the motion? Not seeing any discussion, I will call the question. Those in favor signify by saying "Aye".

Council [00:15:20] Aye.

Pete Hassemer [00:15:20] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Phil. Further discussion or action on the at-sea whiting reports that we had? And I'm not seeing any hands so the first thing I will do on those three items is look to Todd. First, Ryan Wulff.

Ryan Wulff [00:15:57] Thank you Mr. Vice-Chair. I did want to say something really quick because I probably should have stayed with this when we adopted the previous motion on the technical corrections. But just to clarify... so we've done a couple of things if you count last night and today, in particular number 1 and 3 on the screen there. I just wanted to note that we will probably be moving forward with those as separate actions. The inseason adjustments that we adopted at the end of last night we will be moving forward like a typical inseason action. However, the technical corrections are more appropriate through a rulemaking avenue, so we'll be doing that as a proposed and final rulemaking but do anticipate we'll be able to get obviously the inseasons done as quick as possible, and of the proposed and final rulemaking for the technical corrections by the end of this calendar year. So, I just wanted to note those are two slightly different packages in the way those move forward. Thank you.

Pete Hassemer [00:16:59] Thank you Ryan. So, before I turn to Executive Director Burden, Todd on those three items before us have we done everything we need to do in those?

Todd Phillips [00:17:12] Yes, thank you Mr. Vice-Chair. Yes, so yesterday you did adopt '23, or '23 inseason adjustments, not the number 23, but 2023 inseason adjustments after a long, long discussion. And then today, this morning, you adopted one and two and we have enough information to move forward. So yes.

Pete Hassemer [00:17:35] All right, thank you. Executive Director Burden I will turn the floor over to you.

Merrick Burden [00:17:41] Yes, thank you Mr. Vice-Chairman. Well, yesterday during this agenda item there was a lot of discussion about the quillback stock. Some of the results that have come from the assessment in terms of estimation of the various specifications that would go into place that have already been going into place and that are disrupting our inseason management process, and of course the outlook looks very challenging. And so, there was some discussion yesterday about tasking me with looking at whether there are other ways forward. And we ended late last night so there, you know, I think wasn't a whole lot of time to consider some things. But we did have a meeting of some, I'll call it the GMT Alumni Trust, or at least several of them. Some brilliant people have been on the GMT by the way, and I think the conversations were quite good. We went back through some history, and there are a couple of points that really stood out to us during that conversation. One is that it was our collective

recollection that the consensus of the Council several years ago was that data moderate assessments should not be used for specifications. And that's not to say that they not be used for stock status determinations, but there's some reason to believe that the consensus of the Council several years ago was that the numbers coming out of data moderate assessments may not be appropriate for use and that some other approach would be warranted. So that was one key point that stood out to us. As we think about what that means based on where we are now, there are some other questions. One, I don't think we're saying if we were to pursue something like that, that we would want to reject the science, that's not it at all. There's a BSIA determination that applies to all of our assessments at this point and we're not, I don't think anyone would want to challenge that. What I think we're raising is that there are some questions about what are the best numbers to use in terms of our specifications for the next biennium. And so what I would propose to you all, if you are still asking these questions, is that I continue to work with our Deputy Director and others to outline what we could do, what sort of conversations we would need to have with the Science Center, what this might mean for our process, and whether we actually even have the latitude to explore something different at this point at this juncture. I think there's reason to think we might. I think there's reason to pursue this angle and at least gain some clarity. So if you're amenable or would request this of me, what I would plan to do is come back tomorrow under workload planning with some more polished thoughts about how we might move forward if we are, if we want to continue looking closely at the quillback assessment and the specifications that have arisen from that and whether there are some alternative courses of action we could take that are consistent with BSIA and consistent with our various laws and things that guide our direction. So, Mr. Vice-Chairman I hope that makes sense. I am happy to answer any questions that may have arisen.

Pete Hassemer [00:21:25] I will look around the table and see if there is any response or discussion on the proposal laid out by Executive Director Burden? Marc Gorelnik.

Marc Gorelnik [00:21:40] Thank you very much Vice-Chair Hassemer. And thank you Executive Director Burden for those thoughts. I think that is a way forward and then we can maybe flesh it out a little bit more tomorrow during workload planning and look forward to the results of that review, hopefully back in November. But I just want to remind everyone that stock assessments are tools for us to use and they are neither infallible nor of divine origin. We're all, or I should say none of us are infallible, and we're told that this quillback assessment, however deeply flawed it appears to be, and notwithstanding how much harm it's causing to coastal communities is inviolate. We have to take it. We're stuck with it. And I'm just not sure how clinging to a faulty stock assessment instills confidence in our process. And I'm not sure that that's really consistent with scientific integrity. I don't think it's ever too late to do the right thing, but we're constrained we're told. But independent of our Council process, perhaps the Science Center itself has an obligation for some introspection. And I'm hopeful that the Science Center will recognize an independent duty to reconsider this stock assessment and retract it as appropriate.

Pete Hassemer [00:23:27] Thank you Marc. Further comments, discussion? Phil Anderson.

Phil Anderson [00:23:34] Thanks Mr. Vice-Chair. And thanks Marc for those remarks. I really appreciate the additional thinking of our GMT brain trusts that have moved up to, I don't know if these are higher places or lower, I haven't decided that yet, but having these folks that have this institutional memory of how this came about and some of the potential alternatives that we might explore I think is really valuable and appreciate people putting their efforts into that at the wee hours of the late night and bringing this forward. I think we need to be, well, remembering that it's the lack of data that's really hamstringing our ability to understand and assess this stock. I think there are lots of efforts being made to address that lack of data, and I'm hopeful and I'm frankly confident that the Science Centers will take, go back and take a look at this, at the request that comes from the Council and the concerns that have been raised. So again, thanks to the Council leadership and our brain trust here from past GMT

members for bringing this idea forward.

Pete Hassemer [00:25:23] Thank you Phil. Butch Smith, then Lynn Mattes. Butch.

Butch Smith [00:25:30] Yes Mr. Vice-Chair. I just real quick, I'd just like to say that I think that's the best idea Executive Director Merrick's had all week so I agree. The brain trust and stuff like that, you know, but yes.

Pete Hassemer [00:25:48] Thank you Butch. Lynn Mattes.

Lynn Mattes [00:25:50] Yeah, thank you Vice-Chair. While I'm not always thrilled about it, well never be thrilled about being asked to come to a meeting at 9:30 p.m, I think it was a productive discussion and appreciate the thought and the creativity that Council staff put in and then the discussions we were having. We've been focusing primarily on quillback rockfish off of California, but that data moderate assessment cycle that did not go through a Star Panel, did not have CIE review. Also had quillback off of Calif....or off of Oregon and Washington. I believe vermilion was also assessed and I believe Washington has like less than a metric ton of vermilion because of that assessment. It also impacted copper rockfish off of Oregon. So, while we've been focusing on quillback that this may have some implications for other species that while not as dire as the situation with quillback in California, could benefit from that additional review. So, I really appreciate the Council staffs spearheading this for us.

Pete Hassemer [00:26:52] Thank you Lynn. Heather Hall.

Heather Hall [00:26:56] Thank you Vice-Chair. And thank you Executive Director Burden for responding to the question that was asked of you yesterday of is there anything we can do? Is there another path forward and for giving that some thought late in the day, very late in the day yesterday. And thinking about that, I also wanted to just talk about, reflect a little bit on the 2021 stock assessment and recognize the stock assessors that worked on these stock assessments. And I do recall their responsiveness to taking these assessments back and seeing what more they could do before adopting them and recognize that exactly what Mr. Anderson was saying there. We heard from them, there's not a lot of data to do more than what they did but then how do we use that information I think is where we are, where we're at and what we really want to explore. So, thank you again. Appreciate just at least the consideration for where we might go from here. Thank you.

Pete Hassemer [00:28:11] Thank you. Anything further? Chair Pettinger is that your hand raised there?

Brad Pettinger [00:28:20] It is Vice-Chair Hassemer. Thank you. I think that it's... I'm glad to see the creativity that has come forth last night. I think that we've highlighted some real issues that are really the foundational basis of what this Council works from. I think we need to have an ongoing discussion about how we can make the system better. I think some of the things that Phil alluded to yesterday, I believe, is maybe there should be an off ramp where you start going down a stock assessment and things aren't coming together the way they're supposed to, we shouldn't have to go all the way to the end and finish it because best scientific.....BSIA sounds great, but as Marc Gorelnik mentioned to me yesterday he might be the best tennis player in the room, but he's not a very good tennis player. And while it might be the best stock assessment we have for quillback, it's not a very good stock assessment. And I think it's....we didn't have two stock assessments side by side to compare to. And I think that's, you know, I think that we need to have a real conversation not necessarily in this room, but I think these managers, the Science Center about what, a system that will be successful because I tell you we're going to crash here if we keep going down what we're, we're seeing. The GMT when they put out this last week I don't think they're looking forward to more meetings like that, but I don't see that changing unless we make some real changes. So anyway, thank you.

Pete Hassemer [00:30:03] Thank you Mr. Chair. Further discussion? While you're thinking about that, what I heard is some support for what the proposal from Executive Director Burden to come back tomorrow with a little bit more detail on that plan for moving forward and we would discuss it at that point in time. And Corey Ridings.

Corey Ridings [00:30:32] Thank you Mr. Vice-Chair. And thank you Director Burden for listening to the discussion yesterday, thinking about this last night and folks coming together to think about solutions. I fully support the effort, but I do want to note that we have the best scientists in the world working on this. This stock assessment and the energy and effort that went into it, while it's not perfect, in fact it's far from perfect. It is BSIA and we have incredibly talented people that work on all of our stock assessments and the agency puts considerable time and money into them. So, I want to note that I think I'll use the Chair's tennis analogy, even if Mr. Gorelnik's not good at tennis, if we have to play tennis, I'd like it to be Marc. So, like I said, I support this thinking and really appreciate what's gone into it, but I also want to acknowledge the skills and the talents and the efforts that have gone into this and the general overall quality of what we do receive. Thank you.

Pete Hassemer [00:31:53] Thank you Corey. Mr. Gorelnik.

Marc Gorelnik [00:31:56] Thank you Vice-Chair Hassemer. And thank you for the reference both Chair Pettinger and Corey. To further that analogy, I may be the best tennis player even though I'm not very good, but if I keep hitting the ball outside the lines, which is I think the analogy to this stock assessment, then you still don't want me there.

Pete Hassemer [00:32:21] Duly noted. Further discussion? Executive Director Burden.

Merrick Burden [00:32:31] Yes, thank you Mr. Vice-Chairman. I guess I don't really have anything more to add but Miss Ridings comments I guess have compelled me just to reiterate that we do and we as staff all do really appreciate the efforts of the Science Center staff. And I don't think any of us want to criticize them or their efforts or anything of that nature. We very much appreciate science. We're proud of our science-based management. But I think we are, we're in a place where we, it's fair to ask questions and fair to look for improvements and we're always looking for ways to do things better. So, I hope no one takes our proposal as staff personally or as a question of the science or the capacity of our science. That's all.

Pete Hassemer [00:33:25] Thank you. Last chance for any discussion. And again, I will ask Todd, have we finished up our work here?

Todd Phillips [00:33:38] Yes, I don't have a tennis analogy for you, but I would say that the Council has appropriately dealt with this particular action item. I will note just for general knowledge for the Council that regarding the technical corrections, we, being Marlene and I, are developing a process to, a better process to review these numbers and that was not really well thought out in the past and so we will have something to correct that. So, thank you.

Pete Hassemer [00:34:11] Thank you very much. And I think the tennis analogy we had three items before us is game, set, match. We're done. So that will close out Agenda Item G.8.

H. Administrative Matters

1. Chumash Heritage National Marine Sanctuary Designation

Brad Pettinger [00:00:00] Okay. That takes care of our public comment and so I'll open the floor for discussion... or not. Marc Gorelnik.

Marc Gorelnik [00:00:13] It's my job here to break the ice, so I'll do that again. I think that this sanctuary, like other sanctuaries, can offer benefits to, rather than burdens to the fishing community, both commercial and recreational. I'm not so sure that some of the ancillary restrictions necessarily serve that rule. We've heard some of that from the, from our advisory bodies. I think that just to focus on one that was raised in the GAP statement has to do with discharges where there's an exception for the Coast Guard but not for small vessels. A lot of the... particularly in the recreational community, we're dealing with people in kayaks or small boats, while we don't have a lot of ports along the stretch but there are some beach launch areas with no pump outs and even for ports. I think there's Morro... well, Morro Bay's not even in the sanctuary, they're not even in the proposed... I'm not sure, I didn't see in detail whether Port San Luis is, which is another port which does not have pump out facilities. So, we have a restriction that will be imposed that is at odds with the Clean Water Act, the Federal Clean Water Act, which does allow discharges outside 3 miles. We don't have any adequate alternative and that concerns me. I would like to see, if it's available, some analysis for this restriction, at least for smaller vessels. I think larger vessels that have holding tanks and whatnot, they can be expected to, when they, you know, if they have, have the capacity they can hold and return, but a lot of smaller boats don't have those facilities because it's generally not required in the United States. So, I guess that's one concern I have. I also, and this is something I've raised in the past, introduced species. This is something that, again, no one wants to see the sanctuary despoiled with waste, but generally speaking, introduced species means biological material capable of reproduction. And that's not the definition here. It's really irrespective and I don't know what kind of crabbing, for example, goes on in this area, but some people will use leftover rockfish carcasses, which of course are species that are found in the sanctuary, but some people might just grab some chicken thighs and throw them in a cage and put it in the trap and lower it to the bottom. Well, technically that's a violation of the sanctuary rules. I'm not sure what benefit that offers to the sanctuary as opposed to the burden it puts on fishermen. So I guess to recap, I think I support the sanctuary. I'm just concerned with some of the ancillary regulations.

Brad Pettinger [00:03:38] Thank you Marc. Those are good points. Anyone else? Vice-Chair Hassemer.

Pete Hassemer [00:03:51] Thank you Chair Pettinger. I agree with what Mr. Gorelnik said, concerns about the ancillary regulations. I'm just trying to think. This comment period is open. It closes before our November meeting but they would accept, the sanctuaries would accept comments that we develop in November. I don't know that we need to wait that long, considering it I'll just reiterate some of my discussion with Mr. Douros in terms of not... well, it's difficult to characterize that, but I think as I read this, the EIS and the proposed rules or regulations do accommodate the fishing, the commercial and recreational fishing, and do not put restrictions on that. And I think that's a very good thing. I think they treat fishing very respectfully and accommodate that in there. There is a concern about the ancillary regulations. A comment letter should we decide to provide one, it should continue to highlight our shared partnership in marine conservation and highlight what the role of the Council was. One of these things, maybe I'm being too sensitive about reading it, but in the EIS where it talks about fishing regulations, you know if anybody wants to look at it, page 51, it says, "Consistent with Section 304a.5 of the NMSA, NOAA provided the Pacific Fishery Management Council the opportunity to recommend any fishing regulations that the PFMC deemed necessary to implement the proposed designation, and it declined to recommend or request any fishing regulations". The fact that we declined, that the

language says we declined that I guess irks me a little bit, but I'm not faulting the sanctuaries. That might be our fault, you know, it might be my fault because I went through, I did not take the time to listen to the audio transcript of what was discussed at the November meeting, but I read the typed transcript available to us and I read the two letters that are part of the sanctuary documents that the Council sent. And, you know, we did say regulations were not necessary, but I'm hoping if I listened to the audio part, part of that discussion is we thought about our regulation process. We have biennial processes. We have annual processes that look at what regulations are needed there, and I felt that our discussions were that the existing regulations were consistent with the sanctuary, at least with respect to the documents that were available to us at that time, that we provide these regulations. We protect those resources. It's in our wheelhouse to develop the regulations and what we had and the processes we had were sufficient so it was not necessary to provide any other regulations, and we weren't sure what it would do. So, you know, that's why the wording that we declined to do that, I'm not sure we necessarily declined, we are in a good place with the regulations. So, the comment letter I think should address that, our role, our process, so it's clear. If we didn't, did not do that in the past, we should take the opportunity to do that now in a comment letter and reinforce the role of the Council in the sanctuary. Because on this coast we have a very good relationship, I believe with the Office of National Marine Sanctuaries and working with them, and we need to reinforce that and continue that good working relationship. So, I'm not scolding the sanctuary. Again, I say that their use of that language may be a result of what we said, I don't know. But I think it's important to comment. I don't think we have to wait till November. I think we can capture some of this, concerns about ancillary regulations that Mr. Gorelnik mentioned and really focus on the future and working together and how the Council process works and how we might make changes, but to continue to protect that maritime heritage of commercial recreational fishing in that area. So, thank you.

Brad Pettinger [00:09:11] Thank you for those comments, Pete. Anyone else? Virgil Moore.

Virgil Moore [00:09:18] So having listened to this discussion quite a bit over the years, relative to that, we're trying to develop the necessary trust for the management of this piece of real estate. And language like the Vice-Chair just pointed out continues to concern me about how do we deal with the perception that regulatory authority over that real estate includes the fishing activities that the Council has responsibility for? And it's those minor statements like that that create my concern relative to not being clear. Yes, it does not include fishing regulations, they're very clear in that and I appreciate the gains we've made in this discussion with the Marine Sanctuary folks, but I think it needs to go one step further, and I think we may need to ask for that in a letter and that is, simply put, if and when the sanctuary feels there is a need for fishery regulation, they will propose that to the Council as the authority for that. It's not clearly stated. That's what we want. That's what we've asked for, but they keep nibbling around that. I know there's tensions within NOAA over the way this is done, but given the comments we have from our advisory groups, some of the public testimony we've had, our own experiences with how to properly do this, we need some of the language acknowledged, and I would recommend that we look at the Vice-Chair's comments relative to that and seeing if we can't correct that record and ask specifically for that activity in our communication with them. Thank you.

Brad Pettinger [00:11:18] Thank you Virgil. Anyone else? Phil Anderson.

Phil Anderson [00:11:28] Thanks Mr. Chair. I wanted to express my support for Vice-Chair Hassemer's comments. I think the, there was a time some number of years ago when there was a lot of tension regarding fishery regulations within sanctuaries, and I'm not saying that all of that tension is gone, but I want to acknowledge the approach that the sanctuary, Office of Marine Sanctuaries, and particularly Bill Douros, has brought to this Council when issues have come up relative to fishing or other issues concerning sanctuaries and how open and transparent and proactive they have been in coming to the Council with their hat in hand, if that's a term that I use to describe someone who's coming

forward within a collaborative approach to problem solving, and the leadership at the federal level between NOAA and sanctuary debated long and hard over who had the ultimate authority, and where we ended up was this collaborative approach that when, when and if regulations associated with fishing in a sanctuary were necessary, that we would work together, and I think Bill Duoros and his staff have honored that. And I think that I support the Vice-Chair's suggestion that we write a letter and address the concerns that were expressed by the GAP and the other concerns around this table and do it in a manner that is consistent with the spirit of cooperation that these, that the Council has had with the Office of Marine Sanctuary over time.

Brad Pettinger [00:14:02] Thank you Phil. Anyone else? I would notice that the... Mr. Smith's comment on that slide showing the protections from the threats listed, and I noticed that I think he's probably speaking more to offshore wind. And I think it's interesting that I thought Bill did a great job expressing how important the upwellings are to our coastal waters, but I am troubled a little bit with the fact that we're putting a wind energy facility in the middle of two sanctuaries where the effects wouldn't necessarily be from the body of water that they're in, but the downstream effect of the lack of upwellings as the energy is taken out of the wind and effect the upwellings in the future. So, there's a sanctuary above that wind energy facility to be built and there's going to be one below it and I would hope that they would monitor the effects of that, of that facility on the ecosystem. And they are there and they do have, I would assume there will be... that's part of what they do. And I think it would help us as far as what those effects on those facilities will be in the future so. Okay. Anyway, I believe initially we were thinking about maybe having another run at this in November but it was brought to my attention by Executive Director Burden that we did get the information from the sanctuaries early enough to make our comments at this meeting and not do it in November. So, with that, I think as far as, Kerry, have you heard enough to move forward what we have here?

Kerry Griffin [00:16:04] Yes, thank you. I do have one question. I'm hearing that the Council has a desire to send a letter addressing some of the, or addressing the concerns heard around the table and capture also what we've heard in the advisory body reports. My question would be, do you want to task me and the Executive Director to write that and send it off? Or do you want to follow your quick response process where we would draft something up, send it around to the Council for feedback before sending it?

Brad Pettinger [00:16:37] Marc Gorelnik.

Marc Gorelnik [00:16:39] I guess my thought would be to have staff write the letter and then circulate it under the quick response procedure.

Brad Pettinger [00:16:51] I'll look around table. I'm seeing head nods so okay. There we go.

Kerry Griffin [00:16:56] Okay.

Brad Pettinger [00:16:57] All right.

Kerry Griffin [00:16:58] And I think...

Brad Pettinger [00:16:58] So Kerry, how are we, how are we doing on this?

Kerry Griffin [00:17:00] Sorry I jumped in front of you. I think that concludes your business for this agenda item. Thank you.

Brad Pettinger [00:17:05] All right. Well, I would say that's good work folks. We're a little ahead of

schedule so let's take a, let's take a 15-minute break.

2. Greater Farallones and Monterey Bay National Marine Sanctuaries Coral Restoration and Research Plan - Scoping

Brad Pettinger [00:00:00] All right, that takes care of public comment and takes us to Council action, which is before you. So, with that I'll open the floor for discussion. Okay, well, I'm open for a motion even if there's not any discussion here just to get the discussion going so. Marci Yaremko.

Marci Yaremko [00:00:27] Thank you Mr. Chair. I do have a motion prepared but I need just a few minutes to get it to its destination. Thank you.

Brad Pettinger [00:00:35] Well, I'll keep the invitation for someone to speak in the meantime so we'll just stand down here and if someone wants to contribute I'll be looking for a hand so, in the meantime. Marc Gorelnik.

Marc Gorelnik [00:00:51] I'll bite. I appreciate the sanctuary coming here and working in a cooperative manner as Mr. Anderson had mentioned earlier. I do notice a bit of a goalpost moving. Initially, this came as an effort to mitigate for the damage caused by the sinking of the dry dock and it has grown into research. And research is important. I'm not trying to denigrate it, but it is a change of, significant change of scope compared to how this action first came to us. I think that there was some concern when this came to us in March that it was sort of out of cycle because normally, we would consider these restrictions as part of the spex cycle and it was, there was an indication that because of the confidentiality of the settlement agreement that the sanctuary simply couldn't address to us the need for some areas for mitigation that I understood. I'm not sure that equally applies to additional areas that are for purposes of research. I think that to the extent we need to consider those, I would kind of prefer to do that in cycle. Also, I think there are... we need to be looking at this research that's going to be undertaken. We need the big picture and if there is, if this coral research is extending to other areas, for example, the Channel Islands, we need to take that into account because if there is research being undertaken in other areas at different depths, it makes designating additional areas perhaps less important. And so, we need the big picture here. I think we do want to support this research. Deep-sea corals are, do provide important habitat to species that we manage. There probably has been a fair amount of destruction of these corals over the years so it is our common interest to see these corals restored. But I think it's also important to, to the extent we can, to not add to the burden already undertaken by fishing communities. This drydock sank in an area and caused some harm to be determined over the long term, I guess I support the GAP statement suggesting that that be studied, but the burden is now being spread to the fishing community through additional closed areas. To the extent this research can be undertaken in areas that are already restricted, it would meet the research needs and it wouldn't further burden the fishing community. So those are my comments.

Brad Pettinger [00:04:12] Thank you Marc. Bob Dooley.

Bob Dooley [00:04:17] Thank you Mr. Chairman. Marc, thanks for those comments. They're right along the lines that I was thinking about. The one observation I'd make is that we've seen many, many presentations about coral and in the light of coral protection and restoration and I look at this, the title, this is coral restoration, which implies that we're trying to replace something that was damaged or restore something that was... not that was damaged, in our particular context by fishing, you know, resulting from fishing activities. We have seen many, many slides, National Geographic quality, including today, that show healthy corals and populations and areas and substrates and all this habitat, but I would think it would be, particularly with today hearing the great numbers that were damaged by this drydock and that we could see some photos of damaged coral, and I've never in my recollection, and correct me if I'm wrong, I've never seen a picture presented to this Council of damaged coral by

fishing gear. And I support the research and I really appreciate Marc's comments about 'let's not disrupt our fishing activity'. But it seems to me if there was evidence of fishing gear damaging corals, we'd have seen that a long time ago and it'd be continually coming back, but we continue to see the same National Geographic quality photos that show a rockfish next to a beautiful coral. And I'm just having a tough time thinking about closing areas and all of that to mitigate a drydock that sank in really deep water and extending that to shallow water for research and potentially preventing our already stressed fishing industry from continuing the work that they do. So maybe I'm off base, but I don't think so, and I just I would really, you know, hopefully would... if we're going to mitigate the damage to this drydock, let's stay in close proximity to the area where the damage has occurred. And like the GAP had suggested, limit the footprint, at least for this particular part of it, if we're going to mitigate the damage from the drydock sinking. And then if research is there, I really appreciate Marc's comments about taking a more holistic approach and understanding what's going on in other areas. So, thank you so much.

Brad Pettinger [00:07:06] Thanks Bob. Anyone else? Corey Niles.

Corey Niles [00:07:12] Yeah, thanks Bob. And not that I don't think this matters too much to what will be going today, but one of my earliest memories in this coming to this Council process was Ralph Brown, maybe not National Geographic quality, but showing us photos to remind us that it's not only trawl gear that can damage corals, it's longline and pot gear too. So, yeah, we've seen photos many years ago, so I think there's plenty of suggestive evidence that fishing gear does have the ability to damage corals. So maybe I'm missing your point on certain types of fishing gear but, yeah, we have seen those in the past.

Brad Pettinger [00:07:50] Okay, anyone else? Virgil, and then...

Virgil Moore [00:07:55] Certainly to build on these comments, it would seem like that we have an opportunity with the research here to utilize those areas that are already closed, but also maybe continue to do their, their work in the areas that aren't and use that research activity to document the differences between those, if in fact what we're looking for is more knowledge about how all things interact within our sanctuaries. I would like to see some structure that didn't create a need to mitigate our fisheries as part of a mitigation action and structuring the research to use the existing closed areas and perhaps do recovery in other areas without closing them any further for comparative purposes, would give us the kind of information and knowledge we would need to make better informed decisions in the future.

Brad Pettinger [00:08:59] Thank you Virgil. Okay, Marci.

Marci Yaremko [00:09:04] Yeah, thank you Mr. Chair. I do have a motion if now's the time.

Brad Pettinger [00:09:09] I think it's time.

Marci Yaremko [00:09:09] Okay.

Brad Pettinger [00:09:12] Corey Ridings.

Corey Ridings [00:09:14] Thank you Mr. Chair. I'm thinking about this and remembering that we are at the scoping phase here. Ultimately, I want to support the NMS in meeting their purpose and need and include options to get information so we can make the best decisions collectively that meet mutual goals. And I'm thinking about having... Marc just set about the larger context and other things happening around the state. I have to confess I'm still a little bit confused about what these purpose and needs are. I'm looking in the original document, the scoping document, and it says, "NOAA recommends that the Council move forward with the 10 proposed research and restoration areas". I thought I heard something

different from Miss Reyna this morning, so maybe I'm looking to Mr. Lockhart here, if he could provide a little bit more background on that at this scoping moment. You know what is needed for the sanctuaries to move forward so that we can collectively make the best decision when we get to the final decision point.

Brad Pettinger [00:10:32] Frank Lockhart.

Frank Lockhart [00:10:33] So I think they basically did say that in... well, in their presentation. I think the best thing for them would be to scope all of the areas that they mentioned and go forward with the analysis. It seems like some other Council members kind of mentioned that knowing kind of what we're dealing with. So, moving forward with all of the areas at this scoping phase, you know, like that is we're just scoping at this point in time, would be the best path forward.

Brad Pettinger [00:11:06] Thank you Frank. Okay. Thank you Corey. Marci.

Marci Yaremko [00:11:14] Yeah, thank you Mr. Chair. I don't know that I agree with that, but I will offer a motion and speak to it.

Brad Pettinger [00:11:22] There you go. Please.

Marci Yaremko [00:11:24] Thank you. I move the Council proceed with developing the possible closure of the Ana Nuevo and Ascension Canyon Complex sites and the Sur Ridge site as shown in Agenda Item H.2.a, ONMS Report 1 Scoping Document, to promote deep-sea coral restoration and research within the Monterey Bay National Marine Sanctuary. Ask National Marine Fisheries Service to explore use of its discretionary regulatory authority to ensure fisheries closures would be applicable to all bottom contact gears.

Brad Pettinger [00:12:04] Thank you Marci. Is the language on the screen accurate?

Marci Yaremko [00:12:06] Yes, it is.

Brad Pettinger [00:12:07] Okay. I'm looking for second? Seconded by Marc Gorelnik. Thank you Marc. Please speak to your motion.

Marci Yaremko [00:12:13] Yeah, thank you Mr. Chair. This motion reflects the intent of the action today, which was to identify areas that meet the original proposed scope and purpose and need of the project, which was to mitigate the drydock sinking. The three areas of the ten that we reviewed in the scoping document were specifically selected because they pose to be the least impactful to fisheries activities and as supported by the GAPs input. It should be noted, however, that these three sites are still expected to have some impact to fishing activity and want to acknowledge that the deepwater sites were preferred, both because of this reality that the fishing activities in the deeper water are fewer, and acknowledging again back to the original intent of this action which was to mitigate for the dry dock sinking which occurred in very deep water, which is what we should be looking to protect or mitigate for as the purpose here today. It's difficult to reconcile that mitigation for an accident in deepwater that's far from fishing activity should then displace fishing activity at a distant site. The proposed areas that were selected for review in the document were picked by coral scientists based on the best known parameters for successful planting outcomes. Appreciate the dialogue we had with the sanctuaries on uncertainty associated with the success of coral planting activities due to a number of uncontrollable environmental factors, and I think a number of folks around the table spoke to, I think, our collective interest in ensuring that coral planting activities are successful and we can't precisely say which environments are likely to be the most effective for these actions. The GAP report speaks to what seems

to be a bit of mission creep from the original identified need, and I think we've heard a lot about that in Council discussion. I'd emphasize that sites are available right now both in the DECA and in the Channel Islands Sanctuary that could have been included for our consideration here as part of this proposal. So, I'm concerned that the scoping document did not acknowledge the availability of existing closed areas to fulfill the goals of deep-sea coral monitoring and research. So as scoping and analysis proceeds on this topic, I'd like the Council to receive more information on the actual need to close these areas and precisely why no other existing closed areas can fulfill the needs for future research and restoration. We've heard over the last several months that the sanctuaries, they've indicated the scope of coral restoration research. The needs may change over time and that additional sites or areas may need to be considered in the future. I think that's fair enough, but at this point with what we have in front of us and the need which we understood to be for mitigation moving forward with these three site proposals only seems reasonable. One thing that's unclear to me that now I'd like to know more about is why we would need closures for coral in every sanctuary for research? There's no discussion or mention of that in the document. I appreciate the acknowledgment that Channel Islands Sanctuary research areas weren't brought to us because no action was needed for us, but the omission of those sites fails to help us understand the full context and the full need for additional closed areas that are being proposed here to fully accommodate the research and the research activities that are going to be undertaken into the future. I'd also encourage the sanctuaries to consider the deeper water areas. They've mentioned there's no evidence of success yet for out-planting in deeper water areas. I would expect that the deeper the water is, might see greater chance of success with less ocean currents and potentially, you know, more hospitable environment. But it sounds like there hasn't been any successful out-planting in the deeps, and meanwhile we do have already established an awfully large deep sea ecosystem conservation area that is closed to fishing with bottom contact gears specifically to protect deep water habitats and deep-sea corals. That closure was enacted just in 2020 and is a very large swath encompassing 123,000 square miles and federal waters from 3 to 200 miles offshore south of Mendocino Ridge. So that very deep water area combined with very shallow water area that likely exists in the Channel Islands National Marine Sanctuaries MPAs, coupled with these three sites, kind of medium depth I might describe them in Ana Nuevo and Ascension Canyon plus Sur Ridge should allow quite a wide range of opportunity in various habitats, various depths to accomplish and promote the goals of coral restoration and research. I'd also flag that with regard to these changing needs that we've been hearing about with regard to the research and restoration planning is that we do have upcoming in the not too distant future our EFH review process, which would be certainly another appropriate time to consider additional discussion on locations and areas of protections that might be needed to fulfill these comprehensive goals that the research and restoration plan speaks to. So, thank you Mr. Chair.

Brad Pettinger [00:19:37] Thank you for your rationale. I'll ask if there are any questions to the motion maker? Frank Lockhart.

Frank Lockhart [00:19:46] Thanks Mr. Chair, and thanks, Marci, for the motion and also the expansive support. And I guess in listening to a lot of your support, you know, you mentioned things along like wanting to know more information and, you know, let's see how all these things fit together, I'm paraphrasing but... so I'm... don't quite understand kind of given that why you excluded, you know, Football Area 1 and Cochrane Bank 2 and why not move forward with all the areas as proposed by the sanctuary's at this scoping stage so that we can continue to do additional analyses that would allow us to make a, you know, a better decision in March and June hopefully of next year. What was the rationale for excluding areas?

Brad Pettinger [00:20:50] Marci.

Marci Yaremko [00:20:50] Sure. Thank you, Mr. Chair, and thank you, Mr. Lockhart, for the question.

I will revisit the exchange between Merrit McCrae and Corey Ridings on the point regarding specific fisheries impacts in these shallower areas offshore at south of Point Arena and at the Football and at Fanny Shoal and Cochrane Bank. While there's not exhaustive analysis about the fisheries impacts that would occur should these sites be further considered, I expect that that's what we will find. I'd also flag that in looking at the sanctuaries restoration scoping doc, or the scoping document rather, I'll just take, for example, location 1 south of Point Arena 3 site alternatives. This location there's, and this analysis that's presented to us OSPA 1, 2 and 3, there's no mention of mitigation. The rationale or the description included consideration of fish or that these areas contain a number of fish hot spots, very large cow cod, yelloweye, lingcod, bocaccio and canary rockfish. So, there's a lot of discussion about fish. And again, the goal, as I understand it, of the action in front of us is to consider sites that are needed for mitigation. So, while it is true that there hasn't been an analysis yet about the impacts to existing fisheries, I take the GAP's word that these areas are very important to maintaining their ongoing access to healthy fish stocks.

Brad Pettinger [00:22:56] Okay. All right. Corey Niles.

Corey Niles [00:23:05] Yeah, thanks Mr. Chair, and thanks, Marci, for the motion. Probably not surprisingly, given limited time resources and giving a lot of leeway in deference to things that happen off your state, but I guess... so coming from a place of not having thought very hard about this, I, in hearing this good conversation we've had in this morning about the collaborative relationship between the sanctuaries in this Council when it comes to regulating fishing and balancing the interests and mandates of both, it's just I guess I'll say it feels early. Just... I'm talking about gut feeling. It feels early to be narrowing the scope at this point. You know, we have the Habitat Committee saying look at all 10 areas. There's real concerns about fishing here and impacts on that. But I guess what I hear in response to the question I'm trying to ask you is a couple of things. You think a principle of mitigation is that it should happen close to where the damage was caused, number one. And I guess I don't think I heard you say this explicitly, but in general workload is always tough, especially in groundfish in these areas. These issues aren't easy. Yeah, I guess, I'll just stop there and see if you had, just given that... I kind of think Mr. Lockhart was maybe getting at, I'm sensing there was, you know, a sense that this is very early and this was just the start of a conversation and there's more information to be brought forward but I'll, yeah, I'll stop there and see if you had a response.

Brad Pettinger [00:24:59] Marci.

Marci Yaremko [00:25:01] Thank you Mr. Vice-Chair. Thank you Corey. I think I would point back to the purpose and need and now not really understanding the full suite of areas that are available for a research and monitoring program, I'm feeling like we only have a subset of areas presented to us in the scoping document that might be appropriate to accommodate all of the current and future needs for research and out-planting activities, but I'm uncertain about that. What I do know is that these shallower areas at Fanny Shoal and Cochrane Bank and the Football, and south of Point Arena are areas that are important to a number of our fisheries, both our Council-managed fisheries and our state-managed fisheries. There are also shallower sites and the shallower sites are going to involve more interaction with currently active fisheries in the area. We did not do an exhaustive analysis of that because we understood that from our discussions and from the webinar with sanctuary staff that we did not need to consider all of the sites that were proposed in the scoping document to move forward, that the objectives could be fully met with two of the five sites that were proposed. So that's why we proposed to remove those additional sites at this time.

Brad Pettinger [00:26:54] Okay, thank you Marci. Vice-Chair Hassemer.

Pete Hassemer [00:00:00] Thank you Chair Pettinger and thank you Marci for the motion. I really

appreciate your speaking to it and giving the rationale. This question, if you explained it and I missed it, I tried to listen hard, please scold me, but it refers to the duration of a possible closure. Did you consider that? Because it's restoration and research very often those things have some end points, whether it's research dollars or research findings or recovery, so instead of proceed with developing a possible closure, something like the possible closure and subsequent reopening so there's some idea of how long this would take. So, thank you.

Marci Yaremko [00:00:48] Thank you Mr. Vice-Chair. You touch on a very important point. Originally when the proposal was brought to us regarding the need to mitigate for the sinking of the drydock, I think we all had a reasonable expectation that closures to allow for restoration would involve kind of a fly night duration, and that once that restoration activity was completed, we'd be able to consider the necessity of maintaining the closure areas. But as the plan was further developed and the rationale further provided, and it became clear that really the proposed closed areas were also to achieve the parallel goal of developing a research and restoration plan, that the finite duration of the proposals changed, and our understanding was that they would need to be permanent in nature. So that's why you don't see anything in the motion regarding a time certain element, but our discussion here today is also about scoping, and certainly we aren't at the point of developing a range of alternatives or putting any sideboards on what might come with some of these additional closed areas that we might consider are needed. But anyway, that is, that's the reasoning behind there not being a time element at this stage with regard to these sites is kind of expecting that they are to serve for the long term as fulfilling the needs of the restoration and research plan.

Brad Pettinger [00:02:50] Okay. Executive Director Burden.

Merrick Burden [00:02:54] Yes, thank you Mr. Chairman. Let's see if thinking of time, we do have a fairly ambitious timeline in front of us if we were to want to address the sanctuaries request in time for their desired coral propagation activity. And I wonder if Jessi or Kerry could speak to the timeline that's in front of the Council and the milestones that we would need to hit in order to make that mark. And I think the key point here is that the scoping that we are envisioning here is a little bit different from our traditional type of scoping in order to hit that mark, and so I wonder if you could speak to a little bit of that.

Brad Pettinger [00:03:37] Jessi.

Jessi Doerpinghaus [00:03:38] Mr. Chair. Mr. Burden. Yes, so right now we are scheduled to adopt an ROA and a PPA in March with final action in June of 2024 with the expectation that we can have these in place for 2025, which is the hopeful planning time that's been explained by the sanctuaries. So, we definitely are on a compressed timeline in terms of the analytical package that we would need to develop for the Council to fully consider a range of alternatives and a PPA in March.

Brad Pettinger [00:04:19] Thank you Jessi. Okay. All right. Phil Anderson.

Phil Anderson [00:04:24] Yeah, I'll be brief. I just want to express strong support for the motion. I think it's well thought out. I do think that in specifically on the narrowing of the number of areas that we would move forward, I think Marci's reasoning is very sound in how she selected these that are in the motions and in the motion and why she excluded others. So, I just want to go on the record as being in support.

Brad Pettinger [00:04:56] Thank you Phil. Further discussion? Frank Lockhart.

Frank Lockhart [00:05:05] I've been listening to all the comments and I do think a lot of good points

are being made, but I still, I think the question is do we need to make this decision now to narrow it or could we do it at the proposed stage in March and perhaps even come to the same sort of decision? What is the concern with looking at all the areas now versus and looking at a narrower range when we're just doing the scoping? So, I guess maybe that is a question for the maker of the motion about, you know, you did a good job of kind of explaining the rationale, but perhaps not the timing in the process. So maybe to ask the specific question again of Marci. You know what, rather than making this decision now to narrow the scope, why not move forward with all the areas as proposed by ONMS and then potentially get that information and then narrow it at the March date?

Brad Pettinger [00:06:19] Marci.

Marci Yaremko [00:06:22] Thank you Mr. Chair. Thank you Mr. Lockhart. I would flag the aggressive timeline that we are on with the goal of having any needed closures in place by the time that the restoration activities are slated to begin in 2025. I think there is a need to limit our scoping to only those areas that we, or to those areas that we think will, how do I say this, cause the least amount of disruption and require the least amount of analysis with regard to impacts. Including that full range of other areas will require that we spend more time analyzing the impacts and accounting for the economic concerns and the variety of fisheries that could be involved in those areas. And so, in order to proceed efficiently I think it's important that we do narrow the scope at this stage so that we stay on track and ensure that our timeline is met.

Frank Lockhart [00:07:39] Okay. Thank you.

Brad Pettinger [00:07:40] Thank you Marci. Executive Director Burden.

Merrick Burden [00:07:45] Thank you Mr. Chairman. And thank you Marci for those remarks. I'm also sitting here thinking about workload. Maybe some context of what we're doing here, which is also a bit different. I describe it as a baton handoff that the sanctuaries have begun this scoping process and now they're handing the baton to us. And so, us as staff, you know, we've been internally scoping out our workload and what it would take to do this. We do have, of course, the expertise to analyze our federal fisheries. We have questions about state fisheries. And so, one question for you, Miss Yaremko was whether we could expect some assistance from state staff to help evaluate the state fishery portion of this motion if it were to pass? And then I guess I would just pause and look to my fellow staff here and see if they wanted to add any additional flavor on the workload timeline that's in front of us if this were to pass.

Brad Pettinger [00:08:42] Jessi.

Jessi Doerpinghaus [00:08:44] Mr. Vice Chair. Mr. Burden. Yes. You know, obviously, with the number of sites or locations that are in front of us, that creates, you know, more potential alternative packages that we would need to put forward. As Karen mentioned, some of these are nested so you wouldn't be picking the same site in the same area, but given the motion that is in front of us now, you know, if we are talking bottom contact gears, you know, in deeper areas, that's probably, if we're just speaking federal fisheries, which is where Mr. Burden spoke to, like that's kind of where we would come in, that's groundfish, but shallower areas could have incidental bottom contact with other fisheries that we'd have to assess those potential impacts. So that does broaden our scope of fisheries potentially that we would have to look at depending on Council direction on that. So, there is that workload to consider in the scope of who we would be looking at and the data and information that we could even provide on what these closed areas might mean. Some of it might be a lot more qualitative assessment given that the data, for example, that's in the portal that you all have access to, that's from the West Coast Groundfish Observer Program and the groundfish fixed gear data, but we have, you know, lower

observer coverage on this. So that's why, you know, it's going to be a lot of qualitative assessment of potential impacts as well, and we need to think through those considerations on potential impacts and that description.

Brad Pettinger [00:10:26] Thank you Jessi. Marci, do you want to speak to the.. ?

Marci Yaremko [00:10:29] Yeah, thank you Mr. Chair. I would just reference the staff White Paper and our initial look at the impacts to state and federal fisheries in these sites offshore California. And noting that while we did not get very specific in this analysis, we note, you know, for example, there could be some HMS fishery activity in the Point Arena or Football locations. There... salmon, for example, may overlap with the Cochrane Bank restoration proposal. CPS Ascension Canyon. And then just want to point to our state-managed fisheries and that spot prawn and recreational Dungeness crab were potentially operating within the depths in areas of some of the proposed sites, particularly Cochrane Bank. So, this was a very preliminary analysis. We do believe that the proposals at Sur Ridge and Ana Nuevo and Ascension will involve far fewer potential fisheries interactions on both state and federal fisheries side. So again, we are, I think, able and willing to assist with additional analysis of the impacts to these three sites. Thinking more broadly to that full suite of ten, that would be a substantial undertaking. So certainly, I think this is a reasonable ask of our agency staff in terms of evaluating potential impacts to both state and federal fisheries off our coast. Thank you.

Brad Pettinger [00:12:40] Thank you Marci. Rose.

Rose Stanley [00:12:44] Thank you. Through the Chair, so with respect to the state fisheries piece of this. MSA discretionary provisions under Section 303.b give the Council the authority to designate zones where in periods when fishing may be restricted in order to protect deep-sea corals. Coral areas may be in a nexus to a fishery managed by the Council under a fishery management plan. Thus, whether those protections can be applied to state-managed fisheries that occur in federal waters is a question that we are looking into. Whereas other MSA provisions are linked to the fishery to which an FMP applies or the resources that are subject to the plan, the deep-sea coral authority is not. This means that measures may be included in the FMP solely on the basis that they're needed to protect deep-sea corals. However, the provision could also be interpreted as applying either only to the fishery for which it is adopted or only to federal fisheries. If the Council wishes to include state fisheries in the scope of this action, we will continue to evaluate this issue and can advise the Council between now and March. In answering this question, it would be helpful for us to know exactly what fisheries the state would intend to include. Thank you.

Brad Pettinger [00:13:57] Thank you Rose. Okay. Further discussion? Virgil Moore.

Virgil Moore [00:14:04] Thank you Mr. Chair. I think this is a question to the maker of the motion, Marci, and that is in your mind, I mean well, what I'm reading here is the motion says this is what we're going to do. It doesn't constrain how the, I said the refuge, but the marine protected area there, the sanctuary area would, could proceed with mitigation and research short of us taking these actions in those other areas, most of which are already closed to trawl. And so, I can support this because I think it gets at what I believe is a good way of looking at doing things, testing some full closures in the deeper areas with the least impact and then looking at those other areas if they want to proceed with research and management actions there. They're not constrained other than we're not taking a closure action. And so, I like what you've done here. I'm trying to interpret some of the words, but certainly the last comment from NOAA on the closures helped me understand a bit more. So, I'm supportive of this motion.

Brad Pettinger [00:15:23] Thank you Virgil. Frank.

Frank Lockhart [00:15:27] So I just wanted to say that, you know, I think the motion does move in the right direction and I like the kind of message on trying to meet the timeline. I think meeting the timeline is important and having the Council take action in time for the sanctuary to do what they do. But I don't think it goes far enough based on what we heard from the sanctuary program. So, like I said, it goes most of the way but not all the way. So, at this point in time, I plan to abstain on the motion. So, thank you.

Brad Pettinger [00:16:05] Okay. Thank you Frank. Corey Niles.

Corey Niles [00:16:11] Yeah, thanks Mr. Chair. I'm putting a lot of deference and trust into the folks around here. The rationale sounds good to me. I guess with reservation though that I don't know what the sanctuary's response to this would be. I mentioned abbreviated dialogues and sequencing here, and yet this process would maybe look a lot different up in Washington where and go through our IPC with the tribes, but we've had this process here. I don't know what the sanctuary would say to this. And we have the agency that's usually telling us we're going too fast asking us, yeah, maybe it's okay to look for more information. So, I guess what I hear from Marci though is that this would not be... this is what we think we can accomplish on the timeline, and there's good rationale for that, but that's not the end of the discussion. If there's more you want to ask us for there will be other opportunities to do that in these other areas. It's not a closing of the dialogue, yeah, but just expressing some reservations here and pardon me, that's just maybe a lot of us not being directly involved. But I understand the rationale for picking these areas as being relatively low hanging fruit, so to speak. But just wanted to express some reservations in just the sequence in the dialogue here and it does again feel like it's being cut off without a response from our, from the agency we're cooperating with here.

Brad Pettinger [00:17:47] Marci.

Marci Yaremko [00:17:47] Thank you Mr. Chair. I guess just to... just a reminder regarding our EFH closures, these areas are already closed to trawl activity. These are existing areas that we have set aside to prohibit the use of trawl gear, and really the question is about the use of non-trawl gear. When I think about non-trawl gear and our existing EFH provisions that close areas to all bottom contact gears, we've had some sidebar discussions with NOAA GC about that language and how, you know, because that's EFH authority and that may not be what we're looking to use here, which is why I have the last sentence in the motion that indicates our interest in National Marine Fisheries Service exploring its use of discretionary regulatory authority to ensure that fisheries closures would be applicable to all bottom contact gear. So, we look forward to those discussions as the scoping proceeds. I'm not sure if I'm answering your question, but that's a start. Thank you.

Brad Pettinger [00:19:19] Thanks Marci. Corey.

Corey Niles [00:19:22] Sorry Marci, and just lack of... it wasn't a question, just expressing reservations. But I heard in your original rationale that there might, and I think as Virgil said, the sanctuary can, it's not stopping them from continuing to look at other areas and bringing them back to us at some point in the future but...

Brad Pettinger [00:19:44] Marci.

Marci Yaremko [00:19:44] Yes, thank you. And in speaking to the motion I did indicate I am hoping that we do hear more about the comprehensive plan for monitoring and out-planting and research, because as indicated, we heard from only Monterey and Gulf of Farallones and certainly there is active work in the Channel Islands National Marine Sanctuary and there are closed areas available for additional research and restoration activities in those sanctuary sites. But we just, we have not been

presented with any information along those lines at this stage. So, we also have the upcoming EFH review. That's not, it's what 2027 that we would expect that if there's unfinished business once we proceed with this particular agenda item and the task at hand that we could take up the need for additional research and restoration sites at that time. But it was our understanding that we needed to move fast in response to the need to get the work underway right away and on the timeline that was presented to us. So again, I think we will have a chance to consider all of the work holistically and into the future under various agenda items.

Brad Pettinger [00:21:22] Thank you Marci. Corey. Okay, anyone else? All right. I'm not seeing any hands so I'm going to call for the question. All those in favor signify by saying "Aye".

Council [00:21:37] Aye.

Brad Pettinger [00:21:37] Opposed, no? Abstentions? Frank. Okay, motion passes with one abstention. Thank you. Thank you for the motion, Marci. I will turn to Jessi or Kerry to see how we're doing here?

Jessi Doerpinghaus [00:21:59] Mr. Chair. It's our rock, paper, scissoring every year to see who is going to give the summary. You have completed your Council action for today. You've adopted your scope of fisheries to look at bottom contact gears for the two proposed areas. And we are expected to bring something back to you in March for a range of alternatives and PPA.

Kerry Griffin [00:22:28] And we'll work with CDF and W.

Brad Pettinger [00:22:29] Okay. Thank you Jessi. All right, that takes care of H.2.

3. Marine Planning Update

Pete Hassemer [00:00:00] That concludes all our reports and our public testimony and will take us into Council discussion and Council action. The action up there is up there before you. Consider the report, provide guidance as appropriate. So, with that introduction I will look around for a hand to initiate discussion. Mike Harrington.

Mike Harrington [00:00:28] Thank you Chair. And it does look like our BOEM representative left, but regardless, I did want to just start off here by thanking them in part for the requests from Oregon and the Council. And what I'm talking about there is the additional time they built into the, the area ID process with the addition of the draft WEA comment phase and extending the public comment on the draft WEAs the 60 days. Also responding to requests for additional engagement steps in the form of Inter-government Task Force, Fisheries Webinar and several in-person meetings on the Oregon Coast, using the NCCOS Suitability Model approach and the siting process and engaging with ODFW on the fisheries submodel as well. I also want to touch on the importance of siting and meaningful engagement here. ODFW continues to remind everyone that there is no place in the ocean that's free of use conflicts, and this is why ODFW believes that taking the time to site offshore wind development is so important. Siting is the primary opportunity to avoid impacts on natural resources and existing uses, including fisheries. Responsible siting to ODFW means development is well sited to avoid or minimize impacts. As we've seen in the NCCOS Draft Report, opportunities for appropriate siting within the existing call areas have been significantly reduced by the constraints from Department of Defense and U.S. Coast Guard. Appropriate siting is not only important to us, but is also exceedingly important issue to the Council and to the fisheries on the West Coast. As has been stated around this table so many times, there have been significant estimates to ensure the successfulness of West Coast fisheries by the Council, federal, state, tribal governments, as well as the investments made by private businesses, including the commercial, recreational and tourism sectors. We must all consider all of these when considering adding additional uses to areas where they are operating. The issue of offshore development will have an impact on PFMC fisheries and industries, as well as the habitat and ecosystems and the scientific endeavors to understand the resources and the changes due to impacts like climate change off our shore. As such, a very important role for the Council is to ensure that the voices of all those in the Council process are heard loud and clear. And what I've heard today is that more time and information is needed to complete this process. So that kind of leads into what I meant by meaningful engagement. And ODFW supports inclusive communication and engagement in this process, and that includes ensuring that there's a diverse stakeholder engagement given these areas are used by multiple groups. In addition, there should be continued outreach and engagement with the tribes. This type of engagement we realize takes time, and this request for time by the state is to provide more comprehensive engagement in Oregon. So ODFW is grateful for the additional meetings hosted by BOEM and the 60-day comment period. However, these are not effective at fostering meaningful engagement when done concurrently. So, to truly promote full engagement in the process and allow for discussion and informed recommendations on improving the process, they should be done sequentially with community meetings and webinars preceding any comment period. And that's all I had for comment. So, thank you.

Pete Hassemer [00:04:13] Thank you Mike. Look for other hands for discussion? Bob Dooley.

Bob Dooley [00:04:24] Thank you Mr. Vice-Chair. I recall a conversation we had a long time ago when another Wind Energy Area off of Coos Bay particularly, and I think the same thing existed when they did the Morro Bay issues was they, you know, I think there's a misunderstanding of fisheries by BOEM in this and I think in the participants and where they come from and the fact that they're federal fisheries and Mr. Wraith really brought that point home with the albacore fleet. They come from far and wide and but they participate up and down the coast. Our whiting fleet is diverse. I lived in California, still do, and we had participants who live in Alaska. So, you know, but they're stakeholders. They're part of this process. So, I think the outreach... BOEM tends to think if they outreach to the local communities, like reflecting back when we did when Coos Bay was on the table, it was a, you know, they reached out to Charleston and talked to those fishermen and said, we talked to the fishermen of that area. Well, left out the whole whiting sector and many other sectors. That communication in that we're federal fisheries, they need to understand that there needs to be wide outreach and wide notification to make people aware of what's coming their way. They are the people that we represent in this Council and I think we need to make sure they have a voice and they have a say. And I think that's part of it is this notification and making sure BOEM understands that having three meetings in Oregon, in the area that they believe is affected,

is far from addressing the users of the area that they will or proposing to be affecting. So just wanted to bring that point up that we need to think of this a little wider. So thank you.

Pete Hassemer [00:06:32] Thank you Bob. Other comments? Phil Anderson.

Phil Anderson [00:06:46] Thanks Mr. Vice-Chair. A lot of great information was provided to us here today. Hats off to the Marine Planning Committee for what they did in such a short period of time. And also the people that have been involved that many of, some, not many, some of whom testified here to us under public comment and continue to provide us some great information and insights on this process. And I'm left with the view that we have to keep the pressure on BOEM to the maximum extent that we can. There's lots of evidence that they're not good listeners, or if they are they don't respond positively to suggestions or criticisms and they continue to forge ahead despite the information that has been provided to them from a number of sources about the damage not only to our fisheries but our fisheries resources and the ocean environment as a whole. I wish there was something more we could do. But I wish we had some more authority, power, whatever to affect the outcome of this effort, but we have what we have, which is and it's important, and we need to just keep the pressure on. Keep telling our story, it's not so much our story, telling them the story of the fishery on the West Coast and the importance of our environment, our ocean environment, and make them understand that we are not willing to acquiesce and trade the future of our open oceans of generations to come for a few bucks now. So that's not very eloquent, but I just think we need to keep telling our story, keep it on and keep telling our story and as to as broad audience as we can.

Pete Hassemer [00:09:55] Thank you Phil. Other discussion? I'm not seeing any hands here. Christa Svensson.

Christa Svensson [00:10:10] Well, I have a motion when appropriate and that may generate some more discussion.

Pete Hassemer [00:10:15] I think we had a great pause there so please go ahead with that. That can generate discussion.

Christa Svensson [00:10:23] Okay. Looks like it's up there. I move the Council, one: Direct staff to work with the Marine Planning Committee and Habitat Committee to develop a timely comment letter utilizing the QR process to request that BOEM not take any further actions offshore of Oregon until concerns outlined in the Recommendation 1 of Agenda Item H.3.a, Supplemental MPC Report 2, September 2023 are addressed and included in the process. Two: Submit a request for an extension of the BOEM public comment deadline for an additional 30 days to allow the Council to provide sufficient feedback through our stakeholder process. And three: Request that NMFS quantify the potential impacts and uncertainty in scientific surveys that may result from OSW development in the draft WEAs.

Pete Hassemer [00:11:31] Thank you Christa. Is that language on the screen accurate and complete?

Christa Svensson [00:11:35] It is.

Pete Hassemer [00:11:36] Thank you. Is there a second? Seconded by Virgil Moore. Please speak to your motion.

Christa Svensson [00:11:44] Okay. Thank you. My concerns as laid out in my March comments remain unchanged. Oregon constituents of the PFMC process continue to clearly express the need to take unhurried, better-informed decisions about what's best for Oregonians and the nation as a whole rather than press headlong into the future that will radically transform our landscape, our livelihoods, and every aspect of the lives of plants, animals, and humans that reside here. We have seen radical shifts in weather patterns indicating climate change is occurring, and I've still not heard from any stakeholder that we should completely junk and not proceed at all with offshore wind and wind energy. We continue to ask that the process allow more time to fully incorporate our input and to receive acknowledgment how that feedback is being incorporated. Thank you to the MPC for providing options in the direction of a QR letter and how they could be taken. I've chosen the second path forward because it is where we are in the process and at the same time it's making the equivalent request as we made in the March meeting. I'm supportive of the QR letter requesting no further actions in furtherance of offshore wind

leasing off Oregon until additional information is obtained as described in the MPC and HC reports. And until there is a better understanding of why the areas chosen would achieve the offshore wind goal with the least cost to fishing communities while minimizing environmental impacts to essential fish habitat for Council species and protected species. So far in my rationale, I've spoken about the needs of filling data gaps, but an additional part of the tasking of the QR letter to the MPC and Habitat Committees is developing the response to BOEM and providing comments focused on identifying and proposing for removal of aliquots or buffering areas in the draft WEAs, and in areas where cable routes are possible that are integral to fishing and or habitat. This is in alignment with BOEMs request for information in Attachment H.3, 5. Continuing the pause related to offshore wind developments off Oregon until we can answer previously raised concerns does not mean stakeholders will like every response, but Oregonians and other stakeholders should clearly understand why BOEM is choosing to not give due consideration to potential impacts to leatherback turtles, Southern Resident killer whales, blue whales, two distinct populations of endangered humpbacks and a host of other seabirds like shorttailed albatross. These are species the Council process has worked diligently to protect in conjunction with fisheries management for more than two decades. Without proper consideration and protection within the wind energy process, there is real potential to erode the hard-earned efforts of environmentalists and fishermen who've been working on these topics. An example of how this process could work can be gleaned from other government agencies who have been providing documents. Those agencies typically categorize that feedback and respond as to how feedback has been incorporated into the process or why it wasn't. Now this suggestion is not meant to be a request for a line-by-line response, although that would be very welcome with regard to each comment. Perhaps comments could be aggregated and concerns as well and it would be helpful in closing gaps in public perception that stakeholders comments are not being incorporated into Oregon's draft WEAs. Regarding the request for an extension of the public comment period, I'm grateful to the governor of Oregon. Our senators and House members who asked that BOEM pause leasing process in order to provide Governor Tina Kotek's administration with additional time to consult with tribal governments, engage stakeholders and coastal communities, and assist BOEM in identifying, understanding, and responding to local concerns in their June 9th, 2023 letter. Similarly, I'd also like to acknowledge BOEM and thank them for providing a 60-day window as requested in our governor's letter on August 3rd. My rationale for the Council requesting an additional extension of 30 days is to allow us time to fully work through our traditional Council process. Our stakeholders need time to review the document, attend the five BOEM-sponsored meetings, and review the Council comments in the briefing book before the November Council meeting. This would ensure all members of the Council family have an opportunity to inform Council comment to BOEM on the draft WEAs. All of that feedback could be then provided to augment BOEM's decision. And while the MPC did not make the recommendation of providing public commentary in the event an extension is not granted, I think it is prudent for the Council to provide as much feedback as we can in this area, including comments limited in scope because we cannot fully work through our process in the time frame that has been provided. I included the NMFS request to quantify uncertainty because how these projects have the potential for having profound impacts on those surveys that are integral to our Council making processes. One project, even a large one might not have much of an impact, but the cumulative loss of information means Council members in the future as managers may be put in the positions of managing with limited to no data. Most of my motion is tailored to Oregon WEAs, but this rationale should encompass the entire West Coast. Impacts to surveys will affect all of our states, and the cumulative impacts of projects across state lines will affect individual projects off the coast of Oregon. The inclusion of this request in the motion will help guide our process, both as we interact in the BOEM process and as we engage in other marine spatial planning activities. Fortunately, extending the process time off Oregon and potentially off the West Coast will not delay the Biden Administration's ambitious goal of 30 gigawatts of offshore wind energy by 2030. As noted in MPC Report 1, in total, BOEM and cooperating agencies are on track to complete reviews of at least 16 project plans by 2025, representing more than 27 gigawatts of clean energy. Nationally, we are 90 percent of the way to achieving that goal. I also want to say this is not a case of not in my backyard as the Council was one of the ones that requested BOEM include spaces outside of the 1,300-meter depth where advances in technology will now allow opportunity. We have the time to develop projects off the Oregon coast that are in alignment with our values, our heritage, and our communities. Furthermore, we have some of the best wind on the planet, which means we are unlikely to lose investor interest by balancing the needs of all parties involved. Oregonians are simply requesting that they not be provided or not be asked to provide inexpensive power to investors at the expense of their own identities. I would argue that our identity, myself being an Oregonian included, is tied to clean energy, including wind and hydropower. It's also tied to the environment and our diverse cultural resources. My hope is that the Council continues to be a voice that advocates for our stakeholders in the BOEM process based on adviser and stakeholder recommendations, and that legislators and BOEM will continue to include us in the

process of planning a future with additional clean energy choices that work with and for us all.

Pete Hassemer [00:20:39] Thank you Christa. Are there questions to the maker of the motion for clarification? I think I saw two hands. Mike Harrington.

Mike Harrington [00:20:53] Thank you Chair. Yeah, I just have a real brief question, and that is at who the letter will be directed to, similar to what I asked Mike Conroy earlier, but is this letter going to be directed just directly to BOEM, or will it also include a CC to the Oregon Governor?

Christa Svensson [00:21:10] Yeah, thank you for the question. My intention with this would be directed directly at BOEM, but my preference would be to CC the Governor along with the State and House of Representatives, particularly because they have engaged with BOEM on this issue similar to the request that we put in in March.

Mike Harrington [00:21:31] All right, Thank you.

Pete Hassemer [00:21:33] Thank you. Further questions. Corey Niles.

Corey Niles [00:21:38] Yeah, thanks Mr. Vice-Chair. And Christa, yeah, just for context, quick question first before. On your... and the context first is about... as you know many of the agencies abstained from the Council's letter asking BOEM to rescind the call areas. So, on that same type of line of thinking, I'm wondering about the wording which I'm trying to read and talk at the same time which I'm not good at, but on your choice of words request that BOEM not take any further actions. And I guess is that purposely different than a statement that says we do not think that the step taken at this Council meeting to review the draft Wind Energy Areas equated to a meaningful engagement. Do you mean anything more by that phrase than what, like this was not meaningful engagement or is there more thought behind that choice of words there? And again, I think it is, maybe I'll explain more, but difference between maybe whether how my agency may feel joining this letter.

Christa Svensson [00:22:54] No, thank you for the question. So, the intention in terms of the motion is very similar to the last motion, which is why I used similar language. We are at a different point in the process, meaning before we did not have draft WEAs out we called for a pause. Now we have draft WEAs that are out and I am asking that we continue to call for a pause until we get sufficient information.

Pete Hassemer [00:23:32] All right. Thank you. John Ugoretz.

John Ugoretz [00:23:35] Yeah, thanks Mr. Vice-Chair. And thanks Christa for the motion. Two questions. One may be more directed at staff but, first, in your motion does it anticipate that the quick response letter will be ready to send on the current timeline if BOEM rejects our request for an extension? And then secondly, perhaps to you but perhaps to staff, are we aware whether governors of various states have been copied on quick response letters in the past?

Christa Svensson [00:24:11] Well, thank you for the question. So, with regard to the first, I did have at least brief conversations with staff about the concept of having a quick response letter in if we do not receive an extension, and the at least initial indication was that that was possible. In regards to the second question, and I will also defer to the Executive Director for any follow-up on that one as well, but I would defer to our Executive Director. I'm not aware whether governors for all states have been notified on previous QR letters, any or all of them.

Pete Hassemer [00:24:52] Executive Director Burden.

Merrick Burden [00:24:55] Yes, thank you Mr. Vice-Chairman. My recollection, without looking through our library, my recollection is that we have not typically copied governors. I'm going to look to Kerry and see if there is a time where we ever have. I think we have sent them directly like our more recent one to both the governor and to BOEM. I struggle to recall a time where we have copied a governor's office.

Pete Hassemer [00:25:25] Okay. Thank you. John, does that answer your question?

John Ugoretz [00:25:32] It does, and I think I would say that perhaps I'd recommend we not copy the governor. I suspect he can be delivered the letter without us directly copying, or excuse me, she, without copying her. So that might make it easier for more members to vote on this.

Pete Hassemer [00:25:52] All right. Thank you. Further questions? Corey Ridings.

Corey Ridings [00:25:57] Thank you Mr. Vice-Chair. Thanks, Christa, for this motion. I have two questions. The first one is I'm looking at Number 1 and I'm thinking about what was actually in the BOEM August 4th request for comment? And I believe the Habitat Committee touched on this as well as the MPC, which was that they are looking for feedback on the, I think, the section is 'Requested information from interested or affected parties'. I think it's 9a through I. Is your intent with Number 1 that the Habitat Committee and Marine Planning Committee would attempt to answer and respond to those requests in whatever time we end up having available, but that would be included as part of the letter?

Christa Svensson [00:26:48] Thank you for the question. The answer to that is yes. That is why I put in working with both of them. And it is also why I spoke specifically to that in my rationale and comments around having information in timely.

Pete Hassemer [00:27:08] A follow-up Corey, please.

Corey Ridings [00:27:11] Thanks. Thanks Mr. Vice-Chair. Thanks Christa. Yeah, you mentioned our aliquots in habitat, but I wasn't exactly sure what that was so thanks for that clarification. My second question is in regards to Number 3. The Marine Planning Committee suggested also having NMFS if they were to move forward with quantifying the potential impacts of uncertainty on the scientific surveys to also include the California lease sites. Did you think about that? Is that included in this language or would that potentially need an addition or a separate motion? Thanks.

Christa Svensson [00:27:48] Thank you for the question. I did not consider it when I put this motion forward. I certainly would be amenable to either an amendment or a separate motion. I think it is worth considering in terms of this motion for that specific item. I did pull that directly from the Marine Planning Committee recommendations in terms of verbiage, so that is where the initial intent came from and why I followed that particular vein.

Pete Hassemer [00:28:25] Thank you. Further questions for clarification? Not seeing any hands I'll open the floor to discussion on the motion. Frank Lockhart.

Frank Lockhart [00:28:40] Just because we're referenced in the third one, I just, we have had some internal discussions on this and the agency will need to talk to the centers about this. Right now, we're not quite sure how this would be done. So, it will take some time to discuss with the centers to see how it could be done and what kind of time and resources it would take. Thank you.

Pete Hassemer [00:29:09] Thank you. Further discussion? Corey Niles.

Corey Niles [00:29:23] Yeah, thank you Mr. Vice-Chair. I was hoping Necy would have been able to stay because I had a question for her but I think a colleague, Mike, from ODFW might have covered it. And I guess I'm a little uncertain of what BOEM is actually trying for here. We heard a bit. Necy was on our MPC GAP call and was asked elsewhere too about what this step meant in terms of the pause. And I don't want to put words in her mouth, but it was more along the lines, they're working closely with the governor. No decisions have been made and then others and what they would like is, and as she said today, granular comments on the particular areas they have put out there. So, I guess the comfort in voting for this depends on the tone of the letter and the way that ODFW described it in their opening comments I was very comfortable with and I'm not going to be able to paraphrase those, but, you know, it was the sequencing that has caused issues for this Council. And I think, Mike, please correct me if I'm wrong, but you were saying that you foresee the need for more than just the meetings they had planned and for some more different type of engagement. And if that's the tone of this letter and what will go into it then that is something I believe we could support. But some of these statements, and I don't, I first of all do not blame anyone for making statements that aren't exactly I would say true at this point,

just because it is a lot of information and it was not enough time to absorb it. And I do maybe see it somewhat differently from folks around this table on BOEM's attitude towards this process. And I do believe they've been listening. I do believe they've been trying to at least address some of the concerns, and I don't think some of those are understood. For example, the Endangered Species Act, the Protected Species Act, no one is saying they're going to ignore the leatherback turtles or the humpback whales. So, statements to that effect are just at this, from an analytical point of view, just not correct. So, there's just a lot going on. The one thing we can agree with are that there hasn't been time that their engagement could definitely be more meaningful. And, yeah, if ODFW is supportive of thinking that this letter will capture the comments they made before we got into discussion, that's one thing. And if the tone of the letter is, you know, stop work and without reasons why, that is a much different thing. So just some, yeah, questioning whether we can support this at this time I'm leaning towards we can get to wording where we're comfortable with and especially if ODFW is supporting this, we could vote at this... otherwise thinking about abstaining.

Pete Hassemer [00:32:41] All right. Thank you Corey. Just a reminder, this is just asking staff to develop the letter for our review. So that would be the time to look at it and then we can judge it. But is there a response necessary? Mike.

Mike Harrington [00:33:00] Yes. Thank you Chair. Yeah, I would agree that what... your interpretation was correct. We would see a need for more engagement and we would support that.

Pete Hassemer [00:33:13] Thank you. Corey Ridings.

Corey Ridings [00:33:17] Thank you Mr. Vice-Chair. As appreciating what Frank said about having some dialogue with some NMFS colleagues about quantifying the potential impacts and uncertainty in the scientific surveys, but assuming that they are able to wrinkle that out and move forward, or iron those wrinkles out and move forward, I would like to offer an amendment to include the California lease sites as part of Number 3.

Pete Hassemer [00:33:45] Please go ahead with your amendment.

Corey Ridings [00:33:48] Okay. I move that... Sandra, can you, can you help me with your cursor? It's down Number 3. The draft, exactly, right before the period. After WEAs. One more click to the left. Oh, back up. And just add, "And California lease sites".

Pete Hassemer [00:34:54] Just to be sure, I thought I heard you say wind sites or it least sites?

Corey Ridings [00:35:00] Lease sites. Thank you.

Pete Hassemer [00:35:01] Lease sites, okay.

Corey Ridings [00:35:03] Thank you Sandra.

Pete Hassemer [00:35:04] All right. I want to make sure down below the language is accurate, complete?

Corey Ridings [00:35:16] It is. Thank you.

Pete Hassemer [00:35:17] All right, thank you. Is there a second to the motion? Seconded by Marc Gorelnik. Thank you Marc. Please speak to your motion.

Corey Ridings [00:35:26] I appreciate what Miss Svensson intended here with Number 3 and the same concerns and the intent behind this motion exist in California as well. And so, if NMFS is able to iron those wrinkles out and move forward with this analysis, I would love to see California... waters off of California included as well.

Pete Hassemer [00:35:50] All right. Thank you. Are there questions to the maker of the motion for clarification? Seeing no questions. Discussion on the motion to amend? I'm not seeing any discussion so I will call the question on the amendment before you. All those in favor... oh, excuse me. Mike Harrington.

Mike Harrington [00:36:21] Yeah, just before the call to vote, I did just want to mention that Oregon will be abstaining from a vote on this. It's not meant in any kind of disrespect to the motion itself. This is because we have a voice through the Oregon Governor currently. And we are also directly involved in the agency task force, and so we will make our voice heard through that process. But again, it's not meant as a disagreement to what is in this motion. Thank you.

Pete Hassemer [00:36:58] Thank you. My apologies for missing the hand. Any other hands for discussion? Now not seeing any I will call the question. All those in favor signify by saying "Aye".

Council [00:37:10] Aye.

Pete Hassemer [00:37:10] Opposed, no? Abstentions? Motion passes with the State of Oregon, Mike Harrington abstaining. Thank you very much. We are back to the main motion now as amended. I will look for any further discussion on that? And I am not seeing... oh, Corey Niles.

Corey Niles [00:37:47] This is probably not necessary, but maybe a question for, now for Christa, but amended by Corey's motion. But on....I just as Frank was saying, I think this is going to be a pretty tough thing of NMFS to do, but you are not meaning to necessarily elevate it beyond, for example, the questions that we heard from Steve Joner from the tribes about the other cumulative impacts that folks are worried with? It's just an addition to the list of things we'd like to see analyzed before, you know, before people have better understanding of impacts to taking those areas for offshore wind development.

Christa Svensson [00:38:31] Yeah, thank you for the question, Corey. So, I, in terms of this, phrased it as a request not as a, we must have, knowing that there is a lot of work. My intention was to go along the lines of whatever our advisers have advised so I am appreciative of the amendment because I think that does really get at the intent as I mentioned in my rationale of making sure that we're covering our entire geographic area and not part and piecing this out. But I would leave it at that lesser range rather than going on a gigantic digging expedition.

Pete Hassemer [00:39:18] All right, thank you. Further discussion? Not seeing any hands. Sandra, could you please scroll that up so we can see the entirety of the motion as amended? Thank you very much. The motion as amended is before you. All those in favor of the motion signify by saying "Aye".

Council [00:39:41] Aye.

Pete Hassemer [00:39:41] Opposed? Abstentions?

John Ugoretz [00:39:47] Abstain.

Pete Hassemer [00:39:49] We have abstentions from NMFS, Frank Lockhart. John Ugoretz, California. Mike Harrington, Oregon. Aside from that the motion passes. Thank you very much for that. Is there further discussion or motions on this? I will first look around the table. I don't see any hands so now I will look to Kerry to summarize our work here and indicate if there's more to do.

Kerry Griffin [00:40:29] Thank you. Well, your Council action today was to consider the Marine Planning Committee report and provide guidance. So, there wasn't a lot of specificity so you had the latitude to direct as you saw appropriate, which you've done. I guess just one question. I think I have a good understanding of what the motion calls for, but one question is should....do... is the intent to submit the request for an extension just right away from maybe the Executive Director? Or wait until that's part and parcel to the bigger QR letter, which is going to take a little while to develop?

Pete Hassemer [00:41:12] I will turn to the maker of the motion for the intent there.

Christa Svensson [00:41:17] Yeah, thank you Mr. Vice-Chair. My preference would be that we put in the request for an extension as soon as practicable. I think that we all know that it takes BOEM sometimes quite a bit of time, and the more notice that we can give them that we need an extension would probably be expeditious for

our own well-being. So, I think if we can get that in sooner than later, that would be beneficial. I did not prioritize these in terms of this must happen before something else. I pulled them from the Marine Planning Committee's report in that order and that is why they are listed in that order, but I do think it would be preferred to get that request in as soon as possible.

Pete Hassemer [00:42:10] Thank you. So, we have the intent. I would look around the table here for a nod of heads or raising of hands if the Council is comfortable with that letter being developed by the Executive Director, typically reviewed by the Chair and Vice-Chair unless you want a quick review, is the just going out from the Executive Director okay for that? I'm seeing the affirmative there so thank you for catching that, Kerry. Anything else?

Kerry Griffin [00:42:44] No, I think that concludes your business for today. I did want to express again the appreciation for Neco Sumait coming up here to speak with you in-person and a lot of other attendees from BOEM and NCCOS. And I saw some of the California lessees listening in, so there's a lot of interest in this and just wanted to acknowledge that. But I think that concludes your business for this agenda item. Thank you.

Pete Hassemer [00:43:11] Thank you Kerry. I'll close out this agenda item and pass the gavel back to our Chair so he can use the remaining time.

4. ~~Magnuson Stevens Act Confidentiality Provisions—Proposed Rule~~ CANCELLED

5. National Marine Fisheries Service Geographic Strategic Plan and Regional Equity and Environmental Justice Implementation Plan

Brad Pettinger [00:00:00] Okay, that finishes our reports and takes us to public comment, and I don't think there's anybody... no one has signed up so that will take us to Council discussion. So, with that, I'll open the floor up. Vice-Chair Hassemer.

Pete Hassemer [00:00:25] Thank you Chair Pettinger. Somebody's got to break the ice and my comments will be on the West Coast Geographic Plan. I've been thinking hard about this as we went through it. These comments might be similar to what I made several years ago when the current plan was being developed, and hopefully I formulate this into some constructive direction, you know, something that's useful, but it is expressing maybe a frustration on my part. When I look at this, and it's, you know, been in the other plan that on the top priorities, and I'm assuming they're not in any particular order here, but the first one listed is support a robust and resilient seafood sector and associated communities and increase seafood production. You know I don't want to just champion commercial fisheries. Tribal fisheries and recreational fisheries are extremely important and protection of resources. They're all equal. But when I read this, when you talk about seafood production and the seafood sector, I think commercial. So, then I look through the strategies and see where are the dollars and the human resources being applied that would help to achieve that goal or priority and I just can find it. Further down under Goal 1, adaptively manage fisheries for sustainable and economic competitiveness, that would help get at that, but, you know, there are things listed here, manage stocks for equilibrium yield, advance climate science, mitigate and adapt to climate driven changes, diversified data collection, all very important but how does that support what's really needed in these communities? As I was thinking about it, I thought if we had evaluation criteria under ESA, there's viability criteria and we figure out if something is endangered, threatened, or viable. In our fishing, you know, we have metrics for determining overfished, approaching overfished. If we had a similar evaluation strategy for these communities, fishing communities we have on the coast, I think we'd be shocked. You know, some are extinct, some are certainly endangered and the more I thought about it, a lot of the dollars, this is the first time I've seen the Bipartisan Infrastructure Law, the Inflation Reduction Act. There are a lot of funds available now. I don't know where they're all going. I should be careful, but I know a lot of them are going to habitat, hatcheries, and restoration of endangered species. When stocks are healthy, and the two that came to mind, dover sole, sablefish, they get no dollars, they get no effort. It's up to the industry and their efforts. And so, you know, one thing I heard in the hallways this week, some of the boats are on 12-day rotations to go out and fish and deliver fish. I'm not sure fishing every 12 days really supports the efforts at the individual level or the community. So, what we need maybe is a process that evaluates something at the community level. What the geographic footprint of the community is, it's hard to define right now, but would help to figure out what do we need to do in the communities to help continue to sustain or to rebuild those areas. This is a poor example, but we've heard a lot about the lack of ice machines in various parts of the coast, Northern California, I think. Now I know NOAA isn't going to go and take some of this money and buy an ice machine, but if you think of the value that would bring in reducing fuel costs and allowing different strategies, so how do we look at the communities to make sure we can build good, strong communities and help to boost the seafood production? And that's just what I see missing in the plan is it gets at a lot of other things that need attention, but it doesn't help to support or sustain the seafood sector. So again, I'm trying to think, you know, so what would it need? Maybe at this step it's just thinking about how do we evaluate communities and look at supporting the communities? And the GAP even mentioned a couple things. You know, the hook- and-line survey indirectly, from what we've heard, that might really be a big assist to the communities. I know I can't remember under which report they talked about that, but if you think about that one piece, how that could build up to increase the amount of fishing. They also talked about partnering with U.S. Department of Agriculture, that was mentioned under the EEJ section of the report,

but you back it up, we've talked about this before, partner with Department of Agriculture to figure out how you move this seafood into other markets and really promote the domestic seafood product and get it into the school systems or wherever. So, you know, it's a frustration. I think there's a way to get at it though, to make sure the strategies and the items that are implemented really focus on that top priority, which is domestic seafood production and markets while we still look at endangered species and all of these other things. So, thank you for your time. Apologize for the length of that.

Brad Pettinger [00:07:12] Thank you Vice-Chair Hassemer. Anyone else? Joe Oatman. Joe.

Joe Oatman [00:07:22] Thank you Mr. Chair. And hopefully I'll be able to kind of piece this together in a way that the Council can understand and appreciate. So coming from the, the tribal seat, you know, when I think about equity and environmental justice, the single core piece of this is fish. Having enough fish to meet all the needs of the tribes or tribes, you know, across the West Coast. Because if you don't have fish, you really can't have equity in an allocation or a share, for instance, or opportunity to go to a river or go to someplace in the ocean to catch fish to meet your needs. And when I think about environmental justice piece of this, you know, from the tribal perspective, you know, it's like, you know, justice for what? You know and for many cases, you know, for tribes, you know, we've ceded vast territory, you know, across the Pacific Northwest in return to be able to have a fishing-based economy that we used to have. We used to have highly productive ecosystems and highly abundant, you know, salmon steelhead runs for instance. And so with all of the development that has occurred over time, you know, we have fisheries today that are a fraction of what they used to be at the time we signed these treaties, and that's a big thing for the tribes is, you know, this is a contract with the U.S. government, you know, and so we give you this, we get this type of a deal and what we've ended up with, you know, is far different from what our treaty signers envisioned in the mid-1800s, for example. And so one of the things that we commented on I think October of last year in the letter that the Council sent to NOAA was trying to ensure that there are meaningful indicators of impact. And so, the example that we provided in that letter was that this means, you know, as tribes are considered fishing dependent communities, that one of the measurable metrics that we suggested could be determining, you know, whether important fish stocks are supporting tribal fisheries and levels of harvest that meet the cultural and social, socio-economic needs of the respective tribes. And so, again, the Council encouraged NOAA to consider that perspective. And so, when I look at the documents today, you know, that we've been presented, so trying to sort of connect the dots here on the Equity and Environmental Justice Strategy to the West Coast Geographic Plan, and this I think kind of builds off a little bit of Pete's comment just a moment ago. So, in the Executive Summary in the EEJ strategy document, it says that NOAA fisheries is responsible for managing the nation's ocean resources and habitats. That they use the best science available to make fisheries sustainable and productive, provide safe seafood, conserve protected resources and maintain healthy ecosystems. And that is their goal to make these services available to everyone such that no community is underserved. And so, from the tribal perspective, you know, that's pretty important. You know we think we've been underserved because we don't have sustainable fisheries or fisheries that are productive. While we may have safe seafood, we don't have seafood, you know, our food in the quantities that we would need to provide for our diet, you know, our culture, our subsistence needs and our economy. And while we've been highly regulating tribal fisheries to conserve protected resources, many of the stocks that are listed haven't been delisted and are far from recovery or at levels that are necessary to support tribal fisheries. And in some cases, we don't have, you know, healthy ecosystems. You know again, speaking from the context of the Columbia Basin, you know, we got a lot of habitat degradation. We have a hydropower system. We have, you know, the mining and timber use and all of these other activities that have been really detrimental to our resources and are why, you know, they're in abundance that we've seen, you know, in recent decades. So recognizing that, you know, and thinking about, you know, one of your... for NOAA a top geographic priority is to support federal tribal treaty and trust obligations and engage with tribes on co-management decisions, including those related to agency actions, hatchery production, habitat

conservation and restoration, hydropower, and fisheries harvest. So, we are encouraged that that is one of, you know, the top priorities being considered here and we hope, you know, that NOAA as well as the Council can rise to that occasion. So going a little bit further, so in the strategic Goal 1, where it's the adaptively managed fisheries for sustainability and economic competitiveness, the 1.3, mitigate and adapt climate driven changes in fisheries habitat. One of the things provided there is to support Washington, Oregon, Idaho, and Montana in their development of the Integration and Strategies Group of Regional Sovereigns and Stakeholders to implement the Columbia Basin Partnership Phase 2 Report. And so, speaking from the perspective of the Nez Perce Tribe, we're engaged in that process. We do support the Columbia Basin Partnership Phase 2 Report quantitative goals for Columbia and Snake River salmon and steelhead stocks, for instance. And while we think, you know, much needs to be done to try and not just delist and recover, but hit those say high end goals, for example, even those high end goals are in some cases, you know, a fifth or more of what we had historically, and so even that is a compromise within a compromise. And so, we very much desire to see equity and environmental justice in the currency that's most important to the tribes and that's fish. Without fish we really don't have anything else to really consider, and that's sort of the predicament that we've been operating in for some time and hopefully, you know, this could be a step, you know, in the direction of meeting, you know, the needs of tribes. Thanks.

Brad Pettinger [00:16:12] Thank you Joe. Anyone else? Marc Gorelnik.

Marc Gorelnik [00:16:18] Thank you Chair Pettinger. And thank you, Joe, for those comments. I think you made some excellent points, particularly with regard to without fish, you know, what do we have to provide to underserved communities let alone anyone else? I want to say I appreciated both presentations, I guess all three presentations, Ryan's, Maggie's and Corey's. On the subject of the Council's involvement with equity and environmental justice, there were a number of points raised and asks made by the committee to the extent that the Council wants to be involved. I think those are all things we should aspire to be involved in. You know we need to have... we need to participate in this process. On day last we'll talk about fiscal matters and, you know, whether we have the funding to do that, but I think there is some funding coming our way that would support that. I want to express also my thanks to the statements from the Groundfish Management Team and the GAP. They raised a number of points about the lack of resources available for us to do a good job to manage our fish, again, harkening back to comments of Mr. Oatman. In particular there was reference in both reports to expanding the hook-and-line survey. As we are all aware, opportunities and access are being lost up and down the coast based on stock assessments that are not based on, to any significant extent, on fishery independent data. During the course of this agenda item, I received an email from the West Coast Region about improvements in recreational data and it reads great, except, you know, what it doesn't say anything about increasing fishery independent data, and that is something that has impacted all communities and, you know, maybe it started out with its impacts on recreational fisheries and non-trawl, but it's also impacting the trawl fishery now because of the lack of data or the presumed lack of data on female canneries who may distribute themselves preferentially over habitat that can't be trawled. That's a theory, but of course without the hook-and-line data how do we know? I think the points that in particular the GAP made that access to underserved communities is largely through the recreational fishery. They're also in the commercial fishery, but if you go down to any launch ramp on the delta in California, Pillar Point Harbor, what you will see is multi-generational families boarding small boats with old outboard motors going out to collect protein for the household. And, of course, that's generally groundfish. And, of course, their opportunities are now going to be reduced because of stock assessments and the need to constrain impacts on certain stocks and for which there's great skepticism as to whether those stock assessments were accurate. I also want to touch briefly on coming back to the point I made earlier during Mr. Wulff's presentation about salmon. Most of us are probably not aware that Congress passed a statute called the Central Valley Project Improvement Act that set a goal for increasing the abundance of naturally spawned salmon in the Central Valley, setting forth the co-equal

goals of fisheries and agriculture. Did you know that the goal for Winter Chinook was 110,000 fish? And we're lucky in the coming years to see even a thousand. In the meantime, we've seen a quadrupling of acreage of almonds. So, the Winter Chinook is an endangered species... is critically endangered. NMFS has the ability using biological opinions to improve the lot. I realize there must be some intra-agency discussions about to what extent NMFS can exercise its ability over sister agencies, but there shouldn't be any doubt but that the recovery of that endangered stock is in the hands of NMFS and it should be a West Coast priority.

Brad Pettinger [00:21:42] Thank you Marc. Executive Director Burden.

Merrick Burden [00:21:46] Yes, thank you Mr. Chairman. And I guess I'll echo Marc's comments a minute ago. I appreciate all of the presentations and the discussion around the table is really enlightening also. I have a few thoughts going through my mind. So, as your director, I think a lot about our capacity and our budget and we've stressed a lot of that here this week. As we all know we're in a significant budget deficit when it comes to staffing. We have agenda items that are on our docket that I haven't assigned to any staff because there's no one to do it. And so, I hope that changes. I think it will change. But as I think about this item, it is connected to many, many things, and rightly so. It has the potential to be a massive undertaking if we don't think about it very carefully. There is an exercise we'll have to go through. I guess we don't have to, but I suspect we will go through that I think will help us focus. And so, IRA funding, there are a few objectives tied to the Inflation Reduction Act funding opportunity that is being made available to us. One of those focuses on vulnerable communities, and as I've heard discussion here from several of you, I think you're connecting the vulnerable communities topic to EEJ and I think that makes a lot of sense. And so I guess what I am hoping for and this might be the appropriate time for some reaction on this thought, but what I'm hoping for is that, one, we can really try to figure out where we want to go here with the EEJ topic and use the IRA process that we'll go through to help us focus on that and also to secure some resources that would help us. We don't have the resources now to do much, which is unfortunate, but that's just where we are. We could drop some things from our agenda to make space, but I don't think that's where we are. So I don't know if there's a reaction there or a question to you all about whether you think that's a good plan or you have any initial thoughts there, but I guess what I would propose is that we think about the IRA funding proposal as a way to focus our attention and our intention behind the EEJ topic and use that as a vehicle to secure resources, assuming we want to continue pursuing anything along the lines of an EEJ initiative. So those are some thoughts I have for you all. There's a question in there somewhere. Thank you.

Brad Pettinger [00:24:42] Thank you Merrick. Corey Ridings.

Corey Ridings [00:24:45] Thanks Merrick. This is I guess a question and a comment for you to respond to that. Yes, it seems appropriate to explore at the appropriate time how the IRA funding, or the BIL funding to help with a lot of the themes we've talked about here today, which have been pretty wide ranging. Also, I would just note, I'm pretty sure I heard Miss Sommer say earlier that NMFS is already devoting some time and energy and resources, at least to the EEJ or IP portion of this. So, as we think about this moving forward, there may be some that are already there. Just putting that out for discussion and comment.

Brad Pettinger [00:25:28] Okay. Christa.

Christa Svensson [00:25:34] Yeah, thank you Mr. Chair. So, I think as we think about this topic, there's a lot of concern about how large this could get, how intertwined this could get. What does this mean? And I know we had folks that started the meeting with us. It was an extended meeting. I don't know that any of us expected to work on this as long as we did in our committee meeting and grapple with it. And as most of us know there's a lot of things that go into making sausage. So, if you started the process

with us, you may have gotten the impression of the scope and scale being maybe larger than the committee winnowed down to. I am very appreciative of what the committee moved forward with, which was really looking at how do we define terms. We've heard a little bit of that around the floor this morning in terms of who and what and how are we talking, and I think that first step would be really beneficial, and is fairly low cost in terms of putting things out for ourselves and working through our own process. The second piece really is that GAP analysis. And again, it's... we did not ask to go digging in an extensive manner. It was much more limited in scope, and I think it is important for us to figure out what it is we want to take on so that we're not taking on more than we can financially afford to, right? It's certainly possible to start small and if we see results for our recreational fishermen and for other community members, and I'm highlighting them, I was particularly struck by the GAP report in terms of the need for recreational and the charter community as subsistence. I think that needs more recognition than it often receives, but I do think, I think our committee outlined and laid out a path for us that can achieve some of these goals and help us remain in alignment with the regional implementation plan in a way that is scalable for a variety of levels.

Brad Pettinger [00:28:19] Thank you Christa. We're going to take this opportunity to have a break. We've been at it for an hour and 40 minutes here, and let's just do 10 minutes and we'll come back and finish this up, because I'm sure somebody would probably like to go, including myself. So, we'll see everybody back here at 9:50. Lynn.

Lynn Mattes [00:28:39] Thank you Chair Pettinger. An email is circulating to you all. If there's a possibility of having a little bit of an extended break this morning it would help us get ready for G.6, the next agenda item in finalizing some motions. I know, we know we're on a kind of a compressed timeline with some big items, but having a little extra time I think will help us be more efficient under G.6. Thank you for the consideration.

Brad Pettinger [00:29:07] Would you like to do that now and... what you're saying is you're not ready for G.6, our next item. Yeah, so how long? 20 minutes. Well actually... okay we're going to do 20 minutes, so I hope everybody organize their thoughts for this item and for folks to get their stuff finished up for G.6 so... Phil.

Phil Anderson [00:29:51] Well Mr. Chair I would go for a short break now. Let's finish this agenda item up and then let's take a longer break if needed to, so that folks can get ready for G.6 rather than making the long break in the middle of this agenda item.

Brad Pettinger [00:30:11] I'm pretty easy on this so that sounds better to everyone? I see head nods. okay, that's what we'll do.....(BREAK).....Working their way back to their seats I'd just like to put out thanks to Heather Mann for providing donuts and the sugar intake that's going to keep us going today. And Kevin Dunn for the delivery so all right. We're in the middle of H.5, in the middle of Council discussion. And with that I'll reopen the floor to everyone so looking for a hand? Looking for a motion? Corey Ridings.

Corey Ridings [00:31:18] Thanks Mr. Chair. I just have a few short comments, and then I have a motion if needed. I just wanted to quickly thank Mr. Bash and Miss Sommer and Mr. Wulff here today for their presentations. They were really helpful and informative and shaped the discussion of the EEJ Committee and at least my understanding of how these issues are coming together. I also wanted to thank the GMT for their statement. I didn't get my hand up fast enough, but I appreciate it and wanted to echo the point about infrastructure that's needed to improve community access to fishery resources. So, I thought that was really salient and I think that's echoing what others have already said around the table, but I really liked that. So, with that, I'll stop talking and when a motions appropriate I can put that out.

Brad Pettinger [00:32:14] Well we're 55 minutes over on this agenda item so I think it's appropriate, not seeing any hands.

Corey Ridings [00:32:25] Thanks Sandra. I move that the Council adopt the recommendations found in Supplemental EEJC Report 1, Agenda Item H.5.b, and forward all advisory body reports under this Agenda Item, H.5.b to NMFS for consideration in their development of the Geographic Strategic Plan.

Brad Pettinger [00:32:45] Thank you Corey. Is the language on the screen accurate?

Corey Ridings [00:32:48] It is.

Brad Pettinger [00:32:49] Looking for a second? Seconded by Christa Svensson. Thank you Christa. Please speak to your motion as appropriate.

Corey Ridings [00:32:58] I hope that this motion can respond to EEJ as a national priority for NMFS and a plan for the West Coast to move forward with this. As we heard today, barriers exist and access to agency benefits. We need to learn more about that and create a plan to address them. This motion supports the comments of Mr. Oatman and the tribes. We need to better serve our tribal communities and our smaller communities across the coast that struggle to engage with the Council process, as well as explore traditional knowledge and traditional ecological knowledge needs that fully recognize treaty rights and indigenous participation. It responds to the NMFS need and request for assistance with the EEJ regional implementation plans. I think it's prudent and we probably wouldn't want NMFS to move forward without us on this, so this motion provides the structure for that input of the EEJC and the full Council. Hopefully this provides a starting point for the Council to implement some low hanging fruit around a shared vocabulary and scope a project to get started on this work around ID and EEJ needs. And finally, just a note on the funding, it looks... we can optimistically hope for some IRA and BIL funding that might be headed our way with this. We also know there's ongoing work that's happening at NMFS and what's put forward in this motion is a relatively small lift but of course is contingent on Council funding and availability.

Brad Pettinger [00:34:30] Okay, thank you Corey. Questions for the motion maker? Discussion on the motion? Ryan Wulff.

Ryan Wulff [00:34:40] Yeah, thanks. Just maybe a question that the motion maker could clarify. In the second bullet you note forwarding the advisory body reports to NMFS for consideration of development of the GSP. Since the regional EEJ Plan is part, it's incorporated in the Geographic Strategic Plan so I'm assuming since some of those advisory body reports to speak specifically to the EEJ strategy, that we would also take those into account once that is developed too as we implement the Geographic Strategic Plan. Is that your intent?

Corey Ridings [00:35:17] That is my intent. Sorry, that wasn't clear. Thanks Mr. Wulff.

Brad Pettinger [00:35:22] Thank you Ryan. Okay, anybody else? I'm not seeing any hands. I'll call for the question. All those in favor signify by saying "Aye".

Council [00:35:34] Aye.

Brad Pettinger [00:35:34] Opposed, no? Abstentions? Okay, the motion passes unanimously. Thank you Corey. All right, Jim?

Jim Seger [00:35:48] Yes, thank you Mr. Chairman. I think you had a very strong discussion leading

to a motion that provides guidance for Council staff to move things forward on this area.

Brad Pettinger [00:35:57] Okay, and Ryan did you have your hand up?

Ryan Wulff [00:36:00] Yeah, thanks. I just wanted to make a comment before you closed out this agenda item. I just wanted to appreciate all of the comments we received today. I think there was some really good input that we received, not just from the advisory body reports, but from around this table. I've been taking copious notes, as have my colleagues here. There was also some comments about resources, some questions there, and some of the discussion made me think about some of our other policies and issues we are working on that are connected, they're in the strategic plan nationally, such as the National Seafood Strategy. We do put a lot of these priorities that you're seeing and we're discussing today into the strategic priorities for certain funding opportunities that NMFS does internally annually. I think you'll hear more about this. Merrick mentioned it as it's related to the IRA funds and the specifics, what is considered priorities there. So you will see this permeate through a number of things that NMFS is implementing and working on, both at a national, regional level, and I just wanted to acknowledge that and let you know that we'll be taking all of your comments that made in the context of this discussion today, and I think they're very relevant to permeate through some of those other opportunities and actions. So, I just wanted to note that and thank everyone for the discussion.

Brad Pettinger [00:37:18] All right. Thank you Ryan. All right, well we're going to close out H.5.

6. National Standards 4,8,9 Considerations and National Standard 1 Technical Guidance

Pete Hassemer [00:00:00] That completes our public comment and will take us to Council action. It's up there before us on the screen. Your desire to comment on the Advanced Notice of Proposed Rulemaking. Executive Director Burden.

Merrick Burden [00:00:20] Yes, thank you Mr. Vice-Chairman. I think I'll offer a couple comments about process here just to make sure everyone's on the same page. So as Miss Evenson indicated, we did have some challenges and quite a few concerns about the timeline of the comment period. This came through the CCC meeting. I've consulted with other Executive Directors on it. I sent comments directly to Miss Morrison herself. You may recall back in June, when I believe Miss Morrison joined us then, it was made clear to us that even if we were to make comments after the comment period that they would take them. And so that's why you're seeing this on your agenda now, even though the comment period has closed. I do believe that we have arranged for that to... arranged for a case where NMFS will accept the comments that we send even if they are a little bit late. So still not ideal in my opinion, but that is why we're here and I understand that NOAA will take our comments.

Pete Hassemer [00:01:27] Thank you. Corey Niles.

Corey Niles [00:01:32] Yeah, thanks Mr. Vice-Chair. I just was going to start with maybe an easier one and ask Merrick a reminder, or Jim, who's not sitting over there but online, of what we would need for the, on the other, on the National Standard 1 technical guidance to forward to the SSC? Do we... are you looking for a head nod, a motion, what is the expectation there or has it already been heard as Rick Methot was, as Dan said there, but, yeah, what do we, what would you like to see from us on those, on the SSCs thoughts on the National Standard 1 Technical Guidance?

Pete Hassemer [00:02:08] Executive Director Burden.

Merrick Burden [00:02:11] Thank you Mr. Niles for that question. Just a little bit of context. So, the way I think about this is the SSC works for the Council. So, the SSC has engaged with Mr. Methot and has provided some comments, developed some comments that you heard Mr. Holland summarize a few minutes ago. So, what I would, I guess, what I would like is the Council's blessing of those as a Council feedback in response to the new technical guidance. I don't believe that takes a motion, just some head nod that, yes, you believe that this is appropriate feedback from the SSC to Mr. Methot thought knowing that the SSC works for the Council. So, your approval is appreciated.

Pete Hassemer [00:03:02] Further discussion? I'm not seeing....Corey Niles.

Corey Niles [00:03:13] Well, I would I put on that first one, National Standard 1, I think our SSC and stock assessment community has a lot to offer so I would give you that verbal head nod to four of those and approval.

Pete Hassemer [00:03:29] Thank you Corey. I'm looking, I'll look around the room and I'm seeing numerous head nods here. So, we have that approval to send that along. Any other thoughts on the Advanced Notice of Proposed Rulemaking, Revising the National Standards? We noted... Lynn Mattes.

Lynn Mattes [00:03:57] Thank you Vice-Chair. I'm struggling with what I could say to, or what I could offer on this one. I think Mr. Paine brought it up, are we doing something just to do something? That is one concern. Another concern is I think somebody else mentioned that this may be coming up because of something in one region. Is something in one region driving this and then all the rest of us are going

to have to deal and live with it? I just want to make sure that if this does move forward it's from a national perspective and not one area or one region driving it because climate impacts in the Gulf of Mexico will be very different than they are in Northern Oregon and Washington. So those are just thoughts that have been running through my head on this item.

Pete Hassemer [00:04:43] Thank you. Phil Anderson then Virgil Moore.

Phil Anderson [00:04:48] Thanks Mr. Vice-Chair. Well, I did have a chance to go through the North Pacific's letter, and I also appreciated the remarks that Brent Paine made under public comment. I find myself largely in agreement with the North Pacific's input and Brent's perspective about is there a need to change these? But to me, even as important or more important is the process by which these are changed. I believe the appropriate way to, if the changes are needed, it's through changes in the Act that are done by Congress. And I think this approach is flawed. And so, from a process perspective I think we need to support, I don't know whether we need to express support, but I support at least from a process perspective the changes in the National Standards need to be done through the reauthorization process. And in terms of whether or not they need to be changed, I find myself in agreement with the North Pacific again and Brent in that I do not think changes are needed to those three National Standards.

Pete Hassemer [00:06:42] Thank you Phil. Virgil Moore.

Virgil Moore [00:06:45] Thank you Mr. Vice-Chairman. Largely I'm in full agreement with Phil on the North Pacific letter. I haven't reviewed it myself, but Miss Kiefer has and she affirmed that we should consider that letter to help you in our comments on that. As far as how we would proceed with changes in these, I'll leave it to the body here to pass that judgment on, but certainly we're rushed on a very important issue. And I've been trying to do some further background work here as we've been having this discussion and I'm leery, I guess, would be the best way to describe it, that we're going to be able to give the kind of appropriate comments that are needed for change if we choose to go that way. So, I'll leave it at that. Thank you.

Pete Hassemer [00:07:46] Thank you Virgil. Corey Niles.

Corey Niles [00:07:52] Yeah, thank you Mr. Vice-Chair. I guess I'll speak up to provide a different perspective. I fully agree with Phil's statement that you can't change the National Standards without an Act of Congress, but this is, these are guidelines meant to help interpret those, the statutory language, they're not changes to legislation. And as it says in the Magnuson Act, these are called guidelines for a reason. They're not, if the Councils have reasons for departing from them, NMFS is supposed to be respectful of the Councils' opinions as them just being guidelines. So, for reasoning, on that reasoning that it's changing the Magnuson Act, I don't, I can't support that reasoning. I think NMFS would fulfill what they were doing here to the best of their responsibilities as the agency. They're asked to provide guidelines and it's been a while since they, since they've looked at those. And so, yeah, maybe they are workable, they have worked. Yeah, on the analogy of if it isn't broken or ain't broke, don't fix it. There's also this idea of continuous improvement that you hear in many places in industry, business, government, so I understand why people might want to take another look. And I don't think we should be going to places where we're thinking that there's extra motivation here beyond what the agency's responsible role is in providing the Councils with guidance. And I just, we were just as Brent and Bob, or Brent spoke about, we were struggling with "practicable" just an hour ago and I wish I wrote down how Bob said it in the context of what is expected of our at-sea fleets, and to do the extent practicable I think he said, everywhere and at every abundance, something like that. And it's, the point here I'm trying to make is I think this Council has struggled with what these statutory language and guidelines mean as much as anyone, and I'm sure that's true for every Council. So I guess my one thought here is,

yeah, I don't know on the rushed timeline, but if NMFS decides to go forward with these then they should do it in a way that takes advantage of all the expertise this Council and other Councils have because I think this is really where people have, just like this morning and late last night have struggled with, okay what are these broad language, what does these broad words mean in the statute and these guidelines to the decisions we're making?

Pete Hassemer [00:10:45] Thank you Corey. Chris Oliver.

Chris Oliver [00:10:48] Thank you Mr. Chairman. I would just make the observation in response to what you said, Corey, that based on a lot of experience that while they call them guidelines, the National Standard guidelines particularly and others as well, have fairly routinely been treated with the force of law by not only the agency, but by courts.

Pete Hassemer [00:11:17] Thank you Chris. Further discussion? Corey Ridings.

Corey Ridings [00:11:26] Thanks Mr. Vice-Chair. I actually have a question for Council staff if that's okay? Thank you. Just thinking about, I heard reference to the NorthPac letter, did other Councils weigh-in on this as well?

Pete Hassemer [00:11:45] Executive Director Burden.

Merrick Burden [00:11:48] Yeah, thanks for the question, Miss Ridings. Other Councils have weighed in. I don't know the full census of those comment letters. Let's see, I'm aware that the Gulf submitted some comments. New England submitted some comments. They were all after our briefing book deadline. My quick review of those comments indicated to me that they substantially mirror the North Pacific letter.

Corey Ridings [00:12:14] Thank you.

Pete Hassemer [00:12:15] All right. Thank you. So, trying to see what... Corey Ridings.

Corey Ridings [00:12:25] Thanks Mr. Vice-Chair. I just wanted to note, as we talk in this conversation, I'm not really sure from a global perspective if we need to change these or not. I'll note that the two focus areas around EEJ and adjusting for climate impacts are things that can be done under the existing National Standards and the guidelines that exist now. I think this Council has taken steps that prove that under both of those issues. If the agency does decide to move forward with this, I assume we'll get to look at a proposed rule so we can think in more specificity at that point about those issues and how they nexus. To Lynn's point, you know, this is national in scope and we want to be thinking how it impacts our Council and our region, so hopefully that would be an opportunity to do that and I hope it moves forward. The agency does think about what this Council has done on both of those items as they think about their revisions. So, thank you.

Pete Hassemer [00:13:34] Thank you Corey. I want to look around and Chair Pettinger.

Brad Pettinger [00:13:44] Yeah, good comments around the table. I agree with Brent Paine's assessment of the situation, particularly with bycatch. I think there's folks in the country that want to change "practicable" to "possible", and I think that not realizing that virtually every fishery has bycatch. And so, I was back in D.C. last year and there was a push at that point in time to attack, the removing "practicable" to the, in the language. You know I think that the language is the way it should be because the Councils, and each Council that gets to determine how to treat bycatch with their own individual fisheries. And so, I point out with the whiting fishery, we've set what we think is the right amount. What

is a practicable? Because certainly possible is zero. We can do zero pretty damn well. So, I think that the North Pacific letter is a really good one and I think procedurally what Pete, or Phil laid out is absolutely, I mean spot on. So anyway, thanks.

Pete Hassemer [00:15:01] Executive Director Burden.

Merrick Burden [00:15:05] Yeah, thank you Mr. Vice-Chairman. I sense the conversation starting to die down here a little bit and there are, I guess, there's one key matter that I'm not sure there is real alignment on, and I think that is this question of, let's see how do I phrase this? When is it appropriate for the agency to reconsider the guidelines and when is it appropriate to defer to Congress? And maybe channeling the questions and points raised by our Washington colleagues here, would it be fair to characterize a response letter in a way that says the magnitude of change at the agency is proposing should be done by Congress? I think we can contrast that with some prior guideline updates that have been done around say National Standard 1 which issued clarifications and that those were more minor and that if we were to say and if it's the agreement of this body, that Congress should be the lead here, that is because of the degree or magnitude of changes that are being proposed in the AMPR. If you follow my thought process, does that make sense to everyone? And are we generally in agreement on that?

Pete Hassemer [00:16:22] Corey Niles.

Corey Niles [00:16:25] I guess my question for you Merrick would be how do you know what the magnitude of the change they're proposing is when they haven't proposed the change yet? I'm missing that part.

Pete Hassemer [00:16:39] Executive Director Burden.

Merrick Burden [00:16:41] Yeah, thank you Mr. Niles. And that's a fair point. The two topics of climate change and EEJ climate change, I suppose is a change in the context within which the National Standard Guidelines exist. EEJ, I'm not sure I would characterize it that way. It's a new perspective, perhaps new policy and so I'm anticipating that there would be changes intended to advance a policy or a perspective and that is different in my mind, and perhaps that's reaching a bit, but that's what's going through my mind.

Pete Hassemer [00:17:21] Corey.

Corey Niles [00:17:21] Well, I think where you were going, I think I would if our response captured the sentiment that the guidelines should not make policy change, a major policy change as Congress should, I would agree with that. Whether the changes would amount to a policy I think is an open question. And as Mr. Oliver said, I fully recognize that the guidelines, especially National Standard 1, have been treated as this is the way NMFS is going to do it and case, you know, matter closed. So, I understand that. Yeah, I just don't... and if I guess I would say if, you know, the Council has shown support as the EWG pointed out, as was pointed out earlier in this meeting about how we advance these EEJ and climate ready fisheries initiatives. So, if we're supportive of those, yeah, the right place for those, the appropriate place for those to be, those factors to be included would be in the guidelines and their relevant factors for the decisions we make where we're kind of agreeing with that. So, yes, I agree with the proposition that NMFS cannot change the statute and should not with the guidelines, whether what they're proposing would go there is an open question. So, I would agree with that comment of, and I understand it's a close call on how consistent some, a regulation the guideline is with the statute and courts will be arguing about that for as long as they exist. But I just don't want to over... stay in our lane here is all I'll say.

Pete Hassemer [00:19:06] Thank you. Chair Pettinger.

Brad Pettinger [00:19:08] Yeah, I think the fact that there's no specificity to what they're asking. They're opening, looking at everything and asking for input. They're kind of opening things up and I think that if they're more specific in where they're going it'd be, it might be different as far as what I view with the enormity of dealing with writing a response letter. It just seems kind of weird that they would do it that way, but...

Pete Hassemer [00:19:41] Corey Niles.

Corey Niles [00:19:44] Well, I think Brad and maybe someone more like Mr. Wulff could, if it's appropriate to say, but I think that's what the Advanced Notice of Proposed Rulemaking is for, is do you think this general idea is good? And then, if so, then they get to the specifics in the proposed rule. But to me, that's my understanding of their process. So, it's not unusual to not have specifics at this point.

Pete Hassemer [00:20:11] All right. I see a head nod from NMFS and that's the process. So, I want to make sure I'm capturing this correctly, and I should lean on either Dr. Seger or Executive Director Burden that there is a desire for a letter addressing the process and some comments related to that. Also, I'm not sure I heard a commitment on another piece whether or not the changes are actually needed. We talked about the process, but your thought, if you wanted to include thoughts on whether or not changes are actually needed. We heard that in public comment and there was some discussion or mention in discussion. Dani Evenson.

Dani Evenson [00:21:13] Yes, thank you. I'm going to reiterate some of my earlier comments about on process. If our comment letter could also reflect the timeline to solicit input. This past timeline occurred when fisheries were in the water. We, you know, couldn't get the input from a lot of the affected fishery participants and communities. And so, I would encourage any such letter to make mention or encourage NMFS to provide sufficient opportunity for affected Councils, fishery participants, management entities, state, and tribal, to provide comment on the process. From the Alaska lens I can say that, you know, our recommendation is that no revisions are needed at this time. Thank you.

Pete Hassemer [00:22:14] All right, thank you. I appreciate that reminder. I had in my notes rushed timeline. I forgot to mention that. Executive Director Burden.

Merrick Burden [00:22:25] Thank you Mr. Vice-Chairman. I guess my sense here from listening to the conversations is that if there is general agreement with the North Pacific letter, that tells me and my fellow staff a lot about the substance. That letter, the general thrust, is that changes are not necessary. And so, if there is agreement with that letter around the table, that tells us a lot about the, again, the substance of the letter notwithstanding the process questions.

Pete Hassemer [00:22:58] Corey Ridings.

Corey Ridings [00:22:59] Thanks Mr. Vice Chair. I will reiterate my feelings that I do not know if it's necessary. Again, I think that that is a balance between the fact that we have seen that the agency and the Councils can work on these two overarching issues under the existing guidelines. I also know that these issues are important to the Council and something we've worked on and the agency may come back with something. We do not know the details that may be extremely helpful to us moving forward, we won't know that. So it is just my opinion there also with the NorthPac letter, again, I do not fully agree with everything that is in that letter, so if it is the consensus of others that that had a lot of good

meat in it and we should consider it, I would just ask that Council staff would move this forward through the QR process so we would have a chance for a more nuanced review of what those specific recommendations are.

Pete Hassemer [00:24:01] Thank you. Corey Niles.

Corey Niles [00:24:05] Yeah, I would agree with Corey. And if the, and also with Dani's timeline comments, fully agree. What I was trying to say earlier as I hope the timeline would really give the chance to dovetail with what's going on in the Councils on these issues. So, if you're going to try to capture consensus in a letter versus a majority view, I would say the questions on the need for changes is mixed. And I agree with Corey, I don't know every piece of the North Pacific letter, or I would agree with it.

Pete Hassemer [00:24:42] Any further thoughts? Primary thing, I hear a desire for a letter. A desire for it to be reviewed through our QR process and that would allow us to send it out before the November meeting knowing that the deadline has passed for comments. Executive Director Burden.

Merrick Burden [00:25:14] Yeah, thank you Mr. Vice-Chairman. I think we can thread the needle here appropriately. I think we have, I mean, I have a ton of respect for my colleagues in the North Pacific. I also think our Council is different. We have some other things to add, so I'm confident we can thread the needle. I also know that Jim has his hand up and so maybe he has more to add.

Pete Hassemer [00:25:36] Dr. Seger.

Jim Seger [00:25:38] Thank you Mr. Vice-Chair. I actually have taken it down. I think you have gotten to a place where we have enough in Council discussion to interpret. I also would note that some of the comments I think there was I didn't hear any objection to, you know, if this does move forward that it be done from a national perspective. Do it in a way that takes advantage of all the expertise on the Council's, including that on the Council's, which of course requires adequate time for that. And we had Corey Niles comment and just kind of trying to thread the needle as Merrick said about the North Pacific letter, capturing the sentiment that major policy changes, if something's considered major it should go through Congress. Anyway, as Merrick said, I think we have sufficient to thread the needle here.

Pete Hassemer [00:26:32] All right, thank you. Is there anything more here? So, thank you Jim. I think you wrapped it up, and I'm not seeing any further hands on this agenda item, so I believe we are done with this one for today. So, we will close out Agenda Item H.6.

7. Fiscal Matters

Pete Hassemer [00:00:00] That completes our reports and public comment and takes us into Council discussion on the fiscal matters. We'll look and see if there are any hands for discussion. Executive Director Burden.

Merrick Burden [00:00:23] Yes, thank you Mr. Vice-Chairman. I'll just maybe attempt to recap a couple of things here briefly. So in addition to the routine updates of 2023 budget and how we're doing, which we're doing just fine, and the audit, which we're doing just fine, there were three major topics that we brought to the Budget Committee and we are trying to air some of these more than usual because we are making a few changes and there are some things that will change our financial status. And so, if you do look at the very lengthy presentation that I gave the Budget Committee and that's in the briefing book, you'll make note of several things that we're planning to do a little bit differently next year to try to keep our deficit within a more manageable amount. And so, there are multiple meetings that have been in person that we are planning to send remote. And so that's the bottom line there. The second item is the case of IRA funding. And so that is a case of, well, let's see NMFS leadership put it this way, they said, "We're building the plane while flying it" and so the money is available. That's good news. I think it will help us. That's good news. But how all those mechanics will work is still being developed and so there's an attempt on my and Patricia's part to try to outline as much as we know that's in the Budget Committee report and we will need to have proposals together by, I believe, late January to secure portions of that 20 million. So that's not much time, but we do have a plan that we've discussed internally and have discussed with the Budget Committee. I'd be happy to explain more of that to you here if you like, but we believe we have a plan that will incorporate many of the recommendations that you heard from Miss Conrad and from the EWG about the work that the EWG and EAS have done and that this Council has done and how that connects with many of the activities that the Council currently has on our docket. So, and then the third is the Committee-of-the-Whole discussion. So, we're putting pen to paper and getting some more concrete steps together, milestones together that we plan to turn into an agenda and we'll bring that back to you in November. So hopefully that's a helpful recap Mr. Vice-Chairman, and I'd be happy to have a discussion or answer any questions about any of that.

Pete Hassemer [00:03:02] Thank you Executive Director Burden. So, are there any comments regarding that? Any questions? Discussion? And also at some point, we'd be looking for approval of the Budget Committee report. Corey Ridings.

Corey Ridings [00:03:24] Good morning. Thank you Mr. Vice-Chair. Merrick, thanks for that overview and thanks for the clarity in the organization of the budget issues that are facing the Council. It's much appreciated. Quick question, you noted that staff is thinking about, obviously saving money is important and how we do that and thinking about sending some of the committees and meetings remote, could you share with us a little bit just about how you're going to approach that and how you've been thinking about deciding which meetings are going to be remote and which will stay in person? Thanks.

Merrick Burden [00:04:03] Yeah, thanks for the question, Miss Ridings. Earlier this year as staff we sat down and we developed what I would call some objective ways of proposing which committees to send remote and which not. And so, there are, let's see there are I think three main factors there. Probably the biggest is the degree to which there is an agenda item on the Council's floor that's going to necessitate some, potentially some iteration with the members of that committee. So that stands out as one of the chief reasons why. The second one, of course, is just our budget. The third one is escaping me because it's day last on the Council meeting and my brain is full of cobwebs, but that first one really drives much of our thinking. And so, what you'll note, if you look in the presentation I assembled is

that, for example, we're proposing the Habitat Committee go remote multiple meetings, and the Habitat Committee work is very valuable. There are oftentimes agenda items that don't require iteration between the members of that committee and the Council, and we think that having them go remote for several meetings would be, continue to allow for a productive Council environment and would help us with our budget issues. Hopefully that answers your question.

Pete Hassemer [00:05:28] Thank you. Further questions? Discussion? Phil Anderson.

Phil Anderson [00:05:37] Two, well one question and a comment, and I think my question's already been answered but I'm also a little foggy in the brain here this morning. In terms of selecting topics for the... to submit for the IRA pieces, how is, what's the process for doing, within our Council, what's the process for selecting what we are going to request funding for? I know there's a list of potential topic areas that were contained in the budget report. We've got our, well, we have at least one public comment about making some suggestions on topic areas that we might put forward. How do we get from here to a point where we're actually proposing something?

Merrick Burden [00:06:36] Yeah, thank you Mr. Anderson. That is indeed a very important question and I will caveat my answer by starting with the point that this is still coming into focus and it's a bit messy. What I have in mind would be, first, the Council has a Year-at-a-Glance and an agenda and we have things that we have to do every year, and I have no intention of allowing a new funding opportunity to blow up what the Council's core responsibilities are. And instead, what I would like to do is, is first start with a crosswalk that says out of all of the things that we have to do and all of the things we're planning to do, can we integrate any of that into the climate initiatives that have been discussed and prioritized by this Council. And our initial review as staff is that there is quite a bit of that that can occur. And I think that's a good thing and I think that's how operationalization, I believe is the term, operationalization of climate information into our management can occur, and I think that's one of the best ways for it to occur. And then as we looked further beyond what we currently have on the docket, either through the Year-at-a-Glance or potentially a little bit further, we have some space that opens up potentially. And so those are where the other priority items that Miss DeReynier, Miss Conrad flagged that this Council could then say we want to pursue these. And so that's the discussion I'd want to have in November. Beyond that, there may be an opportunity or even a need to consult with the EWG and EAS to flesh out those ideas a bit more before we submit a proposal. So that doesn't give us many touch points. If that doesn't completely work, NMFS has indicated that if we were to submit a proposal where we don't ask for our full share of the 20 million, that there's likely going to be an opportunity to come back and do this again next year and request the remaining amount. So, all that is to say, I think we have a plan. If we can't get all the way there to secure all of the funding that I think is there for us, even though it's fairly competitive, we'll have another cut at this next year. So that's about as clear as I can be at the moment with how new all of this is, but hopefully that's providing some clarity.

Phil Anderson [00:09:16] And this... kind of follow up? And again, this is maybe another one you've already answered. I think you mentioned what our share of the 20 million is, so that suggests that we're not in a race with the other Councils to get proposals in. It's not a first come, first served or kind of situation where we will be given a reasonable amount of time to get our proposals in to ensure that we get whatever, I think it was going to be divided equally if I recall, but how do we make sure we optimize our opportunity to get our fair share, whatever that is, of that, of those funds?

Merrick Burden [00:10:16] Yeah, thank you Mr. Anderson. So, there are... this is where things are also a bit vague. So, there are at least, at least two slices to the 20 million pie. The first slice is 3 million and that will be divided equally among all the Councils, and that is for a build-up of staffing or contracting to help manage the remainder. And every Council is in the same place on that spot, which is we can't just as much as we would love to have more money if it just comes with more work and not

more capacity we can't actually do it. So that first tranche to give us that capacity and we have a contractor we've already been talking to that will be helping us with that. The second piece is the competitive piece. And when this word first came out that we would have to competitively bid and compete among our fellow Councils, all of the Eds, we all got together and said, "We're not doing that. We're in this together". And so we've spoken with Miss Denit and others and we will have to justify our proposal. It has not been, we have not been told that it will be divided equally, but we have been told that every Council will get an amount. In follow-up conversations I've asked what if we put a marker down and say, 'We're not done with our proposal, we plan to come back again, can you hold some money for us?' I haven't been given a guarantee, but I feel good about that prospect. So that's about as much as I can tell you at the moment.

Phil Anderson [00:12:05] This will be the last, I think. I just wanted to daylight for the Council our conversation about the IPHC Council Representative and funding for that activity. Because in the Budget Committee report, or the presentation, I believe, that you gave the Budget Committee, there was a piece in there where the funding for that activity was going to be discontinued. And I know there was some concern about that voiced not only by me but as well as Heather and Lynn. And so, the discussion that you and I had was because the Halibut Commission is in the midst of making an important allocation decision relative to how the overall annual CEY is divided up between the various areas, we had a period of stability where they had a 4-year plan. They've essentially close to rolled that over for at least for us maintaining the 165 and because of this very important decision that will have multi-year impacts on us, I think our collective argument back to you was that we provide that funding for this year and then revisit it for future years when hopefully that decision will have been made and things are more, we're not dealing with a significant policy issue and it's more kind of back to their annual tasks that are just part of their normal course of business. So that's kind of where we landed in that discussion. I just wanted to daylight that for the rest of the Council members if they happen to see that piece in your presentation and had any concerns about that.

Pete Hassemer [00:14:30] Thank you Phil. Bob Dooley.

Bob Dooley [00:14:36] Thank you Mr. Vice-Chair and good morning. A question Merrick. It seems like this competition, so to speak, for this funding is all looking forward. And I'm thinking of a fair start kind of provision here that the Councils are all in, you know, the regional Councils are in different places. Some have done very little. We have done quite a bit I think, and, you know, probably one of the lead Councils in preparing for this and those are monies that we have already spent and have affected and really been a contributor to our shortfalls that we're experiencing now in the budget. And are we able to hindcast and recover some of the moneys that we've already spent, you know, acknowledging that other Councils are going to be starting from a much lower level and potentially getting reimbursed for those costs and we would not be if we were just looking ahead. Just a question.

Pete Hassemer [00:15:38] Executive Director Burden.

Merrick Burden [00:15:38] Yeah, thanks for the question, Mr. Dooley. My, I guess my strong impression from NMFS leadership is that the answer to that is, no, that we should continue to look forward. And they have acknowledged that we're all at different places but that will go into my, and maybe Mr. Wulff has a response here too, but my understanding is that where we're at in terms of those different places, they'll take that into account and as part of the proposal process. So, they would expect us to be making more headway than another Council that's much further behind and they won't punish that other Council because they're further behind, right, but they also won't backfill our expenses for things that we've done over the last decade. So, I hope that is answering your question.

Pete Hassemer [00:16:29] Thank you. Virgil Moore.

Virgil Moore [00:16:34] I've not paid a lot of attention to this issue in terms of outputs and where we were going relative to funding. I just simply want to say it seems as I've read through these summary documents that inland fisheries, salmon-based fisheries are not well addressed. And specifically, no workshops were held in Idaho, but at least Washington mentions Idaho in their report relative to upriver stocks. But it's not just the Columbia Basin, it would be all effects of climate impacts on inland fisheries and communities, those small communities that are affected by this, and I don't know where it fits in. I know the money is minimal compared to the needs, but I don't want that lost. I just want to speak up for those upriver fisheries, those non-coastal fisheries that occur on those important stocks that we have responsibility for. Thanks.

Pete Hassemer [00:17:35] Thank you Virgil. Corey Niles.

Corey Niles [00:17:40] Yeah, thank you Mr. Vice-Chair. On that same topic and the exchange between Phil and Merrick, which was very helpful, I guess one thing in being there as part of the Budget Committee discussions and, Merrick, the way you frame it is good, but looking at the Year-at-a-Glance and our core responsibilities and then these other things, I think just the vision that this Council's been working towards is really making, is bringing the climate into our core activities to make sure our fisheries will, are they going to be able to respond to the climate change variability. So eventually they should be one and the same, they're not extra. Climate is not something outside of what we do. It affects us being able to achieve our goals. But so, I would frame it like that's the goal of the Council has been working to. But to the brass tacks type of thing, you said this is going to come back in November and just maybe I missed it and just for clarity for everyone, would that be happening? Where would that be happening? In the Budget Committee arena? I think you got my question, so I'll stop there.

Pete Hassemer [00:18:52] Executive Director Burden.

Merrick Burden [00:18:54] Yeah, thank you Mr. Niles. Yeah, on your first point I think we're in agreement. That is a good objective and that's a great way of operationalizing climate information. On the second point, we do continue to plan routing this through the Budget Committee at the November meeting. But what I also indicated in my comments is that should the Council have, well, let me back up, the sequencing I have in mind is some staff work between now and the November meeting that we would bring to the Budget Committee and the Council. And from that, from that point we may then have a need for interaction with the EWG and EAS to continue fleshing out those ideas and topics after the November meeting, which then gets us to a point of being able to submit a proposal by the January, late January deadline. And so, there is the November schedule, but that's not the only point where we would touch with other advisory bodies potentially.

Pete Hassemer [00:20:04] Thank you. Further discussion? Not seeing any, wondering if there's any motion to approve the report to the Budget Committee if so desired? Everybody's thinking. Mr. Gorelnik.

Marc Gorelnik [00:20:30] I will give it a go here. Like Phil, I'm a little foggy this morning, and magically my thoughts appear on the screen. I move the Council adopt the recommendations of the Budget Committee as shown in Agenda Item H.7.a, Supplemental Budget Committee Report, September 2023.

Pete Hassemer [00:20:55] That looks accurate and complete. Is that so?

Marc Gorelnik [00:20:59] Precisely.

Pete Hassemer [00:21:01] Thank you very much. Is there a second? Seconded by Virgil Moore? Speak

to your motion as needed.

Marc Gorelnik [00:21:08] I think that staff has done an excellent job in preparing the materials for the Budget Committee and providing the report at our meeting on day zero. And I think that the recommendations set forth a roadmap to moving forward with our 2024 budget as well as other funding priorities.

Pete Hassemer [00:21:35] Thank you very much. I think that will complete our work here. I do want to add one note of compliments again to the staff and especially Patricia. Her work on the budget materials after having to go through the audit and meeting with the auditors and those meetings and that we get an extremely clean bill of health each year and just reflects all the good work that's done, so thank you. So, with that discussion, we have a motion on the floor. Is there any discussion on the motion? Not seeing any I will call the question. All those in favor signify by saying "Aye".

Council [00:22:21] Aye.

Pete Hassemer [00:22:21] Opposed, no? Abstentions? The motion passes unanimously. Thank you. And now I believe our work is complete Patricia?

Patricia Hearing [00:22:35] Your work here is complete, and we'll come back for November.

Pete Hassemer [00:22:38] All right, thank you. That completes the fiscal matters part of the agenda.

8. Approval of Council Meeting Record

Pete Hassemer [00:00:00] Agenda Item H.8, approval of the meeting record. So as not to skip any essential steps I want to see if anybody wants to offer to read the meeting record into our record. Phil.

Phil Anderson [00:00:20] This might take me a while to do but I'd be happy to try... (laughter) ... I'm hoping that my thoughts have transferred over to Sandra and that my motion will appear here if you're ready for one. I move the Council approved the Council meeting record as presented in Agenda Item H.8, Attachment 1, Draft Council Meeting Record 272nd Session of the Pacific Fishery Management Council June 21 through 27, 2023.

Pete Hassemer [00:00:59] All right, thank you. The language on the screen now is accurate and complete?

Phil Anderson [00:01:05] Indeed it is.

Pete Hassemer [00:01:07] Thank you. Is there a second? Seconded by Bob Dooley? Speak to your motion as needed.

Phil Anderson [00:01:14] I don't believe it's needed, but thank you to staff for putting our, keeping our meeting record complete. Very much appreciated and we do use it.

Pete Hassemer [00:01:27] All right, thank you. Any discussion on the motion? Seeing no discussion, call the question. All those in favor signify by saying "Aye".

Council [00:01:37] Aye.

Pete Hassemer [00:01:37] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Phil. And that completes Agenda Item H.8.

9. Membership Appointment and Council Operating Procedures

Brad Pettinger [00:00:00] We have a Council action that is before us and so I guess I'd open up the floor for discussion prior to doing that. If not, we'll go straight to the appointing folks. Okay, well, let's go with the Washington At-Large position on the AS. Corey Niles.

Corey Niles [00:00:21] Yeah, thanks Mr. Vice-Chair, I mean Mr. Chair, excuse me. I have a motion here. I'm ready to go. Okay, I move the Council appoint Mr. Marcus Min to the Washington At-Large position on the Ecosystem Advisory Subpanel.

Brad Pettinger [00:00:40] All right Corey is the language accurate?

Corey Niles [00:00:42] It is.

Brad Pettinger [00:00:43] Okay. Seconded by Phil Anderson. Okay. Speak to your motion please as appropriate.

Corey Niles [00:00:51] Yeah, thank you Mr. Chair. Just briefly, I think, as Miss Ames said, this position's been vacant for a while, so we are grateful to have Marcus put his name in. He's a Ph.D. student at University of Washington and excited to see this, see the thinking of the university come to the EAS so. And, unfortunately, as Miss Ames said, Professor Terrie Klinger, who's been a member of the group for a long time, has stepped down and so it looks like we'll be needing to fill another position, but just wanted to thank her as well for the time she has given us some in her busy schedule. Thank you.

Brad Pettinger [00:01:34] Okay. Discussion? If not, I'll call for the question. All those in favor signify by saying "Aye".

Council [00:01:42] Aye.

Brad Pettinger [00:01:42] Opposed, no? Abstentions? Okay motion passes unanimously. Thank you. Thank you Corey. With that we'll go to the Commercial position on the CPSAS. Marc Gorelnik.

Marc Gorelnik [00:01:59] Thank you Chair Pettinger. I move the Council appoint Mr. Matthew Everingham to the Commercial position on the Coastal Pelagic Species Advisory Subpanel.

Brad Pettinger [00:02:10] Is the language accurate?

Marc Gorelnik [00:02:10] Pretty much.

Brad Pettinger [00:02:15] Very good. Second by Bob Dooley. Thank you Bob. Please speak to your motion.

Marc Gorelnik [00:02:18] Yeah, we had two excellent applicants for this position, and we can only choose one and I think that Mr. Everingham will during the course of his term will do a good job representing that sector on the CPSAS.

Brad Pettinger [00:02:39] Very good. Thank you. Discussion? Okay. With that I'll call for the question. All those in favor signify by saying "Aye".

Council [00:02:48] Aye.

Brad Pettinger [00:02:48] Opposed, no? Abstentions? The motion passes unanimously. Thank you. Next up will be Trawl At-Large on the GAP. Bob.

Bob Dooley [00:03:02] Thank you Mr. Chairman. I have a motion. I move the Council appoint Mr. Christopher Cooper to the Trawl At-Large position on the Groundfish Advisory Subpanel.

Brad Pettinger [00:03:12] Thank you Bob. Second by Lynn Mattes. Thank you Lynn. Please speak to your motion.

Bob Dooley [00:03:21] Thank you Mr. Chair. I think we've had five really good applicants to this position to replace the outgoing representative from the United Catcher Boats, Ruth Christiansen, and I think Chris brings on-the-water knowledge. He's an on-the-water fisherman to this process. Really welcome, the other four were very good applicants as well, but I think this is a really the... the Groundfish Advisory Subpanel really relies on the expertise of actual on-the-water fishermen to bring that element to us, and I think Chris will do an excellent job. He's a fourth-generation fisherman from the Newport area. Family owns three trawl vessels, participates in whiting and groundfish. His dad, Mark, was you know, so he's steeped in many years of history. He was, Mark was on the AP in Alaska for years. He began fishing at 12 years old. Owns... the captain and owner of the fishing vessel Predator. He's both shoreside and whiting cooperatives. He's on the board of the At-Sea Whiting Cooperative, Mothership At-Sea Water Cooperative. He participates in cooperative research. I think he really brings an element that we need on the GAP, and I support his appointment.

Brad Pettinger [00:04:54] Thank you Bob. Discussion? Not seeing any. Okay with that I'll call for the question. All those in favor signify by saying "Aye".

Council [00:05:00] Aye.

Brad Pettinger [00:05:00] Opposed, no? Abstentions? The motion passes unanimously. Thank you Bob. Next up will be the At-Sea Processor position on the GAP. Phil Anderson.

Phil Anderson [00:05:16] Thank you very much Mr. Chairman. I'm pleased to make this motion. I move the Council appoint Miss Sarah Nayani to the At-Sea Processor position on the Groundfish Advisory Subpanel.

Brad Pettinger [00:05:31] All right. The language is correct?

Phil Anderson [00:05:32] It is.

Brad Pettinger [00:05:34] Looking for a second? Seconded by Butch Smith. Thank you Butch. But please speak to your motion Phil.

Phil Anderson [00:05:40] Yeah, we're really fortunate to have such a great group of people that have served on the GAP. Sarah has been on the GAP previously and just did an admirable job in serving on that subpanel. She's got a lot of experience with the Council process and has a great deal of knowledge relative to the at-sea fishing sector of, for the motherships as well as the whiting fishery overall. She's participating in the U.S. Canada Whiting Treaty process, and I think we're really fortunate to have someone of her quality be willing to serve on our advisory panel.

Brad Pettinger [00:06:37] Thank you. Any discussion? Seeing none I'll call for the question. All those

in favor signify by saying "Aye".

Council [00:06:44] Aye.

Brad Pettinger [00:06:44] Opposed, no? Abstentions? The motion passes unanimously. Thank you Phil. With that, we'll have the Tribal position of the Groundfish Management Team. Joe.

Joe Oatman [00:06:58] Thank you Mr. Chair. I move the Council appoint Mr. William Jasper to the Tribal position on the Groundfish Management Team.

Brad Pettinger [00:07:08] Very good. I see the language is accurate so...

Joe Oatman [00:07:13] It is Mr. Chair.

Brad Pettinger [00:07:14] Looking for a second? Seconded by Lynn Mattes. Thank you Lynn. Please speak to your motion.

Joe Oatman [00:07:19] Thank you Mr. Chair. So, this is to fill the vacant tribal seat on the GMT. William has been employed by the Makah Tribe as their groundfish biologist since 2020 and has been attending Council meetings. He is responsible for tribal groundfish management and is knowledgeable of the Council process, often helping with tribal comments and review of motions on groundfish agenda items. I also note that he is an alumni of the West Coast MREP Program. I fully support his appointment to the GMT and expect that he will contribute to the Council process and to this Tribal seat that I hold in a competent and professional manner.

Brad Pettinger [00:08:07] Thank you Joe. Any discussion? All right, with that I'll call for the question. All those in favor signify by saying "Aye".

Council [00:08:16] Aye.

Brad Pettinger [00:08:16] Opposed, no? Abstentions? Okay, the motion passes unanimously. And with that we'll go to the Tribal position on the Salmon Technical Team. Joe.

Joe Oatman [00:08:28] Thank you Mr. Chair. I move the Council appoint Mr. Bryan Van Orman to the Tribal position on the Salmon Technical Team.

Brad Pettinger [00:08:39] Okay, seeing the language is accurate.

Joe Oatman [00:08:42] Yes Mr. Chair.

Brad Pettinger [00:08:42] Second? Seconded by Christa Svensson. Thank you Christa. Please speak to your motion.

Joe Oatman [00:08:47] Thank you Mr. Chair. So, this is to replace Miss Stephanie Thurner with Bryan Van Orman on the Tribal seat on the STT. Bryan is employed by the Northwest Indian Fish Commission as their coastal anadromous fisheries specialist since January of this year and has been attending Council meetings assisting the Treaty Tribes in my role here on the Council to address salmon items that are critically important to the tribes. He is responsible for providing support to the co-management activities between the Western Washington Treaty Tribes and the state of Washington on salmon management by advising Treaty Tribes on fishery management and policy issues. I fully support his appointment to the STT and expect he'll contribute to the Council process and to this seat in a skilled

and professional manner.

Brad Pettinger [00:09:41] Okay. Any discussion? Seeing none I'll call for the question. All those in favor signify by saying "Aye".

Council [00:09:49] Aye.

Brad Pettinger [00:09:49] Opposed, no? Abstentions? Okay the motion passes unanimously. Thank you. I look forward to having everyone on board for the next meeting. Kelly, let's see I guess we direct you to get those positions, get those notices out there, right? So, all right, very good. Lynn Mattes.

Lynn Mattes [00:10:11] I mentioned this during Closed Session, but I wanted to reiterate that the Oregon Charter representative on the GAP that has been unfilled for a little bit, we will continue to reach out to the industry and see if we can get some nominees for that position. Thank you.

Brad Pettinger [00:10:28] Thank you Lynn. All right. And I guess the next thing is the proposed changes to COP 9 and Schedules 1 and 4, groundfish and halibut. I'll open the floor for discussion on that or a motion. Corey.

Corey Niles [00:10:49] Yeah, Mr. Chair. I think just on the COP 9... I had my window open... we just in reviewing it noticed one small thing I would say and ran it by Mr. Anderson, who is our JMC rep and it has to do with the JMC. But I think just in looking at the changes there, they look good and it appears basically in the schedule wherever March, every time March comes up that there's situations when the U.S., the JMC can't reach agreement on the TAC. The Pacific Whiting Act requires the Secretary of Commerce to take into consideration any recommendation this Council would make on the TAC, you know, in conjunction with other recommendations from the USJMC and SRG and AP I think it says. But so just to be complete we would recommend that addition be made, just recognizing that this Council may want to weigh-in on the TAC in those years. Hope if maybe there'll never be any more years where they don't come to agreement but if they don't, this Council could take that opportunity to weigh-in.

Brad Pettinger [00:12:14] Okay. Thank you Corey. Duly noted. Does someone have a motion on this one? Kelly, do we need a motion on that one or just acknowledgment of the changes that were made and what Corey just brought up?

Kelly Ames [00:12:31] Thank you Chair Pettinger. We do need a motion to adopt the changes to the COP. I'm fairly clear on what Mr. Niles is recommending for the edits for the groundfish COP changes. I can try to capture that if you'd like. We'd basically add a sentence to that COP that would say something along the lines of, 'in years in which the JMC is unable to reach agreement, the Council may recommend a TAC to NMFS for its consideration in setting the TAC'.

Brad Pettinger [00:13:14] Very good. Do we want a break right now and come back and do that? What's up?

Lynn Mattes [00:13:19] I'm typing away to a motion or could I speak, just verbalize it and have Sandra...

Brad Pettinger [00:13:29] I think that'd be fine. Yep. Yeah, verbalizing would be fine.

Lynn Mattes [00:13:36] Okay. Are you ready Sandra? I guess I will be... I'm going to give it to you orally, because I was typing and it wasn't, given my issues with email yesterday, this is probably

quicker. I move the Council adopt the proposed changes to COP 9, Schedules 1 and 4 for groundfish and halibut respectively, including updating the language in reference to JMC process in March.

Brad Pettinger [00:14:46] Is the language accurate on the screen?

Lynn Mattes [00:14:47] Yes, it is. Sandra is an excellent typist.

Brad Pettinger [00:14:51] Okay. I'll look for second? Seconded by Christa Svensson. Please speak to your motion as appropriate.

Lynn Mattes [00:14:58] Thank you. I was just trying to capture the proposed changes of the JMC issue that Mr. Niles just addressed. So hopefully this allows some leeway for Council staff to make that adjustment. I don't think I need to speak to anything else unless I'm directed by Council staff to.

Brad Pettinger [00:15:19] Okay, thank you Lynn. All right. Discussion of the motion? Phil.

Phil Anderson [00:15:29] I would move an amendment to the motion. At the end remove the period and it would be as follows. So, in reference to JMC process in March as follows, "In years when the JMC is unable to reach agreement, the Council may recommend a TAC, that's T.A.C., to the National Marine Fisheries Service for its consideration in setting the U.S. TAC.

Brad Pettinger [00:16:54] Is the language on the screen accurate?

Phil Anderson [00:16:56] Yes, it is.

Brad Pettinger [00:16:57] Okay. Second? Seconded by Bob Dooley. Thank you Bob. Okay, please speak to your motion as appropriate Phil.

Phil Anderson [00:17:06] The purpose of the amendment is simply to make clear what the additional language that would be added to the COP would be than to formalize that.

Brad Pettinger [00:17:19] All right. Very good. Questions for the motion maker, or the amendment? Okay, discussion? Joe Oatman.

Joe Oatman [00:17:29] Yeah thank you. Just to clarify, I thought you stated... so after the insert, in years when, did they omit the word "in"?

Phil Anderson [00:17:48] I said in years. I don't know if... oh, she just... thanks Joe.

Brad Pettinger [00:18:05] Lynn.

Lynn Mattes [00:18:05] Thank you Mr. Chair. I was just going to say I'm fully supportive of the amendment and appreciate Mr. Anderson further clarifying what I was trying to get at quickly, but this, I think, makes it more clear for the record. I appreciate the amendment.

Brad Pettinger [00:18:18] Okay. With that we'll... oh, yes Phil.

Phil Anderson [00:18:22] This thanks really goes to Corey. So just for the record.

Brad Pettinger [00:18:29] Well, thank you Corey. And with that I'll call for the question on the amendment. All those in favor signify by saying "Aye".

Council [00:18:35] Aye.

Brad Pettinger [00:18:35] Opposed, no? Abstentions? Okay, the motion is amended as unanimously. Wonderful. So that takes us to the original amendment. And so, looking for discussion, if needed? All right, I'll call for the question. All those in favor signify by saying "Aye".

Council [00:18:56] Aye.

Brad Pettinger [00:18:57] Opposed, no? Abstentions? Okay, the amended motion passes unanimously. So, thank you Lynn. Thank you Phil. And I will turn to Kelly, see how we're doing on H.9?

Kelly Ames [00:19:14] Thank you Chair Pettinger, Council, you have completed your work on H.9.

Brad Pettinger [00:19:18] Okay.

10. Future Council Meeting Agenda and Workload Planning

Brad Pettinger [00:00:00] That takes care of our management teams and our advisory bodies and to public comment. Zero. Really? Okay, that takes us back to you Merrick.

Merrick Burden [00:00:17] Yeah, thank you Mr. Chairman. Let's see... thanks all the advisory bodies for your comments. Just to help orient your discussion, I'll walk through in a little more detail what it is we're talking about and might take the opportunity to reference a couple of the comments I've heard so far. So, if we start at the preliminary Year-at-a-Glance Summary. Looking at November, we are scheduled right now for 5.7 days, so that is quite a full agenda. We have a couple of relatively light items on CPS. On groundfish we are getting quickly into our specifications, the meaty part of our specifications process, so there's quite a bit there. Also, inseason is proving to be quite a challenge here as indicated by this week, so there's been talk of having a two-part schedule for that topic. We also have what we're calling Phase 2 Stock Definitions. I would argue the important part here concerns our nearshore complexes, well...many of our complexes and the component species and reconstituting those. There's also talk of federal versus state jurisdiction as part of that topic. And then we have gear switching. So that, of course, is a large topic and we're looking for a PPA there to stay on schedule. HMS, we come back for a final preferred alternative on EFH. And we're also starting to talk about the HMS roadmap concept. We talked about, at the last meeting we talked about a workshop that was essentially linked to the phase out of the drift gillnet fishery, and the way I read that workshop is trying to chart a course for the future of that fishery and what this Council wants to do. We also have, this is the last meeting in advance of the WCPFC meeting that meets in December. So, there's an international management item there. Salmon, we're coming back after our summer and fall methodology review topics. So, you see the methodology review there. We have final action on a FMP Amendment 24. We also have stock status determinations and we hear the first report from our newly established Klamath Fall Workgroup. Pacific Halibut, we go 2024 Catch Sharing Plan final. And we have a smattering of other items. And then as we work through the spring, of course those are large salmon matters. Because we are in the spex season, if you will, groundfish is also quite heavy there. We're looking for a sablefish gear switching final in March. We also have in March our meeting of the ecosystem groups. We hear about the....hear of the California Current Ecosystem Status Report and science review. We have FEP Initiative 4. And there is some talk from our ecosystem groups about some CCI recommendations being added to March. And we also have some items on halibut and we come back for the sanctuaries coral matter and are looking for a PPA. We're currently at 5.8 days. That is well over our target so some trimming to do there at some point. April of course is another salmon heavy meeting. We have several groundfish matters there. June already scheduled to be a heavy meeting. A smattering of groundfish matters. We come in for fixed gear marking and entanglement risk reduction, we're looking for an FPA there. Our limited entry fixed gear follow-on actions looking for a PPA. We're tentatively scheduling the Trawl Catch Share Program Cost Project and the review process for that meeting. And then continuing on, we have a few other items that are shaded here on salmon, on halibut and a few other matters. And then stretching out into September, we start to get a little bit more time on the agenda at least at the moment. Every meeting is a groundfish meeting so we're looking for a final preferred alternative on limited entry fixed gear follow-on actions. We're looking at scoping for our Phase 2 stock definitions. Moving down through salmon we have our, oh... I've neglected to make note of the rebuilding plans that we will need to be addressing here on salmon, that's I believe that's particularly to Spring Summer Queets Chinook and a few other matters. Of course, there's almost always Marine Planning. Let's see, moving over to the Quick Reference Agenda, walking through this quickly just to orient you. So, we do have a few meetings already scheduled in advance of the Council meeting. So that's to the far left under the acronyms title. That's a new addition that we've made. We also have the first ever in-person meeting of the MPC scheduled for November. We tentatively have an SSC Groundfish Subcommittee meeting to tackle some topics related to our specifications. And we have a

online meeting scheduled of the SAS at that time. Thursday we have several other advisory bodies beginning to meet, the GAP and GMT in person and all the other groups there, the SSC, Legislative Committee, Budget Committee and Enforcement Consultants all meeting in person. Starting off on Friday, after getting through some routine matters, we would turn to salmon. We have a few matters there as already flagged in the YAG. On Saturday we move over to coastal pelagic species. A few light matters there and then begin groundfish. This would be a fairly heavy groundfish day. The rebuilding analysis and stock assessment topic may take some time if our earlier discussions from two days ago are any indication, and I can get into more of that and where we are with that matter at the appropriate time. And then we would turn to sablefish gear switching, allowing four hours for that is actually a compressed amount of time in terms of our internal discussions about what we might need to do there. So that would be a very full day. In reality we may need to spill some of our sablefish gear switching public comments over into Sunday, depending on how that goes. Looking at Sunday, the habitat matter is shaded. I think I flagged this earlier. We don't see items at the moment that would require Council action. So, you know the Habitat Committee reports are always quite informative and helpful, but we would be looking for habitat comments under things like EFH rather than a standalone habitat item potentially. We then have several HMS items, including FPA on EFH. And we have our first discussion of the HMS Roadmap Workshop objectives, and then groundfish specifications and EFPs. And then moving over to Monday, of course there's Marine Planning, which we have most meetings. Beginning our conversations around stock definitions. Our first check-in of inseason. And there was note during our discussion here a second ago, our questions with the GMT, there was questions about the potential to move that earlier on the schedule. Pacific Halibut. And then moving on, on Tuesday we've scheduled Fiscal Matters for Tuesday. We anticipate more of a discussion there that would be amenable to something other than the last day, and that is because of the number of topics we have on IRA funding, the Committee-of-the-Whole planning and some other topics that will take a bit of time. And then of course some other groundfish matters that continue on from earlier days. And then we get into the last day, come back for inseason and then take up our usual administrative matters. So, it is a slightly, this agenda has taken some creative thinking, I'll just put it that way. How about I stop there Mr. Chairman, and happy to answer any questions otherwise, yeah, time for discussion.

Brad Pettinger [00:09:23] Okay. Questions for Merrick on that?

Phil Anderson [00:09:33] Is this on both the Year-at-a-Glance and the November, or just the November?

Merrick Burden [00:09:40] I'm happy to take any questions on either.

Phil Anderson [00:09:45] Just on the Year-at-a-Glance looking at March, the shaded Whiting Treaty Implementation item, and I understand that March is already over five-and-a-half days, so were you thinking about us reporting out as an informational report that the JMC will be meeting prior to the March meeting and we will... well, we'll know whether we have an agreement or not, and if we do what it is. And then just reflecting back on our addition to the COP that we did in the event that there is an agreement, is not agreement, this would be our only time to offer any perspectives to National Marine Fisheries Service prior to them, prior to the Secretary setting the U.S. TAC. So, I just don't need to necessarily resolve it right now but just flagging that.

Brad Pettinger [00:10:55] Thanks Phil.

Merrick Burden [00:11:03] Yeah, thank you Mr. Anderson. Noted.

Brad Pettinger [00:11:08] Lynn.

Lynn Mattes [00:11:11] Thank you Chair. Since we're in March on the Year-at-a-Glance, the EAS did request a two-day meeting, if at all possible. I don't know what the hotel space is going to be like, but just wanted to flag that and remind us of that request from the EAS. Thank you.

Merrick Burden [00:11:32] Yeah, thank you Miss Mattes. I don't know if... I can't recall exactly what our schedule is at the moment. I know we've had several conversations with the EAS and EWG about meeting a couple of days rather than one day. I believe we've cooked that into our booking plans. I think that's where we're at, but I don't have that right in front of me.

Brad Pettinger [00:11:59] John.

John Ugoretz [00:12:01] Thanks Mr. Chair. Looking at the Year-at-a-Glance and thinking back Merrick to a couple of things you said when you first brought it up. For HMS, I think when I mentioned the Drift Gillnet FMP start, I was thinking November 2024, which obviously is not yet on the Year-at-a-Glance, but I'd be okay with that. And then just now, when the management team mentioned adding opah to March of '24, I think I'd prefer to wait. I think they've got a lot on their plate with spex coming up and that we could wait for opah to come back a year later in '25. And then finally, and this may take a little more discussion, but I believe this week the Council took action to move forward with Cordell Conservation Area Revisions. And the thought was that those would be discussed along with the National Marine Sanctuaries Coral Restoration and Research Plans, and I don't see that on the YAG at all, so kind of flagging it. But it could be under those items or somewhere else if staff feels that it's better suited for different timing.

Merrick Burden [00:13:40] Yeah, thank you Mr. Ugoretz. I've made note of your two HMS comments. Thank you. Could I turn to you, Kelly, and ask you to summarize we're at in terms of the integration of the Cordell Banks and the sanctuaries coral plan.

Kelly Ames [00:13:55] Thank you Mr. Ugoretz, Director Burden. Council and NMFS staff need to regroup and have a scoping meeting to understand the scope of what was done under the Coral Research and Restoration as well as the Cordell Bank, to understand whether it is possible to put those items together on the time frame that is needed to make the sanctuary's deadline.

Brad Pettinger [00:14:29] Okay. Anyone else? Marc Gorelnik.

Marc Gorelnik [00:14:34] Thank you Chair Pettinger. Just looking at the proposed November agenda, we have the, on Wednesday, November 1, we have the MPC meeting at the same time as the SAS, but the SAS has a representative, as I recall, on the MPC, so that may create a conflict. And also we have, at least for the moment, a Legislative Committee scheduled for Thursday, November 2nd, and maybe we should discuss whether that is necessary or not.

Merrick Burden [00:15:18] Yeah, thank you Mr. Gorelnik. We've had some conversations internally about whether we could get some of our salmon meetings, including the SAS, to meet even earlier than Wednesday. So, I would aim for that to avoid that conflict that you pointed out. In terms of the Legislative Committee, I did send around some updates from Mr. Dave Whaley regarding some bills that are intended to be introduced over the next few weeks. I realize we haven't discussed them here. I would expect there may be some fodder for the Legislative Committee in November.

Brad Pettinger [00:15:57] Ryan.

Ryan Wulff [00:16:00] Yeah, thank you Mr. Chair. Looking at the November agenda since we're on that now. A couple of things to note. We have, at least in recent past, had our Regional Administrator

come and brief the Council kind of on our annual priorities process at the November meeting. Our new Regional Administrator, Jen Quan, will be available the morning of Friday, so I think we've kind of fit that in to be Open Comment before and happy to do that as well, but just letting the Council know she will be available that Friday morning. She has to go out of town starting that afternoon, but she will be available that Friday morning and can do it under B.1. A small but important change we'd like to propose on the salmon items. As the Council is aware, we've been working with the California Department of Fish and Wildlife and industry to develop a new management framework using landing limits to management within preseason Chinook catch projections in California salmon fisheries, which should result in fisheries staying below the take limits on California Coastal Chinook, which has been a problem in recent years. We provided a number of reports to the Council on this topic starting last November, and the framework will be finalized prior to this November Council meeting and we do anticipate using it in 2024. So, what we'd like to do is actually I think we could just keep the agenda items as is. We would extend D.4 to an hour so that we can have a presentation on the framework and the Council can be briefed ahead of the preseason planning, and in order to allow that we would propose reducing D.2 to just a half an hour. I think that topic on final language and given the September discussion here and the direction on that issue, I think that'll be relatively straightforward and shouldn't take the full hour allotted. So just really just a switch in the timing there I think would be helpful. And then lastly, I'm kind of at the Council's discretion on this, but with WCPFC happening in December, and we had a number of discussions already on that and recommendations at this meeting, we will not have any additional updates on IATTC or some of the other international bodies by November. So it's really up to the Council. I'm not sure H.2 will be needed, but I think it is in our COP so at the very least I think you could have saved thirty minutes there if you needed some extra time on that Sunday, but we'd also be okay if it's removed. And that's it for NMFS. Thanks.

Brad Pettinger [00:18:43] Thanks Ryan. Corey Ridings.

Corey Ridings [00:18:45] Thanks Mr. Chair. I'm back looking at the YAG. And conferring with my Co-Chair here to my right, recommending an EEJ update for next March or April. This will be an opportunity to report back on EEJC member meetings with NMFS on the RIP, which will be happening over the winter. Progress by Council staff on items moved forward earlier this week. Give NMFS an opportunity to give an update if they've got one at that point on the RIP. And finally, the staff member, Dr. Seger, will be retiring around this time, so I wanted to put this on the agenda before he departs.

Brad Pettinger [00:19:38] Thanks Corey. John.

John Ugoretz [00:19:44] Thanks Mr. Chair. I wanted to come back to the November agenda. I'm looking at coastal pelagic species in November. It's pretty light and what I see are items that could either be handled in the April meeting or combined later on. And so, what I'm thinking in terms of Council efficiencies and knowing that groundfish is going to be a beast in November, we might just want to skip CPS this November. And EFPs are all rollovers. They could be, you know, out there for public review prior to April. And the Stock Assessment Best Practices, we're not anticipating anything radical from the SSC. It's not a required Council action, action item. So, my proposal would be simply cancel E in November.

Merrick Burden [00:20:58] Yeah, thank you Mr. Ugoretz. A couple of thoughts on that. So, one is we did have a discussion back in June about NMFS reporting back to us on the stock structure question and what else we may, what else may be done from the Science Center to help advance that topic. So, if we were to cancel that, we would, you know, look to just move that to a later meeting. Let's see, there is the matter of EFPs. So, if we were to cancel that, we would just look for your nod for us to go ahead and put those out for public review without them coming to the Council. And then there's the matter of stock assessment best practices, so we would be, if this didn't come back to the Council, it

would just come directly from the SSC to the Center. So, I'm not opposed to your proposal, I'm just... this is how we would proceed if that were to be the consensus of the Council.

John Ugoretz [00:22:01] Yeah, thanks, and through the Chair, yeah, I think that all sounds reasonable given what we expect with all of these things. I think if we got a new EFP proposal, which we're not anticipating, that could throw a wrinkle in things, but these are all rollovers, so I'd be happy with that. And I'd be happy with the SSC best practices going direct.

Brad Pettinger [00:22:28] Thanks John. Phil.

Phil Anderson [00:22:33] Appreciate that suggestion, because not only does groundfish look like a beast, the whole meeting looks like a beast to me trying to figure out how we're going to get all this done in five-and-a-half days so there's lots of potential for slippage in the some of the time estimates. So, I'm speaking in support of John's suggestion. And to a more minor point, on Friday on D.3, the methodology review final two hours. Two hours seemed a little heavy to me for what I would anticipate needs to be done but staff could talk about it and maybe, they may, there may be a good reason for two hours being there maybe from past experience. But I'm just looking for anything here that where we can free up a little bit of time here to make this a more manageable meeting.

Brad Pettinger [00:23:58] Merrick.

Merrick Burden [00:24:00] Yeah, thank you Mr. Anderson. So assuming this is the consensus of the Council, dropping this would allow us to, and I'm not going to propose reorienting all of this on the fly, but it would allow us to start stretching out these groundfish matters so we can work through them more systematically and hopefully get through inseason before day last. That gives me a lot of heartburn. So that would be my intention that we would start to just stretch that out so we can work through them more systematically, if that makes sense.

Brad Pettinger [00:24:35] Okay. Heather.

Heather Hall [00:24:37] Well, thank you Chair Pettinger. I think Miss Mattes and I are probably headed in the same direction. But appreciate the suggestion from Mr. Ugoretz on CPS, and we spent quite a bit of time in our morning delegation meeting looking at this November agenda and thinking about how that's going to look in reality, so, especially after this meeting with a lot of the hard issues this meeting being FPA and then being PPA in November. So also, was doing a bit of Jenga with some of the GMT suggestions and the agenda thinking of space for that and appreciate that you'll work on it. I also had some ideas of how things might move to accommodate the GMT's request to split halibut into two agenda items. And just thinking about all the public comment on that and if that were a possibility. I can share what I was thinking and leave it to you to find the best place for everything, but if CPS were not on the agenda for November and inseason number one was moved to that position on Saturday morning, and then if Fiscal Matters was moved to Monday, where inseason number one was, then at least what my brain is seeing is that would allow space to divide halibut into number one on Monday and number two on Tuesday. And I realize it doesn't leave a lot of work for analysis, but it does give us the opportunity to hear the overview, advisory body reports and comments, and then a break between the two. So just, thank you.

Brad Pettinger [00:26:59] Thanks Heather. Lynn.

Lynn Mattes [00:27:02] Thank you Vice-Chair Pettinger. What she said.

Brad Pettinger [00:27:08] Bob.

Bob Dooley [00:00:01] Mr. Chairman, just reflecting on the week that we've had and re-occurring issue of getting reports to the, in the briefing book the day that we're, you know, addressing that agenda item. And some conversations I've had with several people on the GAP and looking at the juggling here that we may be moving up some groundfish issues, I think it might be good to think about giving the GAP some more time earlier to get together, maybe another day or something to be able to do their work. Because when we talk about time, a lot of the time our late reports that we don't see until or maybe even sometimes even when it's on the floor, and so it requires them to read them verbatim into the record and for our knowledge. It doesn't, it's not fair to us to have to make a decision without, you know, contemplating the input. I mean, ideally, we would have these at a minimum the night before the reports. The GMT had the same similar issue. I mean, they're burning the candle pretty hard there to get our reports and we still get them late. And so I think that's a problem and I think ultimately it's a time savings if we can address it because it gets, at least from my perspective, it gets us the ability to read reports, reach out to the people who generated those reports and the committees and talk to them and understand the points of view before we're forced to make decisions on the fly. So, I think it saves time. It saves Council discussion potentially to do that. But I hope we could consider that maybe polling those management teams in and advisory panels and weigh-in on whether they think they have enough time to produce the reports early so that we have the ability to really digest them before we get them on the floor. So, I'll stop there. Thank you.

Brad Pettinger [00:02:24] Merrick.

Merrick Burden [00:02:24] Yeah, thanks Mr. Dooley. And you and I have had these conversations a few times now and I think there's a lot of logic in that and I agree with, I think, everything you've said. It is a logistical dance. You know we have our hotel contracts that we sign. We aim to sign them about two years in advance. So, you know, we can ask the hotel if there's extra space. We can try to do that. And what we would want to do, though, is not make sure we're just extending everyone's stay and inflating our budget. So, what we're starting to do is talking about decoupling a bit, the overlap between our advisory bodies and the Council and starting the advisory bodies earlier and having the Council run later than them. And there are some advantages to having that overlap too, because you can have those hallway discussions. So, I guess as your Director I'm in agreement with you, but there are lots of things to consider to make that happen.

Brad Pettinger [00:03:24] Kelly.

Kelly Ames [00:03:31] Through the Chair, Mr. Dooley, just a note here that Jessi, Todd, and I have already been talking about workload flow and delivery and timing of GAP and GMT statements and we've got some ideas moving forward so we can try to facilitate an easier process in November.

Bob Dooley [00:03:53] Thank you. That's encouraging. Thank you so much Kelly. Through the Chair, I really appreciate the comment of the overlap that it's extremely valuable for us to have, you know, the conversations and the relationships with our advisory panels and management teams. So, I would not be in favor of decoupling totally. I think that overlap is important. This is more in the anticipation of where things are on the agenda. As meaty as, if we eliminate CPS, as meaty as that day will become it seems like the, you know, our Groundfish Management Team and the Groundfish Advisory Panel are going to be stressed to get those reports out to us because it costs us time and lack of information and fully inform, be fully informed to make decisions. So anyhow, that's, I'll leave it there, but I am encouraged by the fact that you're all addressing it. Thanks.

Brad Pettinger [00:04:59] Okay, Lynn.

Lynn Mattes [00:05:00] I appreciate the need and the desire for statements as early as possible, but as

a recent former GMT member, late stuff happens. The goal is to try to get stuff in to the Secretariat by 4 p.m. the day before something is on the agenda. When something gets dropped in the GMT's lap at 2:30 that afternoon, making 4 o'clock isn't impossible. And I'm really sticking up for my staff right now because of how hard they work. They try and the goal is to have things, but with complicated issues comes complicated discussions and complicated analysis, which takes time. So, I think given... they need a little leeway that sometimes they're not going to make those deadlines. They do their absolute best to do it, but sometimes they just can't be made due to the complications. I know they desire to make those deadlines. This week with the inseason it just wasn't possible. But I know they're working on it. I just want to give them some leeway given everything they have to do. Thank you.

Brad Pettinger [00:06:13] Thank you Lynn. Bob.

Bob Dooley [00:06:16] Thank you Mr. Chairman. Just a thought. I really do appreciate the comments that Lynn made just now. I think maybe I misinterpreted this a little bit, that it seems to me that when we get particularly from the GAP and the GMT, reports that covers several different topics but one is a, one part of the report is what's the sticking point. Perhaps we could decouple that and issue a main report early that they had the work they have done and with the full, you know, understanding that to be, you know, to be delivered at a later time the second part, so a supplemental report, so to speak, so that we just get the information that we need to know earlier to be able to work through those and understand our progress. But I do understand how things sometimes pop up late and they're doing their best to get it done, in fact more than their best. We're asking a lot of them sometimes to do that. So, thank you.

Brad Pettinger [00:07:23] Okay. Corey Ridings.

Corey Ridings [00:07:31] Thanks Mr. Chair. I'm just going to ask a quick question before I go here. Are we just talking about November now or are we still opening the conversation to the YAG?

Merrick Burden [00:07:44] I'm happy to take feedback on either or more than that.

Corey Ridings [00:07:48] Great. We're mixing and matching. I just wanted to recommend following on the EWG request and the EAS request to add an ecosystem agenda item in March of next year, review and prioritize follow-up tasks from the CCI. Given that the EWG will be meeting, they do that twice a year, I think it's a good time to add that and keep that conversation going.

Brad Pettinger [00:08:15] Merrick.

Merrick Burden [00:08:15] Thank you Miss Ridings. I have also made note of that. What you'll also see at the bottom there is that we are at 5.8 days and so we would be needing to start to trim some things down. Do you have any thoughts on what we might trim?

Corey Ridings [00:08:41] Thanks Mr. Chair. Thanks, Director Burden, for putting me on the spot there. No, I don't. I was not prepared to speak to that. I think for now, given it's two meetings away, it's probably a good idea to add it in. If we want to shade it, just keep it on the radar and see how those meetings come forward. You know, there's probably going to be some overlap with that content and the ongoing conversations about the incoming pots of money from NMFS and the grants and I know that you spoke earlier to some of that still getting ironed out. So, I would suggest probably just put it in as shaded or keep it on there as best as you see fit. Thanks.

Brad Pettinger [00:09:24] Okay. Marc.

Marc Gorelnik [00:09:29] Thank you Chair Pettinger. I notice on the November agenda we have on November 1st a tentative meeting of the SSC Groundfish Subcommittee. And, I guess, my first question, is that related to the discussion we had with regard to the quillback assessment?

Brad Pettinger [00:09:53] Merrick.

Merrick Burden [00:09:53] Yeah, thanks for the question Mr. Gorelnik. I think this would probably be a good opportunity to just step back and reflect on that particular question. So we've had quite a bit, quite a few conversations as staff about that item and then met with the GMT Alumni Trust the other night, as I indicated. And at this point, we've been able to also have conversations with the Science Center and the Region. And so, we have a plan moving forward. And so, the Science Center has indicated they will attempt to run the second analysis on quillback using the updated catch data that CDFW has provided. And as staff we will be looking at the historical record of the Council and our perspectives on data moderate stocks. And then the... there will be a few more steps. So, one is the mop-up which occurs late this month, and then we have this groundfish subcommittee meeting. So, all of that is related to the quillback question. And I'm drawing a little bit of a blank about what exactly is on the docket for that subcommittee meeting, and I'll look at Kelly to see if she can fill in that blank for me, but the short answer is yes. But I also wanted to provide some context that we do have some stones falling into place about who is going to do what, how we're going to proceed, and you should expect some additional information in November.

Brad Pettinger [00:11:32] Marc.

Marc Gorelnik [00:11:36] That's great. I guess part of the discussion we had was about the model's ability... the ground-truthing the model. Is it reflecting, is it predicting that which we see? And for example, from the from the CDFW report suggesting just extraordinary removals, which doesn't seem possible. I'm just wondering, is that also going to be folded into the discussion that will be undertaken at the Science Center and the Groundfish Subcommittee of the SSC to sort of try to come up with a model that's internally and externally consistent?

Merrick Burden [00:12:25] Thank you Mr. Gorelnik. I would... I'm hesitating to specify the details because we haven't figured all that out yet. You know, we have an assessment that's in front of us that's been blessed as BSIA, which is a really large issue and what we do after that, if anything, is not clear. And so that's one issue. The others are then how do we... if we have this assessment, how do we use it and how can we use it, and do we actually have options? And so that's another issue that we need to noodle on. We did talk about having spending some time in a better communications effort to have an exchange about how the assessment works. Maybe I'll just turn to Kelly and see if she can help me here with some of the details about what we are discussing and considering to help flush this issue out in more detail by November.

Kelly Ames [00:13:27] Thanks Director Burden, Mr. Gorelnik. Yes, Merrick characterized things correctly. We... we had some great discussions with the Center about bringing back information to the Council on the questions that they raised under the agenda items here at this meeting. One part of their suggestions was to also bring forward some information that demonstrates what happens when you go from a data moderate assessment to a full assessment and the performance. We have a great example here with copper rockfish in California this cycle that could be used to kind of demonstrate the robustness of the data moderate approach and how it may translate into a full assessment. They are, you know, at the risk of speaking for the center, but, you know, we had a great discussion with them and they heard the questions the Council has raised, and I believe they'll be prepared to address those when we come into Septem....to November.

Brad Pettinger [00:14:27] Thanks Kelly. Marc.

Marc Gorelnik [00:14:29] And just to conclude in the outcome, we'll get a report from that subcommittee during the meeting. We'll have floor discussion during inseason I assume.

Brad Pettinger [00:14:42] Merrick.

Merrick Burden [00:14:44] The... well, getting all tongue twisted, I guess the cobwebs are still here. Typically, a Groundfish Subcommittee report is appended to a full SSC report, and so the matters of quillback would come up under, let's see not inseason but, F.2 I believe is where it would come up. So you would hear a report from that committee through the full SSC report.

Brad Pettinger [00:15:17] Okay. Anyone else? Heather.

Heather Hall [00:15:26] Thank you Chair Pettinger. And also, if there's more conversation on this topic I, I'm fine with that. But if not, I did want to step back a little bit to CPS. And just, Merrick, you mentioned that bringing back the Science Center report on sardine stock structure, and I know we've talked in the past about having a place on the Council's agenda to discuss CPS science needs in general, and thought maybe that would also be a place where that issue could fit. So just flagging that on that. Thank you.

Brad Pettinger [00:16:08] Thank you Heather. Lynn.

Lynn Mattes [00:16:14] Thank you Chair. We sort of got sidetracked on ground, but I was going to mention that I can, I reached out to John North, who is normally in the CPS seat for ODFW as well as our MT person, and they were both supportive of the proposal. They didn't see an issue with that. I don't know if that support is needed, but I did want to say I reached out and they were okay with it.

Brad Pettinger [00:16:35] Always good to get it. Okay. Merrick.

Merrick Burden [00:16:43] Yeah, thank you. I guess what I'm hearing is quite a bit of support for dropping CPS from November. I've made note of how we would handle those items, and I would then bring back to your point Miss Hall, I intend to bring back the, I like the idea of a CPS science needs and trying to create a more organized way of working through CPS. I like that and have the stock structure discussion there. That, dropping that really helps our November agenda, I'll just put it that way. I think we all know that. And so, what we would try to do is stretch out groundfish a bit more through November and hopefully that allows for timely production of reports and consideration of topics and eliminates these choke points that we were experiencing here. So that's what I'm looking at for November. And then I made note of a couple of other matters. So, Mr. Wulff, thank you for flagging the NMFS perspectives on these. I think we can handle everything that you flagged without a problem. And then we will try to, like I said on groundfish, I'll try to stretch those out. There were some comments about moving inseason, stretching that apart a little bit more. And then Pacific halibut, I'm inclined to say I think two days could be accommodated. I don't know if, Kelly, if you have any thoughts about that in particular, but I think that is doable. I won't sit here and try to reorganize all this on the fly, but I think that's all doable. So that's where I think we're at. I don't want to close off discussion, but that's what I'm taking away from this discussion.

Brad Pettinger [00:18:14] Okay. Well with that, any more comments? Corey.

Corey Ridings [00:18:21] I'm sorry Mr. Chair. This is just a quick question. I'm in support of reconsidering how we're doing these CPS items, but I lost track of the conversation there for a moment.

Where would we be picking up some of those CPS science items and the sardine stock structure again? Where would that fall?

Brad Pettinger [00:18:41] Merrick.

Merrick Burden [00:18:41] There that would come back in April.

Brad Pettinger [00:18:47] John.

John Ugoretz [00:18:48] Yeah, thanks Mr. Chair, and thanks Merrick. I'd suggest not April. It'd be best if it came back after the stock assessment. So, some later meeting than that.

Brad Pettinger [00:19:09] Ryan.

Ryan Wulff [00:19:11] Yeah, thanks. I just wanted to support what Mr. Ugoretz just said. We stated that at the last workload planning in June for a number of reasons, including the one that John referenced. A June or later would be... NMFS won't be prepared to have that discussion until then.

Brad Pettinger [00:19:30] Okay. Corey.

Corey Ridings [00:19:33] Thank you Mr. Chair. Ryan, can I ask you a quick question there? You just said this discussion. It sounds like we're talking about different pieces. Can you be a little more specific on what discussion you're referring to?

Ryan Wulff [00:19:46] Yeah, through the Chair, Thank you Miss Ridings. The reference, the CP reference, CPS science and sardine stock structure, so that's what I was referencing.

Brad Pettinger [00:19:58] Okay. All right. Well, not seeing anymore hands so I think we got a pretty good handle on it, especially for November. So, with that I would... anything else you want to cover Merrick?

Merrick Burden [00:20:20] Just taking a look here Mr. Chairman. Let's see in terms of November. I believe I flagged everything that was standing out to me. We'll go back and we'll make note of this SAS MPC conflict on Wednesday and see what we can do about that. Ryan Wulff's perspectives, especially on the first day about salmon matters and the regional update. So, I believe those can all be accommodated fine. We'll drop coastal pelagics from November and use that to help stretch out our groundfish matters. Split halibut into two. At this point I'm inclined to leave Habitat shaded and we will consider that some more. Let's see on the YAG we've got a couple of things. So, we'll add to March shaded the CCI recommendations under the ecosystem matter. I also made note of Mr. Anderson's comment that if there isn't an agreement under whiting to the JMC, then this would be the one time this Whiting Treaty Implementation would be the one time for the Council to take up that item and to make recommendations to the Secretary. So, we'll consider that on the YAG and what that means for our time and organization. Let's see, Miss Ridings has made note of an EEJ update. I'm inclined to add that to April. I don't know the actual date Mr. Seger is retiring, but maybe we can convince him to stick around past the 11th. Let's see on June, we've added the CPS science, we call it CPS Science Needs and Stock Structure into the June meeting. And there are a couple of comments beyond the YAG dealing with HMS, so November of '24 for beginning the FMP amendment regarding the DGN Transition or, yeah, I'll just call it the DGN Transition. And then in 2025 we'll start thinking about opah again. So that's what I've captured and I appreciate the discussion.

Brad Pettinger Okay, very good. Great work everyone. So, with that I think we're done, right?

Merrick Burden [00:23:07] Mr. Chairman, I'll look at our Deputy Director here and see if I've missed anything or if she has more to add, or maybe another Council member has a question?

Brad Pettinger [00:23:17] Corey. Yes, Corey.

Corey Ridings [00:23:21] Thanks, Mr. Chair. Thinking a little bit more about sardine now that I've had 30 seconds to marinade in my tin of olive oil. Just a quick request for NMFS thinking about that sardine stock structure, we heard, we've heard from our stakeholders before how important this is and interest in getting access to that stock as well as conservation and I would just request if there's at some point before next April where the Science Center has an update, if that could be provided as an informational report, I think that would be appreciated.

Brad Pettinger [00:23:58] Merrick.

Merrick Burden [00:23:58] Yeah, just on that note, I do have, I have been in touch with the Southwest Center Director and we do intend to speak about this. That was something I volunteered to do at the last meeting. So, I'll speak with her more and happy to involve Mr. Wulff in that discussion too and just figure out what's possible and when they might be able to have that sort of a report.

Brad Pettinger [00:24:24] Okay. Kelly, we're good? Getting the thumbs up. Well, just a great job everyone on a crazy week. Looking at that schedule I thought at least two, probably three days we're going to go long and just fantastic work by the staff and the advisory bodies, the management teams, everyone just.... I mean, everything kind of came together. So, it should be a quick, quick gap, I guess, between now and November so don't overload the staff with a bunch of requests too much. So anyway, great to see everybody. Great job and safe travels and we'll see you in November. Oh, and I need a motion to adjourn. Hey, it's my first meeting as the Chair, come on!....(laughter)...Marc Gorelnik.

Marc Gorelnik [00:25:14] I'll go slowly so this can be typed on the screen, just kidding. I move that we adjourn this meeting.

Brad Pettinger [00:25:26] Is there a second? Seconded by Bob Dooley. All in favor signify "Aye".

Council [00:25:28] Aye.

Brad Pettinger [00:25:28] Opposed? Abstentions? All right, the motion passes unanimously. All right.

I. Highly Migratory Species Management

1. National Marine Fisheries Service Report

Pete Hassemer [00:00:00] That concludes public comment, takes us to Council action, which is discussion and guidance as appropriate. So, I will look for any hands. Corey Niles.

Corey Niles [00:00:17] Well just... just a thought and it was already... Mr. Ugoretz already expressed some thanks, but and not being one for ceremony much it is a bit, I guess it feels a bit anti-climatic that we're going to see these permits go into place on Friday, which a lot of hard work has gone into from our team. From the NMFS side of things we've asked a lot of them over the years, EFPs, and to see them finally come to... you know people will be, as Bill said, authorized the fish, you know, in just as we're getting back to our own beds here at the end of the week. So, it's good to hear, but it will be nice to hear more and I'm sure we will in the future hear more. Thanks from the public who asked for this for this work. But, yeah, very good news Ryan and thanks to you and your permit staff and to CDFW and all the work on the EFPs for getting us to the finish line here.

Pete Hassemer [00:01:19] Thank you Corey. Further discussion? John Ugoretz.

John Ugoretz [00:01:24] Thanks Mr. Chair. Ryan, I think this is a question for NMFS given the testimony we just heard and the background we have on observer coverage for deep-set buoy gear. It seems to me that the final rule indicates that the pre-trip notification is dictated when requested by NMFS. Does that provide NMFS enough latitude to essentially not request it of deep-set buoy gear without changing the regulation?

Pete Hassemer [00:02:05] Ryan.

Ryan Wulff [00:02:06] Yeah, thank you Mr. Vice-Chair. Thank you, Mr. Ugoretz, for the question. Yes, you are correct, right? Pre-trip notifications and observer coverage are currently required when requested by NMFS, as you noted, for all HMS permit holders, right, so not just buoy gear. And we have requested it this year to comply with these requirements, especially for the start of the fishery for these first 50 permits. So, for this initial period we are requiring pre-trip notifications. I will note, however, as it's consistent with I think what the AS was suggesting, we are expecting to prioritize placement of observers on vessels that plan to fish outside of the limited entry area in the Southern California Bight. But you are correct, there is the flexibility in the regs. We can reevaluate the manner in which we request pre-trip notifications for participants in the buoy gear fishery, and we can easily do that as we prepare to issue the next batch of permits and the start of the 2024 fishing year.

Pete Hassemer [00:03:15] John, follow-up?

John Ugoretz [00:03:16] Yeah, thanks Ryan. Appreciate that response. Especially prioritizing outside the Southern California Bight where we've had little to no fishing effort to date, understanding Bill's concern that it does produce a burden with regard to, you know, notifying and not knowing if and when you're going to fish until right before. I think I would be supportive of not requiring that notification after this first round unless there's something indicated in the data from this round that means observer coverage is needed. I also think it's consistent with lots of past discussion at this table about observer coverage and wanting NMFS to prioritize observer coverage for the remaining drift gillnet fishery, and, you know that's honestly where I think we'd like to see observers to ensure nothing happens before now and the sunset date. So, yeah, I think just as far as guidance goes, that's where I'm sitting.

Pete Hassemer [00:04:30] Thank you John. Lynn Mattes.

Lynn Mattes [00:04:35] Thank you Vice-Chair. I just wanted to express my support for the HMSAS report and what Mr. Wulff spoke for the north of Point Conception, especially as this fishery moves up into Oregon where we haven't had anything. That would give us an opportunity to learn some new information. So just wanted to express support there. Thank you.

Pete Hassemer [00:04:53] Thank you Lynn. Bob Dooley.

Bob Dooley [00:04:56] Thank you Mr. Vice-Chair. Thanks for that information. And John the clarity, and Ryan as well, and I agree with that approach. The thing that I would maybe point out is that, you know, in the past we've in the embarkation of a new fishery, we've programed things like this and then we've forgotten to go and revisit it and rescind it, and I think it's important that that we do that. That this is a temporary measure for the purpose it's designed to do, but I think it's important, particularly my characterization of this fleet is predominantly a smaller boat fleet, it's not a big boat fleet, and room for observers is critical. The burden on that is much different and the flexibility for weather, all of those things are really, you know, cost to a fishery and if it's not... totally supportive of getting, getting data from these fisheries, but the burden of the 48-hour reporting doesn't seem to be a problem in other fisheries and I think that we, you know, I mean as far as not having it in place, so I think it'd be nice. I agree with as we embark on a new fishery here it's good to be prudent, but I think we keep in mind that it's a short term, hopefully, short term measure. Thank you.

Pete Hassemer [00:06:22] Thank you. Further discussion? We've had some guidance here. Not seeing hands I'm going to look to Dr. Dahl to summarize.

Kit Dahl [00:06:35] Thank you Mr. Vice-Chair. So, you had a discussion around this question of pre-trip notification in the limited entry fishery. I believe NMFS has heard your concerns and preference that it's appropriate initially to potentially place observers, but that should be a short term measure and that NMFS should lift the pre-trip notification requirement in the not too distant future. So, with that, I think we've covered what you have to say in terms of guidance under this agenda item.

Pete Hassemer [00:07:19] Thank you. I'll look around and make sure I'm not missing anything. And I don't believe so, so that will close out this agenda item.

2. International Management Activities

Pete Hassemer [00:00:00] That completes our reports, our public testimony. It takes us to Council discussion and action. Action is to provide recommendations on U.S. positions. As I begin to look around for hands, I just do want to extend my appreciation, maybe applause to our delegations to NMFS. A whole cast of people involved in this. I think we know it's not a perfect world, but it's shaping up pretty nicely from a lot of perspectives. A lot of beneficial things have happened, so thank you for all those efforts. So, any other hands? John Ugoretz.

John Ugoretz [00:00:46] Yeah, thanks Mr. Vice-Chair. And I echo your thanks to everyone. I also wanted to thank the Highly Migratory Species Advisory Subpanel for their leadership and guidance on international. I think they quite regularly provide us with really good recommendations and information. And in their report there's a series of bulleted recommendations at the end. I am supportive of essentially providing that to NMFS as guidance. I think it's all very sound advice and consistent with what we've done in the past and just want to make sure that that's on the record.

Pete Hassemer [00:01:30] Thank you John. Christa Svensson.

Christa Svensson [00:01:34] Thank you Mr. Vice-Chair. I would also be supportive of that. I would also note that we have a packed meeting coming forward, and while that is not necessarily WCPFC, it is guiding WCPFC and is definitely related. So just passing along that I think that these recommendations would be appropriate to be made known to members of that group as well, if possible, through NMFS.

Pete Hassemer [00:02:04] Thank you. So, we've heard some guidance to move forward with those recommendations in the HMSAS report. I'll look around for head nods that that's a good approach. Other discussion? Corey Ridings.

Corey Ridings [00:02:25] Thanks Mr. Vice-Chair. I just wanted to quickly echo your words congratulating everyone who's been working on this. This is great news, so I just wanted to say thanks. I also had a quick question for Mr. Wulff. Thinking about resources that the Southwest Fishery Science Center may have to do the MSE analysis and if there's a timeline for that?

Ryan Wulff [00:02:54] Are you? Excuse, through the Vice-Chair, are you referring specifically to bluefin?

Corey Ridings [00:02:59] I'm sorry. Yes.

Ryan Wulff [00:03:00] Okay. Yes, so I know that the Southwest Center has identified resources and staff that can work on this. The MSE is expected by 2025, I believe, so which is why we did the interim harvest strategy to get us between when we expect it to be rebuilt this year through that process. But yes, we have a lead from staff, Desiree, she's great. There is a timeline, and I would say that the Commission as well as the Joint Working Group kind of rejuvenated their commitment to the MSE process, so that should be continuing to move down those timelines.

Pete Hassemer [00:03:41] Thank you. Any further discussion? Corey Niles.

Corey Niles [00:03:46] Yeah, thank you. Echoing, thank you Mr. Vice-Chair, thank you. Echoing all of the comments here, but wanted to draw particular attention to the albacore Harvest Control Rule. As Clayton has mentioned, maybe not time for the parade yet. I think in our morning delegation meeting

Doug Fricke described it as being on the one-yard line which led to all kind of Super Bowl bad memories and questions of whether to run or pass the ball, in which we will not suggest NMFS do either one here in getting it past the goal line. But one nice part about being in person is some of these hallway interactions and ran into Doug and Dorothy at the same time and Dorothy emphasizing the importance of the MSE and the effort that Doug and others have put in, it is complicated stuff and sticking with it and learning to try to understand what the scientific advice is and in hearing from others that that does help. So we got some, some just... so I'm just pleased with the comments here about how that worked and NMFS even getting in the piece about if this, if we all hope albacore will stay where it is abundance-wise, but if not that there looks like there's an opportunity in the Harvest Control Rule to look at departing for our default if they're superior counting the ways of getting the conservation objective. So, yeah, just echoing more thanks and looking forward to hearing more as this progresses.

Pete Hassemer [00:05:24] Thank you. Further comments? Discussion? I'm going to look to Dr. Dahl for a summary. Have we completed everything we need to do here?

Kit Dahl [00:05:35] Thank you Mr. Vice-Chair. Yes, you referenced the recommendations contained at the end of the HMSAS report, and so I think NMFS has heard that those are your recommendations and then also those can be brought forward to the WCPFC Permit Advisory Committee, which will be meeting in early October as I mentioned in the overview.

Pete Hassemer [00:06:06] All right, thank you. With that we're going to close out this agenda item. You've been a very sporty group with your tennis and now football references, and I'm sure to your great relief I'm passing the gavel back to our Chair.

3. Exempted Fishing Permits – Final

Brad Pettinger [00:00:00] That takes us to Council action. So, I'll open the floor for discussion. John Ugoretz.

John Ugoretz [00:00:08] Thanks Mr. Chair. Just very briefly, I think that additional EFP effort for night-set gear is appropriate. I think we could possibly develop this gear further for other uses in other species and so I'm supportive.

Brad Pettinger [00:00:25] Thank you John. Anyone else? Lynn Mattes.

Lynn Mattes [00:00:30] Thank you Vice-Chair. Since both our HMSAS and MT took the time to write such lengthy and detailed statements, I think we should support this as well.

Brad Pettinger [00:00:43] Okay, thank you. And John.

John Ugoretz [00:00:46] And I do have a motion for this if we need it.

Brad Pettinger [00:00:51] I think we need it and so when you're ready.

John Ugoretz [00:00:55] Thank you. I move the Council recommend approval of the night-set buoy gear application submitted by Mr. Donald Krebs, Attachment 1, and forward to NMFS.

Brad Pettinger [00:01:06] Okay. Is language on the screen accurate?

John Ugoretz [00:01:08] It is.

Brad Pettinger [00:01:09] Okay. Please speak to your motion as appropriate. I've been away from this gavel so long. Looking for a second? Seconded by Bob Dooley. Thank you Bob. All right, please speak to your motion as appropriate John.

John Ugoretz [00:01:26] Thanks, and I will keep it brief. I think that this is appropriate. And the next step is for NMFS to go through their process.

Brad Pettinger [00:01:35] Very good. Questions for the motion maker? Discussion of the motion? That may be the fastest item ever to vote so. Okay, with that I'll call for the question. All those in favor signify by saying "Aye".

Council [00:01:50] Aye.

Brad Pettinger [00:01:50] Opposed, no? Abstentions? The motion passes unanimously. Wonderful, thank you. Kit.

Kit Dahl [00:02:02] Thank you Mr. Chair. I believe with that motion you've completed your business on this agenda item very expeditiously. So, I think we're done with this.

Brad Pettinger [00:02:16] All right. Wonderful.

4. Drift Modernization and Bycatch Reduction Act – Transition Update

Brad Pettinger [00:00:02] That concludes public comment and takes us to Council action, which is discussion and guidance as appropriate. So, with that, I'll open the floor up for that discussion so. John Ugoretz.

John Ugoretz [00:00:18] Thanks Mr. Chair. Appreciate what we've heard today. And I'll start by saying that I am very supportive of the congressional intent to have a grant program that helps people transition out of the fishery that they decided to sunset. I don't, however, think that the Council should put workload into creating that program or designing that program when there isn't funding yet available for it. I just think in terms of our process and our workload and our timing, that's not a good use of our time. I don't, however, think we need to wait or even request... wait for or even request a congressional appropriation for that funding. I don't think that's necessarily the right thing to seek in order to get this funded. I'd suggest that, you know, NMFS could use existing funding. And so, for example, taking some of the millions of dollars of Inflation Reduction Act funding for climate ready fisheries to fund this kind of program, I think that's appropriate. And I think if... if you use the California Transition Program as an example in terms of the amount of funding required, a maximum of two and three quarter million dollars would fund every single current permittee in the federal fishery, and that's assuming that the payouts are equal across all permits and don't reflect participation the way the California program did, and if you did that, the overall cost would be significantly lower. So, you know, I think there are paths forward to a transition program and if NMFS comes to us and says they've got money available, then I absolutely support this Council working with the fishery representatives and our advisory bodies in coming up with a good program. I do, however, think we should start thinking about an FMP amendment. And I understand that Ryan told us that technically we don't have to amend the FMP. I don't think it's good practice for us to have an FMP that is inconsistent with federal law and inconsistent with Magnuson. So, I would like to get that sort of on our radar and on our calendar for something we have to do by December of 2027, and I think we should start sooner than later, but not immediately. And so, I'm thinking on the order of like getting it on the YAG as far out as we can put it. So like November 2024 to start scoping an FMP amendment. And what that does by putting it on the YAG is it, one, signals to all of us that it's there, it's workload that we have to do, but at the same time it's movable. We could move it earlier if funding happens and we want to do something different. We could move it later if we've got other priorities, but we know it's there and we know we can get it done by 2027. So, with that, I'll pause and see if anybody else has thoughts.

Brad Pettinger [00:03:54] Thanks John. Further Discussion? Corey Niles.

Corey Niles [00:04:01] Yeah, thanks John. And I'll start in reverse order on the... that makes sense to me on the FMP Amendment absent there being somewhat the analogous way to responding to a court order for NMFS to do it, do the amendment themselves. But I read into what you're saying, there might be other thing... when you said scoping an amendment there might be other pieces to it that we'd want to include so that makes sense to me. I guess the only... on waiting I get, as I put in my question to Gary I see, yes, it doesn't make a whole lot of sense to spend a lot of time developing a program that doesn't have funding, but then as people were saying that it finally occurred to me while I was sitting here now that, well, that's almost exactly what we did when we, when we developed the groundfish IFQ program, when NMFS was telling us they weren't sure they were going to have funding or not to implement things like the quota tracking database. So, I don't, I just, I guess the question, not putting NMFS on the spot now is how would Congress know how much money to make available? I heard John make a suggestion. I think that might be, the funds already appropriated or soon to be appropriated that NMFS would have the discretion to use, which is a different thing. But if it's going to be Congress coming up with a specific amount in an appropriations bill, how do they do that? And I imagine that would just be

them consulting with experts like NMFS. So that's just a question I have in my mind. I don't have a suggestion how you handle that. Yeah, I hear in questions with Gary and Bob and as we heard from public testimony, it seems Congress was pretty specific about the type of compensation or that type of what the grants could be used for. So, yeah, more thoughts bouncing around my head. I don't know, Ryan, if you had a response to how you all would react? If I don't remember how the appropriations timing works calendar-wise. We always hear from you in the Budget Committee. Well, you don't seem to know exactly what's going to happen either, but I presume they will at some point ask you for some advice on how much, how much fund and what form it should take. But if you don't have response at this point, more than fair enough.

Brad Pettinger [00:06:26] Ryan.

Ryan Wulff [00:06:29] Yeah, thank you Mr. Chair and thank you Mr. Niles. I mean I think getting at your point, I mean, there's a couple of ways it can happen, right? It doesn't... when Congress is coming up with certain programs that they are directing and going through, whether it's new legislation like the Driftnet Act or whether it's just general appropriations, it is very common for them to reach out to the relevant agency with expertise for what they call technical drafting assistance. And they can do that through a number of means to get some explanation to have us kind of do some work to pull what we think that comes from, and we can pull that from all sorts of documents and matters. They don't always come to the agencies, right? They can also use their own staff and could come to look at Council documents or other things that are out in the public and kind of come up with their own general overarching. It's not... I can check. To my knowledge that we were not requested for technical drafting assistance in the Driftnet Act before it passed on how much it would cost, so to my knowledge, but it is very possible if a future appropriations bill was going to take into account that it is possible they could reach out to the agencies for technical drafting assistance, and that would usually happen, you know, as they were getting closer to an appropriations bill.

Brad Pettinger [00:07:57] Thanks Ryan. Christa.

Christa Svensson [00:08:00] Yeah, thank you Mr. Chair. So, I am in agreement on some things with my colleagues around the table. I may not be in agreement with everything. In terms of Year-at-a-Glance I am not going to grapple with anybody, I think, on the floor about this one. I do think that NMFS is aware of it and if we don't make it on the Year-at-a-Glance, I still think it's going to be on the calendar and we will be timely about it. And I see my colleague nodding his head slightly so I will take that as a plus on that comment. I am in agreement that I don't think we need to have a lot of Council discussion around this in terms of if we don't have the appropriations that we should spend a lot of time and concern. I am, with all respect to the state of California, not in agreement in using them as the model. I think if people who are in the federal fishery had seen that as a viable model for their exit from the fishery, they would have taken it. They did not and, frankly, I think it should be painful in terms of the amount of money that is given to fishermen who were participating in a Category 2 fishery and who as we heard from Mr. Burke earlier today, have gone out and they have tried and they've been willing to change and they've been willing to move forward, and we have not been able to find a way forward for them and for them to transfer into a different fishery if they are able to at all, is going to require an outlay of different equipment, quite probably a different vessel and possibly a fair amount of education because different fisheries behave differently, and it's not, some of the skills are transferable but some of them are not. And I just, I really think that when we're thinking through this as we move forward, we need to think about what that real cost is for fishermen, for their families, and for the communities that we've been willing to uproot based upon how we have seen fit to manage, which is okay, we've made this decision, but I also think we need to live with it and we need to be able and willing to pay for that.

Brad Pettinger [00:10:30] Thank you Christa. Anyone else? Vice-Chair Hassemer.

Pete Hassemer [00:10:35] Thank you Mr. Chair. I agree with a lot of the comments around the table. I agree with what Mr. Ugoretz said as a path forward. It's hard to get into the details. Part of the discussion is very frustrating. I've heard Mr. Gary Burke for a long time before us talk about this fishery. And maybe just to start off, it seems like a little off topic but I go back to yesterday, the first thing in the morning we heard about NMFS' Geographic Strategic Plan, and my comment then was linking the strategies, what they're doing with the actual priorities on there and seafood production and resilient communities. And then after we did that we dealt with the real world, the recreational fishery, the charter fishery quillback and the impacts of that, and now we deal with this. And I think back to the strategic plan and how is that helping us to deal with the real-world situations that we're dealing with? I was just glancing in the situation summary. I'm not going to read all the language, but it says fishing methods to increase economic viability. The number one priority in the plan is seafood production and this is economic viability. And then it says while minimizing bycatch to the maximum extent possible, and I thought the language was always the maximum extent practical. So, I'm not sure where that wording got changed or if it did. But listening to Christa then and so, you know, to be constructive here on this idea of what is a transition, and it's not just getting rid of one fishing method and replacing it with another, but the strategy is to assist in that and if you want a resilient community, which was part of the priorities and some of the strategy, then you figure out how to assist the fishermen in getting the new vessels and getting the new gear or, you know, help to sustain what they've been doing if that's what you want to do. So, I don't know if that helps, but, you know, in retrospect in some ways I wish we had taken up the strategic plan on day last after we had this good sense of what we're dealing with. Each meeting we sit here and think about what we need to accomplish and if our guidance to NMFS at that time would have been different. Now I'm not criticizing NMFS because I heard from Mr. Burke that NMFS has been supportive of this drift gillnet fishery over time and trying to help, but it's just connecting those things of what's happening in the planning processes and what we need to achieve on the ground. So, as I said, I support the comments from my colleagues here and I'll be quiet. Thank you.

Brad Pettinger [00:14:16] Thank you Pete. Further discussion? Phil Anderson.

Phil Anderson [00:14:25] I think the only thing I agree with is that we need to amend our FMP. I don't think it's realistic to think we're going to build a transition plan that gives fishermen alternatives that are funded sufficiently and have some sort of a matrix of options that they can go to. I think the best under the lousy set of circumstances is that this, that those that remain in this fishery find themselves is to get them a reasonable amount of compensation for their loss and allow them to decide how to move forward with their lives and not... because I don't think this Council was built to develop a transition plan or design a transition plan. Maybe you all can do that. I'll look and see how you do if that's the road you go down. But I think the bottom line is trying to get them a reasonable amount of money and it's up to the individuals to figure out where they're going to go from here with their lives if they can't participate in this fishery. I'd love to be able to provide some additional assistance to them, but I don't think that's realistic. I don't know how, I mean with our, the handcuffs that are on us from being able to make arguments at the congressional level that and advocate for the funding to move forward with the grants so that we can begin this transition, which to me is getting them money so they can move on and make their own decisions about where they're going.

Brad Pettinger [00:16:52] Thank you Phil. Okay. Anyone else? So, we've had Council discussion so... Ryan.

Ryan Wulff [00:17:11] Yeah, thanks. I just didn't want to cut anyone else off. I appreciate the conversation and the views around the table. Obviously, NMFS will come back or be happy to inform the Council in probably any number of matters if we do receive appropriations, if we start to get it looks

like or find as others have noted other appropriations that we have the discretion over that could be utilized. I also asked for the floor again to kind of respond to Mr. Hassemer's comments too, because please know for certain, as I noted when I introduced the Geographic Strategic Plan, that just because we had an agenda item on it does not mean that anything you say after that one hour we won't take into consideration because this is the kind of input, right, and things have come up over time and it's.....I've appreciated the comments. It's readily apparent the connections between that specific document itself, but as I noted the other day, we've internally had discussions as this relates to the National Seafood Strategy and other aspects that NMFS is working on for policies and its program. And I plan to take not just this dialogue, but everything we've heard at this Council meeting back, you know, both formally and informally through discussions that happen as we implement and engage on those programs too. So, I just wanted to acknowledge that. Thanks.

Brad Pettinger [00:18:41] Thanks Ryan. Okay, Corey.

Corey Niles [00:18:48] Yeah, I just....and I think this was consistent with Ryan just said, but I'm agreeing not with Phil on and wasn't imagining the complexity that he was of having to decide like what types of fisheries are eligible to, you know, for this and how much they cost. I don't think I would... I think if general guidance would be, unless others disagree, that this Council probably isn't set up to provide that type of work. It could be quite a, you know, quite complicated and... but I think that the general concept of the fair compensation that we would agree with. Yes, so Ryan, I guess, if you're going to take guidance around from what you've heard, I would put that out there that at least, you know, two of us would agree that that could be a lot of work that would maybe not be where this Council's expertise or time would be best used.

Brad Pettinger [00:19:56] Thank you Corey. Kit, how are we doing here?

Kit Dahl [00:20:08] I think you are doing fine. The action was discussion as appropriate. You've had some discussion. I'm certainly, I certainly don't want to cut it off but if Chair you think you've reached a landing place, then I think there's enough here. It's pretty clear that kind of two major points I heard or perhaps three. One is the Council doesn't have a lot of appetite to delve into sort of program design if or until there are appropriations to develop a transition program. There is some interest and concern about making sure that you all move forward with an FMP amendment, but that doesn't have to happen right away, but you want to keep it on your radar, and one way to do that would be to schedule it out on the Year-at-a-Glance for sometime next year, so you can talk about that more tomorrow. And then lastly, there was the comments and a little bit of discussion around sort of what are the limits of the Council really getting into figuring out an elaborate transition program that really offers, you know, detailed alternatives, livelihoods and so on, and that it's probably realistic that, you know, just some kind of lump compensation may be the most realistic way forward. But I think at that stage, at this stage that's, you know, sort of your discussion and, you know, when and if you, you come back to the questions around the development of a transition program, you certainly have more discussion about issues like that and what might work and so on. So that's what I heard.

Brad Pettinger [00:22:12] Okay. I think that sounds appropriate. Okay, with that we're going to close out I.4 and take a break.

5. Highly Migratory Species Essential Fish Habitat (EFH) Amendment – Preliminary

Brad Pettinger [00:00:00] All right, that takes us to Council action which is on the screen. And so, with that I'll open the floor for discussion. John Ugoretz.

John Ugoretz [00:00:12] Thanks Mr. Chair. I just want to say this has been a long road for the management team and staff and NMFS staff. A lot of work has gone into getting us to where we are today. I think we have a fairly good product. Some good comments from advisory bodies that could be used to finalize that for the state it's in right now, and I think it's really ready for the next phase of this process.

Brad Pettinger [00:00:48] Okay. Thank you John. Anyone else? Corey.

Corey Niles [00:00:56] Yeah, thanks. I agree. And it is still, we still have some time before five but I don't want to get my colleagues from California excited, looking at you Bob, but just I'm thinking back to the EFH for CPS and HMS is different from groundfish in a lot of ways where we have particular sensitive habitats, where we would protect with HAPCs. And probably at my own fault that HAPC issue came up in the last round with CPS, with the squid areas at the last minute in my mind, and we had a little bit of lack of clarity maybe about what we had discussed. But just it sounds like the general consensus here is that the one area where HAPCs might be used would be for shark pupping grounds, and there's just not enough information there. Gary Burke seems to know where the pupping grounds are, the drift gillnet fleet did, but I just wanted to get out there that that would be the one area where HAPCs could be investigated and I'm just seeing folks on the record now say that there's not information at this time to do that. So, I just wanted to get that on... I saw that in the team report, it reminded me of our CPS deliberations and at maybe some point in the future that could be a good use of HAPCs and not in this round.

Brad Pettinger [00:02:27] Thank you Corey. Anyone else? Okay. We do need a motion. John Ugoretz.

John Ugoretz [00:02:37] Thanks. I do have a motion on this. I move the Council adopt the proposed EFH modifications for public review identified in Agenda Item I.5, Attachments 1 and 2 with the suggested edits proposed in the HMSMT, SSC, and HC Reports, and the addition of the importance of deep water canyons, offshore banks, and sea mounts to research and information needs as recommended in the HMSAS report.

Brad Pettinger [00:03:11] All right, thank you John. Is the language accurate on the screen?

John Ugoretz [00:03:14] It is.

Brad Pettinger [00:03:16] I'm looking for second? Seconded by Marc Gorelnik. Thank you Marc. Please speak to your motion as appropriate.

John Ugoretz [00:03:21] Thank you Mr. Chair. I think, as I mentioned in discussion, this particular EFH recommendation comes with a lot of work and a lot of input. It has come before us several times. It has come before the various advisory bodies several times. I think it's well ready to go for public review. And I think that questions like mine regarding depth boundaries could be sussed out during that review and more information provided as to the rationale behind it. I don't see that as any need to hold it up. I think questions like Mr. Niles regarding HAPCs perhaps have been discussed already, but if someone had particular information or science that hadn't been considered, that could be brought up as well. So, I think it's a good time to move forward and get this sort of on the process for completion.

Brad Pettinger [00:04:21] Very good. Any questions for the motion maker? Discussion on the motion? Lynn Mattes.

Lynn Mattes [00:04:27] Sorry, this is a question on the motion. There was two recommendations in the HMSAS report, the second one being about life history information. With that being not included, that's covered elsewhere under other processes and was strategic to not include it or an oversight? Just want to double check. Thank you.

Brad Pettinger [00:04:56] John.

John Ugoretz [00:04:57] Thanks Mr. Chair, and thanks Miss Mattes for the question. Yes, it was intentionally excluded, in particular because I didn't quite understand it, and prioritizing which of these HMS species are important for recreational and commercial seems difficult given that they are all very important for recreational and commercial uses. So, I didn't see it as a recommendation that was useful.

Lynn Mattes [00:05:28] Thank you. I appreciate that clarification. It's helpful.

Brad Pettinger [00:05:33] Thank you Lynn, John. All right, anyone else? Well, I'm not seeing any hands, so I'll call for the question. All those in favor signify by saying "Aye".

Council [00:05:47] Aye.

Brad Pettinger [00:05:47] Opposed, no? Abstentions? All right the motion passes unanimously. Okay, well done. Kerry.

Kerry Griffin [00:05:58] Yes, Mr. Chair. Thank you. That's very helpful. Good guidance. I'll put the team together and will follow the recommendations that the Council, or the directions that you gave us, we'll come back in November with a revised package of information. Since this will be an FMP amendment we'll also need to bring some proposed FMP text for you to consider and then you can take final action at that time. So, with that, that concludes your business for this agenda item.

Brad Pettinger [00:06:29] Okay, well done. We started the day 2 hours behind and we're 45 minutes early so it's remarkable and it'll be kind of nice after yesterday.

6. Opah Stock Considerations

Pete Hassemer [00:00:00] That completes our public comment, takes us to Council discussion and action. And as Dr. Dahl indicated and it's before you there, review the catch data and provide guidance on the next steps. And just a reminder this is a, I don't if it's a safe word to use, just kind of a pre-scoping, what is the Council's intention to do on this topic? What next steps do you suggest? So, I will look for a hand. John Ugoretz.

John Ugoretz [00:00:35] Thank you. I think I'll start. I appreciate that the Highly Migratory Species Management Team has proposed initiating an FMP amendment, but I think in this case I agree with the advisory subpanel and I'm just really not sure that we're ready to go there yet. We might in the future, but right now I think I'd rather see more information. I'd like to hear from the Western Pacific Council on their current management of opah, recognizing that the majority of landings are big eye opah, and if there are any changes to their management on the horizon. You know we know we might know what's in place now, but we need to talk to them about what they're considering or if they're considering something. Doing that would allow time for the data corrections that are mentioned in the Highly Migratory Species Management Team report to be implemented and the management team could come back and provide us some more detailed summaries of landings and trends in the commercial fisheries based on California landings. It also could provide time to receive more information on any new science regarding the species composition of the catch if that becomes available. And the Management Team could bring us that information at some later meeting which we could figure out during workload planning. So that's... that's kind of where I am right now.

Pete Hassemer [00:02:12] Thank you John. Further discussion? Christa Svensson.

Christa Svensson [00:02:16] Yeah, thank you Mr. Vice-Chair. I'm in a very similar position. I think we've heard from our advisors. It's sensible. I know that there's interest both from the conservation community on this topic, but also from the commercial side in catching. But we also heard this morning from a processor in our delegation about the importance of having access to U.S. HMS fisheries, which he was considering opah as one of such, but just making sure that we manage to keep opportunities open moving forward.

Pete Hassemer [00:02:57] Thank you Christa. Further discussion? I'm not hearing any aside from potentially hearing about this again tomorrow during workload planning and see if there's anything to do. Lynn Mattes.

Lynn Mattes [00:03:15] Thank you Vice-Chair. I was just going to say I concur with where you're going and what I heard from Mr. Ugoretz and Miss Svensson. I think some more information at a future date may be warranted.

Pete Hassemer [00:03:29] All right. Well Dr. Dahl, is there anything else you think we need to do here?

Kit Dahl [00:03:39] Thank you Mr. Vice-Chair. No. You know it's totally up to you as indicated in the action, and I think there is consensus about reluctance to move forward to initiate any kind of amendment process at this time and a desire for the management team to come back at some future date, provide some more information. Hopefully there will be, you know, new information will evolve. Also, hearing about what efforts or management the Western Pacific Council is undertaking, if any, to, to get an idea of whether the stock is being actively managed in that context. So, we'll hear from you tomorrow about whether you, whether and when you might schedule that at least on the Year-at-a-

Glance and plan accordingly. Thanks.

Pete Hassemer [00:04:43] All right, thank you. That's what I think I heard. And Corey Niles.

Corey Niles [00:04:47] Yeah, I just... one quick addition to that, I think. I think Dr. Yao's presentation got at it but I would as part of just not just the management unless you know Kit's expansive definition of management, I would also I'm wondering about the science ability to track the status of the stocks, you know, where it's... what kind of harvest specifications would it need if it weren't an ecosystem component species or covered by one of the international exemptions? But, yeah, just looked like from what we were hearing from the Southwest Fisheries Science Center it was, it looked like there was efforts underway to start to do some assessments, but and appreciated that information, but when we get there at the time hopefully that can fit in as well.

Pete Hassemer [00:05:32] All right, thank you. I think there's a big gap in information that we're waiting for hopefully we'll receive. Last comments and seeing none I will go ahead and close out this agenda item.