

VOTING LOG
Pacific Fishery Management Council
June 17 - 21, 2002

MOTION 1: Approve the agenda as shown in Exhibit A.4., June 2002 with the following changes: take up agenda item C.10 before C.9 (switch) and take up the matter of MSA Section 204(d) Permit Application under D.1, NMFS Report on Highly Migratory Species Management.

Moved by: Jim Lone
Motion 1 passed.

Seconded by: Bob Alverson

MOTION 2: Instruct Council staff to write a letter to the Hoopa Valley and Yurok tribes encouraging them to develop a joint plan by September 2002 to fill the single SAS California tribal seat (for the remainder of the current term beginning January 1, 2003). If no plan is submitted by September, the tribal seat would not be filled. Also, based on the lack of attendance of the current SAS Columbia River tribal representative and the letter received from the Columbia River tribes, the Columbia River seat would cease to be filled at this time. At a later date the Council could refill the seat if there is a request from the Columbia River tribes. With regard to the Washington coastal tribal position on the SAS, the Council should advertise for a Washington coastal tribal member that is active in the ocean troll fisheries. The Council would consider nominations at the September meeting and the term would start January 1, 2003 and end December 31, 2003.

Moved by: Jim Harp
Motion 2 passed.

Seconded by: LB Boydston

MOTION 3: Appoint Dr. Han-Lin Lai as the at-large member of the Council's Scientific and Statistical Committee (SSC).

Moved by: Bill Robinson
Motion 3 passed.

Seconded by: Ralph Brown

MOTION 4: Create a Tribal Scientist seat on the Groundfish Management Team (GMT) and appoint Mr. Robert Jones to fill that seat.

Moved by: Jim Harp
Motion 4 passed.

Seconded by: Bob Alverson

MOTION 5: For the adoption of rebuilding analyses for bocaccio, canary rockfish, yelloweye rockfish, widow rockfish and whiting: accept the analyses for all of these species for the purposes of guidance in pulling together the rebuilding plans and setting the initial specifications for 2003.

Moved by: Phil Anderson
Motion 5 passed.

Seconded by: Burnie Bohn

MOTION 6: Accept all of the GMT recommendations (shown in Exhibit C.4.b, Supplemental GMT Report) for all of the stocks with unchanged specifications from 2002. The motion applied to all stocks and stock complexes in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report except lingcod, sablefish, whiting, widow, POP, canary, bocaccio, darkblotched, and yelloweye.

Moved by: Burnie Bohn Seconded by: Jim Lone
Motion 6 passed.

MOTION 7: Adopt alternatives 1 through 3 in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report for lingcod, Pacific whiting, sablefish, POP, and widow. Alternative 2 would be identified as the preferred option for those five species and the motion includes the GMT corrections to the Pacific whiting specifications.

Moved by: Burnie Bohn Seconded by: Jim Caito
Motion 7 passed. Ralph Brown abstained.

MOTION 8: Adopt the range of alternatives for canary, bocaccio, darkblotched, and yelloweye in Revised Table 2-1 in Exhibit C.4.b, Supplemental GMT Report. Bocaccio Alternative 3 would become Alternative 2 and the OY resulting from a new rebuilding simulation conforming to the SSC recommendations in Exhibit C.4.d, Supplemental SSC Report would become the new Alternative 3. The motion also included a modification to the yelloweye specifications. Alternative 2 for yelloweye would become Alternative 3 and a new Alternative 2 would be the 60% scenario as presented in the new rebuilding analysis (2.9 mt). Include a friendly amendment of using a 13.5 mt OY as the high harvest alternative for yelloweye. Include a friendly amendment for darkblotched: analyze 2003 darkblotched OY alternatives of 100 mt, 130 mt, and the OY calculated for T_{MID} (the OY for a rebuilding period halfway between T_{MIN} and T_{MAX}). These would be added to the range of darkblotched alternatives. Also have the GMT analyze management measures such as displacing the DTS fishery further offshore and shortening the season to reduce darkblotched bycatch to these OYs or lower.

Moved by: LB Boydston Seconded by: Roger Thomas
Motion 8 passed.

MOTION 9: For Draft Amendment 16, Process and Standards for Rebuilding Plans:

Issue 1 – Options **1a**, **1e**, and **1f** would be forwarded for further analysis with the following modifications:

1a – Status quo is defined as the current FMP, as modified by the Court's directions to remove certain elements of Amendment 12. Draft Amendment 16 currently describes status quo as the FMP *without* court modifications.

1e and 1f – Alter both alternatives so that they include the following list of required elements for inclusion in an FMP (1e) or regulations (1f):

1. Estimate of Bmsy (either as a number or a formula,) Bmsy being the biomass target for rebuilding
2. A fixed rebuilding period, including minimum possible time to rebuild to Bmsy in the absence of fishing with a 50% probability (T_{min})
3. Maximum allowable time to rebuild (T_{max} .) and target time for rebuilding (T_{TARGET} .)
4. Probability of rebuilding to Bmsy within the maximum allowable time and the rebuilding trajectory and/or target control rule designed to achieve rebuilding in T_{TARGET} years with

- at least a 50% probability
5. Rebuilding harvest control rule that will annually set harvest rates for species in question and which will be applied to the most current stock assessment

For 1e, additionally clarify that listed “augmenting” elements A through E could be described and authorized in the FMP, but supported through regulatory amendments, as implemented through Section 6.2 of the FMP.

Issue 2 – Re-focus Issue 2 so that it addresses only when rebuilding plans will be reviewed. To do so, remove suboptions and reserve for consideration under Issue 3. Forward all revised Issue 2 options for analysis.

Issue 3 – Forward all options for further analysis, retitle issue as “Amending Rebuilding Plans and Adequacy of Progress.” Add a fifth option 3e to address the suboptions that were initially included under Issue 2. “Revise 3b as an option that considers re-estimating the target rebuilding exploitation rate while keeping T_{max} and the probability of recovery constant from the previous rebuilding analysis.” (per SSC comment)”

“Option 3e – Rebuilding plan will be amended when information in the stock assessment or rebuilding analyses are updated.”

Issue 4 – Forward both options for analysis, but revise Option 4b to read as follows:

“A jeopardy standard or recovery plan for an overfished stock listed under the Endangered Species Act (ESA) will supercede the rebuilding plan for the overfished species *only if that standard is more restrictive than what would be required for that species under the Magnuson-Stevens Act*, until such time as the stock is no longer listed...”

Issue 5 – Forward both options for analysis.

Include an analysis in the amendment package of the effect of fixing rebuilding parameters as fixed values or more flexible algorithms

Moved by: Bill Robinson
Motion 9 passed.

Seconded by: Bob Alverson

- MOTION 10: Add the two darkblotched alternatives of 100 mt and 130 mt to be considered initial OYs for a constant harvest rate rebuilding strategy; eliminate MSE alternatives for lingcod, darkblotched, and POP; add a T_{MID} alternative in cases where it falls outside the range of a 60% to 80% rebuilding probability; and, for cowcod, include analytical rationale for the selective closures.

Moved by: Bill Robinson
Motion 10 passed.

Seconded by: Jerry Mallet

- MOTION 11: Establish alternative 3 as the preferred option (Draft Amendment 17) with two suboptions: one with November, March, June; and a second with November, April, June. This would provide the Council with the flexibility to choose the most appropriate alternative.

Moved by: Jim Lone
Motion 11 passed.

Seconded by: LB Boydston

MOTION 12: Regarding the Klamath River situation, ask the Habitat Committee to draft a letter for review at the September meeting which addresses the impacts of the final biological opinion on Council-managed anadromous fish species and their habitat.

Moved by: LB Boydstun
Motion 12 passed.

Seconded by: Jim Caito

MOTION 13: Endorse the intention of the Habitat Committee to develop a letter to the Army Corps of Engineers relative to the Columbia River dredging issue (follow-up issue).

Moved by: Phil Anderson
Motion 13 passed.

Seconded by: Jim Lone

MOTION 14: Forward a letter with the reports of the advisory bodies, and in particular the SSC comments, to the CDFG for consideration as part of their CEQA process. The letter should:

note that the comments being provided are not a policy assessment - we are providing the letter in a CEQA context;
note that the Council operates pursuant to the National Standards which require that actions be taken based on the best available science;
express concern the CEQA document may not meet that standard;
express hope that the final document will address concerns of the SSC;
note that a NEPA analysis with regard to the federal water portion will likely be needed to harmonize the state and federal regulations.
note that the CEQA and NEPA process should work together to make the most efficient preparation of these two documents.

Moved by: LB Boydstun
Motion 14 passed.

Seconded by: Roger Thomas

MOTION 15: Appoint an ad hoc policy review committee to develop a policy recommendation over the summer and bring that recommendation to the Council at their September meeting. The ad hoc policy review committee would consist of a total of six members: Council Chairman, Vice-Chairman, a Council member or designee from each coastal state and a Council member or designee from NMFS Southwest Region. The ad hoc policy review committee would also have assistance from Council family members including NOAA GC, Ms. Cindy Thomson from the SSC or a designee from the SSC Marine Reserves Subcommittee and one representative from each of the following Council advisory bodies: GAP, CPSAS, Habitat Committee, SAS, and HMSAS. These individuals would not be members of the committee. The group would meet in late July or early August.

Moved by: LB Boydstun
Motion 15 passed.

Seconded by: Roger Thomas

MOTION 16: Adopt the inseason adjustments as specified in Exhibit C.9.d, Supplemental GAP Report, with the following modifications: 1) under north of 40°10' N. latitude, change the shelf flatfish fishery management line from 125 fm to 100 fm, and 2) eliminate the slope rockfish cumulative limit reduction. Included provisions for the coastwide fishery.

The following friendly amendments were also part of the motion:

Include the GMT recommendation that the Northwest Region close the trawl fishery if the darkblotched OY is attained or exceeded.

Include the GMT recommendations in Exhibit C.9.d, Supplemental GMT Report for south of 40°10' N. latitude under "Immediate Action" (both recreational and commercial issues).

Delete the GAP recommendation to require observers on flatfish trawls in the south. Southern recreational fishery would close outside 20 fm beginning July 1.

Recommend GMT Option 1 for the commercial fishery south of 40°10' N. latitude under "Further Action" and we specify that all commercial groundfish take in waters from 20 to 150 fathoms be closed to retention beginning October 1 and drop the 22-inch minimum size limit for sablefish. This would be for all commercial gear types.

Include GMT Option 3 for the commercial fishery south of 40°10' N. latitude. (default to the 20 fm regulations which allow for 10 nearshore rockfish but 2 shelf rockfish can be retained; continuous through October; there could be consideration at the September meeting to open the fishery in November and December depending on the take of nearshore rockfish).

Include the understanding the depth management lines would be defined in a manner acceptable to enforcement in time for NMFS to implement emergency rulemaking on September 1.

Recommend that we close the fishery on August 31 if we cannot get an emergency rule based on the GMT recommendations. This may allow a reserve of darkblotched in order to have fisheries in October-December outside 250 fm and inside 100 fm. Use a two meeting process with final action in September to put depth restrictions in place south of 40°10' N. latitude.

Moved by: Phil Anderson Seconded by: Jim Lone
Motion 16 passed. Mr. Robinson voted no.

MOTION 17: Request an EFP to evaluate the effectiveness of Scottish seine gear to selectively harvest nearshore flatfish (including sanddabs) in southern California.

Moved by: LB Boydstun Seconded by: Jim Caito
Motion 17 passed.

MOTION 18: Adopt Amendment 10 to the CPS FMP as presented by the CPSMT with the preferred alternatives as indicated.

Moved by: Marija Vojakovich Seconded by: Bob Alverson
Motion 18 passed.

MOTION 19: Set the 2002-2003 Pacific mackerel harvest guideline at 12,535 mt, opening July 1, 2002. The season structure will be based on the CPSAS recommendation for an initial directed fishery of 9,500 mt. After the directed fishery, there will be 3,035 mt for incidental harvest, with a 40% incidental catch rate by weight when mackerel are landed with other CPS. Lastly, establish a STAR process for CPS stock assessments. For the STAR process, the intent is to have staff review financing issues in setting up the STAR process (e.g., similar to the arrangements for the groundfish STAR process).

Moved by: Marija Vojakovich Seconded by: Phil Anderson
Motion 19 passed.

- MOTION 20: Reconsider inseason adjustments.
 Moved by: Ralph Brown Seconded by: Jim Caito
 Motion 20 passed.
- MOTION 21: Amend the main motion to include a provision to allow a 1,000-pound landing limit for other soles in the DTS fishery south of 40°10' N. latitude.
 Moved by: Ralph Brown Seconded by: Jim Caito
 Motion failed.
- MOTION 22: Vote on the main motion as stated under Motion 21.
 Moved by: Ralph Brown Seconded by: Jim Caito
 Motion 22 passed. Mr. Robinson voted no.
- MOTION 23: All rockfish and lingcod must be retained with proceeds to California.
 Moved by: LB Boydston Seconded by: Jim Caito
 Motion 23 passed.
- MOTION 24: Reconsider Motion 22.
 Moved by: Ralph Brown Seconded by: Burnie Bohn
 Motion 24 passed.
- MOTION 25: Include the same language for incidental catches to include a provision to allow a 1,000-pound landing limit for other soles in the DTS fishery south of 40°10' N. latitude. (Add that piece back in the motion).
 Moved by: Ralph Brown Seconded by: Burnie Bohn
 Motion 25 passed.
- MOTION 26: Adopt Washington recreational fishery options for public review as per Exhibit C.8.d, Supplemental GMT Report with the addition of the proposal contained in the GAP report of no downriggers allowed in the salmon fishery.
 Moved by: Phil Anderson Seconded by: Jim Lone
 Motion 26 passed.
- MOTION 27: Adopt Oregon and northern California (north of 40°10' N. latitude) recreational fishery options for public review as per those included in Exhibit C.8.d, Supplemental GMT Report with the following exceptions: 1) include GAP option 1 of no yelloweye or canary retention, and 2) cap nearshore OYs at 2000 or 2002 levels (provides a range to analyze). Include the friendly amendment to consider both a 15-inch and 16-inch minimum size limit for cabezon.
 Moved by: Burnie Bohn Seconded by: Ralph Brown
 Motion 27 passed.

MOTION 28: Adopt the California recreational fishery options for public review as per those included in Exhibit C.8.d, Supplemental GMT Report with the following exceptions: referring to page 11 of Exhibit C.8.d, Supplemental GAP Report, change Option 1 to "open inside 10 fm"; change Option 1 to a "five-fish bag limit including 0 shelf species"; change Option 2 to a "seven- fish bag limit including one shelf species"; change the minimum size limit specified under Option 3 to 12 in. for China and grass rockfish; specify a 16-inch minimum size limit for cabezon under Option 2; consider barbless and/or circle hooks in the recreational fishery as a consideration; put it under Option 1; analyze the range of commercial and recreational catch sharing scenarios for minor nearshore rockfish as presented in Exhibit C.8.d, Supplemental GMT Report. Have as a footnote that the Council can consider a 12-month season based on GMT-recommended OYs.

Moved by: LB Boydston

Seconded by: Jim Caito

Motion 28 passed.

MOTION 29: Adopt for public review the limited entry trawl options for the area north of 40°10' N. latitude the proposals contained in Exhibit C.8.d, Supplemental GMT Report and add to it Option 1 on page 2 of the GAP report (the no trawling option). Include in the motion the trip limit specifications that pertain to limited entry fixed gear identified on page 3 of the GAP report. Also include the nearshore limit cap listed under open access and the consideration to cap at the 2000 or 2002 level. Include the flexible closure (Option 4 in the GAP limited entry trawl options) so we can craft seasons and areas to achieve the DTS OYs.

Moved by: Phil Anderson

Seconded by: Bob Alverson

Motion 29 passed.

MOTION 30: Adopt commercial management options for south of 40°10' N. latitude for public review as follows: 1) referring to page 2 in Exhibit C.8.d, Supplemental GAP Report, for limited entry trawl - option 1 is not a viable option and remove it; make Option 2 Option 1; analyze options 4 and 5; add a new management line of 38° N. latitude (Pt. Reyes) for slope rockfish as an option; 2) referring to page 3 in Exhibit C.8.d, Supplemental GAP Report, for limited entry fixed gear and open access- adopt the entire page with the following modifications: for slope rockfish and open access fishery reduce at least one option by half (put it under Option 1 for open access); 3) referring to page 5 in Exhibit C.8.d, Supplemental GAP Report for nearshore open access change Option 1 to "0 to 10 fm"; for next row under nearshore, change option 3 to "200 lbs shelf rockfish/mo"; match the season closures with the recreational seasons; change gear option 1 to "no stick gear"; change gear option 2 to "gear to be closely attended"; 4) incorporate the trip limits shown on page 3 for sablefish, thornyheads, slope rockfish for open access between 36° N. latitude and 40°10' N. latitude; and 5) incorporate all the options on page 6 regarding the sablefish, thornyheads, and slope rockfish trip limits for open access south of 36° N. latitude.

Moved by: LB Boydston

Seconded by: Jim Caito

Motion 30 passed.

MOTION 31: Incorporate a consideration to require the VMS for commercial fisheries and include the concept of forming VMS committee and allowing the Council Chairman to appoint that committee.

Moved by: Bill Robinson

Seconded by: LB Boydston

Motion 31 passed.

MOTION 32: Adopt tribal fishery options as shown in Agenda C.8.c, Proposed Treaty Indian Harvest Levels.

Moved by: Jim Harp
Motion 32 passed.

Seconded by: Burnie Bohn

MOTION 33: Consider a regulation for 2003 management that would require a federal permit for landing federal groundfish. The 3 qualification options would be: 1) landings of federal groundfish made by the November 1999 control date, 2) landings of federal groundfish made up to today's date (June 21, 2002), or 3) landings of any amount of federal groundfish up to the November 1999 control date along with landings up to today's date. This applied only to commercial vessels.

Moved by: LB Boydston
Motion 33 passed.

Seconded by: Jim Lone

MOTION 34: Adopt mandatory retention of marketable groundfish in the pink shrimp fishery as an option.

Moved by: Phil Anderson
Motion 34 passed.

Seconded by: Jim Lone