

VOTING LOG
Pacific Fishery Management Council
June 12-17, 2005

Motion 1: Draft a response to the letter from the National Marine Sanctuary Program (Informational Report 5, NMFS Report on CINMS) responding to the items identified by Dr. McIsaac, including the comment extension time after the November meeting, and any comments or information that the Council would like to give following any action taken on Wednesday at this meeting.

Moved by: Marija Vojkovich
Motion 1 passed.

Seconded by: Roger Thomas

Motion 2: Approve the agenda as shown in Agenda Item A.4, June Council Meeting Agenda, with the addition of adding a report from the Coast Guard on Tuesday morning prior to Agenda Item D.1.

Moved by: Ralph Brown
Motion 2 passed.

Seconded by: Frank Warrens

Motion 3: Adopt efforts to begin an HMS FMP Amendment to address the bigeye tuna overfishing issue.

Moved by: Mark Helvey
Motion 3 passed.

Seconded by: Marija Vojkovich

Motion 4: Adopt the protocol as stated in Agenda Item E.5., Supplemental HMSMT Report, and recommend approval to NMFS of the efp with the conditions also outlined in the HMSMT report.

Moved by: Ralph Brown
Motion 4 failed: 4 yes, 8 no. Mr. Helvey abstained.

Seconded by: Frank Warrens

Motion 5: Adopt for public review an earlier start date of March 15 for the shoreside whiting fishery south of 40°30' N latitude. The motion includes the GMT recommendations contained in Agenda Item C.2.b, Supplemental GMT Report relative to a need for a salmon bycatch cap, depth restrictions, and an alternative start date of April 1. The motion also instructs the GMT to further analyze salmon interactions in this fishery and in other fisheries operating in this area (i.e., analyze the availability of salmon by time and area as mentioned by Mr. Thomas). The motion anticipates analysis prior to September and would include this being a separate EFP.

Moved by: Marija Vojkovich
Motion 5 passed.

Seconded by: Darrell Ticehurst

Motion 6: Adopt the following alternatives as preferred to identify and describe essential fish habitat for West Coast groundfish:

Alternative A.2 Depths less than 3,500 m (DEIS p. 2-5)

Results – Designate 187,741 square miles in the EEZ, and to the mean higher high water line and upriver extent of salt water, as EFH. The deepest observation of groundfish is 3,400 m. By including areas out to the 3,500 m depth curve, this alternative includes all habitats where groundfish have been observed with the addition of 100 m depth as a precautionary adjustment in case of non-observed species.

Alternative A.3 100% HSP Area (DEIS p. 2-6)

Results – Designate 100% of the area where the habitat suitability probability is greater than zero for all species based on the scientific rationale presented in the DEIS, Section 2.3.1 (DEIS p. 2-2). This area includes 87,160 square miles as EFH, all of which is within the area that would be designated by Alternative A.2. The intent of including this area is to secure the ability to add areas in the future which meet this criterion, as more information becomes available.

The motion also included seamount areas and to include the designation of HAPCs.

Moved by: Phil Anderson
Motion 6 passed.

Seconded by: Bob Alverson

Motion 7: Adopt the following alternatives to designate Habitat Areas of Particular Concern for West Coast groundfish:

Alternative B.2 Estuaries (DEIS p. 2-7)

Results – For many fish species, estuaries provide important habitats for marine organisms, including groundfish. These important ecological functions are vulnerable to damage from a wide range of human activities because estuaries receive runoff from adjacent land areas and are often close to human population centers. Anthropogenic impacts to estuaries may include nutrient loading, introduction of non-native species, and changes in water temperature, increased turbidity, etc.

Alternative B.3 Canopy Kelp (DEIS p. 2-7)

Results – Kelp forests are of primary importance to the ecosystem and serve as important groundfish habitat. The stands provide nurseries, feeding grounds and shelter to a variety of groundfish species and their prey. Giant kelp communities are highly productive relative to other habitats, including wetlands, shallow and deep sand bottoms, and rock bottom artificial reefs. Their net primary production is an important component to the energy flow within food webs.

Alternative B.4 Seagrass (DEIS p. 2-8)

Results – Seagrasses provide habitat for many invertebrates and epiphytes and provide many crustaceans, fish, and birds with protection and food. Studies have shown seagrass beds to be extremely high primary productivity areas.

Motion 9: Adopt the following measures to minimize adverse impacts to essential fish habitat for West Coast groundfish:

Alternative C.4.1 Prohibit expansion of trawl fishing (DEIS p. 2-20)

For waters within the EEZ, freeze the bottom trawl footprint on the western side only, at a depth contour approximating 700 fms. (i.e., bottom trawl gear would be prohibited in depths greater than 700 fms).

Results – The amount of habitat that would be protected where the sensitivity value is greater than 1.0 and recovery is in excess of 1 year is 89%

Alternative C.9 Gear restrictions (DEIS p. 2-22)

For waters within 0-200 miles offshore coastwide, the following gear restrictions would apply:

Prohibit bottom trawl roller gear with a footrope diameter greater than 19 inches

Prohibit dredge gear

Prohibit beam trawl gear

Alternative C.12

Close ecologically important areas to bottom trawl (WDFW proposal as described in Agenda Item C.3.b, Supplemental WDFW Report).

Adopt the following proposals to Minimize Adverse Impacts to EFH Due to Fishing:

Under Alternative C.10: Central California no-trawl zones as follows: Adopt the trawl closures contained in current The Nature Conservancy/Environmental Defense proposal for areas 1,2,and 3 off central California between Pt. Sur and Pt. Conception, including Davidson Seamount.

Under Alternative C. 12: Close Ecologically Important Areas to Bottom Trawl as follows:

Eel River Canyon (34) with state modification

Blunts Reef (35)

Mendocino Ridge (36)

Tolo Bank (0)

Point Arena Offshore (39)

Biogenic Area 12 (40)

Cordell Bank (41)

Farallon Is./Fanny Shoal (42)

Half Moon Bay (43) with state modification

Monterey Bay/Canyon (45) with state modification

Point Sur Deep (44)

TNC/ED areas between Pt. Sur and Pt. Conception

CCA West Sub-Areas (from 50):

Potato Bank (50-1)

Cherry Bank (50-2)

Hidden Reef/Kidney Bank (50-3)

Catalina Island (51)

CCA East (52)

Exemptions for Scottish seine gear

Under Alternative C.13: Close Ecologically Important Areas to Bottom-Contacting Gear as follows:

Davidson Seamount

Cordell Bank – waters shallower than 50 fathoms with exemption for vertical hook-and-line

Under Alternative C.14; Close Ecologically Important Areas to Fishing:

Federal waters portion of the proposed Channel Islands MPA project

Include the sites listed on page 4 of Agenda Item C.3.b, Supplemental ODFW Report with the following changes: the addition of the areas as described by the Oregon Fishermen's Cable Commission provided under public comment, removing of the Siletz Bay nearshore area (T-7). Add a closure of Thompson Seamount and President Jackson Seamount to all bottom-contact gear. Include a prohibition of footrope larger than 8 inches eastward of a line approximating 100 fathoms.

Moved by: Phil Anderson

Seconded by: Patty Burke

Amdmnt: Make the boundary of the trawl footprint area 1000 fm, instead of 700 fm.

Moved by: Ralph Brown

Seconded by: Frank Warrens

Vote on amendment to motion 10. roll call vote: 5 yes, 8 no. Amendment failed.

Motion 9 passed.

Motion 10: Adopt a preferred alternative for research and monitoring with the following elements: (1) consider requirement of VMS on all bottom trawl vessels, (2) expansion of logbooks to non-trawl vessels to the extent it is feasible with existing resources, and (3) make a priority of focusing research on the impacts and results of the trawl closures.

Moved by: Phil Anderson

Seconded by: Bob Alverson

Motion 10 passed.

Motion 11: Move that no closure be established in any tribal U&A area without consultation and agreement by the affected tribe(s) pursuant to Executive Order 13175 and that assessment and monitoring programs be developed by NOAA in conjunction with the tribes to measure the appropriateness and effectiveness of habitat protections within U&A areas.

Moved by: Jim Harp

Seconded by: Frank Warrens

Motion 11 was withdrawn, not voted on.

Motion 12: Reconsider Motion 9.

Moved by: Jim Harp

Seconded by: Frank Warrens

Roll call vote: 5 yes, 8 no.

Motion 12 failed.

Motion 13: Amend Motion 9 to specify that the closed areas adopted as part of that motion do not apply to tribal fisheries in the U&As described in 50 CFR 660.324(c)

Moved by: Phil Anderson
Motion 13 passed.

Seconded by: Mark Cedergreen

Motion 14: Adopt a Pacific mackerel harvest guideline for the 2005/2006 fishery of 17,419 mt with a directed fishery for 13,419 mt to begin on July 1, 2005. If the directed fishery quota is reached, the fishery would revert to an incidental-catch-only fishery with the remaining 4,000 mt as a set aside. Establish a 40% incidental catch rate when Pacific mackerel are landed with other coastal pelagic species (CPS), except that up to 1 mt of Pacific mackerel could be landed without landing any other CPS. The Council will review the mackerel season at the March 2006 Council meeting to consider releasing the set-aside to the directed fishery if sufficient amount of the harvest guideline remains.

Moved by: Marija Vojkovich
Motion 14 passed.

Seconded by: Roger Thomas

Motion 15: Adopt the sardine allocation regime as described in Agenda Item F.2.c, Supplemental CPSAS Report, June 2005 for the West Coast sardine fishery excluding any Treaty Indian fishery promulgated and pursuant to *US v. Washington*,: January 1: 35% of harvest guideline to be allocated on a coastwide basis, July 1: 40% of the HG plus any rollover (unharvested quota) from the first period is made available on a coastwide basis, and on September 15: 25% of the harvest guideline plus any rollover (unharvested quota) from the second period is made available on a coastwide basis.

This sardine allocation regime will be subject to a formal performance review by the Council in June of 2008. This review will compare the performance of the fishery to the projections used to evaluate the adopted regime including but not limited to: catch projections, catch shortages by sector, economic benefit analysis, and the utilization of the harvest guideline. This review will also consider all scientific and biological information collected between now and the review to assess any changes to the resource.

Moved by: Phil Anderson
Motion 15 Passed.

Seconded by: Marija Vojkovich

Motion 16: Urge and support the synoptic survey including the use of the Miller-Freeman research vessel and requested the SWFSC come back in September for either a written or verbal update on sardine research. The motion also includes a request to the SWFSC on what research is planned, the objective of the research, and when and how that information will be available for management.

Moved by: Patty Burke
Motion 16 passed.

Seconded by: Marija Vojkovich

Motion 17: Craft a letter to NMFS to request the need to work with Mexico on sharing data on both Pacific mackerel and Pacific sardines. The letter should recommend these issues be

brought up in bi-lateral discussion including the Nexus Pacifico discussions. The letter would also be expanded to include transboundary fish species. This letter of concern will also go to the State Department.

Moved by: Marija Vojkovich
Motion 17 passed.

Seconded by: Roger Thomas

Motion 18: Approve the CPS SAFE document including the five-year review of CPS EFH.

Moved by: Bob Alverson
Motion 18 passed.

Seconded by: Ralph Brown

Motion 19: Authorize for analysis the West Coast trawl rationalization options that are found in the TIQC report June 2005 (Agenda Item C.5.b) with the following three changes: (1) On page 14 (Option Table C-1, Section B.1.1), add a suboption that would provide 10% of the quota shares to the processors (so that the analysis would include 10%, 25% and 50% to processors) and a second suboption would allocate up to 50% of the IFQ for whiting to processors but no nonwhiting species. (2) On the bottoms of page 8 and 9 (Decision Table A) drop the ITQ for halibut. (3) Analyze the alternatives against the stated goals and objectives but change Goal 1 to read "and attainment of fishery management objectives;" remove the words "to the extent practicable" under Objective 7, and add to the objectives "9. quality for the consumer" and "10. Safety" (page 2 of C.5.a, Attachment 1). Also, include from the GMT report recommendations 1 a, b, and d, and both Process Options 1 and 2 as reported in TIQC report, page 9 (Decision Table B) Direct council staff to publish notice of the Council intent to develop an EIS for the necessary intersector allocations as soon as possible. Modify the goals and objectives of page 2 of C.5.a, Attachment 1 as follows: change Goal 1 to read "and attainment of fishery management objectives" and remove the words "to the extent practicable" under Objective 7. Include both Process Options 1 and 2 as reported in the TIQC Report, page 9 (Decision Table B).

Moved by: Bob Alverson

Seconded by: Mark Cedergreen

Amdmt #1: Eliminate analysis of the use-or-lose option (Section B.2.2.3 of Option Table C-1).

Moved by: Patty Burke
Amendment #1 passed

Seconded by: Mr. Anderson

Amdmt #2 Direct the analytical team in consultation with the SSC, to draft a range of appropriate alternatives for community involvement in ITQ systems for Council consideration at the November 2005 PFMC meeting. Sources of information for such an analysis may include the TIQ Analytical Team Report (October 2004 page H-100), a review of relevant state and international programs, and the Government Accounting Office report on Community Protections within rationalized fisheries (GAO-04-277, February 2004).

Moved by: Patty Burke
Amendment #2 passed

Seconded by: Mark Cedargreen

Amdmt #3 Analyze the mechanisms and the impact of the IFQ alternatives on transferring quota to other fisheries not participating in the IQ program.

Moved by: Darrell Ticehurst
Amendment #3 failed.

Seconded by: Jerry Mallet

Amdmt #4 Add to the package, for analysis, recommendation C from the GMT report (IFQs for overfished species only).

Moved by: Phil Anderson
Amendment #4 passed

Seconded by: Jerry Mallet

Amdmt #5 (1) Allow NMFS to develop a proposal for an internal appeals process and bring it back to the Council for consideration, and (2) to include an option that would prohibit the transfer of quota shares during the last two months of the year, for purposes of identifying the least cost way of implementing the program.

Moved by: Steve Freese
Amendment #5 passed
Motion 19 passed.

Seconded by: Jim Harp

Motion 20: Have the Council draft a letter to the Secretary of Commerce explaining in detail what the Council and advisory entities have done and the supporting evidence they have brought to the Council at this time under Agenda Item C.5.a. The letter should indicate our intentions, the scope of the options, and that should Congress ask the Secretary of Commerce, the Council does not want to be usurped in any fashion in developing our IFQ options.

Moved by: Bob Alverson
Motion 20 passed, Steve Freese Abstained

Seconded by: Ralph Brown

Motion 21: Analyze the following alternative rebuilding revision rules: GMT option 1 (5% buffer for stocks with a $P_0 < 0.7$ and a 10% buffer for stocks with a $P_0 > 0.7$), GMT option 3 (same as GMT option 1 except with a P_{CRIT} of 0.6), GMT option 6 (attain P_0), GMT option 7 (10% buffer), GMT option 9 (in cases where rebuilding is progressing faster than expected, split the difference between $P_{CURRENT}$ and P_0 , such that half of the increased probability of rebuilding would be applied to an accelerated rebuilding rate and half could be considered for harvest rate liberalization), the GAP option (7.5% buffer), The Ocean Conservancy option (10% buffer for stocks with a $P_0 \geq 0.9$, $P_{CRIT} = 0.6$), and the default option of amending the rebuilding plan if rebuilding cannot occur with at least a 50% rebuilding probability even when $F = 0$).

Moved by: Phil Anderson
Motion 21 passed.

Seconded by: Ralph Brown

Motion 22: Adjust trip limits inseason as recommended by the GMT in Agenda Item C.7.b, Supplemental GMT Report, with the following change: only increase the minor nearshore rockfish and black rockfish trip limits in the area between 40°10' and 42° N latitude.

Moved by: Ralph Brown
Motion 22 passed.

Seconded by: Frank Warrens

Motion 23: Approve the March minutes as shown in Agenda Item B.1.a, Draft March 2005 Council Minutes.

Moved by: Ralph Brown
Motion 23 passed.

Seconded by: Frank Warrens

Motion 24: Accept the report of the Legislative Committee.

Moved by: Ralph Brown
Motion 24 passed.

Seconded by: Frank Warrens

Motion 25: For groundfish inseason adjustments, change the canary and yelloweye rockfish bycatch caps in the directed open access fishery from 1.0 mt and 0.6 mt, respectively, to 3.0 mt for canary rockfish and 3.0 mt for yelloweye rockfish as shown in the updated scorecard on page 7 in Agenda Item C.7.b, Supplemental GMT Report.

Moved by: Marija Vojkovich
Motion 25 passed.

Seconded by: Roger Thomas

Motion 26: Appoint Dr. Owen Hamel to replace Dr. Han-Lin Lai on the Scientific and Statistical Committee as a representative of NMFS Northwest Fisheries Science Center.

Moved by: Steve Freese
Motion 26 passed.

Seconded by: Jim Harp

Motion 27: Readvertise for nominations for the vacancy for the conservation representative on the Coastal Pelagic Species Advisory Subpanel.

Moved by: Patty Burke
Motion 27 passed.

Seconded by: Ralph Brown