

VOTING LOG
Pacific Fishery Management Council
June 2009

Motion 1: Approve the meeting agenda as shown in Agenda Item A.4., June Council Meeting Agenda.

Moved by: Rod Moore

Seconded by: Mark Cedergreen

Motion 1 passed unanimously.

Motion 2: Adopt an annual process to submit Pacific halibut bycatch and bycatch mortality estimates for Area 2A fixed gear and trawl fisheries to the IPHC prior to mid-October. With the understanding that the estimates for the trawl fisheries would be based on data from one year ago, and the fixed gear data estimates would be based on data from two years ago. The Council will review the methods and results of the estimates at the September Council meeting.

Moved by: Michele Culver

Seconded by: Dale Myer

Motion 2 passed unanimously.

Motion 3: Postpone the EFHRC Agenda Item to not earlier than the September 2010 Council meeting.

Moved by: Rod Moore

Seconded by: Mark Cedergreen

Motion 3 passed unanimously.

Motion 4: Place an action item on the September 2009 Council meeting agenda to consider rescinding the open access March 2009 Council meeting action.

Moved by: Steve Williams

Seconded by: Frank Warrens

Motion 4 failed on a roll call vote (9 no, 4 yes). Mr. Ortmann, Mr. Myer, Mr. Sones, Mr. Cedergreen, Ms. Culver, Ms. Forsmark, Mr. Wolford, Ms. Vojkovich, and Mr. Mallet voted no. Mr. Moore, Mr. Warrens, Mr. Lockhart, and Mr. Steve Williams voted yes.

Motion 5: For the 2011-2012 biennial groundfish management measures schedule, adopt Agenda Item E.2.a, Attachment 1, "Pacific Fishery Management Council and National Marine Fisheries Service Schedule and Process for Developing 2011-2012 Groundfish Harvest Specifications and Management Measures."

Moved by: Rod Moore

Seconded by: Frank Warrens

Motion 5 passed unanimously.

Motion 6: Have the Council draft a letter to the U.S. delegation attending the next Northern Committee meeting. Relative to agenda item F.1.b, Supplemental HMSMT Report, the letter should contain the recommendation #1 for northern albacore, recommendations #1 and 2 for striped marlin, and express our interest/recommendations on stock assessment for

northern bluefin tuna. Noting that they may be separate issues related to the WCPFC more generally, the motion included the recommendations relative to albacore about WCPFC members providing fishing effort information and that the WCPFC participate on the IATTC working group formed to consider definitions of “current levels” of fishing effort.

Moved by: Marija Vojkovich

Seconded by: Mark Helvey

Amdnt: Include the HMSMT recommendation regarding swordfish in the motion.

Moved by: Mark Helvey

Seconded by: Rod Moore

Amendment to Motion 6 passed unanimously.

Motion 6 passed unanimously as amended.

Motion 7: Provide three areas of guidance for developing Amendment 23 alternatives: 1) the GMT and Council staff should provide appropriate documentation of the inseason catch monitoring and adjustment process for evaluation; 2) Council staff should work with the SSC to explain the timeline for getting these control rules developed to synchronize with the biennial specifications process; and 3) advancing ABC control rule considerations for unassessed species needs to be included in this process.

Moved by: Rod Moore

Seconded by: Frank Warrens

Amdnt#1: Prioritize development of ABC control rules (i.e., buffers for scientific uncertainty) for overfished and assessed species so that a range of harvest specifications for these stocks can be decided for public review in November. She also suggested that, rather than the full GMT work on documenting the inseason management process and considerations for management uncertainty, a GMT subcommittee should work with Mr. DeVore and Mr. Burden.

Moved by: Michele Culver

Seconded by: Dale Myer

Amendment 1 to Motion 7 carried unanimously.

Motion 7 as amended passed unanimously.

Motion 8: For developing Amendment 23 alternatives, provide guidance to the SSC to keep the ABC control rules as simple and direct as possible.

Moved by: Marija Vojkovich

Seconded by: Kathy Fosmark

Motion 8 passed unanimously.

Motion 9: Adopt the stock assessments for splitnose rockfish, canary rockfish, darkblotched rockfish, Pacific ocean perch, and cowcod for management decision-making.

Moved by: Phil Anderson

Seconded by: Dale Myer

Motion 9 passed unanimously.

Motion 10: Delay adoption of the petrale sole assessment pending a further review by the SSC. Further, request the petrale sole stock assessment team to incorporate the SSC’s recommendations for assessment improvements and explorations.

Moved by: Phil Anderson
Motion 10 passed unanimously.

Seconded by: Dale Myer

Motion 11: Declare a point of concern process for petrale sole and recommend that NMFS develop a proposed rule that reflects the OY adjustments presented in Agenda Item E.7.b, Supplemental GMT Report Table 1, Scenario 3, which includes a 400 mt reduction in petrale sole catches for 2009 and a 50 percent reduction in 2010.

Moved by: Phil Anderson
Motion 11 passed unanimously.

Seconded by: Dale Myer

Motion 12: Request NMFS develop a proposed rule which would serve to notice the public that the Council may significantly reduce the 2010 canary rockfish OY in order to meet the rebuilding plan goals, per the Amendment 17 red light process (Agenda Item E.7.a, Attachment 1). The Council will consider additional information from the SSC and GMT at the September and November meetings in order to determine if a reduction is necessary. Further, request that during the rebuilding analysis, the SSC explore a range of OY reductions in 2010 that would provide for a less precipitous drop in the OY for 2011.

Moved by: Rod Moore
Motion 12 passed unanimously.

Seconded by: Frank Warrens

Motion 13: Working from Agenda Item E.7.b, Supplemental GMT Report, to preliminarily adopt the following inseason items:

- Consider adjustments to petrale and sablefish cumulative limits and RCA boundaries for the non-whiting LE trawl fishery.
- Consider increasing the limited entry trawl chilipepper cumulative limit to 12,000 lb/2 months both shoreward and seaward of the RCA in areas south of 40°10' for the remainder of the year.
- Consider changing the seaward non-trawl RCA between the Columbia/Eureka line and Cascade Head from 125 fm to 100 fm for the rest of the year.
- Consider increasing the bimonthly limit for the LE sablefish DTL fishery north of 36° to 6,000 lb/2 months from July-October.
- Consider an increase in the OA sablefish DTL weekly and bimonthly limits to 950 lbs and 2,750 lbs respectively beginning July 1 through the end of the year.
- Consider increasing California scorpionfish trip limits to 1,200 lb/2 months through the end of the year.
- Consider modifying the minor nearshore rockfish cumulative limit between 42° N. lat. and 40°10' N. lat. to 7,000 lb/2months of which no more than 1,200 lb may be species other than black rockfish.

Moved by: Rod Moore

Seconded by: Frank Warrens

Amdt #1: Include the inseason recreational estimates of canary rockfish fisheries.

Moved by: Steve Williams
Amendment #1 to Motion 13 withdrawn and not voted on.

Seconded by: Frank Warrens

incidental fishery that allows a 45 percent incidental landing allowance when Pacific mackerel are landed with other CPS, except that up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Moved by: Marija Vojkovich

Seconded by: Dan Wolford

Motion 19 passed on a roll call vote (9 yes, 4 no). Mr. Sones, Mr. Cedergreen, Mr. Anderson, Ms. Vojkovich, Mr. Wolford, Mr. Myer, Mr. Steve Williams, Mr. Mallet, and Mr. Ortmann voted yes. Mr. Moore, Ms. Fosmark, Mr. Helvey, and Mr. Warrens voted no.

Motion 20: Schedule the next full assessment of Pacific mackerel to occur in two years (2011) and in the interim, direct the stock assessment team and others work on the data and research needs to improve the next full assessment. It was also clarified that under this motion the Council would look to this year's full assessment and other data sources when addressing harvest specification and management measures for the 2010-2011 Pacific mackerel fishery

Moved by: Marija Vojkovich

Seconded by: Phil Anderson

Motion 20 passed unanimously.

Motion 21: Approve the "West Coast Sardine Survey Application for Exempted Fishing Permit in 2009" as shown in Agenda Item H.2.a, Attachment 1 and include the fishing notification requirements suggested by the Enforcement Consultants (Agenda Item E.8.b, Supplemental EC Report).

Moved by: Rod Moore

Seconded by: Steve Williams

Motion 21 passed unanimously.

Motion 22: Adopt the following recommendations for final inseason actions for June 2009: all inseason actions adopted under Motion 13, as amended (Amendment 2) except that the Dover sole trip limits currently specified in regulation (45,000 pounds/2 months for periods 3-5 and 40,000 pounds/2 months for period 6) would be maintained. Further, adopt the cumulative limits for petrale sole as outlined in Agenda Item E.9.b, Supplemental GMT Report, which provides for 5,000 pounds in period 5 and 2,000 pounds in period 6 (Table 4) and closes the petrale sole RCA cut outs in period 6 (Table 5). For the recreational fisheries, update the canary rockfish impacts in the scorecard by a total of 1.2 mt by reducing the WA/OR recreational share by half that amount (0.6 mt) and the CA recreational share by half that amount (0.6 mt). This adjustment should result in a balanced scorecard, such that we are using 100 percent of the canary OY.

Moved by: Rod Moore

Seconded by: Dale Myer

Motion 22 passed unanimously.

Motion 23: Utilizing Agenda Item E.10.d, Supplemental WDFW Motion in Writing, adopt the following: "**Eligibility to Own:** No person can acquire quota shares or quota pounds other than 1) a United States citizen, 2) a permanent resident alien, or 3) a corporation, partnership, or other entity established under the laws of the United States or any State, that is eligible to own and control a US fishing vessel with a fishery endorsement pursuant to 46

USC 12113 (general fishery endorsement requirements and 75% citizenship requirement for entities).

Any ~~person or~~ entity that owns a mothership that participated in the west coast groundfish fishery during the allocation period and is eligible to own or control that US fishing vessel with a fishery endorsement pursuant to Sections 203(g) and 213(g) of the American Fisheries Act (AFA).”

Moved by: Phil Anderson
Motion 23 passed unanimously.

Seconded by: Dale Myer

Motion 24: Utilizing Agenda Item E.10.d, Supplemental WDFW Motion in Writing, but with a modification from that document, adopt the following: **Carry-Over Provision:** Each individual trawl vessel account will be able to carry-over up to 10 percent of the total quota pounds (QP) held in its account during that year. In addition, if the OY goes down substantially carry-over of QP would be reduced by the same percentage as the OY decrease. The 10 percent carryover value may be changed, up or down, through the biennial specifications process.”

Moved by: Phil Anderson

Seconded by: Dale Myer

Amdt: Strike the word “substantially” in the second sentence and add “It is the intent of the Council that the carryover provision, to the extent possible, be implemented consistent with conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).”

Moved by: Frank Lockhart
Amendment to Motion 24 passed unanimously.
Main Motion 24 passed as amended unanimously.

Seconded by: Marija Vojkovich

Motion 25: Utilizing Agenda Item E.10.d, Supplemental WDFW Motion in Writing to adopt the following, **“Dogfish/Other Fish in the IFQ Program Option 2:** Dogfish included as Part of the Other Fish complex. Other Fish complex would not be included in the IFQ program. If at a future time Other Fish were added to the IFQ program, QS would be determined using the same catch history criteria as the other IFQ species, unless otherwise specified by a future Council action.”

Moved by: Phil Anderson
Motion 25 passed unanimously.

Seconded by: Dale Myer

Motion 26: Using Agenda Item E.10.d, Supplemental WDFW Motion in Writing, to adopt the following – **“Determining Catch History in the Mothership Whiting Cooperatives:** Determine catch history in the mothership whiting co-op alternative using relative pounds.”

Moved by: Phil Anderson
Motion 26 passed unanimously.

Seconded by: Rod Moore

Motion 27: Using Agenda Item E.10.d, Supplemental WDFW Motion in Writing, adopt the following –
“**Trawl Sector Limits for Pacific Halibut and Managing Halibut IBQ in the Trawl Rationalization Program:** The trawl mortality limit for legal and sublegal halibut is set at 15% of the Area 2A Total Constant Exploitation Yield not to exceed 130,000 lbs for the first 4 years of trawl rationalization program, and not to exceed 100,000 lbs beginning in the 5th year of the program. This total bycatch limit may be adjusted through the biennial management process. Halibut IBQ will be based on halibut bycatch mortality, not on total halibut catch.”

Moved by: Phil Anderson

Seconded by: Dale Myer

Amdt #1: Add “The intent of the Council that halibut bycatch mortality would be measured on an individual vessel basis”.

Moved by: Rod Moore

Seconded by: Frank Warrens

Amdt #2: Amend the amendment to replace the word “measure” with the word “estimated”.

Moved by: Frank Lockhart

Seconded by: Kathy Fosmark

Amendment #2 passed unanimously.

Amendment #1 as amended, passed unanimously.

Amdt #3: Revise the following sentence that reads “The trawl mortality limit for legal and sublegal halibut is set at 15% of the Area 2A Total Constant Exploitation Yield not to exceed 130,000 lbs for the first 4 years. . . .” change it to read “The trawl mortality limit for legal and sublegal halibut is set at 15% of the Area 2A Total Constant Exploitation Yield not to exceed 130,000 lbs **each year for** the first 4 years. . . .”

Moved by: David Hanson

Seconded by: Rod Moore

Amendment #3 to Motion 27 passed unanimously.

Motion 27 passed unanimously as amended.

Motion 28: Adopt the following as part of Council Action under Agenda Item E.10.d, “That it is the Council’s intent to provide NMFS sufficient flexibility in the design and implementation of the tracking and monitoring program to achieve the goals and objectives of the trawl rationalization program.”

Moved by: Frank Lockhart

Seconded by: Kathy Fosmark

Motion 28 passed unanimously.

Motion 29: Adopt the proposed structure of the amendment language as shown in Agenda Item E.10.a, Attachment 3, Staff Recommendation on Amending the Groundfish FMP to Incorporate the Trawl Rationalization Program. Mr. Warrens seconded the motion.

Moved by: Rod Moore

Seconded by: Frank Warrens

Motion 29 withdrawn, not voted on.

Motion 30: From Agenda item E.11.d, Supplemental Motion in Writing (CDFG), adopt:

1. Divestiture of non-overfished species quota shares in excess of adopted control limits will be an element of the PFMC's Trawl Rationalization Program.
2. The date through which permit acquisition will be qualified is November 8, 2008. Permits acquired after that date, and the attending catch history, will not be used in calculating a permit holder's quota share (on a species or aggregate basis). This qualifying date only applies to the amount of quota shares above the control limit.
3. The permit holder will be allowed to utilize all of the quota pounds associated with their permits until divestiture is completed.
4. Quota share holders have full flexibility of divesting excess quota shares as long as they follow quota share transfer rules and procedures developed by NMFS for this Trawl Rationalization Program.
5. Divestiture will not require or limit the transfer of a LE trawl permit.
6. The divestiture period is defined as a 24 month period (two years) immediately following the end of the moratorium on quota share transfer.
7. Full divestiture must be completed, and quota share control limits (on a species or aggregate basis) attained by December 31 of the fourth year after implementation of the program.
8. Any quota shares not fully divested by the above date will be revoked and re-distributed on a pro-rata basis to the rest of the shoreside trawl fleet. No compensation will accrue to the divesting QS holder for any revoked shares.
9. For divestiture purposes, those in excess of control caps are held to the control limits even if those limits happen to change after year one of the program.

Moved by: Marija Vojkovich

Seconded by: Kathy Fosmark

Amdnt #1: Include after the first sentence of Item #2, "Any such permit acquisition would have to be on file with the NMFS permit office by the end of November 30, 2008." Mr. Moore seconded the amendment. The purpose was to reduce the opportunity for people to say their permit was transferred before November 8, 2008 and that the transfer had just not been filed until later.

Moved by: Frank Lockhart

Seconded by: Rod Moore

Amendment #1 to Motion 30 withdrawn, not voted on.

Amdnt #2: Include after the first sentence of Item #2, "Any such permit acquisition would have to be on file with NMFS permit office by the end of November 30, 2008" and in the next sentence replace the words "that date" with "after November 8, 2008."

Moved by: Frank Lockhart

Seconded by: Rod Moore

Amendment #2 to Motion 30 passed unanimously.

Amdnt #3: Mr. Moore moved to amend (Amendment #3 to Motion 30) to change the wording of item #9 from "even if those limits happen to change" to "even if those limits increase."

Moved by: Rod Moore

Seconded by: Frank Warrens

Amendment # 3 was not voted on (replaced by amendment #4).

Amdnt #4: As a substitute amendment to Amendment #3, change Item #9 to read "For divestiture purposes, persons or entities that hold QS in excess of the control limits established by the Council on 6/18/2009 must divest such excess shares during the 24 month divesture period identified in item #6 of this motion."

Moved by: David Hanson

Seconded by: Rod Moore

Motion 32 passed unanimously.

Motion 33: Adopt as final action the motion that was adopted preliminarily in April 2009 with one change. This motion is contained in Agenda Item E.12.a, Attachment 1 in the briefing book and the only change is to strike the blue language which reads “Amendment 1 (passed): include a non pass through option under methods for allocating AMP QP to be used in the first or second year (include all objectives).”

Moved by: Frank Lockhart

Seconded by: Marija Vojkovich

Amdnt #1: Strike the sentence: “QP distributed consistent with the formulas developed during the first two years.”

Moved by: Phil Anderson

Seconded by: Mark Cedergreen

Amendment #1 passed unanimously.

Amdnt #2: Begin implementation in year two.

Moved by: Steve Williams

Seconded by: Frank Warrens

Amendment #2 failed on a roll call vote (7 yes; 7 no). Mr. Cedergreen, Mr. Mallet, Mr. Warrens, Mr. Moore, Mr. Ortmann, Mr. Meyer, and Mr. Steve Williams voted yes. Mr. Sones, Ms. Vojkovich, Mr. Lockhart, Mr. Anderson, Mr. Wolford, Ms. Fosmark, and Mr. Hansen voted no.

Main Motion 33 as amended passed unanimously.

Motion 34: Adopt the amendments to the groundfish FMP as shown in Agenda Item E.10.a, Attachment 3 as modified by Agenda Item E.10.a, Supplemental Attachment 6.

Moved by: Rod Moore

Seconded by: Phil Anderson

Motion 34 passed unanimously.

Motion 35: Have the Council direct staff to draft and submit to NMFS the complete Amendment 20 package of final Council actions, DEIS, supporting analyses, and other documents necessary for the approval and implementation of Amendment 20. The Council's final actions which constitute Amendment 20 shall include the final trawl rationalization action taken by the Council in November 2008 and further additions or modifications made during final action in March and April 2009 and under Agenda items E.10, E.11, and E.12 of the current (June) Council meeting. Staff is authorized to draft, change, and correct the necessary documents to reflect the Council's intent in its adoption of this final Amendment 20 package. The Council recognizes that NMFS may, if appropriate, implement Amendment 20 in a series of regulations.

Moved by: Frank Warrens/Kathy Fosmark

Seconded by: David Sones

Motion 35 passed unanimously.

Motion 36: Approve the recommendations of the Budget Committee as shown in Agenda Item G.2.b, Supplemental Budget Committee Report.

Moved by: Frank Warrens

Seconded by: Rod Moore

Motion 36 passed unanimously.

Motion 37: Conditionally approve the Draft March 2009 minutes with the exception of the missing portion from Section G.5.d. That portion would be emailed to the Council members for their review and approval after the Council meeting.

Moved by: Rod Moore

Seconded by: Dan Wolford

Motion 37 passed unanimously.