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MID-ATLANTIC FISHERY MANAGEMENT COUNCIL
800 North State Street, Suite 201
Dover, Delaware 19901-3910

COUNCIL MEETING

14 SEPTEMBER 2012

at

WEBINAR

TUESDAY SEPTEMBER 14, 2012

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1 [8:14 a.m.]

2

3

INTRODUCTIONS AND ANNOUNCEMENTS

4

5

LEE ANDERSON: -- to Jason to start the briefing on this.

6

7

8

JASON DIDDEN: We did have one question. Dewey Hemilright, do you have a question?

9

10

DEWEY HEMILRIGHT: I don't think you can hear me.

11

JASON DIDDEN: I can hear you now.

12

DEWEY HEMILRIGHT: Oh, you can?

13

JASON DIDDEN: Yes. You're good.

14

DEWEY HEMILRIGHT: Hello.

15

JASON DIDDEN: Yes. You're good.

16

17

DEWEY HEMILRIGHT: Okay. Well, that's all then. I wasn't sure about my phone connection.

18

19

JASON DIDDEN: Okay. You're good.

20

Thank you. Okay. I'm going to run through a

21

quick attendance list here. We've got Aija

22

Shumello from NERO, Tony Dilernia, Mid-Atlantic

23

Council; Benson Childs, Cheryl Corbett, Chris

24

Batsavage, Council Member; Dave Miko, Council

1 Member; Dewey Hemilright, Council Member; Doug
2 Vaughn, SSC; Erling Berg, Council Member; Gear
3 Munson, Greg Ardini, Greg DiDomenico; Howard King,
4 Council Member; Jeff Deem, Council Member; Jeff
5 Kaelin, Jim Weinberg, Science Center; Joel Sone;
6 John Boreman, SSC Chair; Kevin Saunders, Coast
7 Guard; Kristen Savoli; Laurie Nolan, Council
8 Member; Lindsay Feldman, NMFS; Pam Groman, Peter
9 deFur, Pres Pate, Council Member; Rick Cole,
10 Council Member; Rob O'Reilly, Council Member;
11 Steve Heins, Council Member; Steve Linhard,
12 Council Member; and Warren Elliott, Council
13 Member. I believe I've done audio checks with all
14 the council members.

15 UNIDENTIFIED: Jason.

16 JASON DIDDEN: Yes.

17 UNIDENTIFIED: The only thing I get on
18 my screen is the council meeting will begin at
19 approximately 10:05. How do I get out of there?

20 JASON DIDDEN: You're good. That's
21 just what's up.

22 UNIDENTIFIED: Okay. Thank you.

23 JASON DIDDEN: And then NERO also says
24 that John Bullard, George Darcy, Pete Christopher,

1 and Kevin Collins, NOAA GC, are also on the call,
2 and also Chris Moore, the Executive Director.

3 My name, Jason Didden, Council Staff,
4 and Lee Anderson, Council Vice Chair, the three of
5 us are at the council meeting at the council
6 building. Okay, with that I'm going to move on.
7 So I'm going to give a quick intro, and then turn
8 things over to Dr. Boreman for an update on what
9 the SSC did yesterday and then kind of we'll get
10 into what the Council wants to do given that
11 information.

12
13 BUTTERFISH SPECIFICATIONS AND CAPS

14 JASON DIDDEN: So super quick
15 background. 2011 the butterflyfish ABC was 1,811
16 metric tons. This year currently it is 3,622
17 metric tons. I put a star there because for a good
18 chunk of the year we're still at the old 1811
19 because of a policy issue that was fixed with
20 Framework 6 that was implemented at the end of
21 August. So now we're at 3,622 metric tons.

22 UNIDENTIFIED: Jason.

23 JASON DIDDEN: Yes.

24 UNIDENTIFIED: We're not seeing you.

1 JASON DIDDEN: Thank you. Sorry.
2 Appreciate that. So 2011, 2012, 2013 the 8400 was
3 the ABC recommended by the SSC and recommended by
4 the Council at the June council meeting.

5 Now, that 2013 ABC from the SSC, 8400
6 metric tons it was largely from a data analysis
7 conducted by the Science Center -- Paul Rego, Tim
8 Miller. They looked at 2005 to 2011 data. The
9 SSC did some additional thinking and analysis on
10 that, but that was the core thing. At the last
11 council meeting, we had a public comment saying,
12 hey, that 2005 to 2011 data doesn't that tell us
13 what's appropriate for right now as much as what's
14 maybe appropriate for 2013.

15 There's obviously potential for lost
16 revenues in the squid fishery if the butterfish ABC
17 is low and it shuts the squid fishery down because
18 the butterfish cap.

19 Now, I will note that when the Council
20 was thinking about this last month, the cap
21 performance was kind of dire, and it looked like
22 the squid fishery may close quickly.

23 NERO identified an issue with a
24 calculation methodology that's been fixed, so it

1 looks like even at the current trend it might not
2 close, it may close; but if they catch a lot of
3 squid, it still may close. So it's still an issue,
4 and so the Council requested the SSC to take
5 another look at that. And I'll turn things over
6 to Dr. Boreman at this point.

7 JOHN BOREMAN: All right. Thanks,
8 Jason. What you see on the screen now is the
9 options that the SSC considered yesterday in our
10 call. The first comment, though, that I wanted to
11 make that this process of what I'm calling and
12 several SSC members called a back door remand to
13 the SSC. It's not a normal remand. But we were
14 basically asked to go back and revisit our ABC
15 recommendation for 2012. So several SSC members
16 were reluctant to move off of the status quo, which
17 is our first option there, stay at 3622 metric
18 tons, just for that reason: They didn't
19 understand why we had to do this; it wasn't part
20 of our terms of reference for the SSC or our
21 standard operating procedures. I'll get into
22 that in a little while. So that's the first option
23 that we looked at was stay at status quo.

24 The second option was: Go to the

1 recommended ABC for 2013 since they both, 2012 and
2 2013, are based on data up to 2011, so why don't
3 we just go there. That basically it says here not
4 recommended. That's the note that was put in by
5 Jason.

6 But the SSC agreed that jumping all the
7 way up to 8400 metric tons given the uncertainty
8 associated with our recommendations for 2012 and
9 2013 we thought if we're going to do anything in
10 terms of moving off the current status quo of 3622
11 it should be in a step wise and cautious fashion.
12 So the third option was to basically go halfway
13 between the 2011 ABC recommendation and the 2013.
14 So that was somewhere halfway between 1811 and 8400
15 metric tons, and that would put it at 5105 1/2.
16 SSC considered that to be totally arbitrary and not
17 really based on any science or biology, so we
18 rejected that option.

19 The fourth one is a proration, and that
20 is 4200 metric tons. And I hope I get this right
21 what it is. It projected the landings, the catch
22 of butterfish that would be by November 1st, how
23 many butterfish would be caught based on the
24 projections that Jason put together.

1 And then for the last two months it looks
2 at taking the 8400 metric ton ABC recommendation
3 that we had for 2013, dividing that by 12, which
4 comes up to be 700 metric tons per month, and for
5 the last two months of the year using that 700
6 metric tons per month as opposed to the original
7 allocation per month from the 2012 recommendation.

8 So that basically says: Take the 2800,
9 which is the projected fishing mortality of
10 butterfish by November 1st, and add the 1400, which
11 is a proration based on the 2013 ABC
12 recommendation. So add those two together; you
13 get 4200. So that's the fourth option. Jason.

14 JASON DIDDEN: Yeah. I just have I
15 think one question popped up. Tony.

16 ANTHONY DILERNIA: Yes. Dr. Boreman,
17 thank you. I've had a number of things splash up
18 on my screen. I've been trying to follow your
19 presentation and make notes at the same time.

20 This question's for Dr. Boreman or for
21 Jason Didden. Is there any way that we can print?
22 I've had about five slides come up on my screen,
23 and I've had questions about some of the slides,
24 but before I was even able to write down the

1 questions, they disappeared off my screen. This
2 presentation was not sent to us ahead of time.
3 Correct?

4 JASON DIDDEN: Correct. I can go
5 through again. I think Dr. Boreman may have one
6 other option to discuss, and then I can kind of go
7 through some things more slowly if you have some
8 questions. But, John, did you want to touch on --

9 ANTHONY DILERNIA: Personally I'd like
10 to go back to his table that had the catch level,
11 the 90 percent level and the projected -- that one
12 right there. Is there any way as these appear on
13 our screen we can print them back here at our desks?

14 JASON DIDDEN: There is a way I can
15 discuss with you later that you can capture things,
16 but not right now.

17 ANTHONY DILERNIA: Very good. Okay.
18 So thank you for putting that back up on my screen.
19 Okay. Thank you.

20 JOHN BOREMAN: Okay. Back to me I
21 guess. So that is the proration option, which is
22 basically taking the ABCs for 2012, our
23 recommendation, carrying that through until
24 November 1st and then applying a prorated ABC for

1 2013 through the last two months. So that's where
2 we come up with the 4200 metric tons.

3 And the last -- Jason --

4 JASON DIDDEN: Sorry about that.

5 JOHN BOREMAN: -- just kind of moved the
6 screen.

7 JASON DIDDEN: Yeah. I did it by
8 accident. Sorry.

9 JOHN BOREMAN: All right. Just keep
10 your hand off the trigger there. The last option
11 was brought up by Marty Smith yesterday, and it's
12 an excellent suggestion; and that is, if we are
13 going to increase our ABC recommendation for 2012,
14 that means we're buying into the principal that we
15 had stored up for 2013. In other words, the stock
16 biomass is going to be reduced more in 2012 than
17 we originally had anticipated when we developed
18 our 2013 ABC recommendation. So he suggested we
19 might want to think about reducing the 2013 ABC in
20 some equivalent fashion to account for the fact
21 that we're catching more butterfish in 2012.

22 So those are the five options, and the
23 discussions came down to Options 1, 4 and 5. The
24 terms of compensation -- well, first of all, the

1 status quo there was a number of folks on the SSC
2 that felt that this is a process issue and this is
3 just basically an ad hoc request from the Council
4 asking us to raise the ABC.

5 This happened to us before on butterfish
6 a couple years ago when we were also asked to raise
7 an ABC. And, again it was for butterfish, a
8 short-lived species. And we want to make it very
9 clear to the Council that this should not be a
10 precedent, and this is not a precedent setting.

11 Any advice the SSC is giving to the
12 Council should not be considered a precedent for
13 future actions. And what we recommend and
14 strongly recommend and we're going to be working
15 on is taking our standard operating procedures and
16 modifying them to account for instances when the
17 Council wants to do in-season adjustments of
18 quotas and they come back to the SSC for science
19 advice. We need to have a clearer methodology and
20 means of communication, development of terms of
21 reference and all that associated with this so we
22 know exactly what we're being asked and why and
23 what types of information we're being asked to
24 provide back to the Council, that it's not a

1 remand; it's basically, as this case -- well, in
2 other cases, we're getting information on these
3 short-lived species like squids and butterfish
4 that show up that suggest the stock is behaving
5 differently than we originally thought -- we need
6 to come up with rules for how to handle that. That
7 was a very high level of discomfort among the SSC
8 members in moving forward.

9 But that said, and given those caveats,
10 the SSC is recommending that we move ahead with
11 Option 4 here, that is, the proration of 4200
12 metric tons as a revised ABC for 2012.

13 The compensation issue that the SSC felt
14 that the biology of the species the difference
15 between 4200 and the 3622 was not a significant
16 difference given the biology and the variability
17 in the species -- they're close -- and felt that
18 it didn't warrant a compensation in the 2013 ABC
19 to account for additional catch in 2012. But, as
20 I said, when we do come up with our rules in the
21 future that we're going to come back to the Council
22 with, we're going to have something in there about
23 potential compensation, basically dipping into
24 principal in one year, dipping into the next year's

1 stock to raise the catch levels.

2 So that's where we are. I hope I'm
3 clear. But, again, I think the lesson learned
4 from this is we got to come up with a better
5 procedure of doing this and not just do it on an
6 ad hoc basis.

7 The SSC also felt that there should be
8 instances when the Council comes back to the SSC
9 and asks if we should lower the ABC for a given
10 year. Of course, the Council can lower their ACL
11 anyway.

12 They don't have to ask permission from
13 the SSC to lower the ABC because the ACL is anything
14 from zero up to the ABC level that's recommended,
15 but there should be some dialogue between the SSC
16 and the Council for those types of actions.

17 We're going to have a winter meeting
18 probably in March or February, and this is going
19 to be an item we're going to talk about, and we're
20 going to probably come back in the spring to the
21 Council with some recommendations on how to
22 develop this into a more formal process.

23 So, I don't know. Jason, did I cover
24 everything, or do you want to add anything? And

1 I know Doug Vaughn's on line. Doug is an SSC
2 member. So, Doug, do you want to add anything from
3 your end?

4 (No response.)

5 JOHN BOREMAN: Okay. Hearing none,
6 Jason, I'll turn it back over to you.

7 JASON DIDDEN: Okay. Lee may have.

8 LEE ANDERSON: Do council members have
9 questions of Jason or of John?

10 ROBERT O'REILLY: This is Rob O'Reilly.
11 Can you hear me? I raised my hand, but maybe that
12 function is not working.

13 JASON DIDDEN: We can hear you. You're
14 good. I was just holding off until John finished.

15 ROBERT O'REILLY: Yeah, I was, too, but
16 then he came back for a second again. I guess for
17 John. I tried to follow what you went through
18 there, and the 5105.5 was deemed arbitrary, and I
19 guess I didn't hear you say why other than you're
20 just taking a mid point essentially or an average
21 of that, too. And I was wondering whether the
22 8400, which you're starting from Point A saying the
23 8400 is something that should be looked at, there
24 might be a little bit too much risk there; just go

1 to 8400, so maybe that plays into the arbitrary
2 part of your comment.

3 But with the proration, when you add in
4 monthly increments of the 8400, I guess I would
5 want to hear why that's not arbitrary if part of
6 the arbitrary scenario for the 5105 is linked to
7 the 8400, then it would have to be linked to the
8 proration scenario as well. So, if you could
9 expound on that a little bit, that would be great.

10 JOHN BOREMAN: Well, you're right in
11 terms of the halfway point -- you know, just
12 choosing a 50 percent number there's no scientific
13 basis for that. Of course, the two end points we
14 had reasons for selecting 1811 in 2011 and the
15 8400.

16 But just to take a halfway point, you can
17 say, well, why not 40 percent or 60 percent or 75
18 percent. And that's the arbitrary nature of it.
19 In terms of the proration, the SSC could say, well,
20 yeah, the 8400 that we selected as an ABC
21 recommendation in 2013 is based on the best science
22 information that we had available at the time, and
23 it could pertain to the 2012 ABC recommendation.
24 But the SSC felt that jumping all the way up to 8400

1 in one year was not wise given the levels of
2 uncertainty we're dealing with not only in the
3 landings or the bycatch and the biology of the
4 species, but just everything else as well as the
5 uncertainties underlying the methodology that
6 Miller and Rego developed and we were using.

7 And this went into our thinking also
8 when we developed the 8400 recommendation in 2013.
9 We had in the backs of our minds, and we discussed
10 this yesterday, that we would prefer to see an
11 incremental move-up to the 8400. And that's why
12 we originally reaffirmed our 3622 metric ton ABC
13 recommendation for 2012.

14 So, basically it's moving towards the
15 8400, the SSC saying, well, this is for two months,
16 which basically it's moving up the start of that
17 8400 period two months. And they were comfortable
18 doing that. They probably would be uncomfortable
19 going any higher than that.

20 LEE ANDERSON: I have a question from
21 Tony Dilernia.

22 ROBERT O'REILLY: Before you do that,
23 thank you, John. And this is Rob, and I think that
24 gives me a really good basis to distinguish between

1 what was arbitrary and what was not. Thank you.

2 LEE ANDERSON: Sorry, Rob. Tony.

3 (No response.)

4 LEE ANDERSON: Is he unmuted? Tony, do
5 you have a question?

6 JASON DIDDEN: Tony, you're unmuted on
7 our end. You just need to click the little green
8 phone symbol that has the slash.

9 ANTHONY DILERNIA: Okay. How about
10 how?

11 JASON DIDDEN: Yeah, you're good.

12 ANTHONY DILERNIA: Okay. How about
13 now?

14 JASON DIDDEN: Yeah.

15 ANTHONY DILERNIA: Okay. Very good.
16 Thank you. Could we go back to the table that I
17 had asked a little while ago what the -- there we
18 go. There we go. Okay.

19 JASON DIDDEN: I'll just note where we
20 are right now is with the blue arrow. So the
21 fishery went along kind of slow -- the cap went
22 along slowly in the first part of the year. It
23 really ramped up in the summer. Loligo just
24 closed because it caught it's quota. So, with no

1 loligo coming in, the cap flattened out. Right at
2 this point right here, loligo reopened. They
3 started catching more loligo. That means the cap
4 starts getting generated and going again.

5 So this first dot is the first week of
6 the open season with loligo, and then the rest of
7 this is just kind of if you had landings, if the
8 cap proceeded like it did the first week of
9 September, how it would go for the rest of the year.

10 ANTHONY DILERNIA: Okay. Do we have
11 anything that compares this projection to say
12 landings in this time period for the past four to
13 five years? This is a theoretical projection;
14 it's a mathematical projection, but the
15 performance of the fishery may be different than
16 just this linear projection than you have here.

17 JASON DIDDEN: Sure. And that's one
18 thing I was going to get to also is that the squid
19 fishery -- and we had a long discussion about this
20 on the SSC call -- that line could be anywhere from
21 flat to vertical.

22 From year to year the squid fishery has
23 tremendous variability, and so the cap -- you know,
24 is basically is tracking the squid fishery at this

1 point. The squid in a week they can disappear.
2 In a week they can kind of storm the shelf waters,
3 and the fishery just has a bonanza. So, yes,
4 that's an extremely rough. And that's kind of why
5 I said it may not close at all, it could close
6 because of the cap. It's just really hard to
7 predict. But it's potential that it's limiting.
8 That was my main point.

9 ANTHONY DILERNIA: Okay. And the cap
10 that we have -- now I need to go back to the other
11 page again with the butterfish quota for '11, '12
12 -- '11 -- here we go. All righty. The butterfish
13 cap in '11 did that close the fishery early; did
14 it constrain the fishery?

15 JASON DIDDEN: The butterfish cap did
16 not constrain the loligo fishery in 2011.

17 ANTHONY DILERNIA: It did not. Okay.
18 And the 2012 that we have, 3622, there's concern
19 that that cap is going to close the fishery early
20 this year?

21 JASON DIDDEN: That potentially could
22 occur.

23 ANTHONY DILERNIA: And so the request
24 is to increase that?

1 JASON DIDDEN: Yes.

2 ANTHONY DILERNIA: Okay.

3 JASON DIDDEN: Well, the Council asked
4 the SSC to consider if an increase may be
5 appropriate. The SSC has increased their ABC
6 recommendation to 4200.

7 ANTHONY DILERNIA: Yeah. And in all
8 due respect to the SSC, I heard Dr. Boreman use the
9 term uncertainty quite a bit, and that term
10 uncertainty quite a bit actually allowed us to go
11 to the 4022 by basically saying in simple terms
12 there's a lot of noise in there in the
13 calculations; let's just get the 4020 or whatever
14 that was, that number was, their recommendation
15 without being heard.

16 And I'm concerned about that because
17 that exposes I think a lot of how much uncertainty
18 there really is in these recommendations.

19 And so I'll let it go at that at this
20 point. I'm not sure I'm willing to make a
21 recommendation. I can't see -- well, we say the
22 5,000 level is arbitrary. It's almost that the
23 4020 is almost just as arbitrary. I'll reserve
24 this so I can hear other council members.

1 And I guess I wish for future times, if
2 we do this again if we could have these documents
3 ahead of time so we could just have them on our desk
4 and look through them and make notes along side of
5 them. I would appreciate it.

6 JASON DIDDEN: Noted.

7 ANTHONY DILERNIA: Thank you,
8 Mr. Chairman.

9 LEE ANDERSON: Are there other
10 questions from council members? Laurie Nolan.

11 JASON DIDDEN: Laurie, you just have to
12 unmute yourself.

13 LAURIE NOLAN: Hello.

14 JASON DIDDEN: You're good.

15 LAURIE NOLAN: Can you hear me?

16 JASON DIDDEN: Yeah.

17 LAURIE NOLAN: Okay. Just listening
18 to Tony's concerns and the fact that when you look
19 at 1811 in 2011 as the ABC and we hear that in fact
20 that did not constrain the loligo fishery.

21 The loligo fishery changes year to year
22 drastically, and my feeling is that this year is
23 one of those years that could be considered perhaps
24 an anomaly. And when you look back and reflect on

1 what goes on in the fishery, Winter I was fairly
2 quiet; the summer period went wild, and the squid
3 were everywhere shown through the early closure in
4 July.

5 We're starting off now in September, and
6 the loligo are there already. I mean the fleet is
7 out there working on them, catching them, and
8 landing them and, again, getting really good money
9 for them. So, to see -- you know, 18 go up to 36
10 and then perhaps now to make a change to 42, I don't
11 think we should be looking at it all so arbitrary.

12 I think the fact that the butterfish
13 stock had so much gray area in it and so much
14 unpredictability to it that we have to consider
15 that stock is now looked at and considered to be
16 in much better shape than it was.

17 And I don't think these numbers are
18 quite as arbitrary as people are trying to perceive
19 them. I think the SSC has done a tremendous amount
20 of work and the Science Center, and I don't think
21 the numbers we're looking at are quite as arbitrary
22 as we're trying to pin to these suggestions.

23 And, again, shutting down the loligo
24 fishery is something we should be trying to avoid

1 due to that dollar value and what the industry can
2 net from that.

3 If the butterfish stock is not going to
4 be sacrificed in any way through this method, I
5 don't think we should use the word arbitrary as
6 often as we are.

7 JASON DIDDEN: This is Jason with
8 staff, and I'm not sure if Paul Rego is on the call
9 down at the Science Center. I see Jim Weinberg is.
10 But the OFL that was set for 2013 was 16,800 metric
11 tons, and the SSC buffered that down to 8,400. And
12 the analysis that went into that -- and the Science
13 Center may want to comment -- has a fair bit of
14 conservatism built into it in the analysis itself.
15 And so we kind of went through that at the June
16 council meeting a good bit. But I just wanted to
17 flag that as well.

18 LEE ANDERSON: Thank you, Jason. A
19 question from Dewey.

20 JASON DIDDEN: Dewey, I've got you
21 unmuted here. You should be able to talk if you
22 unmute yourself.

23 DEWEY HEMILRIGHT: Am I unmuted?

24 JASON DIDDEN: Yes.

1 DEWEY HEMILRIGHT: Can you hear me?

2 JASON DIDDEN: Yes.

3 DEWEY HEMILRIGHT: Hey, I didn't have a
4 question. I'm having technical difficulty
5 figuring this thing out, so forgive me.

6 JASON DIDDEN: Okay. Well, we can hear
7 you if you do have a question.

8 DEWEY HEMILRIGHT: Thanks.

9 LEE ANDERSON: Other questions? Chris
10 Zeman.

11 CHRISTOPHER ZEMAN: Dr. Anderson?

12 LEE ANDERSON: Yes.

13 CHRISTOPHER ZEMAN: I don't have any
14 questions.

15 LEE ANDERSON: All righty. Was that
16 you, Tony?

17 ANTHONY DILERNIA: Yes, it was. I
18 don't have a question. I have some more comments
19 I'd like to make, so I'll wait until there are any
20 other questions before I get into the discussion.

21 LEE ANDERSON: All right.

22 ANTHONY DILERNIA: When you stop taking
23 questions, if you'd come back to me I'd appreciate
24 it, sir.

1 LEE ANDERSON: Thank you. Other
2 council members with questions? We don't see any
3 on the list here, so we'll go back to Tony.

4 ANTHONY DILERNIA: Thank you, Mr.
5 Chairman. The 42 -- can we go back to the numbers
6 there of the SSC recommendations. There we go.
7 All righty. From what Laurie has said, I agree,
8 and from what I hear from other fishermen there are
9 a lot of squid, and so I would hate to see that
10 fishery constrained by the butterfish cap. And so
11 I would support increasing that butterfish cap. I
12 think that the cap to the 4200 level while nice,
13 I'm just wondering if there isn't more room to go
14 beyond that.

15 I just perhaps I wasn't paying attention
16 trying to make notes. The halfway point that has
17 been labeled as arbitrary given again all the
18 uncertainty that we keep hearing about and the
19 conservatism in the estimates, I wonder if how
20 arbitrary --

21 LEE ANDERSON: Tony -- if I can
22 interrupt, Tony. I have to say that we don't have
23 that option. The SSC has recommended that we
24 increase the ABC up to 4200. That's our limit now.

1 So that question is not on the table. It's a valid
2 question --

3 ANTHONY DILERNIA: Okay. Thank you.

4 LEE ANDERSON: -- but it's not on the
5 table for our consideration.

6 ANTHONY DILERNIA: Thank you, sir.
7 Then I'll withdraw the rest of my comments.

8 LEE ANDERSON: Okay.

9 ANTHONY DILERNIA: I'll mute myself
10 again. Thank you.

11 LEE ANDERSON: Any other questions from
12 council members 'cause I'm about to turn to the
13 public.

14 (No response.)

15 LEE ANDERSON: Questions from the
16 public, please.

17 (No response.)

18 LEE ANDERSON: We have no questions
19 from the public. The chair is ready to entertain
20 motions from the Council.

21 ERLING BERG: Mr. Chairman.

22 LEE ANDERSON: Yes, Mr. Berg.

23 ERLING BERG: Yes. With your
24 indulgence, I have a motion for the Council to

1 consider.

2 LEE ANDERSON: Okay. If you will read
3 it, Jason will type it so the council members can
4 see it.

5 ERLING BERG: Okay. I'll try to go
6 slow. Okay. I move that the Council recommend an
7 ABC of 4,200 metric tons of butterfish for 2012.
8 And that's my motion.

9 LEE ANDERSON: Okay. So the motion is
10 just taking advantage of what the SSC gave us. Is
11 there a second to that motion?

12 JEFFREY DEEM: Second. Jeff Deem
13 seconds.

14 LEE ANDERSON: Jeff Deem has seconded.
15 Thank you, Jeff. Discussion on the motion?
16 Laurie.

17 ROBERT O'REILLY: Yes. This is Rob
18 O'Reilly.

19 LEE ANDERSON: Okay. Rob. Then we'll
20 go to Laurie.

21 ROBERT O'REILLY: It says 2012 -- the
22 motion.

23 LEE ANDERSON: That's right. We are --

24 ROBERT O'REILLY: And so going into

1 2013, maybe from the very beginning slide, I
2 thought most of this was about the 3622 that was
3 in place and going to a prorated amount for 2013.

4 JASON DIDDEN: This is Jason. So right
5 now for 2012 we're at 3622. The Council has
6 already moved, and I'm well in the specifications
7 process for 2013 at 8,400. This is really just for
8 essentially the remainder of 2012 does the Council
9 want to increase for the remainder of 2012 from
10 3622 to 4200.

11 ROBERT O'REILLY: I missed that first
12 step, so my apologies. But I certainly am in
13 support of the motion.

14 LEE ANDERSON: Thank you, Rob. Are
15 there other comments? Oh, yeah. Sorry.
16 Laurie.

17 LAURIE NOLAN: No. Sorry. I had
18 raised my hand to second the motion. But I have
19 no comments. I will say I support the motion.

20 LEE ANDERSON: All righty. Dewey.

21 DEWEY HEMILRIGHT: Don't worry about
22 me. I put my hand down. Sorry.

23 LEE ANDERSON: Anybody else on the
24 Council? John Boreman.

1 JOHN BOREMAN: Yeah. I just am
2 wondering if the motion is to recommend an ABC of
3 4200 metric tons or an ACL of 4200 metric tons.
4 'Cause you already have the ABC at 4200 from the
5 SSC.

6 LEE ANDERSON: Go ahead. Jason.

7 JASON DIDDEN: My understanding is that
8 the Council can set the ABC less than 4200 if it
9 wants to, and then the ACL follows along. But my
10 understanding from NERO is that the recommendation
11 from the SSC of an ABC does not preclude the Council
12 from setting an ABC less than that.

13 JOHN BOREMAN: Okay.

14 LEE ANDERSON: Other questions or
15 comments?

16 (No response.)

17 LEE ANDERSON: All right. We're going
18 to move ahead -- sorry.

19 CHRISTOPHER ZEMAN: This is Chris
20 Zeman. Before we go to a vote, I just want to make
21 sure that we all understand the voting procedures.
22 Do you mind going over that before we vote?

23 LEE ANDERSON: Yeah. What we are going
24 to do is, Jason, we are going to have a roll call

1 vote. It's not necessary technically, but
2 because of the webinar mode, we are going to do a
3 roll call vote. So Jason will now --

4 JASON DIDDEN: Aija, I see your hand up.
5 You guys haven't gotten your pin in successfully,
6 so you can't talk. You can send me a chat message.
7 I see a question here.

8 (Pause.)

9 JASON DIDDEN: Aija, if you guys -- when
10 you're looking at your little panel, it will have
11 a pin there, and if you do pound, your pin, and then
12 pound again, it should activate your ability to
13 talk.

14 LEE ANDERSON: While we're waiting for
15 that, Erling and Jeff, we've been talking it over
16 here, and we would like to ask for a friendly
17 amendment to this to say: recommend an ABC/ACL of
18 4200 'cause they are the same anyway, but that I
19 think clarify an issue raised by John. Erling, is
20 that all right with you?

21 ERLING BERG: Yes, that is, Lee.
22 That's acceptable.

23 LEE ANDERSON: Jeff.

24 JEFFREY DEEM: Yes, sir.

1 LEE ANDERSON: Okay. Thank you, both.
2 Now we're waiting for Aija. We never move without
3 NMFS. We have to make sure we are clear.

4 (Pause.)

5 JASON DIDDEN: Aija, you should be
6 good. You're unmuted from my end. You got a
7 green phone. You just unmute yourself, and you
8 should be good.

9 GEORGE DARCY: Okay. This is George.
10 Can you hear me?

11 JASON DIDDEN: Yes.

12 GEORGE DARCY: Okay. First of all, I
13 think adding the ACL is a good thing to this motion,
14 but I also wanted to talk about how we would do
15 this. There is existing authority in the
16 regulations for the regional administrator to make
17 in-season adjustments to the specifications. So
18 I'm assuming the way that we would do this just so
19 that everybody understands is that if you make this
20 request to us and we accept it, then we would use
21 probably an interim final rule, which would be our
22 quickest vehicle to implement this but with the
23 understanding that we would need Jason's help in
24 doing some of the analytical background for this

1 and that it would take probably about two months
2 to get this in place. Just so everybody
3 understands.

4 LEE ANDERSON: Jason says he's more
5 than happy to comply.

6 GEORGE DARCY: Okay. Good. Thank
7 you.

8 LEE ANDERSON: We'll now entertain
9 questions from the public, questions, comments.

10 (No response.)

11 JASON DIDDEN: And if the public wants
12 to speak, you just hit the little hand raising
13 feature on the go-to panel. The hand will pop up,
14 and then I can unmute you from my end; or you can
15 send me a chat comment, and I'll relay that to that.
16 I will relay we did receive one written comment
17 from Jean Public saying that she opposed
18 increasing and that the quota should be cut in
19 half.

20 (Pause.)

21 LEE ANDERSON: We have Jeff Kaelin.
22 We're in the process of unmuting you, Jeff.

23 JASON DIDDEN: Jeff Kaelin, you should
24 be good.

1 JEFFREY KAELIN: Yeah, I see that.
2 Thanks. I appreciate everybody's time both
3 yesterday and today, and I'm speaking in support
4 of the motion. I do have a question about what was
5 just said, though. Who wrote the comment in to say
6 the quota should be cut in half -- just a member
7 of the public?

8 JASON DIDDEN: Yes.

9 JEFFREY KAELIN: Okay. Well, you
10 know, what Laurie said was right on. Frankly, I
11 think the industry's been whip-sawed by this
12 changing butterfish quota, and we're in the
13 process of doing comments on the National Standard
14 1 Guidelines, and it certainly seems that
15 butterfish should be a short-lived species.

16 That's another issue, whether they live
17 in 1.1 or 1.2 years. I think we heard that from
18 Paul Rego yesterday. So I just wanted to thank
19 everybody for creating this flexibility. It's
20 disappointing to hear that it's going to take two
21 months to put this into place. I guess that allows
22 us some additional quota in December maybe. But
23 we lost a lot of money when this fishery was shut
24 down earlier this year, and I'm glad the process

1 is slowly moving towards real-time management.

2 We need to spend a lot of time on how
3 we're going to be able to do this because it's just
4 overwhelming from our perspective to be in a
5 situation where we can't fish, but we know that the
6 quota's going to go up to 8200.

7 So, in brief, I just want to thank
8 (inaudible) and look forward to working with both
9 the Council and real-time management can be done
10 quickly.

11 Because to hear today that it's going to
12 take two months to put 400 tons back in the fishery
13 when we know we're going to go to 8600 on January
14 1st is still extremely difficult to understand and
15 accept. But we're making progress, and we
16 certainly appreciate everybody's help in making
17 some progress here. Thank you.

18 LEE ANDERSON: Other questions or
19 comments?

20 JASON DIDDEN: I don't see anyone with
21 their hand up, and there are no chat questions that
22 have come in.

23 LEE ANDERSON: We will now go to a roll
24 call vote. Jason.

1 (Motion as voted.)

2 JASON DIDDEN: Okay. So we haven't
3 done this before, so it may be slightly
4 challenging, but hang with me. Tony Dilernia.

5 ANTHONY DILERNIA: Yes.

6 JASON DIDDEN: Chris Batsavage.

7 CHRISTOPHER BATSAVAGE: Yes.

8 JASON DIDDEN: Dave Miko.

9 DAVID MIKO: Yes.

10 JASON DIDDEN: Dewey Hemilright.

11 DEWEY HEMILRIGHT: Yes.

12 JASON DIDDEN: Erling.

13 ERLING BERG: Yes.

14 JASON DIDDEN: Jeff Deem.

15 JEFFREY DEEM: Yes.

16 JASON DIDDEN: Howard King.

17 HOWARD KING: Yes.

18 JASON DIDDEN: Laurie Nolan.

19 LAURIE NOLAN: Yes.

20 JASON DIDDEN: Pres Pate.

21 PRESTON PATE: Yes.

22 JASON DIDDEN: Rick Cole.

23 RICHARD COLE: Yes.

24 JASON DIDDEN: Rob O'Reilly.

1 ROB O'REILLY: Yes.

2 JASON DIDDEN: Steve Heins.

3 STEPHEN HEINS: Yes.

4 JASON DIDDEN: Steve Linhard. Hold
5 on, Steve. I'll try to -- Steve Linhard.

6 STEPHEN LINHARD: Yes. Yes.

7 JASON DIDDEN: Thanks. Warren
8 Elliott.

9 WARREN ELLIOTT: Yes.

10 JASON DIDDEN: Lee Anderson.

11 LEE ANDERSON: Yes.

12 JASON DIDDEN: Chris Zeman.

13 CHRISTOPHER ZEMAN: Yes.

14 JASON DIDDEN: And the region looks
15 like it's gone off line again, but I'm guessing
16 they would probably abstain.

17 JOHN BULLARD: Can you hear me? This
18 is John Bullard.

19 JASON DIDDEN: Oh, yeah, we can hear
20 you.

21 JOHN BULLARD: We abstain.

22 LEE ANDERSON: Okay. The motion
23 carries. Do we have an exact vote on it?

24 JASON DIDDEN: 1, 2, 3, 4, 5, 6, 7, 8,

1 9, 10, 11, 12, 13, 14, 15, 16. Sixteen yes and one
2 abstention.

3 LEE ANDERSON: Okay. This will entail
4 some other necessary changes, and Jason has
5 prepared a slide to look at that. The motion
6 passed.

7 JASON DIDDEN: Okay. So, the Council
8 has now increased the ABC and the ACL, but the
9 question is how does that impact the cap. And so
10 there's a couple other kind of corollary things
11 that will need to be considered.

12 And so you increased the ABC and the ACL
13 to 4200. Now, currently there's a 10 percent
14 buffer for the -- I'm just going to
15 see -- I'm getting a little feedback. I just want to
16 see if I can eliminate that. Hold on.

17 (Pause.)

18 Okay. So currently there's a 10
19 percent ABC buffer, and right now that buffer is
20 362 metric tons, 10 percent of 362. If you just
21 maintained a 10 percent buffer, the new buffer
22 would be 420 metric tons, and that would result in
23 an ACT of 3,780 metric tons for an increase of 520
24 metric tons to the ACT.

1 The ACT is a catch target. The Council
2 is kind of -- you know, assigning management
3 uncertainty and providing some buffer in that. So
4 I think the next thing would be to consider what
5 the Council would like to do for an ACT, given the
6 change it's made to the ABC/ACL.

7 LEE ANDERSON: We will now entertain
8 any motions with respect to this.

9 ERLING BERG: Lee.

10 LEE ANDERSON: Yes.

11 ERLING BERG: Mr. Chairman.

12 LEE ANDERSON: Okay. I'll recognize
13 Erling Berg.

14 ERLING BERG: Yeah. This is Erling.

15 LEE ANDERSON: Okay. Please.

16 ERLING BERG: Okay. Thank you. I
17 have a motion if Jason is ready.

18 LEE ANDERSON: Yeah.

19 ERLING BERG: I move that the Council
20 recommend an ACT of 3,780 metric tons of butterfish
21 for 2012. And that's my motion.

22 LEE ANDERSON: Is there a second to the
23 motion? Do I hear a second to the motion? All
24 right. I heard a bunch of seconds.

1 PRESTON PATE: This is Pres Pate. I'll
2 second it.

3 LEE ANDERSON: Okay. Thank you.
4 Discussion on the motion by Council?

5 ANTHONY DILERNIA: Mr. Chairman.

6 LEE ANDERSON: Yes.

7 ANTHONY DILERNIA: Can we go back to the
8 last slide that was up on the screen --

9 JASON DIDDEN: I'll fix that
10 background. Hold on. Okay. That should do it.

11 ANTHONY DILERNIA: Okay. So this ACT
12 represents the 10 percent buffer. Now, my
13 question is: We do have latitude -- the Council
14 does have latitude to adjust the buffer? Hello?

15 JASON DIDDEN: Yes. The Council could
16 adjust the buffer if it wanted to. I think we
17 would have to provide a justification for why some
18 change of-- you know, what they think.

19 There's a fair bit of uncertainty on
20 discard estimates, things like that. That was the
21 initial reasoning behind this. But that is within
22 the Council's purview.

23 ANTHONY DILERNIA: Okay. I guess this
24 number will also be published two months from now

1 think the principal of the ACT is you set the ACT
2 such that you try not to exceed the ABC. I think
3 trying to say, oh, well, the region may have some
4 issues with saying, okay, we're going to set that;
5 we know it may increase the probability of an ABC
6 overage, but since we think we have some room next
7 year, we'll do it anyway.

8 LEE ANDERSON: Any further comment?
9 Okay. Howard. You're ready to go, Howard.

10 JASON DIDDEN: Howard, you're unmuted
11 from my end if you want to make a comment or ask
12 a question.

13 HOWARD KING: I'll pass.

14 JASON DIDDEN: Okay.

15 ROB O'REILLY: This is Rob O'Reilly. I
16 have just sort of a situation, I guess, listening
17 to different ideas on the buffer. Can you hear me,
18 by the way? I know we're saying that over and over
19 again.

20 JASON DIDDEN: Yeah. No. It's always
21 good to do.

22 ROB O'REILLY: Very good. Why
23 wouldn't the buffer remain the same as one
24 scenario. I mean I'd just like that talked about.

1 It doesn't meet the situation that Tony Dilernia
2 asked about with the 10 percent and 5 percent, but
3 going into today and then looking forward to
4 sometime in November when this is all published
5 out, we were at a buffer of 362. Right?

6 Does that necessarily have to change?
7 In other words, does the 10 percent really have any
8 merit here, or is it just the fact that we keep the
9 same buffer we had going into today?

10 JASON DIDDEN: I think you could make a
11 reasonable justification either for leaving that
12 362 or saying we're going to be allowing more
13 butterfish discarding because of this, so keeping
14 the same percentage makes sense 'cause this is
15 going to allow more loligo activity, more
16 discarding.

17 So now you're going to have uncertainty
18 around a larger number, so keeping the 10 percent
19 is reasonable. I can imagine a justification for
20 leaving it the same. And keeping it at 362, I mean
21 it's not a huge difference.

22 I mean I think either could probably be
23 justified. Personally, again, I would say it
24 means there's going to be more loligo activity,

1 potentially higher discards; keeping it at the 10
2 percent I think is not unreasonable, but going 362
3 probably could be justified as well.

4 ROB O'REILLY: Thank you.

5 LEE ANDERSON: Any further comment?

6 ANTHONY DILERNIA: Mr. Chairman?

7 LEE ANDERSON: Yes. Tony.

8 ANTHONY DILERNIA: Can we go back to the
9 motion, please. Does the buffer then contained in
10 this motion here -- I'm trying to -- if I had pages
11 here to look back and forth. I don't.

12 The previous council member who spoke --
13 I'm sorry; I wasn't sure who it was -- suggested
14 that 362 is the buffer. I'd like to if you
15 incorporate that into the motion so that the ACT
16 would be increased slightly. How would we do
17 that? Jason.

18 LEE ANDERSON: Yeah, we need to move to
19 amend the motion.

20 ANTHONY DILERNIA: Okay. That's why I
21 asked to be recognized -- to amend the motion. I'm
22 just not sure how I would word my amendment, and
23 I was wondering if Mr. Berg and Mr. Pate, council
24 members Berg and Pate, would accept it as a

1 friendly amendment.

2 LEE ANDERSON: No. I would prefer we
3 go on with a formal amendment here, Tony, if that's
4 all right.

5 ANTHONY DILERNIA: All righty. Well,
6 then I see Jason is doing some numbers there, so
7 I'll let him finish. So what will be the new ACT,
8 Jason? Thank you. So I would move to amend the
9 ACT in the motion to 3,838.

10 LEE ANDERSON: Is there a second to the
11 motion to amend?

12 ROB O'REILLY: Rob O'Reilly seconds it.

13 LEE ANDERSON: Discussion on the motion
14 to amend?

15 (No response.)

16 LEE ANDERSON: Jason, do you have some
17 comments from staff?

18 LAURIE NOLAN: Can I ask a question,
19 please?

20 LEE ANDERSON: Yes. Laurie.

21 LAURIE NOLAN: Thank you, Lee. I
22 would be concerned about this motion for a couple
23 reasons. One, I would wonder if by changing the
24 percentage of our buffer in the action trying to

1 adjust the quota, as we said, for the last six weeks
2 of the fishery, if we're not making the package
3 bigger than it needs to be if that doesn't mean we
4 need more analysis that might delay, and suddenly
5 we're not talking about six weeks; maybe we're only
6 talking about two weeks.

7 I would wonder from the Service if they
8 could give us any feedback if we get away from the
9 10 percent buffer that then in our spec package if
10 that stands to make this process even longer.
11 That's my first question.

12 JASON DIDDEN: Region.

13 GEORGE DARCY: Yeah. Can you hear me?

14 JASON DIDDEN: Yeah.

15 GEORGE DARCY: It certainly will
16 require additional justification, and not just
17 because we think there should be more fish. There
18 would have to be an explanation of why reducing the
19 buffer is consistent with National Standard 1.
20 And Jason I think raised some of those concerns.

21 It isn't to say you can't do it. I don't
22 see it changing the timing of the package by weeks,
23 but it is an additional thing that you will have
24 to justify, and it will have to be reviewed.

1 results of that and how that cap is working, I would
2 think that might give us justification to change
3 that 10 percent in either direction.

4 If it's proven to be so effective, maybe
5 we could back it down to 5 percent, or if it's not
6 working, we may have to beef it up. But would that
7 report help us to justify changing the 10 percent?

8 JASON DIDDEN: And there was a report
9 for 2011. It was discussed at the June council
10 meeting and at the SSC meeting. There was small
11 overage of the ABC in 2011, no paybacks required
12 in 2011 for overages. But there was a little bit
13 of an overage related to non-cap discards, and I
14 think I would kind of still rest that given
15 everything including that small overage, 10
16 percent is probably reasonable from a staff's
17 perspective.

18 LEE ANDERSON: Further discussion?

19 LAURIE NOLAN: Oh, thank you. Thank
20 you.

21 LEE ANDERSON: Rob O'Reilly.

22 ROB O'REILLY: Yes. Thank you. I
23 guess I had just a couple thoughts. One, I agree
24 with George overall that the difference is

1 probably not something that's going to make a
2 difference, but at the same time, the idea of the
3 10 percent is something that sooner or later has
4 to be looked at.

5 And I'm curious about Jason's comment
6 about the 10 percent from the Monitoring Committee
7 whether that was directed towards perhaps the
8 recreational summer flounder, scup, and sea bass
9 and knowing that all those 10 percents were
10 actually not accepted by the Monitoring Committee
11 as buffers that were placed in for management
12 uncertainty. So to me the issue is, given
13 everything we've heard today and the step wise
14 approach that Dr. Boreman described, maybe it's
15 just the issue of the flat 10 percent, but I
16 certainly think either way, either the 10 percent
17 or slightly less, that the buffer is going to be
18 sound. Thank you.

19 LEE ANDERSON: Jason, do you have a
20 comment?

21 JASON DIDDEN: Further discussion?

22 LEE ANDERSON: Jason, do we have
23 anybody else --

24 ANTHONY DILERNIA: Mr. Chairman.

1 LEE ANDERSON: Tony.

2 ANTHONY DILERNIA: Mr. Chairman.

3 LEE ANDERSON: Tony.

4 ANTHONY DILERNIA: Mr. Chairman.

5 LEE ANDERSON: Tony. Tony.

6 ANTHONY DILERNIA: Yeah. I'm very,
7 very happy Laurie brought up the question that she
8 did. The intent of this motion is to keep
9 fishermen fishing and to put the fish back into the
10 fishery, but if the result of this motion is going
11 to delay the approval by the Service, then it will
12 have the exact opposite of what I'm trying to do,
13 what I'm intending to do.

14 So I'm in a quandary here. I'm
15 considering withdrawing my motion. I wish I could
16 get a little bit more direction from the Region
17 regarding this. If this is going to delay the
18 passing of the final specs and we're not going to
19 get this in place until just a couple weeks left
20 to the end of the season, then as well intentioned
21 as it was, it would work across purposes to what
22 we're trying to do.

23 LEE ANDERSON: Tony, they said that --
24 well, I'm sorry. George.

1 GEORGE DARCY: I can't give you number
2 of days that this could delay it. I think it will
3 make it more complicated. I think it potentially
4 could make it a little bit more controversial.

5 I think we could get more public comment
6 on it. I think it would be cleaner not to do this.
7 But I can't absolutely say whether this would
8 compromise its getting in place as soon as
9 possible, but it could delay it a little bit.

10 ANTHONY DILERNIA: Having heard that,
11 Mr. Chairman, I'd like to withdraw my motion if the
12 seconder would agree.

13 LEE ANDERSON: Rob, do you agree?

14 ROB O'REILLY: Yes, I do.

15 LEE ANDERSON: Okay. The motion is
16 withdrawn.

17 ROB O'REILLY: -- discussion on this,
18 Mr. Chairman.

19 LEE ANDERSON: Rob, what did you say?
20 I'm sorry.

21 ROB O'REILLY: I said I'm glad we had
22 the discussion on this because there certainly
23 more points about it than we started out with.

24 LEE ANDERSON: I concur. We will now

1 move back to the regular motion which you see at
2 the top. And so we're at a recommendation of an
3 ACT for 3,780 metric tons. Any more discussion on
4 the motion, the original motion? Erling Berg.

5 ERLING BERG: Well, I was just going to
6 comment on the motion that was just withdrawn, so
7 I'll just sit here.

8 LEE ANDERSON: Okay. Dewey.

9 DEWEY HEMILRIGHT: No comment.

10 LEE ANDERSON: Okay.

11 CHRISTOPHER ZEMAN: I have a question
12 in terms of our butterfish discard projections.

13 LEE ANDERSON: Okay. Chris.

14 CHRISTOPHER ZEMAN: What are we
15 expecting to -- can you guys hear me?

16 LEE ANDERSON: Yeah.

17 CHRISTOPHER ZEMAN: I'm sorry. Thank
18 you, Mr. Chairman. Based on our projections, are
19 is the fishery expected to hit that present quota
20 before these regulations go into effect?

21 JASON DIDDEN: It's extremely hard to
22 estimate. There's a chance it could. There's a
23 chance it might not.

24 CHRISTOPHER ZEMAN: Thank you.

1 LEE ANDERSON: If there's no further
2 discussion, I'd like to move ahead by calling a
3 vote on this. So I'm waiting. Seeing none,
4 hearing none, Jason, would you please do the roll
5 call vote, please.

6 JASON DIDDEN: John Bullard.

7 JOHN BULLARD: Abstain.

8 JASON DIDDEN: Chris Zeman.

9 CHRISTOPHER ZEMAN: Yes.

10 JASON DIDDEN: Lee Anderson.

11 LEE ANDERSON: Yes.

12 JASON DIDDEN: Tony Dilernia.

13 ANTHONY DILERNIA: Yes.

14 JASON DIDDEN: Chris Batsavage.

15 CHRISTOPHER BATSAVAGE: Yes.

16 JASON DIDDEN: Dave Miko.

17 DAVID MIKO: Yes.

18 JASON DIDDEN: Dewey Hemilright.

19 DEWEY HEMILRIGHT: Yes.

20 JASON DIDDEN: Erling Berg.

21 ERLING BERG: Yes.

22 JASON DIDDEN: Howard King.

23 HOWARD KING: Yes.

24 JASON DIDDEN: Jeff Deem.

1 JEFFREY DEEM: Yes.

2 JASON DIDDEN: Laurie Nolan.

3 (No response.)

4 JASON DIDDEN: Laurie Nolan.

5 LAURIE NOLAN: Yes.

6 JASON DIDDEN: Thanks. Sorry about
7 that. Pres Pate.

8 PRESTON PATE: Yes.

9 JASON DIDDEN: Rick Cole.

10 RICHARD COLE: Yes.

11 JASON DIDDEN: Rob O'Reilly.

12 ROBERT O'REILLY: Yes.

13 JASON DIDDEN: Steve Heins.

14 (No response.)

15 JASON DIDDEN: Steve Linhard.

16 STEPHEN LINHARD: Yes.

17 JASON DIDDEN: Warren Elliott. Hold
18 on, Warren. Sorry. Warren Elliott.

19 WARREN ELLIOTT: Yes.

20 LEE ANDERSON: Okay. May we have a
21 count, please.

22 JASON DIDDEN: Fifteen yes's. One
23 abstention.

24 LEE ANDERSON: The motion carries. I

1 believe we have one more bit of potential action
2 on this.

3 JASON DIDDEN: Okay. So you've now
4 increased the ACT to 3,780 metric tons. That's an
5 increase of 520 metric tons. Theoretically, the
6 Council could partition that out into a little bit
7 extra landings; however, it does not appear -- and
8 we'll discuss this a little more later -- that the
9 landings are going to be fully utilized, so staff
10 recommends that you just increase the cap by the
11 same amount. Since a little bit of that cap
12 increase is landed -- hold on. Let me just try to
13 eliminate a little background that I'm getting
14 here. It looks okay.

15 So, theoretically, you could increase
16 landings by a little bit and maybe actually even
17 increase the cap by a little more than 520 very
18 slightly, but I would recommend to keep things
19 relatively simple that -- you know, if it's the
20 Council's primary thinking here is to use this to
21 increase the cap, you increase the cap from 2,445
22 metric tons to the same increase as the ACT, 2,965.
23 There's a slight bit of extra conservatism built
24 into doing that, but that would be my

1 recommendation, and the Council would need to
2 consider that for action.

3 LEE ANDERSON: Okay. The Council will
4 entertain a motion to do as Jason suggested or
5 anything else. That is one option on the table.
6 Mr. Berg.

7 ERLING BERG: Mr. Chairman.

8 LEE ANDERSON: Yes.

9 ERLING BERG: Can you hear me? This is
10 Erling.

11 LEE ANDERSON: Yes, sir.

12 ERLING BERG: Okay. I have another
13 motion when Jason's ready.

14 JASON DIDDEN: Yes.

15 ERLING BERG: I move that the Council
16 recommend a cap of 2,965 metric tons of butterfish
17 for 2012. That's my motion.

18 LEE ANDERSON: Okay. Motion is made by
19 Mr. Berg. Is there a second? Say your name when
20 you make it.

21 PRESTON PATE: This is Pres Pate. I
22 second it.

23 LEE ANDERSON: Okay. Pres Pate
24 seconds. Discussion on the motion from the

1 Council?

2 (No response.)

3 LEE ANDERSON: Discussion on the motion
4 from the audience?

5 (No response.)

6 LEE ANDERSON: The public?

7 (No response.)

8 LEE ANDERSON: Seeing none, hearing
9 none -- I'm talking slowly so you have time --
10 Jason, will you do a roll call vote, please.

11 (Motion as voted.)

12 JASON DIDDEN: John Bullard.

13 (No response.)

14 JASON DIDDEN: I'll come back to you
15 guys. Tony Dilernia.

16 ANTHONY DILERNIA: Yes.

17 JASON DIDDEN: Chris Zeman.

18 (No response.)

19 JASON DIDDEN: For some reason this is
20 adding some mutes on me, so I'll just double-check
21 as I'm going that I don't have you guys muted.
22 Sorry about that. Chris Zeman.

23 CHRISTOPHER ZEMAN: Yes.

24 JASON DIDDEN: Chris Batsavage.

1 CHRISTOPHER BATSAVAGE: Yes.
2 JASON DIDDEN: Dave Miko.
3 DAVID MIKO: Yes.
4 JASON DIDDEN: Dewey Hemilright.
5 DEWEY HEMILRIGHT: Yes.
6 JASON DIDDEN: Erling Berg.
7 ERLING BERG: Yes.
8 JASON DIDDEN: Howard King.
9 HOWARD KING: Yes.
10 JASON DIDDEN: Jeff Deem.
11 JEFFREY DEEM: Yes.
12 JASON DIDDEN: Laurie Nolan.
13 LAURIE NOLAN: Yes.
14 JASON DIDDEN: Pres Pate.
15 PRESTON PATE: Yes.
16 JASON DIDDEN: Rick Cole.
17 RICHARD COLE: Yes.
18 JASON DIDDEN: Rob O'Reilly.
19 ROBERT O'REILLY: Yes.
20 JASON DIDDEN: Steve Heins.
21 (No response.)
22 JASON DIDDEN: Steve Heins if you can.
23 (No response.)
24 JASON DIDDEN: Steve Linhard.

1 STEPHEN LINHARD: Yes.

2 JASON DIDDEN: Warren Elliott.

3 WARREN ELLIOTT: Yes.

4 JASON DIDDEN: Come back to NERO if you
5 guys have audio.

6 (No response.)

7 JASON DIDDEN: The tally on that is 14
8 yes's.

9 LEE ANDERSON: The motion carries.

10 Now, I believe we have one more bit of business with
11 respect to this, and for that I will turn this over
12 to Jason for a discussion.

13 JASON DIDDEN: Okay. So back at the --
14 hold on. I just saw a little question pop up here.
15 I just want to check. The region notes that they
16 abstained. Okay.

17 So back at the last Council meeting when
18 the Council referred this whole question back to
19 the SSC, they also said: Is there anything else
20 we can do here? And as things stand right now, the
21 butterfish quota, the actual landings quota is
22 1,072 metric tons.

23 So I've worked with the regional office
24 staff a bit -- and the Council --

1 sorry -- and the Council said: Can you switch some to
2 lower the landings quota and increase the cap?

3 Now, most of the butterfish in the cap
4 are discarded, so generally there is a trade-off
5 there. And so essentially, when you look at the
6 trajectory of butterfish landings, not the cap,
7 but landings so far, they are substantially below
8 the trajectory. These
9 are -- again, this is not the cap; this is actual
10 butterfish on the dock -- that butterfish landings
11 are -- it's been very steady this year, and it looks
12 like they're going to end up substantially below
13 the landings quota and not even near -- there's a
14 20 percent buffer in there from the closure, and
15 so it doesn't even look like that's going to get
16 impacted.

17 Now, it's always rough when you're
18 trying -- now, this looks pretty steady this year.
19 The orange is last year. But there was a closure
20 last year starting at right about there. So last
21 year isn't necessarily a great indicator.

22 So my analysis that I've come back with
23 is saying: When you project this line out, if you
24 were to transfer 200 metric tons from the landings

1 and subtract 200 -- so that would make this equal
2 to this, minus 200 -- to 872, you could subtract
3 that off the landings, add that to the cap, and odds
4 are pretty good you won't impact quota. There's
5 a little bit of directed butterfish fishing, but
6 even that should not be impacted.

7 I don't think -- again, the fishery
8 closed at 80 percent of 872, so -- sorry about that
9 -- if we look at 80 percent of 872 is 697, it doesn't
10 even look like the fishery on December 31 would
11 probably get to around 600. So -- you know, I
12 think if the Council -- you requested staff and
13 NERO to do this at the last meeting. Since all
14 this was going on, NERO advised us to hold off on
15 moving forward with that because it would just
16 really complicate things until this had been
17 established first.

18 But if the Council still wants to do
19 this, I think the Council could just kind of just
20 reiterate its intent. And transferring 200
21 metric tons -- or rather reducing the landings
22 quota by 200 metric tons and increasing the cap by
23 another 200, you could request NMFS to do that, and
24 it shouldn't impact butterfish, and it may add a

1 week or two onto the loligo fishery if it gets close
2 at the end there.

3 So just looking for a
4 re-confirmation. Given what's gone on with the ABC, I
5 think NERO would appreciate just a
6 re-confirmation of council intent on this matter.

7 LEE ANDERSON: Okay. Are there any
8 questions on the points that Jason just made? If
9 I can summarize --

10 ROBERT O'REILLY: Yes. This is Rob
11 O'Reilly.

12 LEE ANDERSON: Yes, Mr. O'Reilly.

13 ROBERT O'REILLY: Thank you. It's
14 fine the way it's described. And I understand
15 what's going on with that. But at a previous
16 meeting, there were comments from industry that
17 they felt markets were more available, and they
18 expressed some excitement that they could probably
19 do better with butterfish, and I guess I just need
20 to hear from those who are in the know industry wise
21 whether that's the case or not because I did hear
22 that.

23 I can't say that I'm absolutely familiar
24 with the market situation, but I would appreciate

1 some comments on that. It doesn't detract from
2 anything Jason has told us. It's just something
3 I did hear at a previous council meeting.

4 JASON DIDDEN: Sure. And this is
5 Jason. We've got Gier Munson and Greg DiDomenico
6 on the phone are pretty familiar with market
7 things. I think the thing is right now there are
8 very low trip limits on butterfish. That will
9 change January 1 because of the new butterfish
10 fishery framework the Council approved in June.

11 But until we get to January 1, because
12 of the trip limits, they really can't do anything
13 with it anyway. And if Gier or Greg have
14 additional comments on that, I have you unmuted
15 from my end.

16 LEE ANDERSON: Gier or Greg.

17 GREGORY DIDOMENICO: Jason, I think you
18 unmuted me. I'd certainly let Gier go first.

19 GIER MUNSON: You're absolutely right,
20 Jason. The 200 pounds with a trip limit doesn't
21 make any difference. You can't make a living on
22 a tiny little trip limit, so it wouldn't make any
23 difference.

24 JASON DIDDEN: Thanks, Gier.

1 LEE ANDERSON: So, in answer to your
2 question, Rob, your points will not be appropriate
3 here until next year. It does not look like this
4 will affect the butterfish fishery. I'm
5 summarizing what I heard.

6 ROBERT O'REILLY: Thank you. I
7 appreciate the response.

8 LEE ANDERSON: Any further discussion
9 on the points that Jason brought up? Jeff Deem.

10 JEFFREY DEEM: Yeah. Two questions if
11 I may. First, is this only for this year's
12 landings?

13 JASON DIDDEN: Yes.

14 JEFFREY DEEM: Okay. So we're not
15 changing the plan or anything. And, secondly, at
16 the next regular meeting, could we discuss why all
17 the butterfish that are bycatch are discarded and
18 what the possibilities would be for landing those
19 including what it would do to the butterfish
20 market, whether it would cause harm. It's too big
21 to go into today, but it would be nice to discuss
22 that at the next meeting if I may.

23 JASON DIDDEN: As a real quick, next
24 year the trip limits at least for a good part of

1 the year are going to go away. So how next year
2 operates will give us a really sense is it
3 regulations causing the discards; is it a market
4 issue?

5 So, yeah, the hope is next year with the
6 liberalized trip limits, that there's no or less
7 regulatory discarding. But, yeah, that's
8 definitely an issue we can flush out later.

9 JEFFREY DEEM: Thank you.

10 LEE ANDERSON: Further comments from
11 either Council or the public?

12 LAURIE NOLAN: Lee, it's Laurie. This
13 would be a separate action aside from the motions
14 that we just made. This doesn't go in with the
15 spec package change. Do you need a motion to
16 support that the Council continue to request this
17 transfer?

18 LEE ANDERSON: Yes. I think a motion
19 would be nice. I think the region would like a
20 formal indication of the interest that we
21 expressed at the last meeting.

22 LAURIE NOLAN: Okay. Then may I make a
23 motion?

24 LEE ANDERSON: You may.

1 LAURIE NOLAN: I would move that the
2 Council continue to request a transfer of 200
3 metric tons from the landings from the directed
4 butterflyfish landings to the butterflyfish cap.

5 LEE ANDERSON: Okay. May I suggest we
6 put from the landing quota to the cap?

7 LAURIE NOLAN: Yeah.

8 LEE ANDERSON: Okay. Thank you,
9 Laurie. Is there a second? Please say by saying
10 your name out loud. Then I can hear it.

11 ERLING BERG: Yeah. This is Erling.
12 I'll second that.

13 LEE ANDERSON: Okay. Second by Erling
14 Berg. Okay. Is there discussion on the motion?
15 NERO. Okay. Region office.

16 JASON DIDDEN: You're unmuted I think,
17 NERO.

18 (No response.)

19 LEE ANDERSON: We're having a little
20 communication problem. First time ever having
21 communication problem with NERO.

22 JASON DIDDEN: Shoot me a question if
23 you want, Aija. NERO is just noting that this
24 would be done in the same action as part of the same

1 regulatory package under the same -- hold on for
2 a sec. I think I can fix that.

3 So they were just noting that NERO would
4 wrap all these changes into one
5 in-season adjustment package. And I'm just going to
6 scan through for other questions or comments.
7 Erling.

8 ERLING BERG: Well, just listening to
9 what you just said, would that delay the first part
10 of what we did here this morning?

11 JASON DIDDEN: It's my understanding
12 that it would not.

13 LEE ANDERSON: Dewey, is your hand up?
14 (No response.)

15 LEE ANDERSON: Dewey?

16 DEWEY HEMILRIGHT: Yes, sir.

17 LEE ANDERSON: Do you have a question?

18 DEWEY HEMILRIGHT: I don't have this
19 on.

20 LEE ANDERSON: Okay. Thank you.

21 DEWEY HEMILRIGHT: No. I guess it just
22 does it automatically or something.

23 JASON DIDDEN: Okay.

24 LEE ANDERSON: Your hand keeps popping

1 back up for some reason. I don't know why. But
2 we'll work on that. Any other questions, comment
3 from the Council or from the general public?
4 Laurie, do you have a comment?

5 LAURIE NOLAN: No. I'm good.

6 LEE ANDERSON: Okay. Thank you. I'm
7 going to move ahead with the question, to move
8 things along unless I hear a strong protest. We
9 are now moving to the motion.

10 The motion is: We're going to continue
11 to request the transfer of 200 metric tons from the
12 butterfish landings quota to the cap. Jason,
13 would you please do the vote.

14 JASON DIDDEN: NERO, if you can
15 indicate your vote either orally or through the
16 text, I'll record that. Chris Zeman.

17 CHRISTOPHER ZEMAN: Yes.

18 JASON DIDDEN: Tony Dilernia.

19 ANTHONY DILERNIA: Yes.

20 JASON DIDDEN: Chris Batsavage.

21 CHRISTOPHER BATSAVAGE: Yes.

22 JASON DIDDEN: Dave Miko.

23 DAVID MIKO: Yes.

24 JASON DIDDEN: Dewey Hemilright.

1 DEWEY HEMILRIGHT: Yes.

2 JASON DIDDEN: Erling Berg.

3 ERLING BERG: Yes.

4 JASON DIDDEN: Howard King.

5 HOWARD KING: Yes.

6 JASON DIDDEN: Jeff Deem.

7 JEFFREY DEEM: Yes.

8 JASON DIDDEN: Laurie Nolan.

9 (No response.)

10 LEE ANDERSON: Laurie, are you there?

11 I'll come back.

12 LAURIE NOLAN: Yes. Oh, yes.

13 JASON DIDDEN: Okay. Pres.

14 PRESTON PATE: Yes.

15 JASON DIDDEN: Rick Cole.

16 RICHARD COLE: Yes.

17 JASON DIDDEN: Rob O'Reilly.

18 ROBERT O'REILLY: Yes.

19 JASON DIDDEN: Steve Heins.

20 (No response.)

21 JASON DIDDEN: I think Steve has lost

22 his audio connection. Steve Linhard.

23 STEPHEN LINHARD: Yes.

24 JASON DIDDEN: Warren Elliott.

1 WARREN ELLIOTT: Yes.

2 JASON DIDDEN: Steve Heins also adds he
3 votes yes. I show 15 yes's and one abstention.

4 LEE ANDERSON: The motion carries. I
5 believe that is all the business we have with
6 respect to the spec settings. So I thank you for
7 your patience, but I think we should just move
8 ahead and complete this, so we'll move on to the
9 next discussion, which is the framework. Could
10 you lead that discussion?

11 JASON DIDDEN: Sure. So this
12 butterfly cap is currently a catch cap, and all
13 the catch that is seen by the observers on loligo
14 trips feeds into a ratio, and then when the loligo
15 trips are coming in, they look at their landings
16 of all fish; they multiply one by the other; they
17 get the cap.

18 And it's set up and works okay for if a
19 low amount of butterfly are attained. But the
20 problem is if a directed fishery begins in January
21 and say Gier goes out and brings in 500,000 pounds
22 of butterfly and 2,501 pounds of longfin squid,
23 ding, ding, ding, it's a cap trip. That's going
24 to go into the ratio, and the ratio is just going

1 to not make any sense. It's not going to reflect
2 the reality of what's happening in the loligo
3 fishery.

4 And after discussions with the stats
5 office and NERO and the Science Center, I think
6 there's a fairly simple solution. Okay. No
7 longer make it a catch cap. Have it the landings
8 are recorded just like they are now, and then this
9 cap would just be a discard cap.

10 And it essentially says with these high
11 landings it just makes sense to take the hard
12 number coming out of the dealer data as one input
13 and then the discard data as a separate one.

14 And that is typically how it's done in
15 most of the discard caps that NERO does; however,
16 there's some rationale for doing it this way back
17 in Amendment 10. I can get into more details on
18 that in October.

19 This would be Framework Meeting 1 where
20 no action is required. October would be Framework
21 Meeting 2. Since it's a discard cap, it's not
22 looking at the whole thing. Probably recommend
23 changing the 2013 butterfish cap from 4500 metric
24 tons down a little bit. I'll work with the region

1 on doing some additional analysis. October would
2 be Framework Meeting 2. The briefing book will
3 include some options, additional analysis. The
4 total catch really won't change. It's mostly an
5 accounting thing. It's possible that this
6 wouldn't have to be done, but there's definitely
7 a probability it's the landings in next year could
8 cause a real problem for the cap operation.

9 This I think would solve it. So just
10 kind of highlighting this issue now for Framework
11 Meeting 1. If folks have questions, you can give
12 them now. You can always follow up with me off
13 line. But there would be kind of a full
14 description of the issue in the next briefing book.

15 LEE ANDERSON: Any questions of Jason?
16 And I will say that he and I talked about it today,
17 and there are some ways that we can show this on
18 a spreadsheet or something, but I think it would
19 be wise to do that at the full meeting when we have
20 better communications than working on the phone
21 here.

22 So we will entertain any questions that
23 you have, bearing in mind that a fuller explanation
24 of the details will come in the second meeting.

1 Laurie.

2 LAURIE NOLAN: No, I didn't really have
3 my hand up I don't think. But I mean I think this
4 is a very sensible way to move forward since we're
5 moving from a situation where we've had no directed
6 fishery and now we're allowing for a directed
7 fishery based on the status of the butterfish
8 stock.

9 So I think it's obvious that we have to
10 make some kind of adjustments in the way the cap
11 is monitored, and this appears to be very clean and
12 straightforward.

13 LEE ANDERSON: Rob O'Reilly.

14 ROBERT O'REILLY: Yes. I understand
15 the implications the way Jason outlined them, but
16 I wonder is there some information between now and
17 our next council meeting that Jason could send us
18 some of that information so we could be prepped for
19 the discussion that's about to take place?

20 JASON DIDDEN: Yeah. It will be
21 included in the October briefing book.

22 LEE ANDERSON: Other questions?

23 (No response.)

24 JASON DIDDEN: Other than I'll

1 apologize for mispronouncing Dave Miko's name for
2 the webinar, but I'll try not to do that in the
3 future.

4 DAVID MIKO: You're not the first, and
5 you won't be the last. No worries.

6 JASON DIDDEN: All right. Thanks.

7 LEE ANDERSON: Dave doesn't have a
8 comment.

9 JASON DIDDEN: I see no comments or text
10 questions currently.

11 LEE ANDERSON: Okay. We do not require
12 any motion on this, but the record will show that
13 it was discussed by the Council. We will discuss
14 it again at the October meeting. I have one
15 question from --

16 JASON DIDDEN: Kristen Savoli was
17 asking: Are there documents for Framework 7
18 available? Nothing more than there was in this
19 briefing book. It was just an issue that when we
20 were looking at the cap and as just kind of a
21 brainstorming issue that said this could be an
22 issue next year.

23 And, again, there will be plenty of
24 documentation at the October meeting, but you can

1 feel free to follow up with me off line after the
2 council meeting.

3 LEE ANDERSON: Okay. Any other
4 discussion?

5 (No response.)

6 LEE ANDERSON: People, I think that
7 completes our business. I would like to thank
8 everybody for your -- I'll thank after Erling.
9 You raised your hand, Erling?

10 ERLING BERG: Yes, I did. I want to
11 thank Jason and Dr. Boreman for an excellent
12 presentation and you, Dr. Anderson, for your
13 leadership. Last but not least I want to thank my
14 son, Jason, for helping me navigate this process.
15 I'm not that computer literate, so.

16 LEE ANDERSON: It takes a village.

17 ERLING BERG: Thank you for that. All
18 right. Thank you.

19 LEE ANDERSON: And I would like to thank
20 the Council for their patience on this. It is kind
21 of hard to keep track of everything. I tried to
22 keep it as open as possible, make sure everybody
23 has a chance to speak when possible. Thanks
24 again. And that concludes the meeting.

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WHEREUPON:

THE MEETING WAS CONCLUDED.

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic recording taken in

the above entitled matter to the best of my knowledge,
skill and ability.

In witness whereof, I have set my hand and
Notary Seal this 3rd, day of October, 2012

PAUL T. WALLACE. Notary Public
My Commission Expires

October 8, 2015

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