COUNCIL MEETING

14 SEPTEMBER 2012

at

WEBINAR

TUESDAY SEPTEMBER 14, 2012
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[8:14 a.m.]

INTRODUCTIONS AND ANNOUNCEMENTS

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

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

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

JASON DIDDEN: I can hear you now.

DEWEY HEMILRIGHT: Oh, you can?

JASON DIDDEN: Yes. You're good.

DEWEY HEMILRIGHT: Hello.

JASON DIDDEN: Yes. You're good.

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

JASON DIDDEN: Okay. You're good. Thank you. Okay. I'm going to run through a quick attendance list here. We've got Aija Shumello from NERO, Tony Dilernia, Mid-Atlantic Council; Benson Childs, Cheryl Corbett, Chris Batsavage, Council Member; Dave Miko, Council
Member; Dewey Hemilright, Council Member; Doug Vaughn, SSC; Erling Berg, Council Member; Gear Munson, Greg Ardini, Greg DiDomenico; Howard King, Council Member; Jeff Deem, Council Member; Jeff Kaelin, Jim Weinberg, Science Center; Joel Sone; John Boreman, SSC Chair; Kevin Saunders, Coast Guard; Kristen Savoli; Laurie Nolan, Council Member; Lindsay Feldman, NMFS; Pam Groman, Peter deFur, Pres Pate, Council Member; Rick Cole, Council Member; Rob O'Reilly, Council Member; Steve Heins, Council Member; Steve Linhard, Council Member; and Warren Elliott, Council Member. I believe I’ve done audio checks with all the council members.

UNIDENTIFIED: Jason.

JASON DIDDEN: Yes.

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

JASON DIDDEN: You’re good. That’s just what’s up.

UNIDENTIFIED: Okay. Thank you.

JASON DIDDEN: And then NERO also says that John Bullard, George Darcy, Pete Christopher,
and Kevin Collins, NOAA GC, are also on the call, and also Chris Moore, the Executive Director.

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

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BUTTERFISH SPECIFICATIONS AND CAPS

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

UNIDENTIFIED: Jason.

JASON DIDDEN: Yes.

UNIDENTIFIED: We're not seeing you.
JASON DIDDEN: Thank you. Sorry. Appreciate that. So 2011, 2012, 2013 the 8400 was the ABC recommended by the SSC and recommended by the Council at the June council meeting.

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

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

Now, I will note that when the Council was thinking about this last month, the cap performance was kind of dire, and it looked like the squid fishery may close quickly. NERO identified an issue with a calculation methodology that's been fixed, so it
looks like even at the current trend it might not
close, it may close; but if they catch a lot of
squid, it still may close. So it's still an issue,
and so the Council requested the SSC to take
another look at that. And I'll turn things over
to Dr. Boreman at this point.

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

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

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

The fourth one is a proration, and that
is 4200 metric tons. And I hope I get this right
what it is. It projected the landings, the catch
of butterfish that would be by November 1st, how
many butterfish would be caught based on the
projections that Jason put together.
And then for the last two months it looks at taking the 8400 metric ton ABC recommendation that we had for 2013, dividing that by 12, which comes up to be 700 metric tons per month, and for the last two months of the year using that 700 metric tons per month as opposed to the original allocation per month from the 2012 recommendation.

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

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

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

This question's for Dr. Boreman or for Jason Didden. Is there any way that we can print? I've had about five slides come up on my screen, and I've had questions about some of the slides, but before I was even able to write down the
questions, they disappeared off my screen. This presentation was not sent to us ahead of time. Correct?

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

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

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

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

JOHN BOREMAN: Okay. Back to me I guess. So that is the proration option, which is basically taking the ABCs for 2012, our recommendation, carrying that through until November 1st and then applying a prorated ABC for
2013 through the last two months. So that's where we come up with the 4200 metric tons.

And the last -- Jason --

JASON DIDDEN: Sorry about that.

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

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

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

So those are the five options, and the discussions came down to Options 1, 4 and 5. The terms of compensation -- well, first of all, the
status quo there was a number of folks on the SSC
that felt that this is a process issue and this is
just basically an ad hoc request from the Council
asking us to raise the ABC.

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

    Any advice the SSC is giving to the
Council should not be considered a precedent for
future actions. And what we recommend and
strongly recommend and we're going to be working
on is taking our standard operating procedures and
modifying them to account for instances when the
Council wants to do in-season adjustments of
quotas and they come back to the SSC for science
advice. We need to have a clearer methodology and
means of communication, development of terms of
reference and all that associated with this so we
know exactly what we're being asked and why and
what types of information we're being asked to
provide back to the Council, that it's not a
remand; it's basically, as this case -- well, in other cases, we're getting information on these short-lived species like squids and butterfish that show up that suggest the stock is behaving differently than we originally thought -- we need to come up with rules for how to handle that. That was a very high level of discomfort among the SSC members in moving forward.

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

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

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

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

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

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

So, I don't know. Jason, did I cover everything, or do you want to add anything? And
I know Doug Vaughn's on line. Doug is an SSC member. So, Doug, do you want to add anything from your end?

(No response.)

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

JASON DIDDEN: Okay. Lee may have.

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

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

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

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

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

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

But just to take a halfway point, you can say, well, why not 40 percent or 60 percent or 75 percent. And that's the arbitrary nature of it. In terms of the proration, the SSC could say, well, yeah, the 8400 that we selected as an ABC recommendation in 2013 is based on the best science information that we had available at the time, and it could pertain to the 2012 ABC recommendation. But the SSC felt that jumping all the way up to 8400
in one year was not wise given the levels of uncertainty we're dealing with not only in the landings or the bycatch and the biology of the species, but just everything else as well as the uncertainties underlying the methodology that Miller and Rego developed and we were using.

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

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

LEE ANDERSON: I have a question from Tony Dilemnia.

ROBERT O'REILLY: Before you do that, thank you, John. And this is Rob, and I think that gives me a really good basis to distinguish between
what was arbitrary and what was not. Thank you.

LEE ANDERSON: Sorry, Rob. Tony.

(No response.)

LEE ANDERSON: Is he muted? Tony, do you have a question?

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

ANTHONY DILERNIA: Okay. How about how?

JASON DIDDEN: Yeah, you're good.

ANTHONY DILERNIA: Okay. How about now?

JASON DIDDEN: Yeah.

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

JASON DIDDEN: I'll just note where we are right now is with the blue arrow. So the fishery went along kind of slow -- the cap went along slowly in the first part of the year. It really ramped up in the summer. Loligo just closed because it caught its quota. So, with no
loligo coming in, the cap flattened out. Right at this point right here, loligo reopened. They started catching more loligo. That means the cap starts getting generated and going again.

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

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

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

From year to year the squid fishery has tremendous variability, and so the cap -- you know, is basically is tracking the squid fishery at this
point. The squid in a week they can disappear. In a week they can kind of storm the shelf waters, and the fishery just has a bonanza. So, yes, that's an extremely rough. And that's kind of why I said it may not close at all, it could close because of the cap. It's just really hard to predict. But it's potential that it's limiting. That was my main point.

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

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

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

JASON DIDDEN: That potentially could occur.

ANTHONY DILERNIA: And so the request is to increase that?
JASON DIDDEN: Yes.

ANTHONY DILERNIA: Okay.

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

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

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

And so I'll let it go at that at this point. I'm not sure I'm willing to make a recommendation. I can't see -- well, we say the 5,000 level is arbitrary. It's almost that the 4020 is almost just as arbitrary. I'll reserve this so I can hear other council members.
And I guess I wish for future times, if
we do this again if we could have these documents
ahead of time so we could just have them on our desk
and look through them and make notes along side of
them. I would appreciate it.

JASON DIDDEN: Noted.

ANTHONY DILERNIA: Thank you,

Mr. Chairman.

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

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

LAURIE NOLAN: Hello.

JASON DIDDEN: You're good.

LAURIE NOLAN: Can you hear me?

JASON DIDDEN: Yeah.

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

The loligo fishery changes year to year
drastically, and my feeling is that this year is
one of those years that could be considered perhaps
an anomaly. And when you look back and reflect on
what goes on in the fishery, Winter I was fairly quiet; the summer period went wild, and the squid were everywhere shown through the early closure in July.

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

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

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

And, again, shutting down the loligo fishery is something we should be trying to avoid
due to that dollar value and what the industry can
net from that.

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

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

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

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

DEWEY HEMILRIGHT: Am I unmuted?

JASON DIDDEN: Yes.
DEWEY HEMILRIGHT: Can you hear me?
JASON DIDDEN: Yes.
DEWEY HEMILRIGHT: Hey, I didn't have a question. I'm having technical difficulty figuring this thing out, so forgive me.
JASON DIDDEN: Okay. Well, we can hear you if you do have a question.
DEWEY HEMILRIGHT: Thanks.
LEE ANDERSON: Other questions? Chris Zeman.
CHRISTOPHER ZEMAN: Dr. Anderson?
LEE ANDERSON: Yes.
CHRISTOPHER ZEMAN: I don't have any questions.
LEE ANDERSON: All righty. Was that you, Tony?
ANTHONY DILERNA: Yes, it was. I don't have a question. I have some more comments I'd like to make, so I'll wait until there are any other questions before I get into the discussion.
LEE ANDERSON: All right.
ANTHONY DILERNA: When you stop taking questions, if you'd come back to me I'd appreciate it, sir.
LEE ANDERSON: Thank you. Other council members with questions? We don't see any on the list here, so we'll go back to Tony.

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

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

LEE ANDERSON: Tony -- if I can interrupt, Tony. I have to say that we don't have that option. The SSC has recommended that we increase the ABC up to 4200. That's our limit now.
So that question is not on the table. It's a valid question --

ANTHONY DILERNIA: Okay. Thank you.

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

ANTHONY DILERNIA: Thank you, sir.

Then I'll withdraw the rest of my comments.

LEE ANDERSON: Okay.

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

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

(No response.)

LEE ANDERSON: Questions from the public, please.

(No response.)

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

ERLING BERG: Mr. Chairman.

LEE ANDERSON: Yes, Mr. Berg.

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

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

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

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

JEFFREY DEEM: Second. Jeff Deem seconds.

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

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

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

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

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

ROBERT O'REILLY: And so going into
2013, maybe from the very beginning slide, I thought most of this was about the 3622 that was in place and going to a prorated amount for 2013.

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

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

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

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

LEE ANDERSON: All righty. Dewey.

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

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

LEE ANDERSON: Go ahead. Jason.

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

JOHN BOREMAN: Okay.

LEE ANDERSON: Other questions or comments?

(No response.)

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

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

LEE ANDERSON: Yeah. What we are going to do is, Jason, we are going to have a roll call
vote. It's not necessary technically, but because of the webinar mode, we are going to do a roll call vote. So Jason will now --

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

    (Pause.)

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

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

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

    LEE ANDERSON: Jeff.

    JEFFREY DEEM: Yes, sir.
LEE ANDERSON: Okay. Thank you, both.

Now we're waiting for Aija. We never move without NMFS. We have to make sure we are clear.

(Pause.)

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

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

JASON DIDDEN: Yes.

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

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

GEORGE DARCY: Okay. Good. Thank
you.

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

(No response.)

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

(Pause.)

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

JASON DIDDEN: Jeff Kaelin, you should
be good.
JEFFREY KAELIN: Yeah, I see that. Thanks. I appreciate everybody's time both yesterday and today, and I'm speaking in support of the motion. I do have a question about what was just said, though. Who wrote the comment in to say the quota should be cut in half -- just a member of the public?

JASON DIDDEN: Yes.

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

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

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

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

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

LEE ANDERSON: Other questions or comments?

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

LEE ANDERSON: We will now go to a roll call vote. Jason.
(Motion as voted.)

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

ANTHONY DILERNIA: Yes.

JASON DIDDEN: Chris Batsavage.

CHRISTOPHER BATSAVAGE: Yes.

JASON DIDDEN: Dave Miko.

DAVID MIKO: Yes.

JASON DIDDEN: Dewey Hemilright.

DEWEY HEMILRIGHT: Yes.

JASON DIDDEN: Erling.

ERLING BERG: Yes.

JASON DIDDEN: Jeff Deem.

JEFFREY DEEM: Yes.

JASON DIDDEN: Howard King.

HOWARD KING: Yes.

JASON DIDDEN: Laurie Nolan.

LAURIE NOLAN: Yes.

JASON DIDDEN: Pres Pate.

PRESTON PATE: Yes.

JASON DIDDEN: Rick Cole.

RICHARD COLE: Yes.

JASON DIDDEN: Rob O'Reilly.
ROB O'REILLY: Yes.

JASON DIDDEN: Steve Heins.

STEPHEN HEINS: Yes.

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

STEPHEN LINHARD: Yes. Yes.

JASON DIDDEN: Thanks. Warren Elliott.

WARREN ELLIOTT: Yes.

JASON DIDDEN: Lee Anderson.

LEE ANDERSON: Yes.

JASON DIDDEN: Chris Zeman.

CHRISTOPHER ZEMAN: Yes.

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

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

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

JOHN BULLARD: We abstain.

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

JASON DIDDEN: 1, 2, 3, 4, 5, 6, 7, 8,
9, 10, 11, 12, 13, 14, 15, 16. Sixteen yes and one abstention.

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

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

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

(Pause.)

Okay. So currently there's a 10 percent ABC buffer, and right now that buffer is 362 metric tons, 10 percent of 362. If you just maintained a 10 percent buffer, the new buffer would be 420 metric tons, and that would result in an ACT of 3,780 metric tons for an increase of 520 metric tons to the ACT.
The ACT is a catch target. The Council is kind of -- you know, assigning management uncertainty and providing some buffer in that. So I think the next thing would be to consider what the Council would like to do for an ACT, given the change it's made to the ABC/ACL.

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

ERLING BERG: Lee.

LEE ANDERSON: Yes.

ERLING BERG: Mr. Chairman.

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

ERLING BERG: Yeah. This is Erling.

LEE ANDERSON: Okay. Please.

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

LEE ANDERSON: Yeah.

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

LEE ANDERSON: Is there a second to the motion? Do I hear a second to the motion? All right. I heard a bunch of seconds.
PRESTON PATE: This is Pres Pate. I'll second it.

LEE ANDERSON: Okay. Thank you.

Discussion on the motion by Council?

ANTHONY DILERNIA: Mr. Chairman.

LEE ANDERSON: Yes.

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

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

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

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

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

ANTHONY DILERNIA: Okay. I guess this number will also be published two months from now
when there's six weeks left to the fishery?

JASON DIDDEN: Yes.

ANTHONY DILERNIA: Because by the time this gets published there will only be six weeks left, do we need to have I'll say a conservative buffer of 10 percent? Could we reduce it to 5 percent and put some more fish back into the fishery? That's my question. I'm not sure if anyone wants to answer it.

JASON DIDDEN: Well, I think as that buffer is decreasing the probability of exceeding the ACL goes up, and that means that you could have a payback next year. So the Council could do that. Now, a payback next year is -- there's a lot of space next year, but I think the idea is that with the ACT you're really trying to make sure you don't exceed the ABC; and from my staff perspective, I would say that I think a 10 percent buffer is reasonable in order to have kind of a good-faith attempt not to exceed the ABC.

ANTHONY DILERNIA: But you did say there was a lot of room next year should there be a payback required.

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


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

HOWARD KING: I'll pass.

JASON DIDDEN: Okay.

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

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

ROB O'REILLY: Very good. Why wouldn't the buffer remain the same as one scenario. I mean I'd just like that talked about.
It doesn't meet the situation that Tony Dilernia asked about with the 10 percent and 5 percent, but going into today and then looking forward to sometime in November when this is all published out, we were at a buffer of 362. Right?

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

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

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

I mean I think either could probably be justified. Personally, again, I would say it means there's going to be more loligo activity,
potentially higher discards; keeping it at the 10 percent I think is not unreasonable, but going 362 probably could be justified as well.

   ROB O'REILLY: Thank you.
   LEE ANDERSON: Any further comment?
   ANTHONY DILERNIA: Mr. Chairman?
   LEE ANDERSON: Yes. Tony.
   ANTHONY DILERNIA: Can we go back to the motion, please. Does the buffer then contained in this motion here -- I'm trying to -- if I had pages here to look back and forth. I don't.

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

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

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

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

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

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

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

LEE ANDERSON: Discussion on the motion to amend?

(No response.)

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

LAURIE NOLAN: Can I ask a question, please?

LEE ANDERSON: Yes. Laurie.

LAURIE NOLAN: Thank you, Lee. I would be concerned about this motion for a couple reasons. One, I would wonder if by changing the percentage of our buffer in the action trying to
adjust the quota, as we said, for the last six weeks of the fishery, if we're not making the package bigger than it needs to be if that doesn't mean we need more analysis that might delay, and suddenly we're not talking about six weeks; maybe we're only talking about two weeks.

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

JASON DIDDEN: Region.

GEORGE DARCY: Yeah. Can you hear me?

JASON DIDDEN: Yeah.

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

It isn't to say you can't do it. I don't see it changing the timing of the package by weeks, but it is an additional thing that you will have to justify, and it will have to be reviewed.
I frankly don't think that these additional fish are going to make any difference to keeping the fishery going, but -- know, none of us can absolutely assure that, so. Additional justification for sure, though.

JASON DIDDEN: I'll just reflect back on the Monitoring Committee's work back in May this last year and this year. I think we kind of have viewed the 10 percent as a minimum. There's a lot of uncertainty about discards of this fishery. And, Aija, if you're there, from Monitoring Committee perspective, I think I'll just communicate the Monitoring Committee has always felt that this 10 percent is a minimum. And I think the same thing would apply to a slightly higher ACT.

LAURIE NOLAN: Can I ask a follow-up to that?

LEE ANDERSON: Yes. Laurie.

LAURIE NOLAN: Oh. Thank you. How did I forget? Oh, I know. Jason, there was a performance report that was going to be done on the butterfish cap and its performance.

I would think that after we see all the
results of that and how that cap is working, I would think that might give us justification to change that 10 percent in either direction.

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

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

LEE ANDERSON: Further discussion?

LAURIE NOLAN: Oh, thank you. Thank you.

LEE ANDERSON: Rob O'Reilly.

ROB O'REILLY: Yes. Thank you. I guess I had just a couple thoughts. One, I agree with George overall that the difference is
probably not something that's going to make a
difference, but at the same time, the idea of the
10 percent is something that sooner or later has
to be looked at.

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

LEE ANDERSON: Jason, do you have a
comment?

JASON DIDDEN: Further discussion?

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

ANTHONY DILERNIA: Mr. Chairman.
LEE ANDERSON: Tony.

ANTHONY DILERNIA: Mr. Chairman.

LEE ANDERSON: Tony.

ANTHONY DILERNIA: Mr. Chairman.

LEE ANDERSON: Tony. Tony.

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

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

LEE ANDERSON: Tony, they said that -- well, I'm sorry. George.
GEORGE DARCY: I can't give you number of days that this could delay it. I think it will make it more complicated. I think it potentially could make it a little bit more controversial. I think we could get more public comment on it. I think it would be cleaner not to do this. But I can't absolutely say whether this would compromise its getting in place as soon as possible, but it could delay it a little bit.

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

LEE ANDERSON: Rob, do you agree?
ROB O'REILLY: Yes, I do.
LEE ANDERSON: Okay. The motion is withdrawn.
ROB O'REILLY: -- discussion on this, Mr. Chairman.
LEE ANDERSON: Rob, what did you say? I'm sorry.
ROB O'REILLY: I said I'm glad we had the discussion on this because there certainly more points about it than we started out with.
LEE ANDERSON: I concur. We will now
move back to the regular motion which you see at
the top. And so we're at a recommendation of an
ACT for 3,780 metric tons. Any more discussion on
the motion, the original motion? Erling Berg.

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

LEE ANDERSON: Okay. Dewey.

DEWEY HEMILRIGHT: No comment.

LEE ANDERSON: Okay.

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

LEE ANDERSON: Okay. Chris.

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

LEE ANDERSON: Yeah.

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

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

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

JASON DIDDEN: John Bullard.

JOHN BULLARD: Abstain.

JASON DIDDEN: Chris Zeman.

CHRISTOPHER ZEMAN: Yes.

JASON DIDDEN: Lee Anderson.

LEE ANDERSON: Yes.

JASON DIDDEN: Tony Dilernia.

ANTHONY DILERNIA: Yes.

JASON DIDDEN: Chris Batsavage.

CHRISTOPHER BATSAVAGE: Yes.

JASON DIDDEN: Dave Miko.

DAVID MIKO: Yes.

JASON DIDDEN: Dewey Hemilright.

DEWEY HEMILRIGHT: Yes.

JASON DIDDEN: Erling Berg.

ERLING BERG: Yes.

JASON DIDDEN: Howard King.

HOWARD KING: Yes.

JASON DIDDEN: Jeff Deem.
JEFFREY DEEM: Yes.

JASON DIDDEN: Laurie Nolan.

(No response.)

JASON DIDDEN: Laurie Nolan.

LAURIE NOLAN: Yes.

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

PRESTON PATE: Yes.

JASON DIDDEN: Rick Cole.

RICHARD COLE: Yes.

JASON DIDDEN: Rob O'Reilly.

ROBERT O'REILLY: Yes.

JASON DIDDEN: Steve Heins.

(No response.)

JASON DIDDEN: Steve Linhard.

STEPHEN LINHARD: Yes.


WARREN ELLIOTT: Yes.

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

JASON DIDDEN: Fifteen yes's. One abstention.

LEE ANDERSON: The motion carries. I
believe we have one more bit of potential action on this.

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

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

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

ERLING BERG: Mr. Chairman.

LEE ANDERSON: Yes.

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

LEE ANDERSON: Yes, sir.

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

JASON DIDDEN: Yes.

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

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

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

LEE ANDERSON: Okay. Pres Pate seconds. Discussion on the motion from the
Council?

(No response.)

LEE ANDERSON: Discussion on the motion from the audience?

(No response.)

LEE ANDERSON: The public?

(No response.)

LEE ANDERSON: Seeing none, hearing none -- I'm talking slowly so you have time --

Jason, will you do a roll call vote, please.

(Motion as voted.)

JASON DIDDEN: John Bullard.

(No response.)

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

ANTHONY DILERNIA: Yes.

JASON DIDDEN: Chris Zeman.

(No response.)

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

Sorry about that. Chris Zeman.

CHRISTOPHER ZEMAN: Yes.

JASON DIDDEN: Chris Batsavage.
CHRISTOPHER BATSAVAGE: Yes.
JASON DIDDEN: Dave Miko.
DAVID MIKO: Yes.
JASON DIDDEN: Dewey Hemilright.
DEWEY HEMILRIGHT: Yes.
JASON DIDDEN: Erling Berg.
ERLING BERG: Yes.
JASON DIDDEN: Howard King.
HOWARD KING: Yes.
JASON DIDDEN: Jeff Deem.
JEFFREY DEEM: Yes.
JASON DIDDEN: Laurie Nolan.
LAURIE NOLAN: Yes.
JASON DIDDEN: Pres Pate.
PRESTON PATE: Yes.
JASON DIDDEN: Rick Cole.
RICHARD COLE: Yes.
JASON DIDDEN: Rob O'Reilly.
ROBERT O'REILLY: Yes.
JASON DIDDEN: Steve Heins.
(No response.)
JASON DIDDEN: Steve Heins if you can.
(No response.)
JASON DIDDEN: Steve Linhard.
STEPHEN LINHARD: Yes.

JASON DIDDEN: Warren Elliott.

WARREN ELLIOTT: Yes.

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

(No response.)

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

LEE ANDERSON: The motion carries.

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

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

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

So I've worked with the regional office staff a bit -- and the Council --
sorry -- and the Council said: Can you switch some to
lower the landings quota and increase the cap?

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

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

So my analysis that I've come back with
is saying: When you project this line out, if you
were to transfer 200 metric tons from the landings
and subtract 200 -- so that would make this equal to this, minus 200 -- to 872, you could subtract that off the landings, add that to the cap, and odds are pretty good you won't impact quota. There's a little bit of directed butterfish fishing, but even that should not be impacted.

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

But if the Council still wants to do this, I think the Council could just kind of just reiterate its intent. And transferring 200 metric tons -- or rather reducing the landings quota by 200 metric tons and increasing the cap by another 200, you could request NMFS to do that, and it shouldn't impact butterfish, and it may add a
week or two onto the loligo fishery if it gets close to the end there. So just looking for a re-confirmation. Given what's gone on with the ABC, I think NERO would appreciate just a re-confirmation of council intent on this matter.

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

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

LEE ANDERSON: Yes, Mr. O'Reilly.

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

I can't say that I'm absolutely familiar with the market situation, but I would appreciate
some comments on that. It doesn't detract from anything Jason has told us. It's just something I did hear at a previous council meeting.

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

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

LEE ANDERSON: Gier or Greg.

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

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

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

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

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

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

JASON DIDDEN: Yes.

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

JASON DIDDEN: As a real quick, next year the trip limits at least for a good part of
the year are going to go away. So how next year operates will give us a really sense is it regulations causing the discards; is it a market issue?

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

JEFFREY DEEM: Thank you.

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

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

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

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

LEE ANDERSON: You may.
LAURIE NOLAN: I would move that the Council continue to request a transfer of 200 metric tons from the landings from the directed butterfish landings to the butterfish cap.

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

LAURIE NOLAN: Yeah.

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

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

LEE ANDERSON: Okay. Second by Erling Berg. Okay. Is there discussion on the motion?

NERO. Okay. Region office.

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

(No response.)

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

JASON DIDDEN: Shoot me a question if you want, Aija. NERO is just noting that this would be done in the same action as part of the same
regulatory package under the same -- hold on for a sec. I think I can fix that.

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

Erling.

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

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

LEE ANDERSON: Dewey, is your hand up?

(No response.)

LEE ANDERSON: Dewey?

DEWEY HEMILRIGHT: Yes, sir.

LEE ANDERSON: Do you have a question?

DEWEY HEMILRIGHT: I don't have this on.

LEE ANDERSON: Okay. Thank you.

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

JASON DIDDEN: Okay.

LEE ANDERSON: Your hand keeps popping
back up for some reason. I don't know why. But we'll work on that. Any other questions, comment from the Council or from the general public? Laurie, do you have a comment?

Laurie Nolan: No. I'm good.

Lee Anderson: Okay. Thank you. I'm going to move ahead with the question, to move things along unless I hear a strong protest. We are now moving to the motion.

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

Jason Didden: NERO, if you can indicate your vote either orally or through the text, I'll record that. Chris Zeman.

Christopher Zeman: Yes.

Jason Didden: Tony Dilernia.

Anthony Dilernia: Yes.

Jason Didden: Chris Batsavage.

Christopher Batsavage: Yes.

Jason Didden: Dave Miko.

David Miko: Yes.

Jason Didden: Dewey Hemilright.
DEWEY HEMILRIGHT: Yes.
JASON DIDDEN: Erling Berg.
ERLING BERG: Yes.
JASON DIDDEN: Howard King.
HOWARD KING: Yes.
JASON DIDDEN: Jeff Deem.
JEFFREY DEEM: Yes.
JASON DIDDEN: Laurie Nolan.
(No response.)
LEE ANDERSON: Laurie, are you there?
I'll come back.
LAURIE NOLAN: Yes. Oh, yes.
JASON DIDDEN: Okay. Pres.
PRESTON PATE: Yes.
JASON DIDDEN: Rick Cole.
RICHARD COLE: Yes.
JASON DIDDEN: Rob O'Reilly.
ROBERT O'REILLY: Yes.
JASON DIDDEN: Steve Heins.
(No response.)
JASON DIDDEN: I think Steve has lost
his audio connection. Steve Linhard.
STEPHEN LINHARD: Yes.
JASON DIDDEN: Warren Elliott.
WARREN ELLIOTT: Yes.

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

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

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

And it's set up and works okay for if a low amount of butterfish are attained. But the problem is if a directed fishery begins in January and say Gier goes out and brings in 500,000 pounds of butterfish and 2,501 pounds of longfin squid, ding, ding, ding, it's a cap trip. That's going to go into the ratio, and the ratio is just going
to not make any sense. It's not going to reflect the reality of what's happening in the loligo fishery.

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

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

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

This would be Framework Meeting 1 where no action is required. October would be Framework Meeting 2. Since it's a discard cap, it's not looking at the whole thing. Probably recommend changing the 2013 butterfish cap from 4500 metric tons down a little bit. I'll work with the region
on doing some additional analysis. October would be Framework Meeting 2. The briefing book will include some options, additional analysis. The total catch really won't change. It's mostly an accounting thing. It's possible that this wouldn't have to be done, but there's definitely a probability it's the landings in next year could cause a real problem for the cap operation.

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

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

So we will entertain any questions that you have, bearing in mind that a fuller explanation of the details will come in the second meeting.
LAURIE NOLAN: No, I didn't really have my hand up I don't think. But I mean I think this is a very sensible way to move forward since we're moving from a situation where we've had no directed fishery and now we're allowing for a directed fishery based on the status of the butterfish stock.

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

LEE ANDERSON: Rob O'Reilly.

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

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

LEE ANDERSON: Other questions?

(No response.)

JASON DIDDEN: Other than I'll
apologize for mispronouncing Dave Miko's name for the webinar, but I'll try not to do that in the future.

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

JASON DIDDEN: All right. Thanks.

LEE ANDERSON: Dave doesn't have a comment.

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

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

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

And, again, there will be plenty of documentation at the October meeting, but you can
feel free to follow up with me off line after the
council meeting.

LEE ANDERSON: Okay. Any other
discussion?

(No response.)

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

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

LEE ANDERSON: It takes a village.

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

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

THE MEETING WAS CONCLUDED.

CERTIFICATE

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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