

Trimester discussions

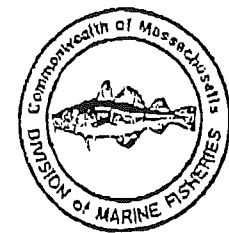
Enclosed please find some background materials and Committee and Council Discussions from 2006 when the Trimesters were established. The discussion started at the June 2006 meeting and rolled over to the August meeting. I've added a running page number at the bottom of the pages to facilitate referencing during the AP meeting.

Thanks,

Jason

June 2006

- Diiodati: IMA letter
- Committee Minutes
- Council Minutes



Paul J. Diodati
Director

Commonwealth of Massachusetts

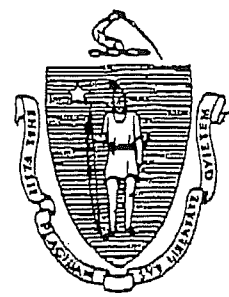
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May 1, 2006

Daniel Furlong
Executive Director
Mid-Atlantic Fishery Management Council
Federal Bldg. - Room 2115
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Dear Daniel,

Last year, I requested the Council to re-examine the seasonal quota management strategies for *Loligo* squid, citing the unprecedented early closure of the directed fishery in the first two quarters. This letter brings those problems to your attention again and requests the Council amend the annual specifications to minimize fishery impacts.

In 2005, the three-month directed fishery was closed after about three weeks on April 25th before squid migrate to nearshore waters from the offshore wintering grounds. That pattern continued this year. A premature closure was imminent again and NMFS closed the fishery (prematurely) on April 19 – only to re-open on April 27. We expect the directed fishery to be closed again within a week because the spring quota is small – just 6.6 million lbs. and only 17.6% of the annual quota. Over half the quota was filled in about two weeks thanks to the derby-style fishery without trip limits.

The Commonwealth of Massachusetts supports the federal plan and is working to ensure that state waters aspect of the fisheries complies with the federal plan. I have taken actions to enact complementary trip limits to the federal plan, and took action in April to enact – and then lift – the 2,500 lbs. trip limit to coincide with federal action.

Given the derby-style fishery that squid trawling has become, it appears the current management scheme will result in routine directed fishery closures before May 1. Most of the spring squid quota has been – and will continue to be – taken prior to squid arriving in Massachusetts state waters where small and medium sized trawlers (Class 2 and 3) have historically harvested squid for decades, dating back before the Magnuson Act authorization in 1976.

These premature closures are disrupting certain seasonal fisheries, and the Council and NMFS should take action to alleviate the impacts on these nearshore fisheries. Consequently, most of the inshore trawler fleet has been forced out of this traditional spring fishery by the economics of the low (2,500 lbs.) landing limit. While the smallest trawlers in the MA inshore fleet may be able to afford to fish on this low

landing limit, most medium size trawlers (Class 2 and 3) are prevented from participating in this fishery when the directed fishery is closed.

The spring fishery in NMFS statistical Area 538 has been prosecuted historically by mostly MA- and RI-based vessels, along with some from CT and NY. It is a well-managed trawl fishery with a state-regulated small-mesh season of April 23 – June 9, and this season was chosen to maximize squid catches and minimize by-catch of finfish species (scup, sea bass, and fluke). The rules governing the fishery were crafted after two decades of sea sampling, studies, and cooperation from the industry. Last year the directed fishery was lost before it was opened, and this year we expect the fishery will be closed by May 7th resulting in another lost season – due excessive catch rates offshore earlier in this quarter.

According to many in the industry, the high rate of quota consumption is the result of a combination of intensified fishing effort and improved squid availability. The Council should re-examine the 2004 modifications to the Gear Restricted Areas (GRA's) to determine if this has resulted in escalation of catch rates due to enhanced access to prime squid grounds. Moreover, a shift in fishing effort from groundfish toward squid appears to have occurred.

This increase in the consumption of the periodic quotas has translated into a loss of the commercial fishery for many vessels that depend on the nearshore fishery in Rhode Island Sound, Vineyard Sound, and Nantucket Sound. The conditions that have caused these two unprecedented closures of the directed fisheries in these quarterly quotas are unlikely to change, and we expect the problems to be recurrent.

Last year, I recommended the Council amend the annual specifications in two ways:

1. Split the fishery into six two-month quotas instead of the current four three-month quotas. Rules on overage deductions should be carefully written to prevent the inshore May-August fisheries from being penalized by the overages caused by the difficult-to-monitor offshore winter/early spring fishery.
2. Close the directed fishery earlier, but allow a higher trip limit for the period after the directed fishery is closed. For example, close the directed fishery when 50% of each quarter is reached and allow a 5,000 lb. trip limit for vessels in the non-directed fishery.

Given NMFS's reluctance to manage six annual quotas, I urge the Council to take the simpler action and alter the trigger threshold and the post-trigger trip limit. I suggest the Mackerel, & Butterfish Committee tackle the issues outlined here and assign staff to examine fishery-dependent data (VTR and sea sampling) to devise a higher trip limit that would provide some benefit to the aforementioned nearshore trawlers while minimizing regulatory discards. I suggest the Council consider closing the directed fishery when 67% of the quota is reached and allow trip limits in the range of 5,000 to 7,500 lbs.

The Council and NMFS should adopt trip limit and quota-setting rules that are sensitive to the seasonal fisheries throughout the year and the species range. Finally, the adjusted GRA's may have to be reconsidered if they result in uncontrollable squid catch rates.

Please address this recurring problem in the squid fishery before year's end through the annual specification process to prevent another loss of the directed inshore fisheries during spring and summer in southern New England waters in 2007.

Sincerely,



Paul J. Diodati
Director

cc: Par Kurkul, NMFS
Dr. William Hogarth, NMFS
Mark Gibson, RI DEM
Gordon Colvin, NY DEC
MA Marine Fisheries Advisory Commission
Mass. Fishermen's Partnership

June 2006 Committee Discussion

Jimmy Rhule: I want to start with a motion. I want to deal with the issue that Rich raised last first, and that is the issue about the non-moratorium vessels, incidental permit is what it's categorized as, having you understanding that they're able to land more than trip a day. The intent of the counsel was that any moratorium or non-moratorium boats any time of the year were held to one landing per day. Now that applies to the moratorium boats, and that's under the 2,500 pound trip limit. It's not saying a guy can only carry 2,500 couldn't go in and out several times. During the open season it's not an issue. But non-moratorium vessels are limited to one landing in a 24 hour period. That was the intent of the counsel. I would move that the land incidental permit be limited to one landing in a per calendar day. Incidental permit limited to one landing per calendar day. That's the motion.

George Darcy: Okay. If you go all the way to the bottom of the motion, the last page – right there. Incidental **catch** permit.

Mr. Chairman (Pete Jensen): Is that wording okay?

Jimmy: That's fine. I just assume, Mr. Chairman, I really don't want to get rid of this one first, you know. It's something we should have taken care of before. It's got nothing to do with respect to process but it will get it clarified. Everything else is basically specs. It needs to become something more than specs and I don't know what opportunity we'll get to do that. But anyway, it will be in the specs package for the year.

Mr. Chairman: Okay. Do we have a second for the motion? Fran and Michelle? Discussion on the motion? And the wording is up on the board. George?

George: Just to be clear here, I think I understand. Although this would be done to the specification process this year, your intent is to make this specific measure a permanent measure unless the counsel chooses to change it some other time. Okay.

[Inaudible conversation]

- Mr. Chairman:* Let me ask a question. The motion says strict incidental catch permit holders to one landing per calendar day of the amount specified. I think in introducing a motion you said your intent was that if they carried less than 2,500 they could make multiple landings up to the 2,500?
- Jimmy:* It's up to the 2,500; it's 2,500 this year. And we're dealing with specs so that in fact is applicable. But if in fact that 2,500 changes sometime –
- Mr. Chairman:* No, I'm not talking about the 2,500.
- Jimmy:* They can land 500 pounds five times a day.
- Mr. Chairman:* Okay. Well, then the language has to be changed because I think it says right now limited to one landing per calendar day.
- Jimmy:* Not to exceed 2,500 pounds. All the language 'Not to exceed 2,500 pounds.'
- Mr. Chairman:* Yeah. So you want this to say incidental permit holders are restricted to landing 2,500 per calendar day.
- Jimmy:* Right. Exactly. Trip language comes out, 2,500 goes in.
- Mr. Chairman:* Right. And I think that clears it up. What you want to do is restrict incidental catch permit holders to one landing of 2,500 tons per calendar day. You want to take out the one landing.
- George:* You could say to a total landing of 2,500 pounds per day.
- Mr. Chairman:* Yeah. Okay. Any discussion on the motion?
- Jimmy:* Do you want the 2,500 pounds in there because that may not be what's selected.
- Mr. Chairman:* Well, I think we could probably fix that by saying –
- Jimmy:* I think he had specific –
- Mr. Chairman:* I think it's handled by the last word taken out of there.
- George:* Yeah, they took that out. The original wording was 'or the amount specified under the possession limit' to account for that.

- Mr. Chairman:* Yeah. Add back in 'Or the amount specified.' Or of the amount. Put the word 'or' in there. Okay. Discussion on the motion? All clear? All in favor raise your hand. Five. Okay. Those opposed? Motion carries. Do you have another motion?
- George:* Thank you, Chairman. I move than for 2007 specifications _____ are to include max OI specified at 26,000 metric tons and ABC IOI DAH DAP specified at 17,000 metric tons.
- Mr. Chairman:* In other words, status quo. Is there a second to the motion? Second by Fran. You've got to up to the top again. go back up to where you started. Right there. Discussion on the motion? Jimmy?
- Jimmy:* Chairman, I'd like to keep these separate if we could and just deal with the specifications part of it and then go into the quarter versus trimester issue in a separate discussion. Is that okay with you?
- Mr. Chairman:* Sure. This motion is only to establish the 17,000 metric tons. Discussion on the motion? All those in favor raise your hand. Those opposed? Motion carries. You have a separate motion?
- Jimmy:* Yeah, I do, Mr. Chairman. Thank you for the opportunity. I'm going to have to go over and talk to Jan about this. Let me give you just a little discussion here first. We've had very significant problems with the quarters of _____ fishery with premature closures and so forth. The service has got some concerns with it and the industry has some concerns with it. Massachusetts has had some concerns with it. There have been some issues all the way around the table. I'm going to offer something I hope can be considered and discussed by the committee and then taken forward to the counsel that would hopefully change that. I'm offering it as a one year specification, not multi-year because I want to see if it works or not.
- In the first year of the plan, we had trimesters meaning three openings per year. What we had with the first year of it was significant problems because we didn't include language to prevent multiple landings in a day. So this attempt is to hopefully rectify some of that concern.
- Mr. Chairman:* So do I understand that your motion is going to be to move to trimesters instead of quarterly?
- Jimmy:* Yeah. But there's going to be some changes in percentages associated with it. The motion is going to be that we go to trimesters for the 2007 fishing year. The quota for January to

April, first trimester, is 5,460 metric tons, 42% of the total. The quota for May through August would be 12% of the total, which calculates out to 15,600 metric tons. And the third trimester would become 46% which calculates out to 5,980 metric ton. I'll take this to Jan. that's the motion.

Mr. Chairman: Okay. Is there a second to the motion? Fran? Discussion on the motion?

Sima: First make sure I have these numbers right. January to April is 54%? I just didn't hear it right. I can't see it from here.

Mr. Chairman: It's 42%.

Sima: Forty-two percent. May to August is 12%. That's what it says here, but didn't Jim just say 12%? Is it going to be _____ within the briefing book or are we changing those numbers?

[Inaudible conversation]

George: What you see there is if we adopted the 2000 specification allocation. So that would have been the status quo in 2000. That's why it was broken down. He is proposing to change it –

Sima: To what's in here.

George: No. What he's going to have up here. You'll see it up on the board here.

Sima: Okay. I don't know if I'll see it from here.

Mr. Chairman: Okay. The percentages are on the board. You okay on the numbers?

Sima: Well, 42%, 12% and 46%.

Mr. Chairman: Go ahead, Jimmy.

Jimmy: Thank you, Mr. Chairman. If you'll look in the document that was handed out, the allocations that we deal with in the first year of this plan were reflected in the first round that was explained which was 18% for the summer period. This change is to take 6%, one third of that percent, allocated to the last quarter. The reason for that is the summer period is primarily small boats. This provides the season to open which Massachusetts is concerned about this issue for quite a while, so concerned that they went as far as saying that the

GRA is created for _____ may need to be reinvestigated because they are producing too much squid in the winter period, which I find a little troublesome but that's not the issue.

The issue is this provides an opportunity for Massachusetts to start fishing in May. Now any overages beyond any quota that's established whether it's 12% or 18% come off the last quarter or trimester. In this case a trimester. So by reallocating some of the summer quota to the fall quota during the 2,500 pound landings that accumulate after the season closes, which by the way worked very well for most small boats. Not all but most do very well with the 2,500 pound closure. It gives the in shore fleet the opportunity to fish at 2,500 pounds and not negatively affect the offshore fall fishery.

It also speaks to the issue of the December period that has been very problematic in recent years with projections of when it should be closed and not closed. On the normal years, you're going to have a fishery that's going to be ratcheting down towards the end of its quota, the 95% which we may in fact modify earlier than December. I would like to try this for one year and just see how it works. That's why it's specified for one year. The only change is I believe there is merit in reallocating some of the summer quota because of the small boat issue providing to the last quarter which both fleets, in shore and off shore fleets, participate in. So that's the rationale.

Mr. Chairman: So I believe based on the letter from regional administrator they're in accord with this trimester adjustment.

Jimmy: Yeah, that would help some of our moderating issues.

Mr. Chairman: Dave?

Jimmy: I appreciate Jimmy moving forward with this. He understands the nature of the shore fishery, the concerns that have been expressed. Of course we've submitted a couple of letters to the counsel expressing our concern as to what happens to the in shore fishery that may specifically, when it's been the 2,500 pounds, because of the need to reduce _____. This seems to be an attractive way to go. There are no – I need to make sure I understand what happens at the beginning of these trimesters. Are there any trip limits in place at the beginning of these trimesters? There are not? Okay. Then I'd ask those who are very familiar with the off shore fishery, especially in May although I realize that it's primarily in shore then, with no limit in place the beginning of the trimester as you've

proposed, Jim, would we run the risk of finding ourselves with a loss of a portion of May? In other words, would the 2,500 or so kick in in May as opposed to June?

Jimmy: Historically that's not happened, Dave, but it's not to say that if a fish showed up in the traps like they used to years ago and more people set traps or something drastically changed over the last eight or ten years, the potential for that is pretty slim.

David Pierce: It is difficult to predict clearly. Nevertheless, for a one year try, this does seem attractive. It would address our concerns about the in shore fishery for squid, the Massachusetts orders is certainly ongoing in the month of May. We still have a problem in April; I'm not sure how that would ever be addressed because this year for example we had an early run and the squid were quite available the second week of April through the end of April, but they were obliged to fish under the 2,500 pounds because of the need to reduce to the 2,500 pounds at the Federal level.

But still, this is certainly a better alternative to the current situation where the entire *Loligo* squid fishery would be, in all likelihood, obliged to live with the 2,500 for the whole season as opposed to a portion of the season. If things go wrong in April, April ends up at 2,500. Again, I think Jimmy has got something here that can be supported.

Sima: You know, this trimester thing might be a good idea. A lot of the things I spent a lot of time pouring through in the briefing data might be a good idea and should be addressed. But what's happening here, and I'm very concerned here that annual specifications in this process, we're picking years of record and reallocating quota based on assumptions that, quite frankly, don't hold true from where I'm sitting. When we say the summer season is primarily for small boats, that is not true in New York. The summer season is when all of our boats cannot – and you've heard me say this before – right now except for whiting, all mid-Atlantic species combined, I cannot put 5,000 pounds of fish on a New York boat. I've got 100 pounds _____, I've got 140 pounds of fluke. I've got 72.5 pounds of sea bass. Okay? I have three of our boats go for whiting in the same week and get their 30,000, the price drops to 30 cents and I don't have to tell anybody in the room what fuel is so you do the math.

So what has happened now when squid is at 2,500 pounds is that I've got seven boats in the yard in Rhode Island, seven boats in the yard and one went to Florida. And my dock has gone from putting

out ten, twelve trucks a week to putting out maybe 60 to 100 cartons of fish a night.

So to go ahead in the annual specifications process and very blithely say the summer is mostly small boats. Let's reallocate the quota and let's give the summer 12% of it. I think that's a little careless on our part. As I say, there are a lot of issues to this fishery and the most telling statement in Pat's letter that I just got a hold of is that the counsel may want to consider a future framework or amendment. She's inquiring to one thing. But the fishery is being picked to pieces and it's the only fishery I have. That's going to show up here and I get emotional.

There is question of bi-catch in the Loligo fishery. There is question of different seasons. This counsel, this committee should be recommending that we do a Loligo amendment. In three years, you will have 52 _____ votes, you'll have 25 whiting votes, you'll have maybe 100 ground fish boats, you'll have four tilefish boats, and we have 800 Loligo moratorium permits out there that don't look at any kind of recent participation, recent dependency. None of this is happening for the Loligo fishery. The Loligo fishery would come to annual specs and say the summer is mostly small boats; let's reallocate the quota most on the years of record 1994 to 1998. How could we do this?

I don't get a vote here and I'm not rejecting out of hand that all of this discussion and all of this analysis has to be considered, but it has to be considered through an amendment process. Loligo boats, Loligo fishers that are dependent on this stock as their primary source of income have to be given the same right and the same opportunity as boats in the other fisheries to have some sort of controlled access to this stock. And not to say okay, let's throw some bi catch over here and let's close this over here to help some other bi catch and let's reallocate the summer quota and the annual _____ process. Thank you.

Mr. Chairman: Okay. Further discussion on the motion.

Vito Calomo: Thank you. **Vito Calomo**, adviser to Squid, Mackerel and Butterfish. I want to go on record as supporting this and I commend Captain **Rule** for bringing this boat. I believe his heart and soul is in the right direction. It is a one year deal so we have an opportunity to innovate here and try to satisfy what I believe is the right thing to do. Thank you.

Mr. Chairman: Further discussion. _____

Geir Munsen: Thank you, Mr. Chairman. I think this is a good motion. I think it would help. If this doesn't work alternatively, it could help if you changed it quarterly to start February first rather than January 1st. _____ squid is valued according to size and the best sized fish is traditionally in February in March. With the quarterly system that we have had, that fishery has been closed at that time for the last few years as far as economic benefits to the country and to the industry it's not the best thing to happen. As far as being –

[Break in audio]

We have reduced now because of small boats, ground fish boats, what have you in the fishery to basically one trip a year, one week a year. That's not very nice to be in that position. Thank you.

Mr. Chairman: Thank you. Pat?

Pat Augustine: Thank you, Mr. Chairman. I was just talking with one of our constituents in New York wondering whether or not New York might have a better suggestion to address their concern. It appears we're going from about 34% from about the middle, what is it, the two quarters in the middle down to about 12%. That sounds like it's quite a drastic cut. I'm just wondering if the representatives from New York might have a better suggestion in terms of the distribution of trimester as opposed to where we say that summer one is 12%, whether that might be 15, 20, I don't know. I'd just like to ask that question, Mr. Chairman, see if they have an idea as to what we might change those to or consider.

Sima: If I may. When I talk about an amendment, I see Massachusetts problem. This is something that should be addressed. I'm not saying it doesn't matter. I'm just saying this is not the way to address it. We are going from 34% roughly of the quota, 17% and 17% between June and September, and then the annual spec process we just got down to 12%. We took off two months and we took off 22% of the quota. I don't get it. I don't get the math. Again, I don't get where the analysis is from except somebody chose the years '94 to '98 as the years of record. And all the other _____ are dealing with '96 to some kind of control date, and we do have a control date in this fishery of 2003. It's too drastic a cut to impose upon a fishery. Trimester is not necessarily a bad thing, but let's refigure the math here. If you've got 34% for six months, then can we take four sixths of that for the four months.

Mr. Chairman: Understand that question?

George: The first issue is _____ has changed the allocation from the '94 to '98. So I mean that's just a judgment call there. He gave his rationale for it. The year of record, '94 to '98, and I'll have to check but I'm pretty sure that the quarterly is based on the same period. And the idea was that it was prior to regulation of the fishery. In another words, it would reflect the historical distribution of landings as they existed for the basis of allocation. Okay?

So the quarterly one is based on that same time frame and for discussion sake we put on the table the '94 to '98 unregulated historical pattern. So if you start putting in years after that, the effect of what happened to the fishery through the years it was being regulated under quarters would then drastically alter the pattern of what you would see, depending on the abundance of squid, effort and so on and so forth.

So the degree that the original numbers that we sent out, the trimesters versus quarters, reflect the same distributional pattern prior to regulation of the fishery. That's all I can tell you.

Mr. Chairman: Jimmy, you have a comment?

Jimmy: Thank you, Mr. Chairman. Just to support what Rich just said, this motion is modifying the years that were used – we've only used trimesters once and it didn't work, and that was because of a lot of other issues. So we're taking the same process going forward with a different component as far as the percentage allocation. You've got to remember that the opportunities here, I would view it as more of an opportunity because May traditionally used to be the traditional start up of the _____ squid fishery on Long Island. You're going to have a brand new season first day of May. That's the intent here. The bigger boats can fish at the open season until the percentage is _____, whether it be 18 or 12. And from that point on you fish under the 2,500 pound. The allocation goes to the fall which is where all deductions take place from. If we just went forward without modifying, if I used the same numbers that are in the briefing book, we've been using '94 to '98. This is an attempt to take what failed in 2000, we had closures two out of the three trimesters in 2000 – I was just looking for that, Rich. I believe it was two out of the three. And it just showed that wasn't going to work, either. This is a one year attempt to do something better, but it is not based on '94 to '98. Thank you.

Sima: Yeah, but how can we say let's try what we tried in 2000 and didn't work and not take into account the displaced effort, the

change in patterns that have happened since Amendment 13, since so many other fisheries have gone controlled access and Loligo is the only one who hasn't. so it's not 2000. This might have been a great idea in 2000 and maybe we should have stuck with it in 2000. How happy is Massachusetts going to be if we throw percent of the quota in the summer, it would shut down in four weeks. Is that going to solve the problem? This is not 2000. It might have been a very good idea in 2000 but a lot has changed since 2000. That's why I'm saying we have to look at everything that's changed together and do an amendment process and scoping sessions and hearings and the whole things we've been doing with every other fishery and get some of the capacity out of here and maybe that will solve some of the problems we're having. It's that we've got 800 moratorium permits out there and they're being squeezed out of every other fishery.

So to grab 2000 out of the air and say we tried it then and it didn't work. Maybe it would have worked. But this is not 2000.

David:

I have a response to a point _____ just made. It's important for me to emphasize that in Massachusetts we have an in shore squid fishery that is tightly controlled specifically to about one month and a few weeks. By regulation, we have for the longest of times been quite restrictive with small mesh fishing inside state waters. Other states are not as restrictive as us with regard to small mesh fishing that's required, of course, to take squid. So it's really a May fishery plus a few months in April depending upon when the squid arrive.

Consequently, while of course I'd like to see the percent stay higher, the percent can't stay higher if we use the years Jimmy has suggested. Despite the fact the percentage will be less, it's not of great concern to me because indeed, as I said, it's really a one month fishery through regulation. We have to make it that way because we're concerned about bi-catch of other species that might occur if the season was longer and we work with the in shore fleet for quite a long time.

So in contrast to other states where maybe they have, I don't know, maybe a three month season, I'm not sure what it is in New York. With us it's a month and a few weeks.

Mr. Chairman:

Further discussion? Yes.

John Mason:

My name is John Mason. I'm a squid mackerel advisor. I represent the boats out of Shinnecock and I really don't think this would

work unless it was 5,000 instead of 2,500 because right now we're operating under 2,500 pounds and half of our boats are large boats and these men cannot make it on 2,500 pounds. And I think if it was a 12% for those months, that we would be closed down quite a bit of time and operating under 2,500 pounds, and it would be a disadvantage for half of the boats on Long Island. I don't know how else it could be done. Possibly a 5,000 pound limit.

Mr. Chairman: You're talking about when the quota is caught for the trimester, right? After that period.

John Mason: Yes, that's right.

Mr. Chairman: So 5,000 instead of 2,500. Okay. Further discussion on the motion?

Pat: A follow up to Mr. Mason's comment. It sounds like we're talking about a change in the 12% during that trimester, during that particular period. And I asked the question earlier, but I didn't get a response, I think there are two parts to what we're doing right now. The six month period. Six percent. Okay. There are two parts to this. One, it appears we're agreeing of going from a quarterly program to a trimester program, and if all the committee agrees with that, then I think we're on the same page. It seemed there was some concern by **Sima** at the time when we first started talking about it, and then we were mixing apples and oranges. Then we started talking about percentage. So let's just talk about percentage.

Jimmy, your clarification was that it was – what was that six you were telling me?

Jimmy: You said it was a 12% reduction. It's not a 12% reduction in what the other trimester was. It's 6%.

Pat: I'm suggesting that 6% reduction does not come out of that 12% period. That maybe the 42% gets changed. We're going from what, 18% to 12%, right? And what we're hearing from New York on our behalf, our constituents, is that's going to be a pretty negative impact. Now you're going from 2,500 pounds a day to 5,000 pounds a day during that period of time. I'm not that quick with numbers. What are we talking about in terms of what would the quota have to be changed to, the percentage changed to in that period to cover 5,000 pounds a day. Is there any way to make that transition?

Jimmy: That's apples and oranges. You're talking about changing _____ that only applies after the closure takes place. If I understand what Mr. Mason just said, he wants a 5,000 pound bi-catch or trip limit after the closure takes place. So you can reallocate the percentages. All that's going to do is take more off of period three because they're going to accumulate during the summer.

It may sound bad for New York. I don't know, Pat. Ten years ago this would have worked fine because the fishery started in May. It would have given him more opportunity. Now things have changed. Basically because of dogfish you don't have much of an inshore fishery with the exception of what took place inside Long Island Sound if you can believe that, up against the Stonington Connecticut shoreline, **Dave Pierce's** precious skid parked there. He didn't get them, but the Rhode Island boats are slaying them and they're doing really well. So the prediction of where they're going to be and how they're going to be I don't know.

The whole purpose here is to try something. The quarters are problematic, too. There are plenty of problems associated with _____ for not just New York. For every state. And none of them can be rectified or dealt with other than an amendment. This is an attempt for one year to do something that might be a benefit to a lot of us and it might not. But the only way to find out is to give it a shot. And that's what the attempt is, Pat. That's all.

Mr. Chairman: Jeff?

Jeff Reichle: Yeah. It seems to me, and I'm really not taking sides one way or the other, but I think maybe one thing no one is thinking about is that there's a lot of boats in Long Island that are bigger boats that also fish off shore. So those boats would still have access just like any other boat would have access in the first trimester and the third trimester. Right? They would still be able to fish in those trimesters just like anyone else. There's added quota actually there now for them possibly.

As far as the small boats are concerned, really the small boats, the way the system seems to be set up to me now is we really have three trimesters plus a separate quota and that second quota is for small boats because the big boats can't work for 25 boxes a day in shore.

I don't know that we're taking a lot of opportunity away from the smaller boats because they're going to still be able to go out and catch their 25 boxes I think in any trimester. Whatever they can

catch while the quota is open, they can catch 25 boxes after the quota closes.

So the issue really is for the bigger boats, and the bigger boats in Long Island that can go off shore are going to go off shore in the other two trimesters just like anyone else is. I think.

Pat: Does that clarification seem to satisfy New York's concerns?

Sima: The fact is yes, that's true. Right now everybody is giving up for the July derby. That's what we have in the summer. We have April – how long were we open in April? Was it six weeks? It wasn't any six weeks. So we had a few weeks of fishing in April for that derby and now we're gearing up for the July derby. And do this and we'll gear up in May for the derby next year. We're talking one year so how do I get this Squid Mackerel Butterfish committee to direct staff to begin work on a Loligo amendment? Because every time we come here – these are pretty drastic changes if you consider that it's your primary fishery. These are pretty drastic changes. So how do I get an amendment process started?

Mr. Chairman: Phil?

Phil Ruhle: Thank you, Mr. Chairman. I think I'm getting a little confused here where we're going, where we're supposed to be going to be quite honest with you because the conversation has come back around, or it seems like a lot of the conversation has come around to the 2,500 pound trip limit and what the effect of it. And the reality is the 2,500 pound trip limit is a bi catch limit. Never, never set up to a directed fishery. And we really need to take a look at what this 2,500 pounds is doing. It's not supposed to be a directed fishery, and yet it has become one. And the concern is what it's doing to whether the quarters or the trimesters, when you start looking at these numbers in front of here, we're about 2,000 or how it might have worked, 5,775 trips if I'm reading that right. On 2,500 pounds. That's pretty close to a directed fishery in my book. When you look across the scope of them numbers it's substantial.

I'm quite concerned of where we're going with this discussion. We're trying to come up with something a little bit better and we're ending up talking about what the bi catch limit is supposed to be on this thing, and that was supposed to be a bi catch limit to allow the smaller boats to participate. We talked about this is **South Hampton** last year and I really think if we're going to start looking at things, that's one of the first things we need to be looking at is what this 2,500 pound limit is doing.

Jeff: I just wanted to say I do agree with Sima. At some point we need to look at what we're going to do with all these Loligo permits out there.

Mr. Chairman: I hope we are, too. Let's vote on this one. All those in favor raise your hand. Four in favor. Opposed? Motion carries.

George: Did we have a second for that? We show Jimmy making the motion. Say again? Alright. Thanks.

Mr. Chairman: Jimmy?

Jimmy: Mr. Chairman, I've got another motion that I'd like to offer and before I even make the motion I want everybody to understand this is not the way I'd like to go with this. I've tried every way in the world to reduce a by catch fishery, to take a by catch fishery and to reduce discards and convert them to landings in a manner that was acceptable to the service, law enforcement and everybody else and every time I think I'm there, I find out that I'm not.

However, we have come to an agreement on another approach and that's part of the reason that I was willing to support the trimesters because now September, which has been a month where we had a traditional by catch of Loligo in the Illex fishery is a moot point. We've still got August to deal with. So again, this is not the way I prefer to do this, but this is what I'm going to do for one year.

The motion would be that I move during closures of the directed Loligo fishery during August in 2007, that Illex moratorium vessels fishing seaward of 50 fathom contour be permitted to possess 10,000 of Loligo per trip to reduce regulatory discards. That's the motion.

Mr. Chairman: Is there a second to the motion? Okay. Just a point of clarification on the previous motion. There was also a portion of that motion that wasn't read having to do with when the trimester is closed. So I hope that everybody understood that it was part of the motion. Okay?

Where are we? Jimmy? Are you putting a number in there, is that what you're doing? Are you putting a number in that motion?

Jimmy: Number? Yes.

Mr. Chairman: Well, XYZ doesn't mean anything to me.

Jimmy: [Inaudible]

Mr. Chairman: Okay. The motion is to have a 10,000 pound per trip of Loligo during Illex closure. Did we get a second on that one? Okay. Jimmy?

Jimmy: I want to take just a minute to explain how we got to this. If you look in the briefing book behind tab two and go back under title appendix two, page two. You'll see observer database, the comments. Some of them are quite problematic to say that least. A statement that says that vessels are in a directed Loligo fishery are capable of catching at least 50,000 pounds per tow of Loligo. That basically implies any vessel out there could catch 50,000 pounds per tow. That's not really reflective of the way the industry participates. It's not unheard of, but it's not a common occurrence and it's stated in here as such and it is a problem.

But further through that, if you look under the 4.0 conclusions and read that, you'll note that in some of their comments they talk about, let's see, NMFS Observer Program data indicates regulatory discarding of Loligo preliminary in the Illex fishery, but also silver hake, summer flounder and Atlantic mackerel fisheries. Regulatory discarding in these fisheries might be reduced to near zero with the exceptions of **Illex** fishery and for the Loligo and if the Loligo trip limit during the direct to fishery closure was increased to 5,000 pounds. A 5,000 trip limit would reduce the number of Illex trips and regulatory discards of Loligo by 13%. The vessel trip report data indicates that a discard of kept ratios of Loligo and the percentage of trips which exceeded the closures during the period trip limit were the highest during the closures which occurred June through October. Coincident with the current – wait a minute. What the hell is that word? Coincident with the Illex fishery.

Therefore an increase in the closure period to a limit of 5,000 during June through October would be beneficial to the Loligo stock. Regulatory discards are difficult to estimate accurately, and an increased trip limit would allow potential discards to be landed, resulting in more accurate quantification of fishery removals.

Increase in the bi catch trip limit to 7,500 or 10,000 during June through October – keep in mind we're talking August only – further reduces the number of Illex trips with regulatory discarding of Loligo by another 5% to 10% respectively. And that 5% or 10% has to be added to the other percentages that are included. However increasing this trip limit to these levels will result in little

gain in regulatory discard reduction, may encourage a direct de-fishery. So too high a number is not satisfactory, but 10,000 is a compromise.

The issue is that's information that's in the briefing book that's been said to everybody. My initial intention here was a percentage of the Illex on board. That was not considered enforceable.

Next attempt – well, four or five attempts down the road – was cumulative day at sea 2,500 trip limits. I really thought we had that one nailed. But until we get to a real time fishery with Illex which may happen where you have mandatory electronic reporting which would verify your days at sea, this cumulative trip limit is not something that the agency at this time can support. If we go to a call in system or any other action like that, any of that triggers was it paperwork reduction act? Which we can't do through specifications. This is something that we'll have the opportunity to see next year when we sit around here at this table this time of year. What were the _____ Illex fishery for 2006 in August? Were they substantial? Was it something that negatively impacted the fall fishery? Or was it just what we've been saying all along doesn't amount to a whole lot.

This is the best I can do with it. I'd like to do something different, but I believe this would be – I hope that the service can support this concept and that's why I'm approaching it at this angle. Thank you, Mr. Chairman.

Mr. Chairman: Okay. Discussion on the motion. Sima.

Sima: Here's where I really got lost in the numbers. I'm looking at table one. That says the average Loligo landings, this is the summary Loligo landings and Illex trips. The average – and I know it's an average – average Loligo landings in 93.3% of the fishery of the percentage of Illex trips was 2430 pounds. So when I read that I don't quite see the need to go to 10,000 pound trip limit in the Illex fishery if it averaged out to 2400 pounds and we've got an 2,500 pound closure rate.

But also, I'm looking at all the stocks and saying if Loligo is going to benefit from 10,000 pounds we're up to from 5,000 by catch limit in the Illex fishery, why wouldn't it also help in the _____ fishery and the fluke fishery where they had more trips of Loligo by catch during the 2,500 closure?

Phil: To me this just raises the flag of they're catching more than 2,500 pound of squid in a fluke fishery that's supposed to be for 5 ½ mesh- them's is some big squid.

Jeff: I think the problem here just gets back to the nature of the Illex fishery and the nature of the Illex fishery is a high volume fishery. The squid goes bad very quickly. When a boat catches it, if it's a fresh boat it puts them right down on RSW because that's to chill it down immediately. You can't run it across a conveyor or anything like that to pick anything out of it. I mean, you could get maybe some big fish as it's going down into the hold. You just don't have the opportunity to pick anything out of it, where in a lot of other fisheries, I don't know about the whiting fishery but in a lot of other fisheries you do have that opportunity. This is to me suggesting a way to keep the Illex boats legal for very short periods of time. Thank you.

Mr. Chairman: There also is no overfishing problem here as I understand it. David?

David: I understand what Jim is intending to do, reduce by catch, reduce regulatory discard that is, and that's certainly a commendable objective. Just a couple of points regarding the motion. Again, I'm not objecting to it; I'm trying to understand the implications.

One would seem to be that because each trimester begins as a Derby fishery, in other words no limits in place, bring in as much as you want. I'm still not sure the counsel really wants to do that but that's the way it is right now. Wouldn't it be likely, and I'm reflecting on some of the points that Sima made, wouldn't it be likely that we would have in the third trimester a closure – second trimester – a closure of the fishery in August so that the boats directing on Illex will be landing 10,000 of Loligo. But those directing on Loligo would be restricted to 2,500 pounds. So you have that interesting situation where big boats landing Loligo as bi catch would have far the success of what smaller boats fishing in shore would be able to land as they direct on Loligo. And indeed it is a directed fishery on Loligo in shore. I can't recall the history regarding the 2,500 pounds, but it's an in shore directed fishery on Loligo. That an issue.

But again, I offer it up for consideration by those who support the motion. Is that a problem? And if that is a problem, can it be resolved or at least can the severity of the problem be lessened by the counsel actually beginning each trimester with a landing limit in place. So you reduce the potential for relatively quick closure of

the directed fishery and then the need for that to kick in, at least in August. Would hope the committee would consider, for example, a recommendation that was made by my director Paul Diadati in a letter that was referred to by Jimmy, at least alluded to awhile ago and you have it in your binder. That perhaps the directed fishery should close when 67% of the quota is reached and then allow trip limits in the range of 5,000 to 7,500 pounds. That gets us away from the 2,500 and it gets us away from some of the other problems that we've already identified.

Again, why not stop the Derby fishery at the beginning of each trimester? That's just a question I ask; the committee can address it if you care to. And reflecting on my first point is there a problem with this particular motion a directed fishery on Illex landing more bi catch of Loligo than a directed fisherman who will be restricted to 2,500 as it stands now.

Mr. Chairman: I think plan A didn't work. Plan b was a multiple of 2,500 so it's acknowledged that there is bi catch in the fishery so this is simply an attempt to have some fair value of bi catch landings and there's no overfishing problem here. Jimmy?

Jimmy: Thank you, Mr. Chairman. To Dave's questions, there are a couple comments, Dave. I had Rich run another analysis for the years 2003, 2004. You've got to recognize that it will vary. It will be anywhere from half of the Illex fleet is freezer trawlers which means multiple day trips. They're all multiple day trips but the RSW boats would be in a range of one, two, three days whereas freezer trawlers could be five to ten, twelve days. The issue of the 2,500 pounds, the 10,000 versus the 2,500, we are talking about a traditional bi catch, that Loligo in the Illex fishery. Illex is the targeted species. The Loligo fleet is held to a 2,500 pound trip limit, but it's a day. Per day. That was meant to be a bi catch fishery. It has become a directed fishery for a lot of boats. If that's the way it needs to stay until we amend the plan, it will.

This makes it more fair and equitable for the freezer trawlers that are out there that catch Loligo mixed with the Illex to be under a trip limit similar to the 2,500 per day. the landings for 2003 for freezer trawlers is eight. The average trip duration in 2003 was 8.2 for the freezer trawlers and RSW is 2.8. In 2004 which was a very high production year, freezer trawlers averaged 6.5 and RSW is 1.8. So when you look at the days when the vessels are out and that this catch of Loligo is traditional bi catch of the Illex fishery, I don't feel that the 10,000 is an unrealistic number. That's the reason we picked that.

We tried percentages of a weight on board and all kinds of things, and a last attempt I had was to include 10% and 2,500 cumulative so there would be redirection of effort to go get 10,000 Loligo and then go get your Illex. But all of those concepts were rejected. Traditionally, Illex fleet doesn't care about catching Loligo. They're usually small, but they're physically impossible to deal with except on the freezer trawler. They have to separate them. RSW boats, it all goes down the hole. Simple as that. As a way to try, I'd like to see what it does for a year. Thank you.

Phil: Sima, something new?

Sima: Just that where I got those numbers, Phil. I'm looking at table 12 from '98 to 2004. They're talking about trips with 2,500 pounds of Loligo bi catch and you've got 27 in the Illex fleet, 86 for whiting and 350 in the summer flounder fishery. That's where those numbers came from. I don't know who caught them. We don't have much summer flounder so it probably wasn't us.

Also I question, you said 5,000 pounds becomes a directed fishery awhile ago, but here we're turning around and giving 10,000 bi catch allowance, and somehow no one is going to direct on that, nobody is going to ... we're not making sense. we're not doing it right. We need an amendment that puts all these pieces together.

Mr. Chairman: Peter?

Geir: Thank you, Mr. Chairman. Most people do things because of economics. There is absolutely no economic incentive to catch Loligo squid mixed with Illex squid. There are both about the same size. Loligo is actually smaller than the Illex. The value is about the same. The work load is tremendously higher if you get Loligo mixed in. for our boats, the crew would rather throw the Loligo overboard than to save it, but we have a promise here that we bring stuff in that we can bring in. To me, it's a sin to throw stuff overboard that you could have saved. Our record goes way, way back before there was any quotas or any problems and we never brought in any Loligo to amount to anything.

The problem is for wet boats that run everything down and they don't know exactly what they have for a percentage. Rather than to make them criminals, this amendment has tried to make them like the rest of us. Freezer boats, they can do whatever. They can throw it overboard. It doesn't matter. Making a lot out of this is nothing.

- Mr. Chairman:* Phil, you want the last word?
- Phil:* Yes, sir. I want to vote in favor for it – thank you Mr. Chairman – for all the reasons we’ve heard here before. And for the main reason that part of our job is deal with bi catching and eliminate it in the best way possible. And this is one of the best ways possible in my estimation. The argument about the data that’s in the books and stuff, it creates another issue that I think this committee needs to look at at some point. But we’ll raise that later. That’s where we are here. Thanks.
- Mr. Chairman:* Let’s vote. All of us in favor of the motion on the board to establish a 10,000 per trip landing limit of Loligo during August during an Illex closure. All in favor raise your hands. Five. Opposed? Motion carries. Jimmy, do you have another one?
- Jimmy:* We’ve got several more. We’ve got a couple other species and that’s all I have for Loligo. But I’d like to make a request –
- [Crosstalk]*
- Seagraves:* We’ve got this cleared up? So the language stands as 90% and all that?
- Jimmy:* Yep. I know your concern there because I had a discussion with Joel and George and because of the modification to the trimesters versus quarters, we’d like to run it for a year and see.
- Seagraves:* The only question I had was is this was the original language as it appeared in 2000. The underage means under 90%? In other words it says a directed fishery during the first two trimesters will be closed at 90% _____. Any underages from trimesters one and two will be applied to the next trimester. Under 90%, was that the intent? In other words, if you don’t land the full first trimester, it gets carried over into the next one. That’s what that language means.
- Jimmy:* If you go beyond 90% and you’ve got four months to do it, I don’t know your point.
- Seagraves:* No, that’s the overage. Bring that back up. I just wanted to make sure it was clear on the underage part. That language is in there.
- Jimmy:* It would be under 100%.

- Seagraves:* Under 90 or 100? Okay. Jim, that was in the original language in 2000. I just brought that forward.
- Jimmy:* But we've modified. Since 2000, we've taken the quarters. In 2001, we didn't have the language that said we could take the underages and apply them. That's when we started with the underage from quarter one goes to quarter three and two all goes to four. I think the intend here would be that the underages – nothing is going to come out of two so everything has to roll to three. Right?
- Seagraves:* Okay, good. What was up there is different.
- Jimmy:* It wasn't included in my motion.
- Seagraves:* Right. That was my point. So the motion was trimesters only, right? And then how much of that below there did we discuss? We've got to make sure we get this right. What I'm telling you is what I've got up on the board there is what was in the 2000 specifications. That's what it said. So I just brought it forward and said this is what we did in 2000 to give you something to work from.
- Jimmy:* You're saying this applies to underages only?
- Seagraves:* Well, the first issue is at 90%. You close at 90 right now. We're closing at 80. So you're good with the 90? Okay? Then the next part was the underage business. If you had an underage that we applied to the next trimester, which really kind of doesn't make that much sense. The second one always applies because in the third period, the 95% rule takes over. But the significant part of that would be the first one if you did have an underage. First of all, an underage of what? Of 90 or 100? Whatever is not taken in trimester one would go to trimester two according to that. That's the way it read in 2000. If that's not what you want, that's fine. We just have to get rid of that language.
- Mr. Chairman:* Does the committee have any problem of treating that as 100%, anything under 100% rolls over. Even those it's closed at 90%, there's still a total catch for that trimester. If it's under 100, it rolls over.
- Jimmy:* We're not talking about what triggers the closure, are we?
- Mr. Chairman:* No, no, no. All he's asking is –

- George:* Number four up there. Read number four.
- Mr. Chairman:* Is the underage that rolls over what's under 90% or is the underage under 100%. I'm saying, and I think George agrees, that it's under 100% of that trimester. That's what rolls over.
- George:* And the underages of one would roll to the next trimester. So that means it would go into two. Is that okay? Okay.
- I'm not sure that is okay because we won't know immediately. That's why now the quarter one change occurs in quarter three, because we needed that time lag to get all the data in. so it would make more sense I think, or we would be more able to deal with it, if any underages from trimester one or two went to the end of the year. Went into three. And I have a question. Why did we go from 80% trigger to 90% trigger? What's the reason for that?
- Seagraves:* Again, that was what was done in 2000. Because we were breaking it up into smaller – I think originally the first year we did 90% in the first year we did quarters, and then we dropped it because of the overages. We lowered it to 80% which this currently is. This was the original language in 2000 when we did trimesters. So I just bring that up to say is that where you want it?
- Jimmy:* I want to get a clarification from George on this. We're adding an extra month to each opening. Is that not going to provide you the opportunity to make a determination of what the underage or overage would be? I don't mind going to the third one with any underages and overages. But if you have a year where you have a terrible period one, it would be nice to roll it into period two if the fish showed up on the beach for some reason. And you've got an extra month to do that. you don't feel like we would be able to roll the underages of one into two? And then everything goes to three anyway.
- George:* We might be able to do it. It's hard to say. I mean, this is a one year deal. Maybe we can try it and see if it works. And if it doesn't, then we have to rethink.
- Jimmy:* Do you need a motion to that effect, Mr. Chairman, or is it going to be another standing at the committee's recommendation?
- Mr. Chairman:* I think an understanding is already made if George is comfortable with the _____ we have here. Okay. We're all right. Jeff?

- Jeff:* I just had a question, Mr. Chairman. Did we address this question from Pat in her June 13th letter about incidental catch permits?
- Mr. Chairman:* Yeah.
- Seagraves:* That was the first thing we did. It makes it the same rule as when it's closed because they can't land more than – yeah.
- Mr. Chairman:* Geir?
- Geir:* Thank you, Mr. Chairman. I find it kind of strange that we are dealing with these percentages at all when it comes to squid. Any stock assessment is at best uncertain. And squid is really uncertain. Why not go with 100%? If you reach whatever the numbers are it's because there's plenty of squid. If you stop the fishery, that squid is going to be left to die. Why don't we let it slide over a little bit? If the squid is there, it's there. I don't think we're going to harm anything doing it. Thank you.
- Mr. Chairman:* Thanks. We're going to go on to butterfish.
- Seagraves:* Yeah. Well, the other issue was whether or not we were going to change the percentage at the end of the year worrying about utilization of OY. I don't think we need to deal with that.
- Mr. Chairman:* Okay. What's the subject?
- Sima:* [Inaudible] Before we move on from Loligo.
- Mr. Chairman:* I thought we were finished with Loligo.
- Sima:* That's why I'm waiting. We'd like to request that perhaps someone on the committee could make – as an advisor, I'm requesting of the committee that someone make a motion to direct staff to begin work on a Loligo controlled access amendment, please.
- Mr. Chairman:* Jimmy?
- Jimmy:* Thank you, Mr. Chairman. We've had this discussion more than once. We're not ignoring the industry's concerns here, but we've got three squid mackerel butterfish amendments up right now. We just can't even consider taking staff time to start that process at this time. It's as simple as that. it's just physically impossible right now to deal with any more Amendments to squid mackerel butterfish

until we get nine, ten, not necessarily all three of them but at least one of them out the door.

Sima: I'm asking for [Audio cut out] possible that recognizes the need for a Loligo controled the access amendment.

Mr. Chairman: I really think we don't need a motion for that. I think we understand the issue. we've been struggling with it for awhile. It is on the schedule, although it's rather indefinite at this point simply because of other things that have to be done. Dave?

David Pierce: I realize you're short on time, Mr. Chairman, so I'll be brief. It would be helpful if Rich, for example, if he's in a position to do so, if he would provide some explanation to Paul _____ regarding, for example, why it's inappropriate, why the council has decided not to consider closing the directed fishery or putting in place limits at the beginning of each trimester or quarter. And why, for example, a triplement of 5,000 pounds would be inappropriate? I've got a sense of what the answer might be, but it would be appreciated by my director if a response would be provided. For example, the 5,000 is considered to be a directed fishery and it's supposed to be a bi catch level. I think that's something I heard stated by a number of council members. And if that's indeed the reason why 5,000 hasn't been considered in the past, then please make that known to my director. Is that a reasonable request, Mr. Chairman, just to respond to this letter from Paul?

Mr. Chairman: Sure. We'll do it.

Seagraves: Are we done on Loligo?

- (1) recreational, it just indicates that the 15,000 is
- (2) part of the DAH.
- (3) PETER JENSEN: Well, and this only
- (4) comes into play if the domestic fishery begins to
- (5) approach 115 and we are looking at the possibility
- (6) of an in-season adjustment. So, that's the only
- (7) time it would come into play.
- (8) COUNCIL CHAIR RON SMITH: And the
- (9) only time to my knowledge that -- when it came into
- (10) play and we need an in-season adjustment, we'd have
- (11) a pretty good handle on what the recreational catch
- (12) allocation was going to be. In other words, if it
- (13) would -- they caught three or five or whatever, 1500
- (14) metric tons by that time.
- (15) Okay. Any other discussion on the
- (16) motion?
- (17) (No response audible.)
- (18) COUNCIL CHAIR RON SMITH: Discussion
- (19) from the audience or questions?
- (20) (No response audible.)
- (21) (Motion as voted.)
- (22) (I move that the IOY for Atlantic mackerel be
- (23) specified at 115,000 mt.)
- (24) COUNCIL CHAIR RON SMITH: Okay. All

- (1) those in favor, please raise your right hand.
- (2) (Response.)
- (3) COUNCIL CHAIR RON SMITH: I had --
- (4) maybe I miscounted. Fourteen? Okay, 14 in favor.
- (5) Opposed?
- (6) (No response.)
- (7) COUNCIL CHAIR RON SMITH:
- (8) Abstentions?
- (9) (Response.)
- (10) COUNCIL CHAIR RON SMITH: Two
- (11) abstentions. The motion carries.
- (12) PETER JENSEN: In connection with
- (13) that motion, Mr. Chairman, I'd like to ask Council
- (14) concurrence that we request the National Marine
- (15) Fisheries Service to make the early preparations as
- (16) we discussed yesterday for the possibility of an in-
- (17) season adjustment so that if it occurs it could move
- (18) very quickly.
- (19) COUNCIL CHAIR RON SMITH: I believe
- (20) George noted that. There was some discussion about
- (21) that yesterday and --
- (22) PETER JENSEN: Yes.
- (23) COUNCIL CHAIR RON SMITH: -- he's
- (24) already talked to some industry members. George, do

- (1) you want to --
- (2) GEORGE DARCY: Right, we're prepared
- (3) to do that and we will involve the appropriate
- (4) people in the industry to help us out.
- (5) PETER JENSEN: The next motion on
- (6) behalf of the committee is that we move domestic
- (7) processing equal 100,000 metric tons, which allows
- (8) zero for JVPs.
- (9) COUNCIL CHAIR RON SMITH: Okay. You
- (10) see the motion up on the board. Any discussion on
- (11) the motion?
- (12) (No response audible.)
- (13) COUNCIL CHAIR RON SMITH: Audience?
- (14) (No response audible.)
- (15) COUNCIL CHAIR RON SMITH: None.
- (16) (Motion as voted.)
- (17) (I move that since domestic harvest capacity is
- (18) sufficient to take IOY, DAH=IOY.)
- (19) CHAIRMAN RON SMITH: All those in
- (20) favor, please raise your right hand.
- (21) (Response.)
- (22) COUNCIL CHAIR RON SMITH: Sixteen in
- (23) favor. Opposed?
- (24) (No response.)

- (1) COUNCIL CHAIR RON SMITH:
- (2) Abstentions?
- (3) (Response.)
- (4) COUNCIL CHAIR RON SMITH: One
- (5) abstention. The motion carries.
- (6) PETER JENSEN: That is it for
- (7) Atlantic mackerel, Mr. Chairman. We'll move on to
- (8) loligo. This deals with incidental permit trip
- (9) limits. On behalf of the committee, I move to
- (10) accept the staff recommendation that current
- (11) regulations be amended to restrict incidental catch
- (12) permit holders to landing a total of 2500 pounds per
- (13) calendar day or the amount specified under the
- (14) possession limit specified for each species.
- (15) COUNCIL CHAIR RON SMITH: Okay. The
- (16) motion's up on the board. Questions, comments, on
- (17) the motion? George.
- (18) GEORGE DARCY: I'm not sure what for
- (19) each species means in this context.
- (20) PETER JENSEN: Well, that's a fair
- (21) point, because we are talking about loligo, so -- I
- (22) think that's probably a holdover from a more generic
- (23) motion that was used before.
- (24) COUNCIL CHAIR RON SMITH: Do you want

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- (1) to adjust the motion or --
- (2) PETER JENSEN: Well, I'm doing this
- (3) on behalf of the committee and that's the motion we
- (4) adopted, so you'll probably need to go through an
- (5) amendment or --
- (6) COUNCIL CHAIR RON SMITH: Okay.
- (7) Jimmy.
- (8) PETER JENSEN: -- perfection.
- (9) JAMES RUHLE: Thank you, Mr.
- (10) Chairman. I'll take the motion and move to modify,
- (11) I guess it would be, probably be a friendly
- (12) amendment, to amend the motion to remove the
- (13) language that refers to specified for each species
- (14) and insert for loligo.
- (15) COUNCIL CHAIR RON SMITH: Okay.
- (16) You've heard a motion to amend. Is there a second?
- (17) Fran seconds the motion. Jan, that's -- would be
- (18) Ruhle and Puskas, and you need to take out the
- (19) specified for each species -- whatever Jimmy said.
- (20) JAMES RUHLE (No microphone): Take
- (21) for each species out (inaudible) specified for
- (22) loligo.
- (23) UNIDENTIFIED (No microphone): Put
- (24) the mike on.

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- (1) COUNCIL CHAIR RON SMITH: I think the
- (2) specified -- just before the for loligo needs to be
- (3) taken out, too, because you have that word previous,
- (4) it means the same. Okay. Is that perfected the way
- (5) you wanted? Okay.
- (6) Now we have the amendment to the
- (7) motion. Any discussion? George.
- (8) GEORGE DARCY: Just for
- (9) clarification, this means that whether or not the
- (10) directed fishery for loligo is open, the incidental
- (11) catch permit holders can only land 2400 pounds a
- (12) day; correct? That's the -- 2500 pounds --
- (13) PETER JENSEN: Right.
- (14) GEORGE DARCY: -- or whatever the
- (15) current possession limit is, whether it's open or
- (16) closed.
- (17) PETER JENSEN: Open or closed.
- (18) COUNCIL CHAIR RON SMITH: Okay. Any
- (19) other discussion on the motion?
- (20) (No response audible.)
- (21) COUNCIL CHAIR RON SMITH: Audience?
- (22) (No response audible.)
- (23) COUNCIL CHAIR RON SMITH: Okay. All
- (24) those in favor, please raise your right hand.

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- (1) (Response.)
- (2) COUNCIL CHAIR RON SMITH: Sixteen.
- (3) There's ten on this side and six on this, is what I
- (4) had.
- (5) DANIEL FURLONG (No microphone): Pete
- (6) Jensen didn't vote.
- (7) COUNCIL CHAIR RON SMITH: Okay. I'm
- (8) sorry. Then there's a nine there. Fifteen in
- (9) favor. Opposed?
- (10) UNIDENTIFIED (No microphone):
- (11) (Inaudible.)
- (12) COUNCIL CHAIR RON SMITH: Oh, Pete's
- (13) now going to vote. Okay. Sixteen in favor.
- (14) Opposed?
- (15) (No response.)
- (16) COUNCIL CHAIR RON SMITH:
- (17) Abstentions?
- (18) (Response.)
- (19) COUNCIL CHAIR RON SMITH: One
- (20) abstention. The motion carries.
- (21) PETER JENSEN: Still on loligo. On
- (22) behalf of the --
- (23) JAMES RUHLE: Process. That was an
- (24) amendment to the motion. We haven't --

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- (1) COUNCIL CHAIR RON SMITH: I'm sorry,
- (2) yes.
- (3) JAMES RUHLE: -- voted the main
- (4) motion.
- (5) COUNCIL CHAIR RON SMITH: Okay. Now
- (6) we're going to vote on the motion as amended. All -
- (7) - as the main motion.
- (8) (Motion as voted.)
- (9) (I move to accept the staff recommendation that
- (10) current regulations be amended to restrict
- (11) incidental catch permit holders to landing a total
- (12) of 2500 lbs per calendar day or the amount
- (13) specified under the possession limit for Loligo.)
- (14) CHAIRMAN RON SMITH: All those in
- (15) favor, please raise your right hand.
- (16) (Response.)
- (17) COUNCIL CHAIR RON SMITH: Okay.
- (18) There's ten -- sixteen in favor. Opposed?
- (19) (No response.)
- (20) COUNCIL CHAIR RON SMITH:
- (21) Abstentions?
- (22) (Response.)
- (23) COUNCIL CHAIR RON SMITH: One
- (24) abstention. The motion carries.

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- (1) PETER JENSEN: Still on loligo. On
- (2) behalf of the committee, I move that the 2007
- (3) specifications for loligo squid include maximum OY
- (4) as specified at 26,000 metric tons and ABC, IOY,
- (5) DAH, DAP be specified at 17,000 metric tons; in
- (6) other words, status quo from last year.
- (7) COUNCIL CHAIR RON SMITH: Okay. You
- (8) see the motion on the board. Any discussion on the
- (9) motion?
- (10) (No response audible.)
- (11) COUNCIL CHAIR RON SMITH: None.
- (12) Audience?
- (13) (No response audible.)
- (14) COUNCIL CHAIR RON SMITH: None.
- (15) (Motion as voted.)
- (16) (I move that the 2007 specifications for loligo
- (17) squid include:
- (18) MAX OY specified at 26,000 mt and ABC, IOY, DAH,
- (19) DAP be specified at 17,000 mt.)
- (20) CHAIRMAN RON SMITH: All those in
- (21) favor, please raise your right hand.
- (22) (Response.)
- (23) COUNCIL CHAIR RON SMITH: Sixteen in
- (24) favor. Opposed?

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- (1) (No response.)
- (2) COUNCIL CHAIR RON SMITH:
- (3) Abstentions?
- (4) (Response.)
- (5) COUNCIL CHAIR RON SMITH: One
- (6) abstention. The motion carries.
- (7) PETER JENSEN: This next motion is a
- (8) change from quarterly to trimester quotas. So, on
- (9) behalf of the committee, I move that loligo squid
- (10) quota in 2007 be allocated as follows: the quota
- (11) for January-April is 5,460 metric tons, 42 percent;
- (12) quota for May-August is 1560 metric tons, 12 percent
- (13) of the total; quota for September-December is 5,980
- (14) metric tons, 46 percent of the total. The directed
- (15) fishery during the first two trimester periods would
- (16) be closed when 90 percent of the amount allocated to
- (17) that period was landed and then a trip limit of 2500
- (18) pounds will remain in effect until the quota period
- (19) ends.
- (20) Any underages from trimesters 1 and 2
- (21) will be applied to the next trimester, and overages
- (22) will be deducted from trimester 3. The directed
- (23) fishery will be closed in the third trimester when
- (24) 95 percent of the annual quota has been taken. The

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- (1) intent of the Council is for the fishery to operate
- (2) at the 2500 trip limit level for the remainder of
- (3) the fishing year.
- (4) COUNCIL CHAIR RON SMITH: Okay. You
- (5) see the motion on the board, and Jan, could you put
- (6) that after the last 2500 pounds so that nobody can
- (7) confuse it. Okay. Dennis.
- (8) DENNIS SPITSBERGEN: Yeah, I don't --
- (9) I sat through the committee meeting and I don't have
- (10) any objections to this motion. I'm just curious --
- (11) and maybe I'm going to embarrass myself, but I have
- (12) looked through here and I don't see any tables that
- (13) indicate monthly catches to give me any feel of
- (14) whether that 12 percent fits in for May through
- (15) August or whether -- for you know, if we could see
- (16) that for three or four years.
- (17) Is there any information like that
- (18) available? Don't tell me it was in the briefing
- (19) book, because I'm going to duck under the table if
- (20) you do, because I looked for it and couldn't find
- (21) it.
- (22) RICHARD SEAGRAVES: What I presented
- (23) was we did trimesters in 2000, okay? And we based
- (24) the allocation of -- the seasonal allocation amongst

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- (1) those three periods based on the observed landings
- (2) from '94 to '98, prior to regulation of the fishery.
- (3) That resulted in -- if you look at the briefing book
- (4) -- I'm trying to think if I included the -- yeah, I
- (5) included in here somewhere if we decide to go with
- (6) trimesters and use the 2000 allocation formula what
- (7) it would be. And I'm not finding it -- here, yeah,
- (8) it's right before the letter from Diodati to Dan,
- (9) trimester allocation of loligo quota.
- (10) Now, that was the original
- (11) formulation. The middle period got 18 percent, the
- (12) front period 42, the latter period 40. The
- (13) committee -- Mr. Ruhle made a motion to reduce the
- (14) summer quota to what you see on the board and
- (15) reallocate it and the justification was that that's
- (16) primarily a small boat fishery that does well under
- (17) the 2500 pound trip limit. So, that is a deviation
- (18) from what was presented. And you know, Mr. Ruhle
- (19) can talk -- but that just gives you an explanation
- (20) of how we got there.
- (21) COUNCIL CHAIR RON SMITH: Yes,
- (22) Dennis.
- (23) DENNIS SPITSBERGEN: Yeah, and I'd
- (24) like everybody to back up a page from that that was.

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- (1) just quoted and look at those closure dates. Are
- (2) those closure dates accurate? Over the last three
- (3) years we've only had closures in that February-March
- (4) period?
- (5) RICHARD SEAGRAVES: In '06 -- we
- (6) don't have '06 in here, but we had two closures in
- (7) '06.
- (8) DENNIS SPITSBERGEN: Okay. What were
- (9) the closure dates in '06?
- (10) JAMES RUHLE: '06?
- (11) RICHARD SEAGRAVES: Yeah, this year.
- (12) JAMES RUHLE: '06 was February the
- (13) 18th or 22nd or 23rd for the first quarter and April
- (14) 22nd for the first time, and -- actually April the
- (15) 1st for the first time and then later in April for
- (16) the second time; right?
- (17) RICHARD SEAGRAVES: Right. So, there
- (18) were two closures in the first quarter -- the first
- (19) two quarters.
- (20) DENNIS SPITSBERGEN: So, the second
- (21) quarter closed as early as April 25th?
- (22) RICHARD SEAGRAVES: Right.
- (23) DENNIS SPITSBERGEN: Or April 26th?
- (24) RICHARD SEAGRAVES: Right.

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- (1) DENNIS SPITSBERGEN: Okay.
- (2) RICHARD SEAGRAVES: Which was --
- (3) caused part of the consternation from the State of
- (4) Massachusetts, you know.
- (5) COUNCIL CHAIR RON SMITH: Any other
- (6) discussion on the motion? Jimmy.
- (7) JAMES RUHLE: Something that didn't
- (8) come out -- thank you, Mr. Chairman. Something that
- (9) didn't come out yesterday that I had a bearing on my
- (10) decision to put this in front of the committee was
- (11) that you've got to recognize that May, June and July
- (12) are the primary spawning months for loligo. You're
- (13) not going to get around that. Information is out
- (14) there to suggest that they spawn year-round, but the
- (15) primary event is May, June and July. So, it's part
- (16) of my intent was this -- is to provide just a little
- (17) bit more protection for the spawning stock at that
- (18) time of the year. That's part of the reason that
- (19) the 12 percent was chosen.
- (20) As stated earlier that it is
- (21) primarily a small boat fishery, but any size vessel
- (22) can participate into it prior to the closures. So,
- (23) that enables not only small boats, but medium and
- (24) larger boats to participate in the fishery. But the

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- (1) main thing here is what we have been doing hasn't
- (2) worked that well. This is a one-year specification.
- (3) The purpose of this was to go forward and try it for
- (4) a year, see how it worked. If it doesn't work,
- (5) we'll modify it next year. If it does work, good
- (6) for us. But we've got to do something different
- (7) than what we are doing, and this looked like a
- (8) decent shot. Thank you.
- (9) COUNCIL CHAIR RON SMITH: Other
- (10) discussion on the motion? Sima. I'm sorry. Wait a
- (11) minute, Sima. Gordon.
- (12) SIMA FREIERMAN: If I can ask a
- (13) question and then I'll have some comments later, Mr.
- (14) Chairman. I just wanted to ask Pete. I know that
- (15) there were some industry advisors present during the
- (16) meeting and I know that this proposal came up during
- (17) the meeting. It was not widely advertised or
- (18) discussed as an option prior to the meeting, nor was
- (19) there an awful lot of analysis of it. But I'm
- (20) wondering whether there was some ad hoc reaction
- (21) from our advisory panel members who were present.
- (22) If so, could you share that with us?
- (23) PETER JENSEN: Yes, there was. This
- (24) generated quite a bit of discussion, but what we did

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- (1) not get in the course of the meeting was any
- (2) suggestions on what the percentages should be
- (3) different than what's on the board. There was a
- (4) particular objection to the 12 percent. But the
- (5) conclusion -- there was no other proposal brought
- (6) forward by the advisors as to what those percentages
- (7) ought to be.
- (8) GORDON COLVIN: Is that possibly
- (9) because they weren't prepared beforehand to even
- (10) deal with this whole concept?
- (11) PETER JENSEN: That's very possible.
- (12) I don't know that anyone had seen these numbers
- (13) before they were introduced in the committee.
- (14) COUNCIL CHAIR RON SMITH: Any other
- (15) Council member discussion? Jimmy.
- (16) JAMES RUHLE: Thank you, Mr.
- (17) Chairman. A question for Rich. Didn't we have this
- (18) included in the Virginia Beach meeting? We had some
- (19) issues related to this to make the general public
- (20) aware that we were going to make some significant
- (21) changes. I know the illex loligo issue was
- (22) included. I believe trimesters was mentioned in
- (23) Virginia Beach. Now whether or not it was in the
- (24) briefing book or not, I do not know, but there was

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- (1) some discussion way back then.
- (2) RICHARD SEAGRAVES: I don't think it
- (3) was in the briefing book. I'd have to go back and
- (4) check. I will just comment to Gordon in that this
- (5) suggestion came directly from the -- with the letter
- (6) from NMFS, if you read Pat Kurkul's letter. And
- (7) granted, there wasn't a lot of lead time -- we
- (8) didn't get a lot of lead time on it either, but that
- (9) was one of the suggestions. And obviously we were
- (10) thinking about it, because we'd included the
- (11) seasonal allocation based on trimesters in the
- (12) briefing book itself to show you what it would be if
- (13) you used the 2000. So, I think it's fair to say
- (14) that we were thinking about it. It had been
- (15) discussed somewhat. But the actual numbers would
- (16) not have been available until this briefing book
- (17) became public.
- (18) COUNCIL CHAIR RON SMITH: Pete.
- (19) PETER JENSEN: Well, Gordon, I'm
- (20) assuming the thrust of your question is not
- (21) trimesters so much as the percentages involved,
- (22) because we did talk about trimesters at a previous
- (23) meeting, but no details.
- (24) GORDON COLVIN: You are quite

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- (1) correct.
- (2) COUNCIL CHAIR RON SMITH: Any other
- (3) Council member discussion? George.
- (4) GEORGE DARCY: Yeah, I just wanted to
- (5) point out that our suggestion was trimesters be
- (6) looked at as one way of achieving better monitoring
- (7) and closures of the fishery. We weren't suggesting
- (8) any reallocation. That was done by the committee.
- (9) COUNCIL CHAIR RON SMITH: Pat.
- (10) PAT AUGUSTINE: Thank you, Mr.
- (11) Chairman. One point that wasn't discussed when we
- (12) decided to -- when the committee decided to pass
- (13) this trimester was what happens if the -- if there's
- (14) an overage in the quota in the third trimester, what
- (15) does it come off of? Does it come off the first?
- (16) Because you're going to have it immediately going
- (17) from the final trimester date into -- let's assume
- (18) you went back to a quarterly. How would you handle
- (19) the overage? Would that come off the second quarter
- (20) or the second trimester of the next year?
- (21) COUNCIL CHAIR RON SMITH: I would
- (22) think it would come off -- an overage would come off
- (23) the first, but I'm going to let Pete or Rich
- (24) respond.

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- (1) PETER JENSEN: Rich, why don't you go
- (2) ahead and respond.
- (3) RICHARD SEAGRAVES: Yeah, I think the
- (4) motion does address that. It says overages come out
- (5) of the -- at the end. And if it's an overage at the
- (6) -- you know, overall it's an overage. There's no
- (7) carryover deduction from the following year. So,
- (8) it's --
- (9) PAT AUGUSTINE: May I respond, Mr.
- (10) Chairman? I'm missing something here. The first
- (11) trimester is fine. Second trimester is fine. So,
- (12) you would have a carryover from the first trimester
- (13) to the second trimester if there was an underage.
- (14) If there was let's say an overage in
- (15) the second trimester, it's taken off the third
- (16) trimester, but then if you have an overage in the
- (17) third trimester are you saying that it's just an
- (18) overage and we don't have to deal with it in the
- (19) following year?
- (20) RICHARD SEAGRAVES: That's correct.
- (21) That's the way this plan's set up. It's an annual
- (22) species, so I mean in other species where we have
- (23) multi-age, we're building biomass there, we have
- (24) some accounting. Here they're a completely

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- (1) different cohort the next year.
- (2) COUNCIL CHAIR RON SMITH: Dennis.
- (3) DENNIS SPITSBERGEN: Yeah, I still
- (4) need to get cleared up on these closure dates
- (5) because I'm looking at -- well, whatever page it is.
- (6) It's page 1, but there's a lot of page 1's. On the
- (7) closure dates in 2005. And when I look over at Dave
- (8) Pierce's letter, it indicates in 2005 the three
- (9) months directed fishery was closed after about three
- (10) weeks on April 25th. And the table back just the
- (11) page before does not indicate that there was a
- (12) closure at all during April in 2005. Now, which one
- (13) is correct?
- (14) RICHARD SEAGRAVES: This came out of
- (15) Amendment 9, the table that we have here. And it
- (16) may be wrong. I'll have to --
- (17) DENNIS SPITSBERGEN: I kind of
- (18) figured --
- (19) RICHARD SEAGRAVES: Pierce is right,
- (20) yeah.
- (21) DENNIS SPITSBERGEN: I kind of
- (22) figured Pierce would be right.
- (23) RICHARD SEAGRAVES: Sorry about that.
- (24) DENNIS SPITSBERGEN: Okay.

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- (1) COUNCIL CHAIR RON SMITH: Other
- (2) Council member discussion on the motion?
- (3) (No response audible.)
- (4) COUNCIL CHAIR RON SMITH: Okay.
- (5) Seeing none, Sima.
- (6) SIMA FREIERMAN: Yeah, a few points
- (7) if I can share with the Council, and that's very
- (8) relevant -- you know, this thing about Dave Pierce's
- (9) letter because I was certainly under the impression
- (10) yesterday and didn't have time to come up with
- (11) another set of numbers -- it did move rather fast
- (12) yesterday and -- but I was certainly under the
- (13) impression that one of the impetus here for this
- (14) trimester program was the fact -- was -- what's
- (15) stated in Dave Pierce's letter, was the fact that
- (16) Massachusetts lost their spring fishery and how
- (17) could they get it back if again we have a closure in
- (18) April which we did this year. So, again the fishery
- (19) was closed May 1st, so that's two years in a row.
- (20) And I think that's very justified. I think -- you
- (21) know, I think a lot of these things -- there are big
- (22) -- there are many issues, including that kind of
- (23) closure, that maybe someday we'll address in an
- (24) amendment. But that was my impression as to the

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- (1) impetus for this trimester schedule.
- (2) I was bothered yesterday, and I did
- (3) ask the question yesterday, and I don't think -- you
- (4) know, that I got a really clear answer. And my
- (5) question was how can we possibly take a plan from
- (6) 2000 and insert it into 2007 when between those
- (7) years we've had the influx of the displaced
- (8) groundfish effort and we've had GRAs put in place
- (9) and changed and changed again, and we've had the
- (10) dogfish fishery pretty much shut down and tremendous
- (11) impact on the loligo stock from dogfish, and we've
- (12) had tremendous increase in shoreside capacity in a
- (13) couple of states as far as processing goes. So,
- (14) it's a very, very different world than it was in
- (15) 2000 and yet we're just taking this program and
- (16) you're going to plop it down in 2007.
- (17) Since it did pass the committee,
- (18) however, and there was -- you know, I felt
- (19) insufficient time to really think through the
- (20) numbers yesterday -- what there was time for was to
- (21) say wait a minute, you open in May with 12 percent
- (22) and we definitely won't have a fishery by July.
- (23) I did contest the statement about it
- (24) being majorly a small boat fishery in the summer. I

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- (1) don't believe that's true. It certainly isn't true
- (2) unless -- it certainly isn't true in my neck of the
- (3) world. And now we're talking about spawning stock,
- (4) which again perhaps is something that should be
- (5) analyzed in an amendment process. And not kind of
- (6) thrown into an annual specification process.
- (7) But I would like to put forth then an
- (8) alternative set of numbers for the full Council that
- (9) would achieve the needs of Massachusetts that would
- (10) give him that May opening, their spring fishery in
- (11) Massachusetts, which I think is perfectly justified
- (12) and they shouldn't lose it, because we're kind of
- (13) slow getting around to doing an amendment on this
- (14) stock, as well as preserve what we have on the south
- (15) shore of Long Island and in the Mid-Atlantic Bight
- (16) in the summer, which is also an important fishery to
- (17) us.
- (18) And what I'll propose -- and you
- (19) know, once it gets into discussion, we can always
- (20) get these numbers written down somewhere -- is to go
- (21) with the trimester alternative, but pretty much keep
- (22) the numbers that we had in the quarterly allocations
- (23) in terms of percentages. And what I'm proposing is
- (24) that we take the two -- it's going to get a little

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- (1) complicated -- we have right now two -- six months
- (2) of summer in the quarterly allocations. And between
- (3) those six months from April to -- let me see if I
- (4) get this right -- to October there is 34.91 percent
- (5) of the annual quota allocated. That's right now.
- (6) That's since we left the trimester system in 2001.
- (7) If I were to take that six months of
- (8) summer and divide it into six equal parts -- this is
- (9) a mathematical exercise because I don't believe we
- (10) have the data analyzed to say -- you know, other
- (11) than to say here's how it was in 2000 -- divide that
- (12) into six parts, give one part to the first
- (13) trimester, which is now a month longer, and give
- (14) another part to the third trimester, which has now
- (15) gone from three months to four months, and take the
- (16) four parts that are left and each of those parts is
- (17) 5.81 percent, and go to two two-month periods in the
- (18) summer. The summer trimester gets divided into two
- (19) two-month periods and each of those two-month
- (20) periods gets two of the parts that are left.
- (21) And again, it is strictly a
- (22) mathematical exercise. But what you end up with is
- (23) a January to April trimester with 39.05 percent of
- (24) the quota, a May to June two-month period with 11.64

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- (1) percent of the quota, July to August two-month
- (2) period with 11.64 percent of the quota, and a
- (3) September to December trimester with 37.67 percent
- (4) of the quota. And I would like the Council to
- (5) please consider this as an alternative to the
- (6) numbers that were put forth yesterday and passed in
- (7) short order.
- (8) COUNCIL CHAIR RON SMITH: Okay.
- (9) Thanks for your comment. I would round it off,
- (10) first of all, 39 percent and then May through
- (11) August. We're trying to get away from the quarterly
- (12) period because it's too short for NMFS to monitor,
- (13) and going to a two-month period certainly doesn't
- (14) achieve that goal. So, if you had then 23 percent
- (15) in the May through August and then 38 percent in the
- (16) September through December. But it's up to the
- (17) Council whether they want to -- you know, somebody
- (18) wants to present this as an amendment. George.
- (19) GEORGE DARCY: Well, as you just
- (20) said, this actually makes our job worse than the
- (21) current quarterly system, because we'd have two two-
- (22) month periods and the smaller -- the smaller the
- (23) amounts get, the more difficult it is to hit our
- (24) numbers. So, I have a problem with that

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- (1) procedurally.
- (2) COUNCIL CHAIR RON SMITH: Well,
- (3) that's why I pointed that out. I figured you would.
- (4) And I don't think that the Council would support
- (5) going to two-month periods, but there certainly can
- (6) be an adjustment in the percentages for the
- (7) trimester. Is there any Council member -- Gordon.
- (8) GORDON COLVIN: Thank you, Mr.
- (9) Chairman. I do think that we need to take some
- (10) action to adjust the proportions of the quota that
- (11) are allocated to the time periods in the committee
- (12) recommendation, because quite frankly what we're
- (13) looking at here is a motion that affects a
- (14) substantial potential reallocation. And I don't
- (15) think that's the intent, and I don't think the
- (16) record will support it.
- (17) And you know, it's going to create
- (18) some -- a whole other level of argument and
- (19) discussion that hasn't occurred yet, and we really
- (20) ought not to act without it. Frankly, from New
- (21) York's perspective, we ought not to act on it at
- (22) all. But that's a concern that I'll just lay out
- (23) there we can come back to.
- (24) I favored the recommendation that

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- (1) Sima made, but I recognize there's a practical issue
- (2) with respect to the two-month periods. The
- (3) difficulty is we're trying to solve problems in two
- (4) different areas. We have a problem in Massachusetts
- (5) with the need to make sure that they can begin a
- (6) fishery in May and not be reduced to bycatch before
- (7) we get there. We have a problem south of Long
- (8) Island where there's a summer fishery need and if we
- (9) go to a second trimester that begins in May,
- (10) couldn't we end up moving that problem from
- (11) Massachusetts down to Long Island in the summer? I
- (12) think that's a concern that we have. And I'm not
- (13) sure how we get past it.
- (14) I do want to ask the committee one
- (15) question before I offer a substitute motion, and
- (16) that is that one of the recommendations that some
- (17) folks have made -- some of our industry members, I
- (18) know, were interested in this, it's certainly
- (19) clearly recommended for consideration in Paul
- (20) Diodati's letter -- is an increase above 2500 in the
- (21) allowance following a directed fishery closure. And
- (22) I wondered if the committee discussed that question;
- (23) and if so, what was the reason for not moving in
- (24) that direction?

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- (1) COUNCIL CHAIR RON SMITH: Pete.
- (2) PETER JENSEN: Well, I may be having
- (3) a mental lapse, but I don't remember that we
- (4) discussed it at all. It may have been mentioned,
- (5) but we didn't do any in-depth discussion, as I
- (6) recall.
- (7) GORDON COLVIN: I mean I know, for
- (8) instance, Paul's letter's pretty clear suggesting
- (9) that as an alternative to what's been done that the
- (10) trip limits in the range of 5,000 to 7500 might be
- (11) an entirely different and alternative way of solving
- (12) the problem. And I know Dave Pierce was at the
- (13) meeting. I'm kind of surprised the issue didn't
- (14) come up as another option.
- (15) COUNCIL CHAIR RON SMITH: I have
- (16) Jimmy and then Pat.
- (17) JAMES RUHLE: Thank you, Mr.
- (18) Chairman. It did come up, Mr. Chairman. It came up
- (19) when my brother mentioned it. He mentioned it under
- (20) a different heading now, but the 2500 -- you need to
- (21) recognize that the 2500 pound trip limit becomes a
- (22) cumulative total after the closure. It itself is
- (23) its own set of problems. It has become a directed
- (24) fishery and that was never the intent when the plan

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- (1) was developed. It was to provide bycatch allowances
- (2) for other fisheries.
- (3) But because of the proximity to where
- (4) the fishery took place in 2000, you had no provision
- (5) to prevent multiple trips. And the abundance of
- (6) squid nearshore provided an opportunity for multiple
- (7) landings in a day.
- (8) So, the discussion, Gordon, about the
- (9) increase of the trip limit did not occur in context
- (10) with this motion, because of the effects of it at
- (11) the end of the year. And that's -- the end of the
- (12) year is why there's a concern for all vessels, any
- (13) deductions that have to come off, as we explained
- (14) before, any deductions come off of the following
- (15) trimester, but all of them ultimately come off the
- (16) last one, overages and underages both. The last one
- (17) is the makeup period for that year.
- (18) But that discussion didn't come up
- (19) other than to state that there's a problem with the
- (20) 2500 as it exists. Then you have to in fact
- (21) designate the -- define the difference between are
- (22) you talking about an increase in trip limit for all
- (23) moratorium vessels or incidental permits only -- I
- (24) mean moratorium or incidental? Because that was

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- (1) something that we did discuss. That's why the
- (2) multiple landings are not prohibited in the
- (3) incidental.
- (4) So, if you're going to talk about an
- (5) increased trip limit, somebody needs to talk about
- (6) does it apply across the board or just to the
- (7) moratorium vessels.
- (8) COUNCIL CHAIR RON SMITH: Pete, did
- (9) you want to respond to that before I call Pat?
- (10) Okay, Pat.
- (11) PAT AUGUSTINE: Thank you, Mr.
- (12) Chairman. Well, Dave Pierce -- Doctor Pierce did
- (13) mention Paul's letter and referred to the concern
- (14) that Paul had stated in that letter, but the
- (15) discussion just kind of got away from it very
- (16) quickly, and it was almost as though it was dropped,
- (17) shortly thereafter. You continued to promote -- Mr.
- (18) Ruhle continued to promote the trimester approach to
- (19) addressing the issue here. And it just never got
- (20) picked up again other than when Phil Ruhle made his
- (21) comments about the cumulative effects.
- (22) But Dave did mention his concern that,
- (23) Paul had stated in that letter, but it never really
- (24) got fleshed out one way or another. It just kind of

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- (1) got passed over.
- (2) COUNCIL CHAIR RON SMITH: Gordon.
- (3) GORDON COLVIN: Thank you, Mr.
- (4) Chairman. I want to tell you that it's my intention
- (5) to offer a substitute motion. It's going to take me
- (6) a minute or two to craft it. I think that -- I
- (7) think that we can find a solution that preserves the
- (8) trimester approach, and can resolve some of the
- (9) concerns that I've expressed and others about
- (10) prospective reallocations.
- (11) I think the solution to the problem
- (12) might lie in looking at it slightly differently than
- (13) we have about how to address the threshold for
- (14) dropping to the 2500 during the second trimester.
- (15) The concern I would have is if we -- if we go all
- (16) the way to 90 percent fast, then there's not much
- (17) left for that second half of the trimester when that
- (18) fishery's important off Long Island.
- (19) Maybe if we had a lower threshold and
- (20) then dropped -- you know, in a somewhat more
- (21) flexible way, there might be a solution. So, I'd
- (22) like to offer you something. I just need a minute
- (23) or two to craft it, and I just want to kind of
- (24) preserve as a placeholder my opportunity to do so

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- (1) after I try to get some words put together on it.
- (2) COUNCIL CHAIR RON SMITH: Okay. That
- (3) sounds reasonable. How about if we take a ten-
- (4) minute break. Please be back no later than 3:00.
- (5) We'll be underway.
- (6) (BREAK: 2:48 p.m. to 3:05 p.m.)
- (7) COUNCIL CHAIR RON SMITH: Gordon has
- (8) the floor with a motion -- or a substitute motion.
- (9) GORDON COLVIN: Thank you, Mr.
- (10) Chairman. The substitute motion I'm offering
- (11) proposes to revise the committee's recommended
- (12) distribution of the quota among the three proposed
- (13) trimesters in a fashion consistent, we believe, with
- (14) the proportion of the quota as it's presently
- (15) distributed across the period of April through
- (16) September under the new trimester format. And in
- (17) addition asks for some additional staff analysis and
- (18) consultation with Service staff about the
- (19) workability of options to manage the quota in a
- (20) second trimester to achieve the purposes of
- (21) supporting the fisheries as we discussed earlier in
- (22) New England and Long Island.
- (23) I offer the following substitute
- (24) motion: I would substitute for the motion offered

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- (1) by the committee to read that the quota for January
- (2) through April is 39 percent of the total. The quota
- (3) from May through August is 23 percent of the total.
- (4) And the quota for September through December is 38
- (5) percent of the total. The staff will analyze
- (6) options for managing second trimester trip limits
- (7) and thresholds with the intent of enabling a period
- (8) of directed fishing in Southern New England
- (9) beginning in May and south of Long Island beginning
- (10) in July in consultation with NMFS staff and present
- (11) these options for this issue only for action at the
- (12) August Council meeting.
- (13) One such option would be as follows -
- (14) - and what follows is the option recommended by the
- (15) committee in its prior motion.
- (16) COUNCIL CHAIR RON SMITH: Okay. You
- (17) heard the substitute motion. A second? Second by
- (18) Pat Augustine. Discussion on the motion? As I
- (19) understand it, if this motion becomes the main
- (20) motion and passes, we would vote on this again in
- (21) August; is that correct?
- (22) GORDON COLVIN: We would anticipate
- (23) essentially some options from the staff, Mr.
- (24) Chairman, with respect specifically to the

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- (1) thresholds for reducing trip limits for the directed
- (2) fishery during the second trimester to meet the
- (3) intent specified. We would not anticipate further
- (4) action on other elements of the motion.
- (5) COUNCIL CHAIR RON SMITH: Okay. So,
- (6) in August then the only thing the Council would vote
- (7) on are the proposed limits that the staff would come
- (8) up with to prolong the catch throughout the second
- (9) trimester. Okay. Does everybody understand that?
- (10) Pete.
- (11) PETER JENSEN: Well, I'm assuming
- (12) that if we vote on the first part of this substitute
- (13) motion today that it will not be sent forward to the
- (14) Regional Administrator until the second part is
- (15) available, because the two are tied together. And
- (16) so another option may be to simply defer this issue
- (17) and ask the staff to analyze those percentages
- (18) because I'm not sure any of us know what the
- (19) percentages are at this point. So, that might be
- (20) another option here, to simply defer quota setting
- (21) until the August meeting and allow staff time to
- (22) analyze these things.
- (23) COUNCIL CHAIR RON SMITH: I'm not
- (24) sure, but I'll let Rich or George speak to that.

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- (1) RICHARD SEAGRAVES: Well, I hate to
- (2) see us defer -- I mean there's obviously some stuff
- (3) that needs to be worked out here that we may have to
- (4) defer, but I think a reasonable solution would be to
- (5) move forward on everything else that we can. We can
- (6) get our document prepared and this one component of
- (7) it would have to be revisited if this motion passes,
- (8) obviously, but I would prefer we -- like we got
- (9) mackerel done, we'd move forward, do everything else
- (10) that we can, and then whatever --
- (11) COUNCIL CHAIR RON SMITH (No
- (12) microphone): (Inaudible.)
- (13) RICHARD SEAGRAVES: Pardon?
- (14) COUNCIL CHAIR RON SMITH (No
- (15) microphone): (Inaudible.)
- (16) RICHARD SEAGRAVES: Well, no, we
- (17) wouldn't submit. We'd have to wait. We can't
- (18) submit part of a package. We'd have to have the
- (19) whole thing done. So, it would delay when we could
- (20) -- we've been submitting in the first week of August
- (21) after the June meeting, so -- and the other problem
- (22) here is in the past couple years we haven't really
- (23) changed much. I've been the first one in, last one
- (24) out, as I've said, on specifications in that I'm the

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- (1) first one to submit my package, it's the last one to
- (2) get published because we have a rollover provision
- (3) and so they've been able to say well, okay, we can
- (4) put that off, nothing bad's happened because the
- (5) same regulations roll in the next year. Here
- (6) obviously we're going to have some changes, this
- (7) poses problems. So, you're facing me with giving me
- (8) less time to submit a document, get it turned
- (9) around, that has ramifications if we don't get it
- (10) submitted and published on time.
- (11) So, it is -- it could have potential
- (12) problems, but I would say do everything you can
- (13) today, we'll work as staff to analysis and get the
- (14) EA done, and then whatever loose ends are left we
- (15) could finish up in August. That would not be the
- (16) preferred thing. I'd hope we could get it all done
- (17) today. But short of that, get everything else done
- (18) except this part.
- (19) COUNCIL CHAIR RON SMITH: Okay. I
- (20) want the Council to clearly understand what Rich
- (21) just said, because of the time constraints of staff
- (22) the only thing that can be postponed is just this --
- (23) a method to extend the quota -- to try to extend it
- (24) during the second trimester. Okay? He has to work

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- (1) on this EIS, everything done now before the next
- (2) meeting. So that very limited action can be taken
- (3) next meeting. No Council members should have a
- (4) thought that well, if it doesn't work out we'll
- (5) modify it at the next meeting. That is not
- (6) possible. It's just this one small thing that
- (7) Gordon pointed out and Rich. George, did you want
- (8) to comment to anything to that?
- (9) GEORGE DARCY: I think the way Rich
- (10) described it is correct. I mean obviously we want
- (11) to get the package in and under review as quickly as
- (12) possible. But given the discomfort and uncertainty
- (13) about particularly the allocational impacts of the
- (14) committee's proposal, I can understand where there
- (15) might be benefit to the Council deferring just that
- (16) specific issue until August when we all have a
- (17) greater understanding of what the implications are.
- (18) So, I would support it if the Council
- (19) can't come to an agreement on something else today.
- (20) COUNCIL CHAIR RON SMITH: Okay. As
- (21) both Rich and George said, the preferable thing
- (22) would be to wrap it all up today; but if not, just
- (23) this one small thing, which is not preferable but is
- (24) possible. Any discussion on the substitute motion?

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- (1) Jimmy.
- (2) JAMES RUHLE: Thank you, Mr.
- (3) Chairman. I'm going to vote against the motion for
- (4) the simple reason that I think there was a fair
- (5) amount of advanced notice to most of the industry
- (6) that this was -- discussion was going to take place.
- (7) Granted, the percentages that the committee voted on
- (8) may have been different from some of the numbers
- (9) that were cast out there, but the initial numbers
- (10) that were cast out there were based on '94 to '98
- (11) landings, to put together a package for the 2000
- (12) fishing year which fell right on its butt because of
- (13) some other issues. But they were arbitrary numbers
- (14) as far as I'm concerned at that point because that
- (15) was 2000 using the numbers from six years earlier.
- (16) Now to use the same numbers may even
- (17) be more arbitrary. May, may not, doesn't make any
- (18) difference. But the issue is to me that we're
- (19) circumventing the process here a little bit by going
- (20) against what the committee's recommendation was.
- (21) And the Council has the opportunity to vote for it
- (22) or against it.
- (23) I don't have a problem with that. I
- (24) do have a problem with the suggestion that maybe

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- (1) this is something that I dreamed up without having
- (2) consultation. I talked to the fellows in Montauk.
- (3) I talked to three different fishermen from Montauk.
- (4) I didn't talk to everybody in Shinnecock, I didn't
- (5) talk to anybody from Shinnecock. I didn't talk to
- (6) anybody from Freeport. I didn't talk to anybody
- (7) from Manasquan or Point Pleasant or other parts of
- (8) the coast.
- (9) But I did talk to some of the major
- (10) players in the illex -- I mean, excuse me, in the
- (11) loligo fishery and they were willing, because of the
- (12) concerns that they've got and the failure the way
- (13) this quarterly allocation issue has worked, to try
- (14) something different, and try it different for one
- (15) year. That's one of their big concerns was wait a
- (16) minute, what are we getting into here? We don't
- (17) want to be locked into something that's going to
- (18) hang on for three or four years. That's not the
- (19) intent. It's a one-year trial to see if it works
- (20) better.
- (21) Any way you cut it, it's going to be
- (22) what can be interpreted as reallocations. The issue
- (23) with the summer months is -- that seems to be
- (24) falling through the crack here -- is that both large

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- (1) and small boats have the same opportunities during
- (2) the summer months because of the proximity of the
- (3) squid to the ports. It's the only time of the year
- (4) that you can make a daily trip with no problem at
- (5) all. Period 1 and Period 3 can be a daily fishery
- (6) for the early parts of those openings, but the
- (7) summer period provides opportunity to catch squid at
- (8) a 2500 pound trip limit seven days a week, for big
- (9) boats, small boats, doesn't matter.
- (10) The issue is once you hit whatever
- (11) established percentage we allocate to Period 2, once
- (12) you hit that, we're starting now May the 1st -- so,
- (13) say it closes June the 1st, say it closes July the
- (14) 1st, say it closes August the 1st. The cumulative
- (15) total of that 2500 pounds from there until Period 3
- (16) opens comes off of Period 3. Every one. The bigger
- (17) concerns of the boats in Montauk and Rhode Island
- (18) that I've talked to is what happens to quarter 3 --
- (19) period 3. We don't want to lose that by providing
- (20) more opportunity to the inshore sectors.
- (21) The inshore sectors can economically
- (22) have a fishery at 2500 pound regardless of the size
- (23) of the boat. There's better and worse depending on
- (24) your efficiency. That's why I modified the

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- (1) percentages that were put up there. But it was not
- (2) done in a vacuum. I did in fact consult with
- (3) industry members on it. Thank you very much.
- (4) COUNCIL CHAIR RON SMITH: Phil.
- (5) PHILIP RUHLE: Thank you, Mr.
- (6) Chairman. Just to go along with what Jimmy said, I
- (7) -- before coming down to this meeting I spoke with
- (8) quite a few of the Rhode Island fishermen concerning
- (9) this -- going to the trimester and the reallocation.
- (10) And just as Jimmy said, the major concern from our
- (11) neck of the woods -- and once again, 70 percent of
- (12) the loligo was landed in Rhode Island last year --
- (13) we pack a good portion of it -- the major concern is
- (14) just that, what happens to the last trimester if it
- (15) carries over and it's deducted from them.
- (16) As we've heard the last time around,
- (17) we had concerns with not utilizing the full spectrum
- (18) of the fishery because of the -- getting down to the
- (19) end of the year and having to shut off at 95 and
- (20) what have you. So, the main concern that I heard
- (21) from everybody before I came down here was how was
- (22) this going to be allocated out so that a high
- (23) fishery rate in the summertime didn't actually knock
- (24) us out of the ballpark for the fall. So, that's it

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- (1) on our end.
- (2) COUNCIL CHAIR RON SMITH: Gordon and
- (3) then Pat.
- (4) GORDON COLVIN: I understand the
- (5) concern folks are raising about the cumulative
- (6) effects of second and third quarter landings rolling
- (7) into the fourth quarter. The fourth quarter of the
- (8) year always -- in any of our quota managed fisheries
- (9) always seems to have -- you know, whether it's our
- (10) state fisheries that we're managing for fluke or
- (11) bluefish or scup, sea bass now.
- (12) That last quarter of the year always
- (13) does seem to be a problem quarter to manage. I can
- (14) assure you of that. And we've had all too much
- (15) experience with it. It tends to pile up either the
- (16) surplus or the deficit from the preceding months.
- (17) Whatever you had in mind or envisioned as a manager
- (18) working with your fishing industry to have available
- (19) for that period is frequently just not what you
- (20) encounter at the end of the day. And some years
- (21) you're scrambling to catch it and some years it's
- (22) not there.
- (23) I'm not sure what the solution to
- (24) that is when you're talking to industry people who

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- (1) find that a meaningful time of the year. I sure
- (2) haven't found one. But it is a problem.
- (3) I'm not sure that we've been having
- (4) trouble in the last couple of years. I'm back to
- (5) looking at this same table that Dennis brought to
- (6) our attention earlier on loligo closure dates for
- (7) '03, '04 and '05. It doesn't look like we've had a
- (8) problem with closures in the fourth quarter. So,
- (9) maybe we're -- maybe we're not encountering that
- (10) problem in the most recent years. I'm not sure what
- (11) happens -- what's going to happen this year. None
- (12) of us does. But it does look like the last three we
- (13) haven't had that problem.
- (14) The comments I've heard make it even
- (15) clearer to me that the committee motion effects a
- (16) deliberate reallocation from the middle of the year
- (17) to either end. And that continues to trouble me.
- (18) That underscores in my mind the need for the
- (19) substitute motion that tries to maintain the status
- (20) quo. If we want to effectuate a reallocation, we
- (21) need to think very carefully about why, how, and
- (22) justify it, and not just let it happen. And I think
- (23) that the committee motion would suffer from that
- (24) shortcoming.

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- (1) Right now we have 33 and a little --
- (2) and change percent in the three-month period
- (3) January, February, March. The committee proposes to
- (4) make the four-month period January through April 46
- (5) percent. That's obviously a very substantial shift
- (6) in where the -- where the quota would be harvested
- (7) on the calendar, and that also involves a very
- (8) substantial shift on where it would be harvested and
- (9) landed in the fishery. And I just don't think we
- (10) can take that step knowingly without explaining why
- (11) we're doing it, justifying it, laying it out, and
- (12) getting a lot more industry feedback on it than
- (13) we've gotten to date. Hence my motion, Mr.
- (14) Chairman. Thank you.
- (15) COUNCIL CHAIR RON SMITH: Pat.
- (16) PAT AUGUSTINE: Thank you, Mr.
- (17) Chairman. I was going to reiterate basically what
- (18) Gordon said before he said it. There's no question
- (19) that the first approach that as a committee they
- (20) accepted the trimester. Secondly, the numbers, 12
- (21) percent and so on, that were laid out there as the
- (22) possible breakout between each of the trimesters, I
- (23) hate to say it, but were pretty arbitrary based on
- (24) the '94-96 or '94-98 numbers. As has been stated

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- (1) here, they appear to be bogus, whether good, bad or
- (2) indifferent.
- (3) I think the way this is written with
- (4) the responsibility being put on staff as Gordon
- (5) noted up there, it seems to me staff will come
- (6) forward and tell us, yes, these percentages are
- (7) appropriate or maybe there has to be a shift in
- (8) percentages from one trimester to another trimester
- (9) to make this thing level out.
- (10) But this seemed to be the first way
- (11) to do it, with a staff analysis, other than just
- (12) pulling numbers out of the air. Thank you, Mr.
- (13) Chairman. If I may call the question.
- (14) COUNCIL CHAIR RON SMITH: Any other
- (15) discussion on the motion from Council members?
- (16) Dennis.
- (17) DENNIS SPITSBERGEN: Going back to
- (18) that table, though, you will note that at 33 percent
- (19) in the three-month period, 2003, 2004 and 2005, you
- (20) had a closure in a couple of them pretty early in
- (21) that. So, and you're now looking at, what, 39
- (22) percent is the recommendation? So, obviously you're
- (23) going to get a closure in that first period, whether
- (24) you're on trimester -- if you're on a trimester with

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- (1) 39 percent, because the 33 percent certainly didn't
- (2) carry it for three months and 39 percent is
- (3) definitely not going to carry it for four months.
- (4) So, I'm going to have a little problem in voting for
- (5) this motion.
- (6) COUNCIL CHAIR RON SMITH: Any other
- (7) Council discussion? Remember now, as Jimmy pointed
- (8) out, this is just for one year. What we're doing
- (9) here today is not written in stone, not being able
- (10) to change. Sima.
- (11) SIMA FREIERMAN: Yeah, and I got to
- (12) go back to that table. With all due respect, I'm
- (13) sure that we were closed by the end of December '05.
- (14) I mean I'm definitely remembering gearing up for
- (15) January. So, I don't know what's missing from the
- (16) table, but there may be other closures. Certainly
- (17) you know in Frank's letter there were other closures
- (18) that are not on the table and I know we were closed
- (19) December '05 before the end of the year. So, I just
- (20) don't know how much we want to keep referring to
- (21) that table.
- (22) As far as what the Captains Ruhle
- (23) were saying, I think we're saying the same thing.
- (24) There is quite a concern among the Montauk boats

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- (1) that a 2500 pound extended fishery does -- in the
- (2) second or the third quarter -- in this matter in the
- (3) second trimester, does not eat away at the third
- (4) trimester.
- (5) Well, certainly if we open in May
- (6) with 12 percent, we may very well be facing two and
- (7) a half to three months of this 2500 pound inshore
- (8) fishery with many, many more participants -- with
- (9) hundreds of participants, and end up with nothing in
- (10) the third trimester.
- (11) The numbers that Gordon has here are
- (12) only -- only -- again I did that whole mathematical
- (13) exercise. All that is is taking the existing
- (14) allocation that we've been using for the last four
- (15) years and translating it into a trimester program.
- (16) So, but -- you know, again if we're all on the same
- (17) page and saying yeah, we're worried about not having
- (18) a third trimester because there's an extended 2500
- (19) pound fishery with 300 boats, and then you get to
- (20) September and October and there's only 80 boats left
- (21) but there's no fish left, that would happen just
- (22) about for sure if we opened with 12 percent of the
- (23) quota in May. And by June everybody was doing their
- (24) daily runs of 2500 pounds, and everybody amounts to

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- (1) a lot of boats.
- (2) So, you know, I hope that the Council
- (3) will just go for taking the numbers we now have, and
- (4) have been using for four years, and translating them
- (5) into a trimester program and then let that -- what
- (6) we can do about the summer, sure, let's see -- you
- (7) know, give it some thought and see if we can come
- (8) back in August and fix it.
- (9) COUNCIL CHAIR RON SMITH: Any other
- (10) discussion on the motion? Jimmy.
- (11) JAMES RUHLE: Thank you, Mr.
- (12) Chairman. I think for point of clarification, and I
- (13) believe Joel -- I mean, excuse me, George is looking
- (14) into that, but the whole problem we had with 2005 in
- (15) December was that the fishery closed in it was
- (16) either the 7th or the 17th or something like that of
- (17) December and there was no way under a 2500 pound
- (18) trip limit to take the million and a half pounds,
- (19) which is five percent of the hundred percent, that
- (20) was left. So, there was a closure in December of
- (21) 2005, because that's what the Service's biggest
- (22) concern was, how do you utilize -- how do we provide
- (23) a mechanism to leave the trigger -- raise the
- (24) trigger in December when you've only got a very

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- (1) short time frame to take the remaining quota.
- (2) So, I'm almost positive that -- and I
- (3) think Mr. Darcy's looking into that, but there was a
- (4) closure in December of 2005. Either they closed it
- (5) or they announced that they were going to close it,
- (6) one or the other. But we had a problem in 2005 in
- (7) December. Thank you.
- (8) COUNCIL CHAIR RON SMITH: If my
- (9) memory's right, you're correct, and maybe a
- (10) possibility to get around that since it's more or
- (11) less an annual species is that any underage be
- (12) allowed to be harvested in the first trimester of
- (13) the following year. The squid -- I would think if
- (14) they're there in the last half of December they
- (15) ought to be there in the first half of January, but
- (16) I don't know what the weather or the fishing
- (17) situation is. Other discussion on the motion?
- (18) Gordon.
- (19) GORDON COLVIN: I just wonder -- to
- (20) that last point that Jim brought up -- if -- are we
- (21) proposing to change the threshold for dropping the
- (22) trip limit in the last part of the year in the
- (23) committee motion? I think it was 95 percent. If
- (24) not, is that where the solution is? As I understand

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- (1) it, we followed the criteria last year and we
- (2) couldn't land the balance on bycatch? Maybe we
- (3) dropped too early.
- (4) COUNCIL CHAIR RON SMITH: Jimmy, to
- (5) that point?
- (6) JAMES RUHLE: To that point, Mr.
- (7) Chairman, we did -- we actually had -- we had it in
- (8) mind to have a discussion on changing that
- (9) threshold, but by going to trimesters instead of
- (10) quarters we felt like that would provide a four-
- (11) month period to take whatever is allocated to Period
- (12) 4 and leave the 2500 pound trip limit for that one
- (13) year and make a determination of how that worked.
- (14) And that was with the support of the agency -- Mr.
- (15) Darcy.
- (16) COUNCIL CHAIR RON SMITH: Okay,
- (17) George.
- (18) GEORGE DARCY: Yeah, I just talked to
- (19) staff back in the office and the closure dates for
- (20) 2005 were Quarter 1 February 20th, Quarter 2 April
- (21) 25th, there was no Quarter 3 closure, and Quarter 4
- (22) was December 18th.
- (23) COUNCIL CHAIR RON SMITH: Phil.
- (24) PHILIP RUHLE: I appreciate that

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- (1) information from George, but along with them
- (2) closures was the oops that they had last year, too,
- (3) that the first quarter overran.
- (4) COUNCIL CHAIR RON SMITH: Okay. Any
- (5) other discussion on the motion? The substitute
- (6) motion, sorry.
- (7) (No response audible.)
- (8) COUNCIL CHAIR RON SMITH: Seeing
- (9) none, I'm going to call the question.
- (10) (Motion as voted.)
- (11) (Substitute above to read that the quota for
- (12) January-April is 39% of the total, the quota for
- (13) May-August is 23% of the total, and the quota for
- (14) September-December is 38% of the total.
- (15) Staff will analyze options for managing second
- (16) trimester trip limits and thresholds with the
- (17) intent of enabling a period of directed fishing in
- (18) Southern New England beginning in May and south of
- (19) Long Island beginning in July, in consultation with
- (20) NMFS staff, and present these options - on this
- (21) issue only - for action at the August Council
- (22) meeting.)
- (23) CHAIRMAN RON SMITH: All those in
- (24) favor, please raise your right hand.

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- (1) (Response.)
- (2) COUNCIL CHAIR RON SMITH: Three in
- (3) favor. Opposed?
- (4) (Response.)
- (5) COUNCIL CHAIR RON SMITH: Twelve
- (6) opposed. Abstentions?
- (7) (Response.)
- (8) COUNCIL CHAIR RON SMITH: One
- (9) abstention: The motion fails.
- (10) UNIDENTIFIED (No microphone):
- (11) (Inaudible.)
- (12) COUNCIL CHAIR RON SMITH: That is
- (13) correct, back to the original motion, and I have
- (14) Gordon.
- (15) GORDON COLVIN: Well, before we go
- (16) back to the original motion, Mr. Chairman, I'd like
- (17) to suggest that we consider something that George
- (18) mentioned. I suspect that the vote in part is an
- (19) expression of the Council's discomfort with lack of
- (20) fully understanding the allocative consequences of
- (21) the substitute motion and perhaps as much discomfort
- (22) as I have about the original motion in that regard.
- (23) So, I would like to move that we lay
- (24) the entire matter on the table to a time certain,

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- (1) being the August Council meeting, with an
- (2) expectation that at that meeting we will have an
- (3) assessment of both the question of the effect of
- (4) different trimester allocations on the fishery and
- (5) options for consideration in that regard, as well as
- (6) the issues that have been raised regarding the
- (7) intent to preserve the existing summer fishery
- (8) opportunities.
- (9) COUNCIL CHAIR RON SMITH: I'm going
- (10) to ask Rich whether that's feasible, given what has
- (11) to be done. Then after Rich, Dan.
- (12) DANIEL FURLONG: Gordon, are you
- (13) limiting your issue to just this issue that we've
- (14) been discussing? Because I don't think we could do
- (15) this for the entire spec package, and I didn't
- (16) understand your commentary as to the limitation on
- (17) which you're putting it.
- (18) GORDON COLVIN: The main motion that
- (19) I am proposing to lay on the table -- well, I guess
- (20) postpone to a time certain -- is the motion that
- (21) changes from a quarterly to a trimester period,
- (22) specifies three percentages for each period, and
- (23) also the thresholds and trip limits when the
- (24) directed fishery is reached in each period for

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- (1) loligo squid only.
- (2) So, I am proposing that that motion
- (3) be put on the table and revisited with an assessment
- (4) of options regarding the allocation and options
- (5) regarding the thresholds and trip limits for action
- (6) in August. None of the rest of the spec package,
- (7) just that part.
- (8) COUNCIL CHAIR RON SMITH: Rich.
- (9) RICHARD SEAGRAVES: Well, I guess
- (10) I've got to be consistent with the first answer I
- (11) gave you, was if you limit it just to this, that I
- (12) think we could swing it. But it can't be anything
- (13) more than just the allocation. And you know, it's
- (14) going to cause problems, but we'll do the best we
- (15) can.
- (16) COUNCIL CHAIR RON SMITH: Pat.
- (17) PAT AUGUSTINE: I think you need a
- (18) second to that motion, Mr. Chairman.
- (19) COUNCIL CHAIR RON SMITH: That's
- (20) correct. So, you're going to second it. And this
- (21) is a motion to postpone till August.
- (22) Just a minute. Joel, is that
- (23) debatable? Yes. George.
- (24) GEORGE DARCY: Maybe I missed this,

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- (1) and if I did, I'm sorry, but are we saying then that
- (2) we would vote for the trimester system today but not
- (3) the -- any allocational or distributional measures
- (4) under that at this time?
- (5) GORDON COLVIN: I'm not saying that.
- (6) I'm simply proposing to put the committee's motion
- (7) on the table. I think -- I'm not asking that
- (8) alternatives other than trimester alternatives be
- (9) analyzed, but that's not specifically explicitly
- (10) part of the motion to postpone.
- (11) COUNCIL CHAIR RON SMITH: Other
- (12) discussions on the motion to postpone or table?
- (13) (No response audible.)
- (14) (Motion as voted.)
- (15) (Move to table above motion until August Council
- (16) meeting.)
- (17) CHAIRMAN RON SMITH:
- (18) COUNCIL CHAIR RON SMITH: Seeing
- (19) none, all those in favor, please raise your right
- (20) hand.
- (21) (Response.)
- (22) COUNCIL CHAIR RON SMITH: Twelve.
- (23) Twelve in favor. Opposed?
- (24) (Response.)

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- (1) COUNCIL CHAIR RON SMITH: One, two,
- (2) three, four. Four opposed. Abstentions?
- (3) (No response.)
- (4) COUNCIL CHAIR RON SMITH: None. The
- (5) motion to table passes. Jimmy.
- (6) JAMES RUHLE: Just a quick question,
- (7) Mr. Chairman. If the analysis comes back and it
- (8) indicates that in recent years that there's less
- (9) than 12 percent allocated to the summer quarter,
- (10) would we in fact reduce the committee's motion?
- (11) COUNCIL CHAIR RON SMITH: As I
- (12) understand it, I guess we can change the percentages
- (13) based on the staff analysis. I don't -- I don't
- (14) know that that would pass the Council, but it's a
- (15) possibility. Okay. Pat and then Greg.
- (16) PAT AUGUSTINE: Thank you, Mr.
- (17) Chairman. I thought that was the idea of the
- (18) exercise -- I'll call it an exercise, there's going
- (19) to be work to be done by staff, but my sense was all
- (20) this motion does is it allows staff to go ahead and
- (21) look at those percentages and say yes, this is good
- (22) and that's -- or it isn't. The rest of the package,
- (23) as I understand it, is going to be prepared to go
- (24) forward ahead of time. So, it's the three

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- (1) percentages -- when I say three percentages, the
- (2) three period percentage breakout, unless I'm missing
- (3) something. Is that what your understanding is of
- (4) this, Mr. Chairman?
- (5) COUNCIL CHAIR RON SMITH: My
- (6) understanding of Gordon's motion to table, what he
- (7) said, is they're going to look at the trimester and
- (8) the percentages and the -- leaving it as status quo.
- (9) Is that correct?
- (10) GORDON COLVIN: The status -- I
- (11) understood from George's comment earlier that status
- (12) quo will be part of the spec package, no matter what
- (13) we recommend. It has to be. So, I think that's a
- (14) given, Mr. Chairman.
- (15) In terms of what I've suggested --
- (16) you know, I'll say it again. My motion postponed
- (17) action today on the committee's recommendation. I
- (18) envision the staff analysis looking at some options
- (19) for distributing the quota among different trimester
- (20) alternatives, and discussing the allocative effects
- (21) of that. That's what I think the Council needs --
- (22) my sense of what the Council needs in order to take
- (23) final action on distribution of quota to different
- (24) trimester shares.

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- (1) COUNCIL CHAIR RON SMITH: Okay.
- (2) Jimmy.
- (3) JAMES RUHLE: Thank you, Mr.
- (4) Chairman. I just would caution staff when they get
- (5) ready to do this analysis, you're going to have a
- (6) hell of a job here, because you're going to have to
- (7) make a determination of when -- you'll identify when
- (8) closures took place, then you're going to have to
- (9) say that was a 2500 pound trip limit. How in the
- (10) world are you going to take and analyze what a 2500
- (11) pound trip limit is opposed to what the directed
- (12) fishery would catch if there wasn't a closure?
- (13) And in recent years -- now, you want
- (14) to go back to '94 to '98, that shouldn't be a
- (15) problem. Now you're right back to where we started
- (16) with the original recommendation that came to the
- (17) committee. But if you in fact use anything past
- (18) 2000 -- 2000 you can't use at all. 2000, because of
- (19) the ability to land multiple trips -- or maybe --
- (20) yeah, that's 2000. That's the year that you're
- (21) going to have a big problem.
- (22) So, you're going to have to try to
- (23) make a -- the staff is going to have to determine
- (24) what the fishery would have done had it not closed.

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- (1) And I'll predict right now that you're going to have
- (2) one heck of a time to do that. I'm not opposed to
- (3) it. You want to go down that road, evidently that's
- (4) what we're going to do, but it is not going to be an
- (5) easy exercise, and it will be an interesting outcome
- (6) when it all shakes down. Thank you.
- (7) Oh, and one more thing. We have to
- (8) recognize the incidental portion of this fleet.
- (9) They're limited to 2500 pounds year-round, you know?
- (10) So, there's going to have to be an analysis done
- (11) that separates that landings of that fleet aside
- (12) from the directed fishery to moratorium permits.
- (13) Thank you.
- (14) COUNCIL CHAIR RON SMITH: Okay. I
- (15) don't see other Council hands. I have Greg and then
- (16) Sima.
- (17) GREG DIDOMENICO: Thank you, Mr.
- (18) Chairman. Greg DiDomenico, Garden State Seafood
- (19) Association. Two I think important questions. If
- (20) this specs package is delayed, Rich, what does that
- (21) do for specifically our issue with an in-season
- (22) adjustment on mackerel? For instance, normally the
- (23) specs package is finalized in March, March 2nd last
- (24) year actually. This will now probably be in April,

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- (1) finalized by National Marine Fisheries Service.
- (2) It's very possible if we have a good January, a good
- (3) February, a good March and as per our discussion
- (4) yesterday you wanted to hear feedback from the
- (5) industry about how the mackerel season was going and
- (6) do you think we'll need an in-season adjustment?
- (7) We're going to be calling you possibly before the
- (8) specs package is even completed. And does that
- (9) complicate things for the possibility of an in-
- (10) season adjustment?
- (11) RICHARD SEAGRAVES: Well, let's see.
- (12) Define the word complicated.
- (13) GREG DIDOMENICO: More complicated,
- (14) how about that?
- (15) RICHARD SEAGRAVES: Actually, it's
- (16) pretty simple -- if we don't have a specs package in
- (17) place, a new set of regulations published -- final
- (18) rule published by January 1, then last year's
- (19) specifications simply roll over. So, the mackerel
- (20) quota would not change, the IOY -- we're not
- (21) recommending any change, so everything would stay
- (22) the same. There's no TALFF. We left that out. So,
- (23) that doesn't roll over, but that's not an issue.
- (24) ABC would be higher on mackerel, because it was 335.

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- (1) We're saying we're going to reduce that to 186.
- (2) What would get really confounded is we would roll
- (3) into the quarters, but now we're proposing
- (4) trimesters. So, it could really get screwed up.
- (5) So, we will have to have -- if we're
- (6) going to change it to trimesters, it will have to be
- (7) published prior to January 1 --
- (8) GREG DIDOMENICO: You're talking
- (9) about loligo now?
- (10) RICHARD SEAGRAVES: Right. If we
- (11) decide that -- if you got any chance of this thing
- (12) really not getting screwed up -- you know, the whole
- (13) specs package will have to be final rule published
- (14) by January 1, not March or whatever we've been
- (15) doing. I mean there's just no way in hell -- it
- (16) would really get screwed up because we'd be managing
- (17) like okay, we're going to close it at 80 percent of
- (18) the first quarter, but then as soon as it gets
- (19) published we'd switch to trimesters and I don't even
- (20) want to think about -- you know, the problems that
- (21) could arise. So, the bottom line is if we're going
- (22) to change, we've got to get it published before
- (23) January 1.
- (24) GREG DIDOMENICO: And if it's --

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- (1) RICHARD SEAGRAVES: If we don't, then
- (2) last year's stuff rolls over.
- (3) GREG DIDOMENICO: So, if it's delayed
- (4) today, can you --
- (5) RICHARD SEAGRAVES: We used to have
- (6) this meeting in August.
- (7) GREG DIDOMENICO: Okay.
- (8) RICHARD SEAGRAVES: So, we have moved
- (9) this up ahead. The spec setting is now done in
- (10) June. I don't want this to happen. I'd rather it
- (11) not happen. But I really don't feel comfortable
- (12) accepting any of these numbers until we can sit down
- (13) and sort this allocation stuff out. So, I don't
- (14) think we really have a choice. I can't give you a
- (15) good answer today. And to defer this till August, I
- (16) don't like to do that, but I think that's what we
- (17) have to do.
- (18) Everything else will go on track and
- (19) then we'll just have to quickly get this done as
- (20) soon as -- we'll have everything analyzed up front.
- (21) GREG DIDOMENICO: And regarding
- (22) mackerel?
- (23) RICHARD SEAGRAVES: Mackerel -- you
- (24) know, it will be already analyzed and the numbers

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- (1) really don't change at all.
- (2) GREG DIDOMENICO: Specifically the
- (3) problem with -- I mean last night, George, we spoke
- (4) briefly about -- you know, what could happen, what -
- (5) RICHARD SEAGRAVES: The in-season
- (6) adjustment is still in play either way.
- (7) GREG DIDOMENICO: Okay. Thank you.
- (8) COUNCIL CHAIR RON SMITH: Sima.
- (9) SIMA FREIERMAN: Yeah, Rich, a couple
- (10) questions. The quarterly allocations that we've
- (11) been using, what were they based on? What landings
- (12) were they based on?
- (13) RICHARD SEAGRAVES: I'd have to go
- (14) back. I think they were based on '94 to '98, as
- (15) well.
- (16) SIMA FREIERMAN: Okay. And --
- (17) RICHARD SEAGRAVES: The same concept,
- (18) that we didn't want the thing polluted by whatever
- (19) had happened in 2000. Getting back to Jimmy's --
- (20) you know, telling us that hey -- you know, you're
- (21) going to have lots of problems overlaid here because
- (22) *the effect that management spilled into the
- (23) allocation. And a lot of it was unanticipated. So,
- (24) I'm pretty sure it was '94 to '98, but I'll have to

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- (1) --
- (2) SIMA FREIERMAN: Okay. Because I
- (3) have trouble seeing -- you know, I mean -- how that
- (4) translated, how 34 percent of a quota between June
- (5) and September translated to 18 percent of the quota
- (6) from May to September, I don't know, whatever the
- (7) months were --
- (8) RICHARD SEAGRAVES: I have to go back
- (9) and look, but I'm sure we were working off the same
- (10) basic concept. We might have included '99 or
- (11) something. I'm not sure how we did it. I'd have to
- (12) go back and look.
- (13) SIMA FREIERMAN: All right. And
- (14) another question now, if I'm looking at the 2000 --
- (15) and that was trimesters?
- (16) RICHARD SEAGRAVES: Yes.
- (17) SIMA FREIERMAN: Was that also the
- (18) year we had 14,000 metric tons, is that --
- (19) RICHARD SEAGRAVES: Thirteen.
- (20) SIMA FREIERMAN: 13,000.
- (21) RICHARD SEAGRAVES: And then we did
- (22) an in-season -- we added 2,000 and gave them -- I
- (23) think it was two weeks to land it.
- (24) SIMA FREIERMAN: And it was closed --

- (1) I'm looking at that was trimesters and we were
- (2) closed --
- (3) RICHARD SEAGRAVES: Right.
- (4) SIMA FREIERMAN: -- from September
- (5) 7th to December 31st? So, the last --
- (6) RICHARD SEAGRAVES: Right. So, it
- (7) was opened up -- yeah, I'm not sure. I'll have to
- (8) go back. This table came --
- (9) SIMA FREIERMAN: So, we had a seven-
- (10) day --
- (11) RICHARD SEAGRAVES: -- out of
- (12) Amendment 9. I apologize for this table. It's
- (13) obviously wrong. Going on dead recall on that one,
- (14) I know what happened is that we closed -- it got
- (15) closed in -- it was being overrun because of the
- (16) multiple-day trip limit thing. So, it had to be
- (17) closed for the year because we were bumping up
- (18) against the 13,000. What we ended up doing was an
- (19) in-season adjustment because we said well -- you
- (20) know, there's more squid than we realize, and so we
- (21) ended up we gave you 2,000 more, but the way the RA
- (22) did it is they gave you two weeks to catch them, two
- (23) or three weeks. It was reopened and closed on a
- (24) date certain, and that's how it was done.

- (1) SIMA FREIERMAN: Okay. Thank you,
- (2) Rich.
- (3) COUNCIL CHAIR RON SMITH: Any other
- (4) discussion on this issue?
- (5) (No response audible.)
- (6) COUNCIL CHAIR RON SMITH: Seeing none
- (7) -- Pat -- I'm sorry, George.
- (8) GEORGE DARCY: If I understand where
- (9) we are, at this point we don't have -- we don't have
- (10) any motion that approves a trimester system for the
- (11) loligo fishery for next year; is that correct? I
- (12) think we should. That would be one less action that
- (13) we have to take in August and one variable that
- (14) would be taken away from the analytical requirement
- (15) so that we could focus on what the allocations might
- (16) be within those.
- (17) COUNCIL CHAIR RON SMITH: Pete.
- (18) PETER JENSEN: I think I can move on
- (19) behalf of the committee that the Council approve a
- (20) trimester system for 2007.
- (21) COUNCIL CHAIR RON SMITH: Moved and
- (22) seconded that we're going to have a trimester system
- (23) in the loligo fishery for next year. Any discussion
- (24) on this motion?

- (1) (No response audible.)
- (2) (Motion as voted.)
- (3) (Move to approve trimester system for Loligo
- (4) fishery for 2007.)
- (5) CHAIRMAN RON SMITH:
- (6) COUNCIL CHAIR RON SMITH: Seeing
- (7) none, all those in favor, please raise your right
- (8) hand.
- (9) (Response.)
- (10) COUNCIL CHAIR RON SMITH: Sixteen.
- (11) Sixteen in favor. Opposed?
- (12) (No response.)
- (13) COUNCIL CHAIR RON SMITH: None.
- (14) Abstentions?
- (15) (Response.)
- (16) COUNCIL CHAIR RON SMITH: One. The
- (17) motion passes. Some progress. Pete, back to you.
- (18) PETER JENSEN: Well, I would like to
- (19) suggest to you that I'm going to offer a lighter
- (20) motion for you, but I'm not sure it is. This is the
- (21) loligo squid. I move for the committee that during
- (22) closures of the directed loligo fishery during
- (23) August in 2007 that illex moratorium vessels fishing
- (24) seaward of the 50-fathom contour be permitted to

- (1) possess and land 10,000 pounds of loligo per trip to
- (2) reduce regulatory discards. That is a change.
- (3) COUNCIL CHAIR RON SMITH: That's a
- (4) change to what we have, but that is a committee
- (5) motion? Yes. Okay. Discussion on the motion?
- (6) Pat.
- (7) PAT AUGUSTINE: Is this in accordance
- (8) or a reflection of Pat Kurkul's letter about the
- (9) only way you could do this was you had to have VMS?
- (10) COUNCIL CHAIR RON SMITH: This is in
- (11) response to that. It was a percentage and because
- (12) of her letter the percentage was taken out. Now
- (13) it's just a weight that can be enforced.
- (14) PAT AUGUSTINE: thank you.
- (15) COUNCIL CHAIR RON SMITH: That's my -
- (16) - okay. Other discussion on the motion? Sima.
- (17) SIMA FREIERMAN: Yeah, again a
- (18) question, because some of the related discussion
- (19) last night. And I'm looking at Table 12, which
- (20) talks about -- it's calling it bycatch in the other
- (21) targeted species, where again there were 27 illex
- (22) trips with loligo bycatch, but 86 whiting trips and
- (23) 350 summer flounder trips, none of which we see a
- (24) need to give a bycatch allocation to, but when it

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- Staff Loligo season allocation summary
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2007 *Loligo* Trimester Quota Allocation

Background

In the fall of 1999, an assessment of the *Loligo* stock (SAW 29) concluded that the stock was approaching an overfished condition and that overfishing was occurring (NMFS 1999). Recently implemented requirements of the SFA required the Council to take remedial action for the 2000 fishing year to rebuild the stock to a level which will produce MSY (B_{msy}) given the status determination that *Loligo* was approaching an overfished state. Based on the SAW 29 projections, the Council chose to specify ABC as the yield associated with 90% F_{msy} or 13,000 mt in 2000. Management advice from SAW 29 also made special note that yield from this fishery should be distributed throughout the fishing year. Given that the permitted fleet historically had demonstrated the ability to land *Loligo* in excess of the quota specified for 2000, the Council recommended that the annual quota be sub-divided into three quota period or trimesters for 2000. The quota was allocated to each period based on the proportion of landings occurring in each trimester from 1994-1998 using landings data from SAW 29. Based on the seasonal distribution of landings during this time period, the quota for January-April was 5,460 mt (42% of the total), the quota for May-August is 2,340 mt (18% of the total), and the quota for September-December is 5,200 mt (40% of the total). The directed fishery during the first two trimester periods was to be closed when 90% of the amount allocated to the period was landed and then a trip limit of 2,500 pounds was to remain in effect until the quota period ended. Any underages from trimesters one and two were to be applied to the next trimester and overages were to be deducted from trimester three.

Following the quota reduction action taken by the Council for the 2000 fishing year, subsequent NEFSC survey results for *Loligo* squid indicated a significant increase in abundance of the species. Estimates of biomass based on NEFSC fall 1999 and spring 2000 survey indices for *Loligo* indicated that the stock had increased to level at or near B_{msy} . Based on the assumption that the stock was at or near B_{msy} in 2001, the Council recommended that the 2001 quota be specified as the yield associated with 75% of F_{msy} or 17,000 mt based on projections in SAW-29 (NMFS 1999). As noted above, the 2000 quota was allocated among three four month trimesters in an attempt to ensure that landings and fishing mortality were distributed throughout the fishing year. During Quota Period I in 2000, the directed fishery was closed on March 25, 2000. During Quota Period II, the directed fishery was closed on July 2, 2000. In addition, the quota for each period was exceeded, causing the dislocation of quota from the Quota Period III. As a result of these premature closures and overages, the Council recommended that the 2001 quota of 17,000 mt be allocated into quarterly quota periods based on the quarterly seasonal distribution of landings during the period 1994-1998 (i.e., same base years and data used to calculate the trimester allocations for fishing year 2000). Based on this criteria, the 2001 quota allocations among quarters were: Quarter 1: 5,649.1 mt (33.23%), Quarter 2: 2,993.7 mt, (17.61%), Quarter 3: 2,941 mt (17.3 %), Quarter 4: 5,416.2 mt (31.86 %). In addition, the Council recommended for Quarters 1 through 3, that the directed fishery be closed when 80% of the quarter's allocation was taken and that vessels be restricted a 2,500 pound trip limit for the remainder of the quarter. In addition,

the Council recommended that quarterly overages be deducted as follows: an overage in quarter 1 was deducted from quarter 3 and an overage in quarter 2 was deducted from quarter 4. When 95% of the total annual quota was taken (i.e, 16,150 mt) the trip limit was reduced to 2,500 pounds and remained in effect for the rest of the fishing year. The annual *Loligo* quota and seasonal allocation rules have remained unchanged since then (i.e, they have been in effect for fishing years 2001-2006).

Derivation of *Loligo* Quota Period Allocation Percentages

The trimester percentage allocations for fishing year 2000 were calculated based on the observed landings for each respective allocation period according to landing statistics as reported in SAW 29 (which were considered the best available data at that time). When the Council changed to quarterly allocations beginning in 2001, for consistency the Council chose to calculate the percentages allocated to each quarter based on the same data set (i.e., *Loligo* landings data by quarter for the period 1994-1998 as published in SAW 29- see Table 1).

Summary of *Loligo* Fishery Performance since 2001

A summary of *Loligo* landings by year is given on Table 2. The periodic closures of the directed *Loligo* fishery during the period 2000-2005 are summarized in Table 3. Annual landings ranged from 11,935 mt in 2001 to 17,675 mt in 2005. *Loligo* landings by month for the period 2001-2005 compared to the observed landings for the base period (1994-1998) are given in Table 4 and Figure 1. The fishery during January and February 2001-2005 exceeded the amount observed during the period 1994-1998, caught less than the amount observed for March for the period 1994-1998, and exceeded the amounts landed in April compared to the baseline period. The 2001-2005 fishery during the months of June, July September and October landed less than the amount observed in 1994-1998 and exceeded the amount compared to the base period in November and December 2001-2005.

Loligo fishery performance by trimester for the period 2001-2005 is compared to two reference levels: the original trimester allocation percentages established in 2000 based on SAW 29 landings and the percent allocation based on the most recent unpublished NMFS weighout data for the period 1994-1998 in Table 5 and Figure 2. The fishery under the quarterly system has resulted in trimester 1 landings which exceeded the original allocation amount based on 1994-1998 landings (48.8 % v 42%) and lower landings relative to the base period for both trimesters 2 (15.6% v 18%) and 3 (35.65 v 40%). Overages in the early part of the fishing year could be remedied by requiring daily reporting by vessels.

As noted above, Table 5 also includes an updated calculation of *Loligo* landings by trimester based on the most recently updated NMFS weighout data for the period 1994-1998. These calculations differ from the original trimester allocation for two reasons. First, the original landings data from SAW 29 have been subjected to data audits and updates. Second, the SAW 29 data set for 1994-1998 included some 'unclassified squid'.

The updated data include *Loligo* squid only and do not include any squid reported as 'unclassified squid'. Staff recommend that the most recent NMFS weighout data for the period 1994-1998 for *Loligo* squid only be utilized for calculating the trimester allocations for 2007 as follows: January - April (trimester 1) = 3.15%, May - August (trimester 2) = 16.73% and September - October (trimester 3) = 40.13%. The directed fishery during the first two trimester periods would be closed when 90% of the amount allocated to the period was landed and then a trip limit of 2,500 pounds would remain in effect until the quota period ends. Any underages or overages from trimesters one and two will be applied to the next trimester and overages will be deducted from the third trimester. The directed fishery will be closed when 95% of the annual quota has been taken. The intent of the Council is for the fishery to operate at the 2,500 trip limit level for the remainder of the fishing year

Table 1. *Loligo* landings by quarter used in quarterly quota allocations for fishing years 2001-2006 (from SAW 29).

Year	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
1994	4762	2285	6603	9830	23480
1995	5815	3820	3933	5312	18880
1996	5201	4648	1019	1158	12026
1997	3347	2961	2753	7248	16309
1998	10479	1976	1099	4831	18385
Sum	29604	15690	15407	28379	89080
Percent	33.23	17.61	17.30	31.86	100

Table 2 Annual *Loligo* fishery landings since 2001 based on unpublished NMFS Dealer reports.

<u>Year</u>	<u>Landings (mt)</u>
2001	14,237.7
2002	16,706.7
2003	11,935.3
2004	15,447.9
2005	16,764.9

Table 3. *Loligo* closure dates 2000-2005

<u>Year</u>	<u>Closures</u>
2000	March 25-Apr 30; Jul 1-Aug 31; Sep 7-Dec 31
2001	May 29-Jun 30
2002	May 28-Jun30;Aug 16-Sep 30;Nov 2 -Dec 11; Dec 24-Dec31
2003	Mar 25-MAr 31
2004	Mar 5- Mar 31
2005	Feb 20-Mar 31; April 25-Jun 30; Dec 18-Dec 31

Table 4. *Loligo* landings (pounds) by month based on unpublished NMFS weighout data for 1994-1998.

<u>MONTH</u>	<u>1994-1998</u>	<u>%</u>	<u>2001-2005</u>	<u>%</u>
1	16725864	8.57	20442723	12.35
2	26705289	13.68	28105686	16.98
3	26248509	13.44	15931362	9.62
4	14555011	7.45	16257648	9.82
5	9757697	5.00	8848854	5.35
6	5225576	2.68	3908385	2.36
7	10327069	5.29	6838351	4.13
8	7350012	3.76	6310266	3.81
9	15065825	7.72	5524559	3.34
10	26540269	13.59	15446400	9.33
11	19428906	9.95	18512249	11.18
12	17309060	8.87	19422758	11.73
TOTAL	195239087	100.00	165549241	100.00

Loligo landings by month

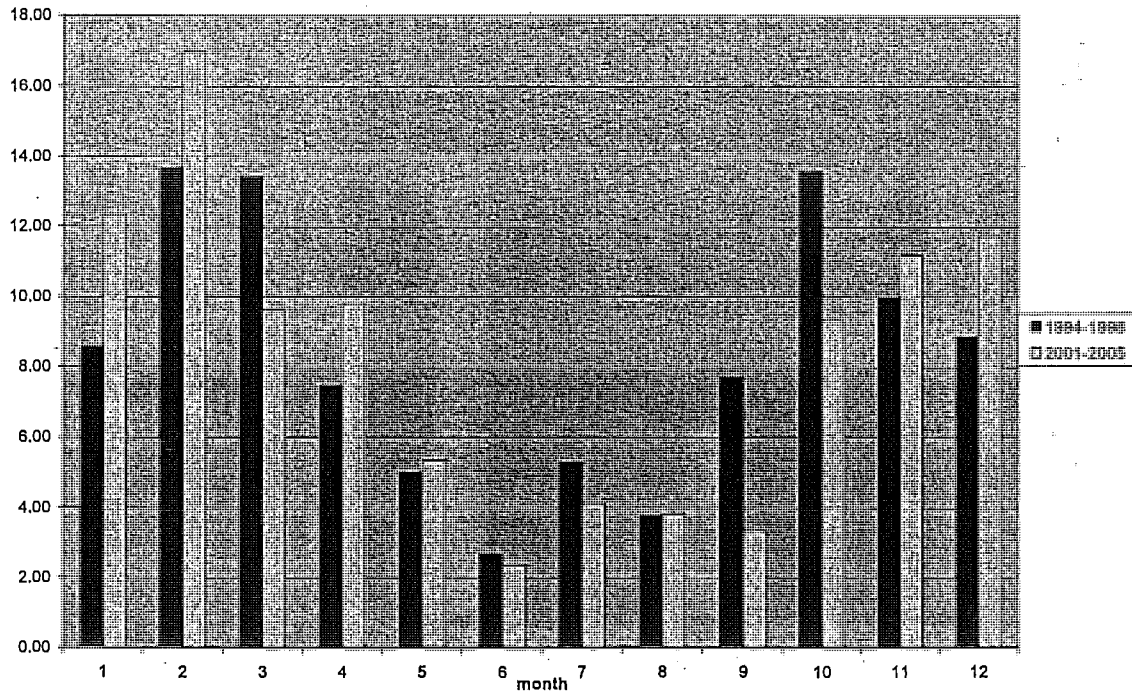


Figure 1. *Loligo* landings (percent) by month for the period 1994-1998 v. 2001-2005.

Table 5. *Loligo* landings for 2001-2005 by trimester based on unpublished NMFS Dealer reports compared to the 2000 trimester allocation percentages (based on 1994-1998 landings in SAW 29), and revised allocation percentages based on most recent NMFS weighout data for 1994-1998.

Trimester	Pounds landed	Percent	2000 Allocation Percent	1994-1998 Allocation Percent based on updated NMFS Dealer Report data
Period 1	80737419	48.8	42	43.15
Period 2	25905856	15.6	18	16.73
Period 3	58905966	35.6	40	40.13
SUM	165549241	100.0	100	100.00

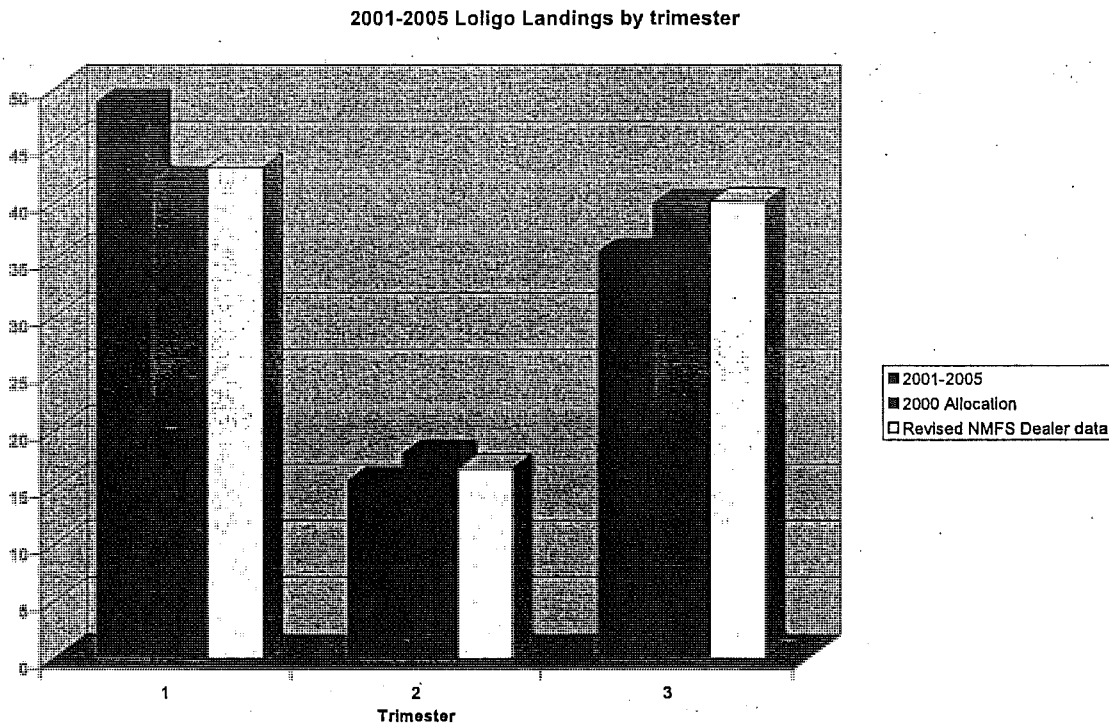


Figure 2. Comparison of *Loligo* landings by trimester for 2001-2005 v original 1994-1998 base period calculations from SAW 29 and updated NMFS weighout data.

August 2006 Committee Discussion

Mr. Chairman (Pete Jensen): The background material was behind tab seven of your briefing book. The primary purpose of today's meeting is to determine the allocations that we're going to recommend to the counsel for the trimesters and so we'll start with that.

Rich Seagraves: Thank you, Mr. Chairman. As Pete indicated, behind tab seven there's a short background paper. There's first the agenda for the meeting, as Pete has already indicated. At our last meeting we were tasked with specifying with coming up with 2007 management specifications for Loligo, Illex, butterfish and Atlantic mackerel. We got through everything except the allocation of the Loligo quota. We did specify a quote of 17,000 metric tons which has been the case since 2001. That's the quota associated with the fishing mortality rate on average is 75% FMS wired target.

In the background paper, if you had a chance to read it, what I did is a lot of the discussion focused on how we came up with the original allocation, sort of the history of it. It was a little foggy. I couldn't remember exactly the switch from trimesters to quarters, exactly how that went. There were some direct questions from the audience and I was unable to answer those. Actually, I did give you answer that I thought it was based on the same data set, and it was. My answer was correct. But the research I did subsequent to that meeting is captured in this background paper.

Just to give you a little history, when the SFA was passed and we had a revised over fishing definition, in '99 we were told that based on the latest assessment that the stock approaching an overfished condition or was overfished, and therefore we had to take remedial action. And the number we were working with in 2000 was a quote of 13,000 metric tons to achieve rebuilding in about three years.

The being an annual species, it's quickly – of course, as soon as we implemented that, 2000 was one of the biggest squid years we had had in recent memory and the quota was quickly taken. We actually allowed an end season adjustment. But given the fact that the fleet had taken in the neighborhood of about 22,000 to 23,000 metric tons, it was clear that a quota of only 13,000 would be taken up rather quickly. So we implemented a seasonal allocation

mechanism to spread the quota out both for _____ allocation purposes to the participants in the fishery. And also based on the recommendation in the _____ that fishing mortality should be spread out across the fishing year rather than focused on one period.

So what we came up with was a trimester system for 2000 based on the '94 through '98 landings as they appeared in the most recent assessment at that time. Steve Cadrin was the assessment scientist that was assigned awhile ago at the time. He was at the meeting and we were figuring this stuff out on the fly. So he had the numbers in his laptop of what the official landings were for the assessment for '94 to '98. And they were based on what the old we call the dealer weigh out system, this is prior to the dealer reporting requirements that came online right towards the end of the time period. The data set that was being used is still referred to as weigh op data.

The species code within the services computer system for Loligo is 801 and 802 is Illex, 803 is unclassified squid. Now in the old days, almost everything was reported as unclassified and then as these fisheries developed, they reported as to the species level. But still even in the '94 to '98 time period when the assessment was looking at that period, there was some unclassified squid in the database.

So Steve prorated those based on the time of the year that they were taken in the area saying these are most likely Loligo. These are probably Illex. Summertime out on the edge, they're probably Illex. There's some chance of error in that, but from a biological perspective, the reason it was done was to try to account for all the mortality they could.

So the '94 to '98 database that was used included all _____ 801 plus some percentage of the unclassified squid that the assessment biologist was making a call on that. For better or worse, that's what we used.

Then the next year we quickly took the quote in 2000 and because of other problems if you recall, when we wrote the trip limit it didn't prohibit the landing of more than one trip limit in a day. so there were a lot of squid in 2000 off of Long Island in the summertime and there were multiple trips being made. People were making five or six trips in one day, landed I think the record was 12,000 or 13,000 pounds in a day or something. And that was not the intent of the counsel for the trip limit.

So all those things going on as the backdrop as we're setting the quota for 2001 in that summer of 2000, we switched to quarters. Changed the definition to restrict landings to no more than the trip limit, if it was closed, at 2,500. No more than that amount in one calendar day. And we used the '94 to '98 same data set with the unclassified squid, as had been previously done, because it was available in the assessment.

Now fast forward to the day when I go back and try to reproduce those numbers if you read the paper. Two things have happened. One is some of that data has been audited. Specifically, the '98 numbers changed quite a bit. If I just compare the straight 801 Loligo landings identified to the species level between the old run and the new, I get different numbers. There is significant auditing that has gone on within the data set. This is typical; happens all the time.

And also I'm not sure exactly what the proration schedule was that Steve used and my concern is if we were to stick with this we'd always be at the mercy of trying to figure out exactly how the biologist in charge prorated the squid. And if that person changes, whoever is in charge of the assessment may change and have a different opinion about that.

So what I did is I went back and, if you look at table five, cut right to the chase, I give the Loligo landings for '01 through '05. Then you can see the percentage of what happened. I just computed it by periods of one, two and three, the trimester allocation periods that we had talked about. You already passed the motion allocating the 17,000 metric tons by trimester. And even though it was a quarterly allocation, I just computing the landing for this table as if it were by trimester. So this incorporates all the closures and everything else that are indicated in table three.

So the 2000 allocation percent is in column four of table five, it says 42, 18 and 40%. The actual landings that are in column three, you see there was an overage in really quarters one and two, now captured as the first period, resulted in a 48.8%. A 15.6% was landed when we divided up into a trimester period in the second one, and then 35.6.

So the original allocation and the quarterly allocation, the trimester allocation and the quarterly allocation again based on '94 to '98 which included the unclassified squid.

So what I did is I went back and I was trying to rerun these numbers and I wasn't able to reproduce them. And then as I did my homework I realized okay, we included those unclassified squid and also there was a rather significant change in the '98 data, the weight out data itself.

So what I did was is I reran the allocation based on the '94 to '98 _____ and that should be way out data. For just species code 801, Loligo squid. And that's in the right hand column. So you get period one 43.15. Period two, 16.73 and period three, 40.13. Figure two compares the '01 to '05 actual landings to 2000 allocations. The landings in '05 through '05 if you just look at them on a trimester basis, and then on the right hand side would be the new adjusted numbers if we go with the weight out data species code 801 only.

So in summary then, the staff recommendation to clear this up would be to go with the percentages that are identified in the right hand column there, the '94 to '98 to Loligo only would result in those allocations. I'll take any questions about how things went.

I think part of the reason is two justifications. First of all, _____ requires that we use the best available data so this would incorporate updates. And again, these numbers are provisional in terms of this was a download from the weigh out data that we did in our office. If you adopt this recommendation, you'd be buying into the concept of using dealer weigh out data '94 to '98 species code 801 Loligo only, no unclassified squid. If you ever change it, then you'll have the ability to go directly in there and track those numbers or whatever. We wouldn't be dealing with any judgment calls on unclassified squid.

Now those numbers are a result of the data run that we made and we've been having some problems with some of the data runs we've made not matching up directly with some of the assessment people at the center and so forth. So we would reserve the right, or hope you realize that these numbers might change slightly. As Pete has suggested, maybe we'll round them off a little bit in case any minor changes wouldn't affect the percentage. But the concept is '94 to '98 weigh out Loligo only and it's the latest data that would be available.

Mr. Chairman: Any questions? Jimmy.

Jimmy Rhule: Just so I'm clear – I am clear on it, but just so everybody is clear on it. The problem with using the 2000 forward data is it's hard to

differentiate when there's a closure going on as far as this analysis. I wouldn't say it's hard, but this analysis here would not differentiate the times if closures when 2,500 was what anybody could have. Is that right or not?

Seagraves:

Well, in terms of table five, it is what it is. I ran – give me the months one, two, three and four equals trimester one and so forth. So there's another hand out that looks at trip limits, I think what Jimmy is referring to, because there is some interest at looking at maybe trip limits. I ran the '01 through '05 numbers for the whole trimester and then broke it down by month, the pounds landed for various trip levels, percent pounds, cumulative pounds and then another set of tables that looks at trips. And then I did it by month. So yes, the '01 through '05 would be polluted by closures.

The table five just shows you what happened in terms of what was landed and if part of April was closed the landings would be reduced in that month because it was closed. But it was closed because there was probably an overage maybe in that period. So the result is, if you look at this, essentially we landed higher than we were supposed to land in the early part of the year, less in the middle and a little more at the end, mainly due to the overages in the offshore fishery in '01 through '05.

Mr. Chairman:

The first order of business is to make a recommendation to the counsel on the trimester allocation. Do we have a motion?

Lori Nolan:

Thank you, Pete. Just before that, the idea that these percentages are going to be accepted, we have another issue kind of shadowing this that makes it hard to swallow these numbers, for the industry to swallow these numbers, unless there is some protection in the second trimester. The issue being that we're rearranging the months of harvesting now so that what was July one, the first month of a quarter, is no longer the first month of the quarter. It's now a middle month in the second trimester. So the opportunity for those who are used to having the opportunity to harvest come July one, there's a very good chance that opportunity is not going to be there anymore with the opening on May one, which is now going to open the door for, say, Massachusetts.

Industry on that point doesn't have a problem with sharing the quota. But the idea, most likely it will play out that there's a closure before July 1st and 90% of the quota will have been taken and the industry will be reduced to a 2,500 trip limit.

I know we're focusing on the percentages of allocations to the quarters, but to get the support on the existing percentages, industry will feel comfortable supporting those percentages if they know they have some mechanism in place that's going to preserve the July one fishery. I don't mean to take us off course or backtrack or get on to a different topic, but that's the issue at hand. And to put the mechanism in place, what industry is hoping for is to have a trigger, and I have a motion to this point that maybe I could read just so everyone gets the flavor of where the issue lies with accepting the percentages and not perhaps fighting for different percentages for the trimester period.

Mr. Chairman: Yeah. If you're not going to make that as a motion, just read it to inform people as to where you're coming from.

Lori: If that's okay. Yeah. The motion would be to move that the trigger at the second trimester be set at 45%. If a closure occurs in the directed Loligo fishery before July one, the directed fishery will reopen July one with a 90% trigger for the remaining trimester quota. If no closure occurs from May one to June 30th, the directed fishery will remain open with a 90% trigger replacing the 45% trigger on July one.

Now this is the only method that we see appropriate to preserve that July fishery. It's south of Long Island. It's not just the New York fishery and there are many participants that are very disenfranchised knowing what the outcome of this trimester is going to produce when it comes July one. There are a few industry members here that will speak to this concern. Unfortunately this provision hinges on certainly whether or not I can support the percentages present for the middle trimester. Where are you going to get it? It leads industry to fight to get some more quota from the other trimester periods. That still won't ensure the opportunity come July one and trip limits are not a place anyone wants to go.

So I'm wondering if that motion can't be considered or at least discussed at this point to remedy the issue at hand.

Mr. Chairman: Jimmy?

Jimmy: Just for a point of clarification, when you said 45% you mean 45% of the 18%? Of the 16.73?

Lori: Correct.

Jimmy: Does the 45% represent –

Lori: That's the allocation for that trimester.

Jimmy: So basically your suggestion that the summer period be split in two. With triggers, though. Not with quota allocation. Through the trigger _____.

Mr. Chairman: My preference would be to have trimester allocations on the table first. This makes it a little more complicated. Why don't we do this. If here are people in the audience that want to comment on both sides of this issue, let's take public comment. But then at some point we are going to need a motion to get us off the dime here. Jimmy?

Jimmy: Procedurally, we may be a whole lot better off to ask the service their position on this because we went through this discussion. Lori wasn't at the last meeting unfortunately.

Lori: You bet.

[Laughter]

Jimmy: Fortunately Lori wasn't at the last meeting. so I'd like to give George the opportunity to comment on this because it's going to be relevant. The decision to go to trimesters is based a lot on the services concern of _____. So if you don't mind, Mr. Chairman, I'd like to hear the service opinion. Then I certainly would like to hear public comment.

Lori: But to that point, some of industry may offer ideas to the service that, after the service hears them, the service may take a different position.

Mr. Chairman: Okay. Let's take public comment.

Jim Lovgren: Jim Lovgren. Frankly I was quite surprised when I got my notice there from the council after the last meeting of what the council and I seen that they went from quarters to trimesters and I said why did they do that? It's the stupidest thing. I fought against that for a number of years, okay? All you have to do is look at the year 2000 when we first did it. We were closed for seven months of the year. Seven months. You look at 2005; that's the only other year we had really substantial closures. In 2002 we had some, but 2005 the last year. What caused that? Well, that was the result of the ground fish permit buy out and a lot of new entrance in the fishery, big entrance from New England, who we now have to deal with. That

was the term we used when we complained to New England about all of the new entrance fee pushed into the squid fishery. Deal with it. We're trying to deal with it. We're not going to deal with it by going to trimesters. You're going to see the seasons close in a month and a half and have seven months of closed seasons again. This is stupid, plain and simple. I don't want to personally offend anybody, but this is a dumb move.

But it's done. We have to cope with it. Right now concern about the summer season. In New Jersey we used to have a good summer season. We haven't had much squid on the beach in years, about five or six anyway. We have a good run this year. And when did it start? It started in July. Under this, we're at 2,500 pounds and we were doing that in half a tote. Guys were coming in at the dock this summer with 5,000 to 8,000 pounds of squid by 1:00 in the afternoon because we're not icing them up down below; we're keeping them in exactors on the deck. That's a good day's fishing. We're not going out to kill anything, to mug up totally. But that fishery would be lost to us under this. And this is a historical fishery in New Jersey. It's a July fishery. We rarely have squid off of Jersey in June. When we do, it's late in June. It might be off a _____ ridge. But it's not on the beach the way it is in July where it's very easy to access.

We don't want to lose that fishery. Okay? When we start looking, and this is why I really think going to trimesters is dumb, because we're looking at cuts in summer flounder, we're looking at cuts in scup, we're looking at cuts in sea bass. And that means that everything is going to be closed in April. Just about everything is going to be closed. The best time of the year to sell fish when the market demand is highest, most of our seasons are going to be closed. Scup will be open. Okay? And they'll be a dime. Because nobody will have anything else to fish for.

This was not very well thought out. And what I'm going to suggest, and I know, George, you had told Lori that the trigger mechanism cutting into at 45% isn't doable. The only other alternative I say to that is just do a 10,000 possession limit through the summer season to try and keep it open as long as possible and stop large trips from coming in.

I'd also suggest that enforcement would take place of the possession limit when seasons are closed, but that boats do not land large trips on the first day of open season because if they do, obviously, somebody lands 400,000 pounds of squid on the first day of a season or the second day of a season, he was breaking the

law because the possession limit that day he was fishing would have been 2,500 pounds. We need enforcement of that law because 15, 20 boats doing that, you can't half of a season's quota first day before anybody even has a shot at them.

Anyway, that's my feelings on it. This trimesters, it's bad. It's going to close us down longer. No matter what it is, if we don't want to address the participation in the Loligo through criteria, if we don't want to address that we have a lot more entrance, we have a lot more fisherman. And if there's a buyout coming and it doesn't take all permits, we're going to see even more people in this fishery which means longer and longer closed seasons. We will probably be closed down in February this year, and that means two and a half months in the winter season. Then we'll be closed down in the summer for two months possibly, and then in the fall again.

This is what we've got to deal with. The trimesters are just going to create longer closed seasons. You could work with it in the quarters. Yeah, it closes down. But it's not going to close down as long, and the fisherman need the opportunity to be able to fish. As I say, especially with the cut backs in the other fisheries with days at sea and all of our multispecies in the mid-Atlantic, all of these cutbacks, we need as much opportunity as we can and we need to manage this as smartly as we can.

Mr. Chairman: Thank you, Jim. Further comments? Sima?

Sima: Yeah. Jim is right on the money here. he's right on the money here about the whole way the resource is being managed and why we're going from quarterly to trimesters and the closures. At our dock, squid is the only volume crop we have unless we want to go after 25 ____ with \$2.50 a gallon fuel.

This July fishery – we shut down. I go from ten, twelve trucks a week from November to April, and we shut down in May and June if we don't have access to squid down to maybe three or four trucks a week. It's that big a drop off.

So this July fishery, some of my boats, May and June everybody goes to the yard. My question to the boats was, okay, if we open in May and we're not going to have anything left in July, can you go to the yard in July instead? *[Break in audio]* Some can't from my dock. A lot of other boats that aren't from my dock on the south shore, that's it. They have to have the July fishery.

So I think the 45% trigger, if we've got to go this route, is a solution to preserve that July fishery. And I did say at the last meeting that I certainly have no problem. I understand why Massachusetts wants to preserve or reinstate their May fishery, but it should not be at the expense of this July fishery to south of Long Island.

Enforcement of the possession limit absolutely should happen. I know we live under it and when that season opens January 1st when the squid season opens, I don't see any squid until the 4th, the 5th because we've been boarded. It is enforced by us. And I've relatively smaller boats. But if you've get some of these big freezer boats all loaded up with their half million, a million pounds landing the first day of an open season, you just skewed the season. You just shut us down. We cannot afford any more closures.

If we're going to go trip limits, then I'm going to be opposed to a 10,000 pound trip limit. In the same reasoning we looked at the scup landings yesterday or the day before and said there were two scup trips at 30,000 pounds and isn't it good that they didn't have to throw that over, while I'm looking at two Loligo trips at 50,000 pounds and that's a way far cry from 10,000 pounds, we'd be throwing over I think, if we have a season like we're having now in the summer, we'd be throwing over an awful lot of Loligo at a 10,000 pound trip limit. We're having a few hundred cartons and boats; some of them are coming in with full trips. So I would want that trip limit set at 50,000 for the two trips that did it so they would not have to discard the stock.

But really, George, if there is any way to go with the 45% trigger and have a season that starts in July, that's where I would like to be.

George: Thank you, Simas. Greg?

Greg: Thank you, Mr. Chairman. Thank you, council members. Greg DiDomenico, Garden State _____ Association speaking specifically on this topic for Cape May and for Point Pleasant.

All I can really ask for is the same accommodations or rational that caused the council to consider a trimester should be given to that second trimester, May, June, July, August, some trip limit. I would ask for one that's 10,000 pounds. We believe given the amount of landings that which are minimal in those months, we believe a 10,000 pounds trip limit will not cause a discord problem. We believe it will preserve the four month fishery. And again, what

this does is allows for boat of a certain size, if the fishery is right outside their door, to have a good trip. To go all week. To make a little money to offset those problems that are going to be caused in the reduction in summer flounder and black sea bass.

Again, if you can just consider the same reasons that you made a quarterly system to a trimester season, just make some accommodations for those vessels that would really, really benefit on a small trip limit in May, June, July, August and therefore preserve a four month season. Thank you very much.

Mr. Chairman: Let me remind committee members that we're scheduled only to meet until 9:00 and it's less than 20 minutes and so we're going to have to have a motion here soon.

Eric: You want to have your motion first?

Mr. Chairman: No.

Eric: I can talk for at least two hours. Eric Reid, R-E-I-D, from Narragansett Rhode Island. I don't deep sea fish; we're a wholesaler. I also am one of those evil freezer trawlers I keep hearing about being so miserable to the fishery. I also own a wet fish trawler.

I would like to thank the council for increasing the quota in the first trimester. At least maybe the winter fishery will be ten weeks. I calculate right now the capacity of fleet is about 700 metric tons a week landing. So maybe we'll get nine weeks; maybe we'll get ten. At least we can go fishing for a little while.

The second trimester, I have a big problem with that. I have a big problem with the way it's been allocated. I think the tonnage is going to be a farce. Forty-five percent trigger, at least that way we can split it up for a couple of months. My original thought was to have a trimester and then a two month and a two month and another trimester, which is essentially what Ms. Nolan is proposing. There should be no reason we couldn't do that. We report electronically to the Fed twice a week. So I can't accept any excuse that we can't keep track of data. it seems ridiculous. Apparently we can't count in this fishery anyway because we get shut down and we get opened and the numbers just don't work out for us.

Personally, I think a 10,000 pound trip limit is too high. I think 5,000 or 7,500 would be better. There are a tremendous amount of

small boats in that fishery at that time in Nantucket Sound south of Rhode Island, south of Long Island and then the Point Pleasant boats.

I also think that once the general category of _____ gets a little shake up, perhaps there's going to be more effort than there is now in that time. I would ask the council to do everything they can to at least address spreading out that middle trimester quota so all the players involved can actually make a living at it instead of shutting it down for probably three months, which is what will happen. Thank you.

Mr. Chairman: George, would you like to respond to the question now?

George: Sure. I understand the concern. But there is no way that we can effectively monitor on that basis. The whole reason for suggesting that quota monitoring might be done better in trimester than in four periods was that this is one of the most difficult fisheries we have to monitor and we're almost always criticized for either being over or being under. Because of the way the fishery is prosecuted, it's very, very difficult for us to be accurate in our monitoring. and the smaller the quotas we're trying to monitor and the shorter the periods of time, the more difficult that becomes.

We have weekly dealer reporting, and there's a lag from the day they come in on one week to the time we get it and it gets cleaned up and it can be put in any use format for us to do projections.

In addition, we always have late landing. That can be a big problem in this fishery because there are a few dealers that handle large amounts of Loligo and if they're late or their initial reports are in error, it throws their monitoring way off.

So the trimester that's only 16% or 17% of the quota, and then put a 45% trigger in on that, that would be next to impossible for us to do anything with. We'd never be right. There's no way we could support that approach. Sorry.

Lori: I thought we were going to convince George otherwise. But no. I would say it sounds that industries already offer the only way to go at that point then and we're going to have to discuss trip limit. I guess you want to go back to the idea of what are the allocations to the trimester period. So for that, and to move this along, I guess I will make a motion to support – okay. I'll make a motion to say that the allocations be rounded off and that the first trimester be 43%, the second trimester be 17% and the third trimester be 40%.

Jan, I'm sorry I didn't put that in writing first. For a one year trial basis. And that the council be prepared to revisit this in the spec setting process next year if failure occurs.

Mr. Chairman: Second that, Jimmy? Discussion on the motion? Any further comments from the audience to do that allocation? We'll have it on the board in awhile. Simas?

Simas: [Inaudible]

Mr. Chairman: Come on up to the mike.

Simas: I just want to say, George, before I was near to the mike, we never went over. We never went over. You're all worried about late landings, but every year in there we haven't landed the quota for a stock that lives one year. _____ I can't do this and we're worried about these late landings, it's just not right.

But my question is you're making a motion for the rounding out. Are we talking with our without trip limits or would that be a separate motion?

Lori: That would be the next discussion.

Simas: Okay, thank you.

Eric: When we went to electronic reporting which was mandated for dealers, I had to hire two other people.

George: Can you speak into the mike, a little bit closer. Turn it down.

Eric: Seems a lot taller than I am at the mike. When we went to electronic reporting I had to put another two people on my staff. I didn't have the budget for it but I had to do it. if I wanted to play the game, I had to play by the rules. And it dumbfounds me that the service can't keep up with somebody like me who now has eight people on my staff that are capable of reporting clean data twice a week. So to say it's not possible to monitor on a 45% or a two month basis, that's a huge problem that I have because I had to do it. I had to do it twice a week, not once every two months. I think the council should charge a service for cleaning up their act, budget restraints or not, and get the job done. The idea is to support the industry and if that's what it's going to take I think it should be done. It's just not fair.

Mr. Chairman: Did I see another hand over there? Lori?

Lori: To that point, I may have looked that I folded too soon but we do have the time issues. but George, I do think what Eric just said and Simas noting that the quota has never exceeded the target. It's always been shut down early. And the idea that there are dealers out there who are basically getting away with not complying with the mandate is wrong. Those who are playing by the rules, as Eric just described he took on an extra financial burden. They're doing their job and it seems by now _____ should realize who these latent reporters now and there should be a penalty involved. It should be handled and remedied.

George: I understand what you're saying. We do identify the dealers who are significantly late in their reporting and we do pass that information on to the office enforcer. So it's not ignored. You're absolutely right. It causes us a problem and it causes the industry a problem because we don't have in a timely way the information we need to do the job right. That's a fact and we're trying to address it. until we can do better than we're doing right now, it would be impossible to do what you're asking to do in any kind of accurate way. It would be a total guess.

Mr. Chairman: Let me go a little further than a chairman should. Is there another way to solve this problem by having a predetermined closure that fits everybody's purpose starting in the second trimester?

Lori: How about if we divide the quota in half and have a first trimester being – I know. Okay. But we're trying to come up with another idea. I know it's very similar to that, but if we broke it down into January to April as trimester one or quarter one and May to June is quarter two and July to August quarter three and September to December quarter four.

George: *[Inaudible]*

Lori: Well, it maybe needs to be revisited. The trip limit you can see. That's going to cause a little contention because we're already heard three different suggestions for what the trip limit should be. I don't think this is what industry realized what was coming down the pike in the Loligo fishery. I don't think the advertisement was out there, what the ramifications of this – spec setting is normally not dividing the pie and reallocating, and I feel that what we're doing here is reallocating. And it's a very touchy situation.

Everything has been mentioned. _____ scup, black sea bass, the availability, the influx of effort into this fishery. Everybody is

getting squeezed; fuel is going up and people are just trying to hang on. And I think protecting that July one fishery is worth the effort. George, you say you can't do it but maybe we should try. So NMFS messes up and instead of it shutting down at 45%, in fact you end up going over and 60% is harvested. Oh well, it's better than nothing. Because what they're going to have is nothing.

Industry might have to just sit here and say okay, this is what we're going to do. We may not come up with an accurate split, but we're going to come up with the best we can come up with. Maybe Nimms could go out on a limb here understanding that it's not the participating industry's fault that the dealers are not supplying you the data you need to be more accurate at your job and give them something they need. Nobody is going to hold you to the 45%. Nobody is going to hang you out to dry. It's just try to do this for them. They need something today.

Mr. Chairman: Jimmy, do you have your hand up?

Jimmy: Thank you, Mr. Chairman. There have been some statements here that have really not been expressed here, or the facts of the matter have been excluded. I think the intent, first of all, we gave plenty of public notice that we were going to talk about this. We talked about this in Virginia Beach and made people aware – that was in May – that in June we were going to be dealing with this. So I feel like we did give this to the general public. Whether or not everybody got the message _____.

The biggest thing about this is the one year trial. What we've been doing hasn't been working that well. We're trying something better. But the concern that I have, we keep being referred back to trimesters being a failure in 2000. You have to recall that in 2000 we did not have the provision for multi day trips. That entirely skewed that whole year. The fact that there were boats landing six and seven times a day. They weren't running in and out getting 25 boxes in a tow. They were coming in with 15,000, 18,000 and turning the boat around, taking 2,500 out, turning the boat around, taking 2,500 out. They found a loophole; they used it. That's history. We corrected that problem. But you can't use 2000 as a gage as to whether trimesters work or not. The attempt, in my opinion by this committee, is to try for one year something different.

This is something different. I don't know what the outcome is going to be. I'm certainly open to suggestions for next year depending on the outcome of this year. But you can't base your

decision on trimesters based on 2000 because of the regulations that were not in place, which we have rectified. Thank you.

Mr. Chairman: Okay. We need to get to a vote on this motion. Lori, go ahead.

Lori: If you go to page four, table three and you look at the dates on the closures, I think it's very easy and fair to say that with the trimester process, the fishery is going to be shut down in June. If it makes it to June. So I think this is a valid point that industry is bringing forward, and yeah, we're trying it for a year. But if we in front of us, right now today, before we make the decision, know of a problem that's going to occur and is going to cause devastating effects to the existing industry and we don't make an effort to try to compensate and try to do something for them, then we're failing.

I again am going to come back and say to George, you may not be the most effective body at closing the fishery at 45% due to problems outside of your control. But could we please do this anyway and accept the outcome. And if the outcome, as I said, if 60% of the fish get landed and that's when you shut it down, you did the best you could. You let us know. We were really asking for a lot. You did the best you could; we're accepting the outcome and let's try it. As Jimmy said, it's only a year.

I just feel this is an issue that we know is going to be a problem next year this time. So why can't we try to address it before we move forward?

Mr. Chairman: You're free to make your motion when the time comes. There's a motion on the floor first. Comments on the motion on the floor? Those trimester allocations? Then if you want to make your motion we'll do it. Any further comments on the motion on the floor? Fran?

Fran: Yes. It seems that since we're doing the trimester and the crux of the matter seems to lie in the second trimester, perhaps the 17% ought to be jacked up and some of the first and third ones shaved off to give these people a little more time and then go on with trip limit considerations after we put a different percentage on there.

Mr. Chairman: Do you have a percentage you want to put forward because we're going to vote on this.

Fran: *[Inaudible]*

Mr. Chairman: Further comment on the motion on the floor? Lori?

Lori: Based on Rich's analysis, I think for us to start tweaking those percentages right now, we're going to find some difficulty in supporting why we just arbitrarily adjusted those percentages. So while I wish the second trimester was larger, I don't feel the committee at this point has any justification to change those numbers. So I will support those percentages.

Mr. Chairman: We're going to vote on this motion so we can move on. We're running out of time quick. All of those in favor of the motion raise your hand. Five in favor. Those opposed? One opposed. Motion carries. Lori, do you have another motion?

Lori: Yes. If we could get the motion, move that the trigger for the second trimester be set at 45%. If a closure occurs in the directed Loligo fishery before July one, the directed fishery will reopen July one with a 90% trigger for the remaining trimester quota. If no closure occurs from May one to June 30th, the directed fishery will remain open with a 90% trigger, replacing a 45% trigger on July one.

Mr. Chairman: Is there a second to the motion?

Lori: Is there a second to that motion? Oh, you guys.

Mr. Chairman: Okay. Second by _____. And Lori, I guess if I can repeat your rationale or message to the services, if we adopt this take your best shot at it.

Lori: Absolutely. Better than nothing.

[Crosstalk]

Mr. Chairman: Comment on the motion from the committee. Phil.

Phil: Thank you, Mr. Chairman. In the motion I've got a question for George. If it wasn't quite that specific and you were given a range that you want it held to, if you spelled it out so that it was _____ I don't know what it would be, 40% to 45%, you're given a little better range to make the adjustment. Would that work better for the service? Instead of trying to be held to a number, you're held to a range for that quarter to shut down.

Mr. Chairman: George, hand on one second. Go ahead.

- George:* I just want to point out that the committee and council didn't shore up the language about when the 90% closure – how the thing would be closed at 90% and dealing with underages and overages. Now in the staff recommendation that follows, you're going to have to include this at some point. After percentages, I have the language in there and you need to include that. That's at the end of page three following the percentages. So it said directed fishery would close at 90% for the allocation for each trimester, 2,500 pound trip limit in effect to the end of the trimester. Underages or overages from one and two will be applied to the next – underages are applied to the next trimester – that's a typo, and then overages are deducted from the third. That's the way it was written originally.
- Lori:* So to that point, you want more language in this motion describing that we reduced to a 2,500 –
- Male 1:* Well, at some point we have to make sure that we clarify how you want to deal with underages and overages.
- Mr. Chairman:* Why don't we let Rich perfect that motion and get it up on the board so everybody can see it. Jim?
- Jimmy:* I would rather we wait until we get through this one first. That's the point. That's why I didn't bring it up before.
- Jimmy:* Whatever happens may affect the way we allocate the percentage closure. That's why I didn't bother to bring it up at that time. We do something significantly different, but we recognize that it does have to be addressed.
- Speaker 2:* If it's not critical, why don't you just let the staff have the flexibility to write in the language that Rich just read? That would save time in the committee meeting.
- Mr. Chairman:* Yeah. Sure. If we can get it up on the board that's okay, but otherwise I think the mover and the secondary are okay with the perfection of the language. Discussion on the motion? George?
- Darcy:* I appreciate the thought, but I don't know how we'd manage to arrange. We'd have the same problem. It's not just the number, it's that the small amount and the short period of time that we have to do it. We'd have to make projections based on one or two points that would be unsure points. It would be a guess. Now if we had to do it we'd do it the best we could, but it would only be a guess.

- Lori:* But to that point, George, that's all anyone is asking for. Do the best you can with what you have to work with.
- Mr. Chairman:* Jimmy?
- Jimmy:* George, is it possibly to forget the projections and just put a specific number down, the day that you hit that number the fishery closes. Forget projections. Just forget projections entirely. That's the whole problem. You're trying to predict the behavior of the industry. If there was a specific number, forget percentages. It's easy enough to take the percentages and turn them into numbers. The day that you reach the number that equates to 45 percent of period two, the fishery closes. Is that possible to do without projections or does the plan not have that flexibility?
- Darcy:* I don't think it's a problem with the plan, it's a problem with the way the data come in. You'd have to say at x pounds of _____.
- Jimmy:* That's exactly what I'm suggesting.
- Darcy:* But different dealers report at different times and some don't report in two weeks after. As long as that happens then the system can be manipulated and we'd be telling the industry they have to do something based on the behavior of only a portion of the industry.
- Mr. Chairman:* Further comments? Any comments from the public on the motion on the board _____?
- Sima:* I'll just reemphasize what Lori is saying, and Jimmy. Take the number. Go to 2,500 pounds. We're taking the risk here that it doesn't hit the 45 percent. Let's try this to preserve some kind of fishery for July, and if you do it by number, if you do it by percentage, we'll take your best shot right now, George and meanwhile maybe we'll get on top of some of these dealers.
- Mr. Chairman:* Eric?
- Eric Reid:* You gotta clarify something for me. Is it the closure is when it's projected to be harvested or when it's actually harvested? I think it's when it's actually harvested. I think what the language is, has been harvested, not projected to be harvested.
- Darcy:* Well the fact of the matter is to figure out what that date is because we have a lag, we'd like to give the industry some period of time to react, plus we have to go through a process that takes several days

to even get the notice out. We have to anticipate somewhat when we're gonna get to that date. We're projecting to the date when we think it will be harvested, but it's always uncertain and we always get data after that date, sometimes considerably after it.

Eric Reid:

I understand that and it's not an easy task. I understand that as well, but how many pounds did we leave on the table last year? I think it was 8 percent or something like that. Anybody know? Because it was projected to be harvested. 8 percent of 17,000 tons is a lot of squid to leave on the table. I think you gotta be more accurate in what you do 'cause we have to be more accurate in what we do.

This is an effort to say to the small boat fishermen, the small businessmen, "Hey, we're trying to help you out and let's try this for a year." To sit here and say well we can't do it, so guess what? The guy that's got a little boat, a little 45 _____, maybe he's fishing by himself because he can't afford a crewman. To say, "Hey listen, I can't do the data so you're out of business." I don't think that's fair. I think you gotta say, hey, let's give this a shot. Let's try it for a year.

Mr. Chairman:

Greg, did you have a comment?

Greg DiDomenico:

I know we're going over here a little here this morning, but if there's some way to have a quick discussion about a trip limit, I know not everybody agrees upon the number, but certainly the people in the audience with the exception of New York does, but I think maybe perhaps SEMA could reconsider a trip limit. I believe a trip limit will preserve that four-month fishery. I believe it's easier to manage than this. I believe there's enough enforcements to ensure compliance of a 10,000-pound trip limit. So if there's any way we can consider that, that'd be a big help. Thank you.

Mr. Chairman:

Okay, let's deal with this motion first. Further discussion from the committee on a motion? Okay, we're gonna vote. All those in favor of the motion, raise your hand. Two in favor, three in favor, I'm sorry. Let's raise them again. Three in favor. Those opposed, raise your hand. Oh my. Looks like a tie vote on the committee, three to three. Chair will vote in favor of the motion, so motion passes.

Now are there further motions from the committee? I will take these recommendations to the council from the committee, but certainly committee members are free to raise other issues at the council meeting, or if there are new solutions that come along in

the interim between now and then they can be discussed again.
Are there any other further motions from the committee, Lori?

Lori: I don't know that it's a motion yet, Pete, but to just bring up an issue, that being the 10,000 pounds possession of Loligo for the Illex vessels in the month of August during the Loligo closure. As it's written right now there's no attachment to Illex landing with this allowance of Loligo, and I don't think that was the intention of the council or the maker of the motion, but there's no clarification, and as it stands right now a vessel could go out and come home with 10,000 pounds of Loligo and zero pounds of Illex. So maybe Joel wants to give some direction or let us know where we have to go or what we should do if we need a motion?

Mr. Chairman: I think I know what we need and that is we need a motion to clarify the previous action and the underlying rationale for that trip limit was that Illex vessels would be fishing for and have Illex landed at the time they landed the Loligo. So we simply need to get a clarifying motion forward, and so if someone will make that motion to clarify the previous action then we can go ahead and then we'll get Joel to comment on it.

Lori: Do we need a specific or just make – I move to make a motion to clarify the issue, or I also need the solution in the motion?

Mr. Chairman: If you have a solution, put it in.

Lori: The solution would be to require above the 10,000 pound threshold for the incidental catch limit for vessels having Illex on board.
That good?

Seagraves: They have to possess a minimum of 10,000 pounds of Illex.

Mr. Chairman: Okay, do we have a second? We do have a second to the motion.
Discussion on the motion to clarify, Ron?

Ron: I'm somewhat confused. I thought that the Loligo and Illex fishery could be 10,000 pounds not to exceed 10 percent of the catch of other species, in other words you couldn't come in with 10,000 pounds of Illex and 10,000 pounds of Loligo.

Seagraves: The actual motion passed did not include the percentage. There was discussion about the problem of enforcement based on a percentage and the motion ended up being passed without that 10 percent. So when we looked at it, it was brought to our attention and it's like, well that's what the motion that passed, that's how it

was stated. If the 10 percent is gonna be an enforcement problem then the solution that we offered here this morning is an incidental catch allowance for anybody can land up to 10,000 of Illex if they have an incidental by catch permit. So this would ensure that at least 50 percent of the trip would be Illex at a minimum.

Mr. Chairman: Jimmy?

Jimmy: Thank you, Mr. Chairman. Rich, you captured it pretty well, but we need to change the 10,000. We need to change it to 15,000 because what you do with 10,000 is say non-moratorium vessels can go out and catch 10,000 of Illex, which they're allowed to do, and 10,000 Loligo . That's not the intent. The intent of the motion was 1,000 pounds threshold, but incidental catch limit for vessels. The original motion contained language that said moratorium –

Seagraves: So the two requirements would be with this perfection, one, you have to possess an Illex moratorium permit this August. The Loligo fisheries closed, and you have to have at least 10,000 pounds of Illex on board.

Mr. Chairman: Okay. Motion is on the board as it stands, Sima?

Sima: Yeah, I'm having a little trouble now we have a 50/50 landing here as long as you have 10,000 pounds of Illex. I think what we were coming from was 10 percent or 10,000 pounds, not 10 percent of your Illex on board not to exceed 10,000 pounds is where we wanna be, not 50 percent of your trip now can be Loligo . So I would ask the maker to maybe change it to as I say 10 percent of the Illex on board not to exceed 10,000 pounds.

Mr. Chairman: Well the reason we didn't adopt that is because we were advised that it wasn't enforceable to 10 percent. Discussion from the committee on the motion? Ron, did you have a comment?

Ron: I just think you need Loligo species in there too. It's not specific enough. All you're talking about is Illex.

Mr. Chairman: Yeah, well this is a motion to clarify the previous motion that did deal with Loligo , so it may be useful to put Loligo in there, but that is the intent. Lori?

Lori: I think law enforcement has really made it clear that none of this is easily enforceable no matter what we do. I think we're trying to resolve an issue for a period of time where Illex vessels come in contact with Loligo and cull offshore and this is to try to keep

everybody in compliance. I don't know that the 10,000 pound threshold couldn't be set higher, but again we were trying to get away from percentages for enforcement purposes. So whether we go to 40,000 pounds or 50,000 pounds for the Illex possession in order to obtain this 10,000 pounds of Loligo , maybe we could raise the 10,000 pounds.

Mr. Chairman: It's your motion.

Lori: Okay. I would like to amend the 10,000 to if it was 10 percent of, then let's say, I don't know, 40,000? No, that's not true. I don't want Jimmy so mad at me today that he won't talk to me for the rest of this meeting, but I'll say 40,000 pounds.

Furlong: Mr. Chairman?

Mr. Chairman: Yeah.

Furlong: One thing I wanna comment on is that the public has never been notified that this is what the council is going to be doing when this committee meeting is over. So I think it's fine what the committee is doing, but I would hate to see the council get into this. The council is limited in its action today to the idea of trimesters in terms of the allocation. That's what's in the federal register. That's what the council is gonna be limited to. I realize this is a problem, but this meeting is not gonna resolve this problem.

Mr. Chairman: Well I understand, and that's why it's a motion to clarify because we believe that the underlying rationale that led to that motion is still in the record. Are you amending your motion? But I think at the same time, the more we amend this the more we go to what Dan has identified as a problem.

Lori: I will take that back and leave the motion as it stands, and realizing the intent and all the discussion on this topic at prior meetings when it was in the public register and it was notified.

Mr. Chairman: Okay, so motion on the board. Comments from the committee as a clarifying motion to a previous action? Any public comment on the motion? Sima?

Sima: I'm just not sure what this says anymore. _____ to require a 10,000 pound Loligo threshold for moratorium vessels? They're required to – and perhaps we could say providing that they have 90,000 pounds of Illex on board. It's not enforceable as a percentage, it's not enforceable as poundage, but we're just gonna

give it away. They should be providing some sort of provision that there are at least 90,000 pounds of Illex on board. That would make it the 10 percent still unenforceable, but to require a 10,000 pound Loligo landing of these moratorium vessels I would hope was not the council's intent either.

Mr. Chairman: Eric?

Eric Reid: We're only talking about the month of August, is that right? Okay. I look back at my records, I unload six freezer trawlers, and the highest amount of Loligo we had in any trip was 2,802 pounds. I said earlier I owned a freezer trawler. I'd love to be able to go out and catch 10,000 pounds of Loligo when a fishery is closed. I have another Illex vessel I'd like to do the same thing with. I don't think it's fair to the small fishermen who we're trying to protect in the earlier discussion about 45 percent of Loligo quota.

I'd have a very hard time making this one fly with my smaller vessels. I don't think it's fair that we've already increased the offshore Loligo quota for the bigger boats. I think when the quota is full and the fishery is shut down, everybody lives by the same rules, and I'm really not sure why we're talking about 10,000 pounds of Loligo in the first place. I don't know what the reasoning for having this discussion was in the first place. Can anybody tell me?

Mr. Chairman: On this particular motion?

Eric Reid: Yeah, I don't really understand what -

Mr. Chairman: The reason is that there was a misinterpretation of the language, which was not very clear, and what it ended up being -

Eric Reid: Mr. Chairman, I'm not concerned about the language. What's the rationale for allowing Illex boats to have 10,000 pounds in the first place?

Mr. Chairman: Well we're not on that subject right now, so we'll deal with that later.

Eric Reid: Well I'm sorry, personally I'm on that subject and I'm sorry that I'm not _____ but my bottom line is I can't support a 10,000 pound trip limit for Loligo when the guys on the beach can't have 2,500 pounds. I don't think it's fair.

- Mr. Chairman:* Okay. I got your point. Further discussion on a motion? I think it's been clarified now that the threshold is 10,000 pounds of Illex on board in order to land 10,000 pounds of Loligo . That's the essence of this motion to clarify a previous motion.
- Furlong:* Mr. Chairman, we just put up the original motion from the June meeting so that people understand.
- Mr. Chairman:* Yeah. The top part of that is -
- Furlong:* Has nothing to do with the motion that's on the table. It's just information.
- Mr. Chairman:* I'm not getting your point.
- Furlong:* I'm saying that the upper sentence is the motion that was passed at our last meeting, so this is in the context of that.
- Lori:* I'm wondering if the motion that I made is making sense in view of reading what we're trying to clarify. Move to require 10,000 pounds of Illex threshold for incidental catch limit for vessels -
- Jimmy:* Catch limit of Loligo .
- Lori:* Right. Move to require 10,000 pounds Illex threshold for incidental catch limit for vessels with a moratorium Illex permit on board to retain 10,000 pounds of Loligo . Loligo has got -
- Seagraves:* Can I make a suggestion?
- Lori:* Yeah.
- Seagraves:* Since this is a clarification motion, Jenn, take the top one and just copy and paste it, make another copy of it. Just bump it in whatever, put it below there all the way down, separate paragraph. Now behind 10,000 pounds of Loligo per trip, provided they possess a minimum of 10,000 pounds of Illex. Provided they possess a minimum of 10,000 pounds of Illex on board.
- Again the sense of this is that there's gotta be some assurance that they're not just gonna land 10,000 pounds. The way it's written the original motion that they had 10,000 pounds of Loligo they'd be legal. They didn't have to have any Illex on board. So the easiest fix, the cleanest fix is the trip limit that separates the moratorium from incidental is 10,000.

Mr. Chairman: Okay. Lori, are you okay with it? There's a clarification, Jimmy?

Jimmy: I know we're running late, Mr. Chairman, but again in your opinion or with Joel, the 10,000 of Illex is something we're adding now. Do we have flexibility to change that? It's a clarification, that's all it is. The 10,000 is arbitrary right now. I don't even know where the hell it came from, and if in fact the 10,000 of Illex is arbitrary, not the Loligo, because we did not talk about what the bi-category allowance of Illex would be, do we have the latitude to suggest something other than the 10,000 of Illex?

If so I'd like to offer something different; if not, I'm fine with that. The original intent of this was to provide a bi-catch of Loligo and Illex fishery, therefore I would suggest 30,000 of Illex instead of 10,000, but I don't wanna do it if we don't have the latitude to do it, simple as that.

Mr. Chairman: Joel, can you help us?

Joel McDonald: Interesting situation. The intent of the original motion at the last council meeting was there'd be some amount of Illex on board. I think everybody agrees with that, and we were talking percentages. 10 percent of the amount of Illex on board not to exceed 10,000 pounds I believe. So what we're dealing with is a perfection or a clarification of what we meant by those percentages. I think at minimum we're probably talking about 10,000 pounds of the Illex. Total amount of squid as opposed to total amount of Illex, so you're right.

I think a clarification could go beyond the 10,000 pounds. Now remember, even though the public isn't here, there's a process that follows the council process and that is the rule-making that would implement these specifications, and the public does have an opportunity to comment on whatever the council recommends to the service and whatever the service implements. So there is if you will a perfection of the process through the rulemaking process that will follow this.

Jimmy: In that case with Joel's advice, I'd move to amend a friendly amendment of change the 10,000 to 30,000 of Illex.

Mr. Chairman: Is that acceptable?

Lori: No, I would say change it to 90. Well Jim, in the original discussions you were looking for 10 percent and law enforcement said not doable. NMFS preferred you get away from percentages,

but your original intent was the 10 percent of the total catch on board, and Joel just reiterated that, you've reiterated that, so that being said in having the opportunity to reflect on what Ben said around the table on the record, I would say 90,000 pounds. That reflects what you've said and what you've asked for.

Mr. Chairman: Are you rejecting the friendly amendment? Are you amending your own motion to 90,000? Is that what you're doing?

Lori: Yes.

Mr. Chairman: Okay. Do we have a second on that amended motion? All right. Now we don't have a second, so the motion stands as originally put forward. Discussion on the original motion. We gotta wrap this up. So the essence of this is a clarifying motion that says what was intended in the original motion that was passed at the last session that there be Illex on board in order to have an incidental landing of Loligo , and we're now defining that minimum as 10,000 pounds of Illex.

Speaker 10: To Joe's comment what kind of bothered me there was that say it was 70,000 or 90,000 or whatever the number is that you put up there, you wouldn't be allowed any possession of Loligo unless you hit the threshold of 90,000. I think the way I understand that wording, if you don't hit the 90,000 you can't have 10 pound, not even 10,000.

Mr. Chairman: Let's deal with the motion and what it says.

Lori: A question. 90 didn't get seconded, so now do we refer back to – Jimmy didn't get a second. I offered 90. Did we talk about 90,000 or we don't talk about that anymore?

Mr. Chairman: If you wanna talk about 90 you're gonna have to withdraw your motion and remake it at 90,000.

Lori: Okay.

Mr. Chairman: Let's get clear on what the committee wants to do.

Jimmy: First of all, Mr. Chairman, I'm not interrupting. I've got a motion up there with no second. I withdraw the motion for 30,000.

Mr. Chairman: You withdrew that. Motion to amend.

Jimmy: It's on the screen.

- Mr. Chairman:* So we're back to the original motion and now it's up to the maker to either withdraw that motion and make another one or we're gonna vote on this one.
- Lori:* I would like to increase the 10,000 pounds of Illex on board to 40,000.
- Mr. Chairman:* That's a motion to amend.
- Lori:* A motion to amend.
- Mr. Chairman:* Okay. Is there a second to the motion to amend to increase the number to 40,000? Seeing no second motion, the amend fails. So we're back to the original motion again. Ready to vote? Is the committee still here or have they disappeared? We're gonna vote. I think we have a quorum. All those in favor of the motion on the board to require a minimum _____ clarifying motion, raise your hand. Three in favor. Those opposed? None opposed. Motion carries. Jimmy?
- Jimmy:* Mr. Chairman, do we have the latitude to let Rich apply the percentages seeing as we didn't change any of the percentages that was staff recommendation? Can we just give him the latitude to establish the triggers as staff recommendation?
- Mr. Chairman:* Based on the rounded percentages?
- Jimmy:* Yes, Sir.
- Seagraves:* Yeah. It's using the original language from the 2000 specifications, in other words under _____ roll into the next one. Overages were deducted from the third.
- Jimmy:* Isn't that 2001? We didn't have that provision.
- Seagraves:* Yeah we did in the original one.
- Mr. Chairman:* Okay. Yep. Okay, we're finished I think so we're going to adjourn. Further business has to go out.
- Seagraves:* We had the other issue of dealer reporting at sea. I think we can bring that up in front of the full council.

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- (1) [9:37 a.m.]
 (2) _____
 (3) INTRODUCTIONS AND ANNOUNCEMENTS
 (4) COUNCIL CHAIR RON SMITH: The first
 (5) order of business in the Council meeting is loligo
 (6) squid specifications, but before -- before I -- we
 (7) start on that, I had one announcement, a thank you I
 (8) wanted to make. Excuse me a second.
 (9) (Pause.)
 (10) COUNCIL CHAIR RON SMITH: Michelle,
 (11) could you go out in the hall and see if there's any
 (12) Council members out there and ask them to come in.
 (13) (Pause.)
 (14) COUNCIL CHAIR RON SMITH: Like I
 (15) said, we're going to move into loligo squid
 (16) specification, but first I don't know if all the
 (17) Council and the board members that are here have
 (18) heard, but Doctor John Boreman has been appointed
 (19) Director of the Office of Science and Technology, so
 (20) he's going to be leaving as head of the Northeast
 (21) Fisheries Science Center and moving to D.C. And on
 (22) behalf of the Council, I would publicly like to
 (23) thank John.
 (24) One of his goals when he took over as

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- (1) head of the Northeast Science Center was to make it
 (2) more open and user friendly, and I certainly think
 (3) he has accomplished that, and I thank him deeply for
 (4) doing that. And it makes the science better to deal
 (5) with the Council's actions.
 (6) I also want to thank him for
 (7) yesterday suggesting that a way that the reference
 (8) points can be reevaluated for the summer flounder,
 (9) given this declining recruitment, instead of just
 (10) constant recruitment. And I am hopeful, as probably
 (11) most of the Council is, that it's going to ease this
 (12) train wreck that's coming.
 (13) Anyway, I thank you, John, for all
 (14) your fine work and hope that you'll be as successful
 (15) or more successful as -- in your role in D.C.
 (16) JOHN BOREMAN: Thank you, Ron. I've
 (17) been in the Northeast for 26 years. My first
 (18) interactions with this Council was on striped bass
 (19) back in the early '80s trying to get the science to
 (20) support reducing fishing mortality rate on striped
 (21) bass, and I think that worked. I think it was a
 (22) very simple story to tell, a lot simpler than the
 (23) stories we have to tell now about fluke and scup and
 (24) so on. That may be the reason why we're not seeing

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- (1) as many fluke around, got too many striped bass, but
 (2) that's a different story.
 (3) It's really been a pleasure, and
 (4) Ron's right, one of my goals as the Center Director
 (5) was to open up the Center, have our science be more
 (6) transparent, we have nothing to hide. My attitude
 (7) was let the chips fall where they may, just tell it
 (8) like it is and we've got to deal with it. Don't
 (9) sugar-coat anything, just be as honest and open and
 (10) direct as we possibly can. And we'll see what
 (11) happens. We'll just have to work with it.
 (12) And I also asked my staff to listen
 (13) more to industry. I think we weren't doing enough
 (14) of that through the years that I had been there.
 (15) Industry and anybody involved with the fishing
 (16) industry who's out there on the water day after day,
 (17) they have a lot of information to share. It may not
 (18) be -- you know, with the confidence intervals that
 (19) we like to see, the replication and all that comes
 (20) with scientific data, but they sure are observations
 (21) and they're extremely valuable, and we as a Science
 (22) Center should figure out ways to get that
 (23) information into our assessments, into our advice to
 (24) managers, because it is extremely valuable.

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- (1) So, I hope at least we started us
 (2) down the path of doing that. I wanted to make to
 (3) our fishermen's reports a little more user friendly,
 (4) not just put out numbers, but actually put a little
 (5) -- going back a hundred years to the old reports of
 (6) our surveys. If you read those, they were beautiful
 (7) prose in terms of natural history. Our scientists
 (8) out there a hundred years ago doing our surveys were
 (9) explaining what was going on, and putting their
 (10) ideas in. Well, we're seeing more southern species
 (11) this year for some reason in our surveys, where we
 (12) saw this species, and this is possibly what it
 (13) means.
 (14) And don't be ashamed to be doing
 (15) that, because that's the type of information that
 (16) people who are out there on the water every day can
 (17) relate to, because they're seeing the same thing, or
 (18) maybe not, and it's worthwhile to sit down with
 (19) industry and compare notes after each of our surveys
 (20) to see if what we're seeing is what the industry is
 (21) also seeing out there.
 (22) So, I hope at least we started down
 (23) that path. And as I said, it's been a pleasure
 (24) working with this Council over the years. You have

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- (1) quarter. In the trimester process, July is the
 (2) third month in the second period. So, the idea that
 (3) there'll be any quota left by the time July comes
 (4) along is not going to happen if you look to where
 (5) the closures occur on Table 3 on page 4.
 (6) So, that fishery is an extremely
 (7) important fishery for a lot of states. And we're
 (8) trying to preserve some of the historical fishing
 (9) that occurs by -- by this motion, with this motion.
 (10) And you know, we understand that NMFS is going to
 (11) have difficulty doing this, and we're hoping that
 (12) they'll simply just take their best shot and that's
 (13) what NMFS made it clear to industry at that point,
 (14) is the best they'll do is to take their best shot at
 (15) this. And everyone's kind of saying that's better
 (16) than nothing.
 (17) COUNCIL CHAIR RON SMITH: George.
 (18) GEORGE DARCY: Well, as I explained
 (19) at the committee meeting, I appreciate the concerns
 (20) that Laurie's raising, but the objective of going to
 (21) trimesters in the first place was to give us a
 (22) better likelihood of coming close to hitting the
 (23) triggers correctly, because this is probably our
 (24) most difficult -- certainly one of the most

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- (1) difficult fisheries for us to monitor, because of
 (2) the way the landings come in.
 (3) So, to take a very small trimester --
 (4) it's only 17 percent of the quota, essentially
 (5) divide that in half, and then have a 45 percent
 (6) trigger in the first half means that we'd be trying
 (7) to monitor and do a closure of the directed fishery
 (8) on a few weeks' data at best. Given that we have
 (9) late landings. Given that this is a very jumpy
 (10) fishery anyway to try to monitor, this would be
 (11) very, very difficult, next to impossible.
 (12) COUNCIL CHAIR RON SMITH: Other
 (13) discussion on the motion? Laurie.
 (14) LAURIE NOLAN: To that point,
 (15) industry came forward letting us know that there are
 (16) reporting requirements that are mandated of the
 (17) dealers, and while the dealers may not all be doing
 (18) their job, making NMFS job more difficult, it
 (19) shouldn't be the industry who has to pay for that
 (20) situation. And you know, NMFS has a very difficult
 (21) time, as been pointed out on a quarterly basis, and
 (22) everyone understands that. But you know, that's
 (23) going to exist even on a trimester basis. I mean no
 (24) matter what the periods are, nothing is going to

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- (1) change the fact that the dealers are not all in
 (2) compliance.
 (3) On that note, maybe industry -- I
 (4) mean maybe this Council could send a letter out to
 (5) law enforcement, because George did inform us that
 (6) the word from NMFS has gone to law enforcement on
 (7) this issue. And we as a Council might request law
 (8) enforcement either respond to this -- you know, what
 (9) are we doing about these latent reporters? And it's
 (10) just -- it doesn't seem right that industry should
 (11) have to pay for the problems that NMFS has because
 (12) of their lack of compliance. And this is something
 (13) that industry expressed a strong need and desire to
 (14) see this Council make some effort to remedy a
 (15) problem that they already know is going to exist by
 (16) us going to a trimester period rather than a
 (17) quarterly period.
 (18) COUNCIL CHAIR RON SMITH: I might say
 (19) that maybe industry could get on the dealers a
 (20) little bit to get them to clean up their act, too.
 (21) Because I don't think the Council's going to have a
 (22) whole lot of effect. Other discussion on the
 (23) motion?
 (24) (No response audible.)

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- (1) COUNCIL CHAIR RON SMITH: None at the
 (2) Council. Sima.
 (3) SIMA FREIERMAN: Yeah, I just want to
 (4) reiterate what I did speak about with the committee
 (5) this morning. There is, as Laurie said, an
 (6) important July 1 fishery, not just for New York, but
 (7) for all along the Mid-Atlantic Bight. They're all
 (8) along the south shore of Long Island from several
 (9) states. And this motion just allows us to preserve
 (10) some for that July 1 opening. With all due respect
 (11) to Massachusetts, we understand -- you know, the
 (12) importance of that May fishery to them. The July
 (13) fishery is extremely important to a lot of boats
 (14) along the south shore from several states.
 (15) COUNCIL CHAIR RON SMITH: Other
 (16) comment on the motion? Yes, please.
 (17) ERIC REED: Eric Reed, Deep Sea Fish,
 (18) Narragansett, Rhode Island. This is the only
 (19) available option to the Council, to preserve a
 (20) fishery that's existed for years in July and August
 (21) on the south shore. The south shore means from
 (22) Chatham to Cape May, New Jersey.
 (23) Generally speaking, it's a small boat
 (24) fishery and without this those guys will be out of