

NWX – DOC CONFERENCING

**Moderator: Andrew Gorbonos
October 14, 2016
12:30 pm CT**

- Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen only mode until the question-and-answer session of today's conference. At that time, you may press star then one on your touchtone phone to ask a question. I would like to inform all parties that today's conference is being recorded. If you have any objections, you may disconnect at this time. I would now like to turn the conference over to Erin Schnettler. Thank you. You may begin.
- Erin Schnettler: Hi. This is Erin Schmeltzer with the Office of Sustainable Fisheries. Welcome to the NS1 Webinar. I'm going to give the floor now to Mr. Sam Rauch, Deputy Assistant Administrator for Regulatory Programs here at (unintelligible) Fisheries for opening remarks.
- Sam Rauch: Thank you Erin. My name is Sam Rauch. I am the Deputy Director of the National Fishery Service. Thank you all for joining us today. As most of you know, yesterday we released the final version of our National Standard One guidelines of the Magnuson-Stevens Act. We're going to talk about that today, but I want to put that in a little bit of context for you first. It's important

to note that commercial and recreational fisheries are an important economic and social community driver in this country.

It contributed over \$210 billion to the economy and they support over 1.8 million jobs. So this is important. At the same time that they are providing these important drivers, we have achieved remarkable success in the sustainability of U.S. fisheries. Since 2000, we have rebuilt 40 stocks of fisheries.

Currently 91% of the federally managed stocks are not subject to overfishing and managed sustainably and 89% of them are not overfished meaning that we have remarkable record in terms of achieving sustainability now. So we've become an international leader in fisheries management – fishery's all - countries all over the world are looking to the U.S. model as to how you can both achieve important economic contributions in it at the same time ensure the sustainability of our fisheries both for the fisherman today and for future generations.

As we look at how we do that, we're – we have in the last several years have been looking at how we implement National Standard 1. As you may know under the Magnuson Act, we are required to manage to ten national standards. The first of those -- National Standard 1 -- requires us to achieve optimal yield for the fishing while – from the fisheries while preventing overfishing.

This is a key balance between trying to maximize the economic contribution of the fisheries to the country, but at the same time ensuring that we are not allowing overfishing and that we have a sustainable fishery. As we have talked to the fisherman and the communities and the environmental groups and other leaders over the past few years, they have universally told us that the Magnuson Act itself is a management structure that is working -- that

there is no need for large-scale changes sweeping reforms or those issues -- but there are a number of things that need to be done -- technical things -- to bring more stability to the fishing management structure to allow the fisherman while they're achieving their sustainability targets to have more economic returns.

We have looked at that, we've taken a lot of that consideration in there, and when we talked about that, the question was, "Well, do you need legislation or can you do that through regulations?" and we did – and almost uniformly the answer was that many of the things that folks were talking about doing could be done through regulations and we did not need a legislative fix to do that and we took that to heart and have looked at the regulations and what was available and with the guidelines that we're going to continue to build on our management successes that we do not want to sacrifice any of the important environmental protections in our current structure that led us to the position of the U.S. fisheries face today and that has been our overall guidance here in terms of how we have developed National Standard 1.

We had a robust public process. The proposed rule was out a while ago, we had a number of comments that we could talk about, and through that we made a number of changes the proposal would clarify meaning our intent has always been to ensure that we can continue with the important measures that protects sustainability while allowing some stability and flexibility for our fisheries.

Specifically, we worked on a number of issues, we revised the final guidelines to emphasize that all of our revisions remain within the strict boundaries established by the Magnuson Act to prevent overfishing and were needed to rebuild stocks. We clarified the additional methods that we can use to calculate the maximum rebuilding times and that they do not impact the

statutory mandate to rebuild the stocks in as short of time as possible. These new methods do allow the maximum time for rebuilding plan to be based on the biology of the stock and the best scientific information available.

And in addition, we clarified that the council should consult with their science advisors when choosing which of those methods to use. We also added language to the guidelines to reinforce that their framework for determining whether or not stocks need to be federally managed only clarifies the decision making process for the councils. We don't believe that these clarifications will narrow the scope of the stocks that require federal management, but they will provide some guides for the councils in siding how – whether to add stocks to the fisheries or not.

We're going to be delving a little bit more in depth in all these changes. We're going to turn it over to the folks here to go through some of these changes in a little bit more detail, but I want to thank you for your interest. There were a number of folks on the call that reflects how important this is to the constituencies out there around the country and then we're going to give a brief presentation here - who's going to give that? Erin?

Erin's going to give a brief peregrination on that, and that we'll have questions at the end. So let me turn it over to Erin for the presentation. Thank you.

Erin Schnettler: Thank you Sam. As Sam mentioned, we'll go through a quick presentation and leave some time for questions at the end. We will give a quick background on National Standard 1 and how it really the Magnuson Act, review why we're revising the National Standard 1 guidelines, go over some of the major features of the rule, and then summarize and answer questions.

As Sam talked about in his opening remarks, the Magnuson Act is the primary law that governs U.S. federal fisheries management and we are currently celebrating the 40th anniversary of the Magnuson Act. And with that celebration, we are looking at back at some of the conservation and economic successes that we've seen -- the Magnuson Act helped produce.

If you look at some of the statistics in the red box -- as Sam mentioned -- 91% of our stocks are not on the overfishing list, 84% of our stocks are not on the overfished list, and as of Tuesday, we have rebuilt 40 stocks since 2000. Over on the green box that highlights some of our economic successes. Commercial and recreational fishing generating over \$200 billion in sales in 2014 and over 1.4 million jobs as well.

So, you know, these two boxes highlight how the MSA is working, but they also -- but we also note that some of the required conservation measures under the MSA have had real economic impacts and there's always room for improvement. This -- there is - through our work with stakeholders we felt that there were revisions to be made to the guidelines that would improve both conservation and economic outcomes for U.S. fisheries management and that is the effort that we undertook for the National Standard 1 guidelines.

So what is National Standard 1? It is one of ten national standards under the Magnuson Act and it is critical to the Magnuson Act's success. It establishes the requirement that all U.S. fisheries management measures prevent overfishing and achieve optimal yields. Optimal yields means balancing conservation and economic goals to achieve the greatest benefit to the nation. So whether we're achieving these two NS1 requirements is a large determinant of whether or not we're successfully managing our fisheries and because meeting these two requirements is so important, guidance on how to

go about meeting these requirements is also important -- and this is where the NS1 guidelines come in.

The guidelines are a “nuts and bolts” framework for how to go about preventing overfishing, achieving optimal yield, rebuilding stocks and so forth and that’s really what we’re here to talk about today. So why are we revising the National Standard 1 guidelines? As I mentioned earlier, we found some areas for improvement over the years and a lot of that started with the Magnuson Act reauthorization in 2007.

When the Magnuson Act was reauthorized it was amended to introduce annual catch limits, ACL’s that prevent overfishing every year as well as accountability measures that will mitigate the damage of going over your limit if you go over your annual catch limit -- and throughout the presentation I’ll refer to “annual catch limits” and “accountability measures” as “AM’s” and “ACL” -- and ACL’s and AM’s really transformed federal fishery management.

Because now we had annual catch limits that prevented overfishing every year, after we implemented them we started to see fisheries that had struggled to end overfishing start to succeed -- and that was an exciting development. However, as we gained experience implementing ACL’s and AM’s, we realized that there were some tweaks that this manage – this management framework could use that would improve and streamline the system.

So, that brings us to where we are today -- the 2016 revisions to the National Standard 1 guidelines. These revisions are focused on improving and streamlining our guidelines based on our experience implementing ACL’s and AM’s, but it’s important to emphasize here that the new features and the new NS1 guidelines are optional tools that we are making available for the regional

fishery management council's to use, but they do not establish any new requirements that would require councils to revise their management plan and that's an important key point to note.

I'll also note here that there are some places you may see this action referred to as the "Revisions for the National Standard 1, 3, and 7 guidelines" and that's because throughout this streamlining process there were some changes that also needed to be used National Standard 3 and 7; however, the majority of this effort was really on National Standard 1 and that's how we'll refer to it throughout this presentation for simplicity.

So before we move onto talking about some of the major features of the new guideline, I want to just take some time to revisit what we're calling, "The foundational requirements of National Standard 1". As we walk through the features of the final rule it's important to view each of these provisions through the lens of the foundational requirements which are to end and prevent overfishing, rebuild stocks, and achieve optimal yield.

So, for instance, if we're talking about provisions that provide additional flexibility, that – they can only do so if they are also achieving these foundational aspects; if they're also ending overfishing, achieving yield and so forth -- so it's a key thing to keep in mind as we visit these features of the NS1 final rule. These are four categories of provisions that we saw a lot of comment and interest in in the proposed rule stage, so this is what we will go through quickly today.

The first category of provisions we'll talk about are increasing stabilities of fisheries. There are three provisions within this category. The first of which we'll talk about is phasing and changes to catch levels. And so this provision is addressing situations where we receive new information about a stock and

usually the stock assessment that shows that a fishery's catch limit needs to be decreased relatively dramatically. For instance, a stock assessment could show that a stock is in poor shape than we previously thought and that – therefore those catch limits need to be cut relatively dramatically. And typically, previously, those cuts would be made all at once.

So as you can see in this – in the top box in this graphic here, your first net is relatively full, you find out the stock is not doing so well, and you have to make a relatively dramatic cut all in the next year which obviously could have a negative impact on fisherman and therefore we put in the guidelines a new phase improvisation that would allow managers to calculate a way to decrease their tax limit over three years and this would allow fisherman to adjust their business plans, plan for new conditions as the catch limit is gradually lowered over three years -- as you can see in the green box the nets are being, you know, gradually lowered and fished as you go along.

However, these gradual changes must always be calculated so that they prevent overfishing -- and that's a key note. I should also note that if there is a new assessment that shows that catch limits can be increased, this phase and provision would also apply as well -- and again, that's also applicable for fisherman to adjust their business plans accordingly. This is an example of how the phase in provision could work. The redline is your overfishing limit, the blue line is your scientific catch limit.

If you were looking at the cut that needed to be made from 2014 to 2015 as a 150 megaton cuts that you could take in one year or you could phase in 50 megatons over three years until 2017 and you can see that that phase in still keeps everything below the overfishing line while making those changes a little bit more gradual. So with that, we'll move onto the next provision within

this increasing stability category. That is the carryover provision where we are carrying over unused quota into the next year.

So as this graphic shows this provision is addressing cases where a fishery does not catch its full quota and this new provision allow that quota to be carried over into the next year and the reason for including this provision within the guidelines is to reduce the incentive for fisherman to fish in unsafe condition as well as reduce the incentive for fisherman to try to catch every, last fish and therefore increase the risk of them actually going over their catch limit.

And so to use this provision the amount of fish that would be carried over into the next year needs to be adjusted to account for biologic factors such as natural mortality. So in this graphic here, if you're under by three fish you can only carry over two fish to account for fish dying in that year or other situations like that. And also the amount of fish you carry over has to be underneath the overfishing limit. When your carryover fish, you always have to prevent overfishing.

There was a lot of public comment regarding this provision and in response to those comments we also added two types of considerations before a council utilizes this provision. One is that the council should consider the stocks condition. If the stock is overfished or in a rebuilding plan the overriding goal of managing that stock is to rebuild in as short of time as possible as the Magnuson Act requires -- so the council should consider that before using a carryover on such stocks.

And in addition, the council's also need to consider the reason why the fisheries experiencing an underage in the first place. If a fishery is experiencing an underage because the fishery was closed early and there was a

management error, that's a great case for a carryover (unintelligible). If the fishery was just not able to catch their quota, that maybe an indicator that fisheries in a poorer shape that we thought and that it should be taken into consideration before using the carryover provision.

The third provision I'll talk about underneath increasing stability is what we're calling "multiyear over fishing status determinations" and this provision is really focused on the agency's requirement to report to Congress every year on the status of stocks. You can see a little clip from our status of stocks report from last year. We report on two types of statuses -- overfishing and overfished.

This provision is addressing our overfishing status determination. When we report overfishing status determination, we are focusing on looking back on the previous year and determining whether that stock was subject to overfishing. When we're doing that, that data can be relatively uncertain in the previous year. As you can see from this graph, the error bars are relatively large and the actual value could be above or below the overfishing limit.

And so to address those cases where there's a high amount of uncertainty when we're making overfishing determinations, we included a provision within the National Standard 1 guidelines that allows councils to base overfishing status determinations on a three-year average and this is - increases our reporting consistency. And repeat - and increasing our reporting consistency and accuracy provides stability to fisheries by avoiding situations where a stocks status is bouncing up and down between overfishing and not overfishing from year to year.

But it's important when we're talking about this provision to emphasize that the multiyear approach is for retrospective status determination and it's not

applicable to future catch limits and that's a distinction we made – we tried to make clear in the final rule. So what this provision does not allow is for managers to look ahead and say to 2017 and say, “All right, well we've been below our overfishing limit for the past two years so let's set our future catch limit above the overfishing limit so that when we look back retrospectively in three years we know we'll still be below our overfishing limit,” and we clarified that that is not what this provision allows, that's not what it's applying to.

Again, a stocks catch limit must be set to prevent meaning being below that red line every year and this provision is about retrospective status determinations. So that wraps up the increasing stability to fisheries provision. The next three categories should go relatively quickly. The first or the second category is increasing flexibility in rebuilding plans and this provision requires a little bit of background on what the Magnuson Act says about rebuilding.

The Magnuson Act requires that stocks that are overfished be rebuilt in as short of time as time as possible. It also says that where the biology of this stock permits it, the stock should be rebuilt in ten years. So what does this provision do? This provision addresses stocks that can't be rebuilt in ten years. There are stocks that are very long lived and stocks that are starting out at a very low level and for those stocks it can be hard to rebuild in ten years.

As you can see in this example if you look at the green line, that's the minimum time that this stock can rebuild in and that minimum time with no fishing is 12 years. So if this stock can't rebuild in ten years what's the maximum time that it can rebuild -- the maximum time we need to calculate? And that's where under the 2009 guidelines -- the previous guidelines -- we had one calculation method. But this calculation method required some life

history information that not all stocks have and so in the new guidelines we proposed – or we introduced two additional calculation methods and this provides managers with the flexibility to select the method that best fits the available data for the stock.

There was concern about this provision and we took the time to really emphasize that the selection between these three calculation methods is a biological calculation. It's not a policy decision. What we're doing is giving managers the flexibility to choose the method that is based on the biological data available for that stock and with – and which method best fits that data.

And as – and I'll also mention that the target time in which the stock is rebuilt is really what dictates the shortest time possible for that stock and that is that purple target time in between your minimum time to rebuild and your maximum time to rebuild -- so that's what the rebuilding plan for that stock should be shooting for is your target time -- your shortest time -- possible. So, that is the flexibility and rebuilding plans category.

Next we'll go over the framework that we introduced for determining which stocks require federal management. The Magnuson Act establishes that federal management is required for stocks that are in need of conservation and management and federal management it means that stocks need to be put in a formal federal fishery management plan and manage using ACL's and AM's. However, not every fish requires conservation and management and our previous guidance didn't explicitly address how to make that determination; how to determine, "Does this stock require conservation management?"

So what the new guidelines do is introduce a streamline and consolidated decision framework or decision tree that we show here to give more guidance to councils on how to make the decision of whether a stock requires

conservation and management. This framework doesn't exclude fisheries from federal management, it just gives clear guidance on how managers should answer the question at the top of this tree. So in sum, if you go through this tree, if a stock is overfished or subject to overfishing and predominately caught in federal waters, it requires conservation management and requires federal management.

If - and then in addition there's also a non-exhaustive list of ten factors that managers should consider when making a decision regarding whether the stock needs conservation management. And then finally I will talk about some of the provisions we added to the guidelines to advance ecosystem based fisheries management. Ecosystem based fisheries management is definitely important to many of our stakeholders and we heard and read that in a lot of the comment letters that NS1 guidelines should comprehensively address EFBM. And in fact, no fisheries is fully committed to EFBM.

We recently released both a final EFBM on policy as well as the draft roadmap that provides a national implementation plan for EFBM and in that vein we look at the guidelines and we believe that EFBM is fully achievable under the new National Standard 1 guidelines and we also added some provisions that would further accelerate the implementation of the EFBM one of which is called "Aggregate MSY" or "Aggregate Maximum Sustainable Yield" and that's a provision that really allows managers to incorporate food chain tradeoffs when setting their quotes so incorporating whether a fishery want - or a council wants to catch more tuna than haddock or so on and so forth.

With that, I will – that (unintelligible) and reiterate that it's important to remember that these new guidelines are tools that we feel will further improve our federal fisheries management. They don't establish any new requirements

to revise fishery management plans, but we do believe that they will help councils and our partners establish a more efficient and effective management system and we're looking forward to collaborating with all of our partners in the future. With that, (Kurt), I think we are ready for questions.

Coordinator: Thank you. We will now begin the question-and-answer session. If you'd like to ask a question, please press star then one. Make sure to unmute your phone line and record your name clearly. I will require your name to introduce your question. If you need to withdraw your question, please star then two. Again to ask a question, please press star then one. It may take a few moments for the few questions to come through. Please stand by. Our first question is from Meredith Moore. Your line is now open.

Meredith Moore: Hi. Thanks for taking my question. This is Meredith Moore from Ocean Conservancy. I have a question about the use of phase in. You showed a slide earlier -- and I'm afraid I didn't catch which slide number - I apologize -- during the three-year phase in where for one year you have the ACL set right at the overfishing level -- the OFL. This means that there's no management or scientific uncertainty buffer from the OFL and the rule further specifies that the OFL needs to be only set with a 50% probability to prevent overfishing.

So my question is, removing the management and scientific uncertainty buffers does that not increase the risk that overfishing will occur because you're setting your ACL right at a level that already only prevents overfishing half the time? Thank you.

(Alan Risenhoover): Hi Meredith. This is (Alan Risenhoover). Just real quick. One, we've tried to highlight on this slide, you know, things in the simplest terms possible just to show the concept. In actuality, I think, you know, that buffer that some folks call for science and management would still exist -- that slide -- and I

think that it's Slide 11 -- shows the OFL and the allowable biological catch. It does not show the ACL which would be typically below the ABC as well. So I think it doesn't prescribe that we have everything equal.

What it does is it shows that it cannot as in our current system where the ABC cannot exceed OFL and the ACL cannot exceed the ABC. It keeps that in place. What it does is allow for the staging in of some of these reductions to make sure that the industry can step into those reductions. But again, it keeps in place the ability for the council to include those management and science buffers for uncertainty to ensure that we don't have overfishing. And again, in no case can that ACL be above that OFL level.

Meredith Moore: Right, but – sorry, can you still hear me? I don't know if I'm on mute.

(Alan Risenhoover): Yes, we can still hear you.

Meredith Moore: Okay, great. But you could though under the guidelines you could set your OFL equal to your ABC equal to your ACL?

(Alan Risenhoover): And that is - the previous guidelines would've allowed for that as well.

Meredith Moore: Right.

Erin Schnettler: And Meredith, when we're talking about the carryover provision, it's also important to remember that, you know, we're talking about a carryover ABC control rule and, you know, that is really a general policy for council to set in advance that would specify how they can and cannot carryover a new stock and part of that policy would be an analysis on how the rule would still prevent over or how the carryover would still prevent overfishing and therefore when it comes time to actually decide whether to use a carryover

provision, the council's SDC would have to use that analysis that the policy establishes and decide whether carrying over in that specific circumstance is the right thing to do -- so again, this is going to be a case by case basis and the control rule really just sets a policy for the councils in advance.

Meredith Moore: Right, and I definitely appreciate that and I know the carryover and the phase in are two separate things so those get conflated sometimes but, yes, I just, I mean, for us when we look at this and while we do appreciate some of the changes that you put in to address our concerns giving more thought to how to use these techniques and hopefully a less risky fashion, the fact that they are sometimes or at least the doors open for them to be used even though you're supposed to consider it on stocks that are experiencing overfishing or currently overfished is a – is, you know, really disappointing to us because those are the stocks that are in jeopardy in some way and should receive more consideration and, obviously, like you said, it's going to be proof in the implementation. You've offered these new techniques as possibilities, but it does seem like riskier decision making as on the table now -- but thank you for your answer to my question.

Erin Schnettler: Thanks Meredith. I think we'll take the next question now.

Coordinator: Currently, there is no further questions on the audio queue. Again, if you have a question, press star then one. Our next question is from (Ken Stump) - your line is now open.

(Ken Stump): Yes, thank you. (Ken Stump) with the Ocean Foundation. I am seeking some clarification on the overfishing determinations using multi-year averages. I think I understand how the multi-year average could work, but I guess I have – my question is two-fold. One, would you specify for a given stock that you're going to use a multi-year average to determine overfishing status or an

individual year or would you vary that depending on what the SDC says as to whether or not you're going to use one or three years for overfishing determination.

And then the second part is how does this work going forward because the rule indicates that going forward you would not use multiple years to determine overfishing -- that you would use that overfishing would be determined on an annual basis -- and I'm just not sure how that would work with ATL setting.

(Alan Risenhoover): Okay, thanks (Ken). This is (Alan) again. On the SDC -- the Status Determination Criteria -- the council would have to put that in -- its FMP -- as -- what - and how it's going to use a multi-year status determination criteria -- so it wouldn't be opportunistic, it would be planned as their FMP which requires the status determination criteria in it. And again as Erin pointed out, it's that last year in a stock assessment is usually fairly uncertain and in some cases very uncertain -- so it is more of a retrospective look at the last three years to determine the status of that stock.

When the council and the agency is managing it, recall that every, year we have to have an ACL such that overfishing does not occur and that's the following slides there with the print that is Slide 16 and Slide 17 that shows from a management perspective each year you have to set your ACL at a level that does allow for overfishing. So if they had two years where they came in below the ACL, that could be used for determining the status. It couldn't be used to say, "Oh, we can set an ACL above our overfishing limit." Again, the statutory requirements would kick in and prevent that.

Ken Stump: So I guess what I don't understand now and is, you know, the practical example of how this might work, but I can think of an example where a stock

has been the status determination has been made using a three-year average of the last three years of an assessment time series. But going forward, would you then use the projection OFL for the next year to determine the ABC and then ACL off of the ABC? Is that how it would work?

(Alan Risenhoover): Yes, if you have information or new information saying that your OFL should be a specific number, the council would then set the ABC at or below that and the ACL add or below that. What they couldn't do is say, "What we were X% under the last two years; therefore, we can do ACL plus X% and go above the above fishing limit." That still controls - the ABC and OFL still controls what the council could do in future years.

So again, what this is if there's an anomaly one year in reporting and the council has status determination criteria that says they're going to have a rolling three-year average, it wouldn't cause that fishery to be listed as subject to overfishing. But just because...

(Ken Stump): So...

(Alan Risenhoover): ...it wasn't subject overfishing does not mean the council can set a future level above the overfishing limit.

(Ken Stump): Well, so maybe -- and I'll shut up after this -- but maybe the way to clarify this is to say that the OFL or the maximum fishing mortality rate threshold is determined on an annual basis so that OFL is going to be determined on an annual basis, not based on some three-year average. Is that right?

(Alan Risenhoover): They could set their ACL for a three-year period based on the science. What they couldn't do is take the status determination and claim that they could go above that in a future year. So yes, I think, in general what you say it

is right, (Ken). Again, it's going to come down to the individual specifics of every case, but in no case can council have something that exceeds its ABC and OFL...

(Ken Stump): Okay.

(Alan Risenhoover): ...at setting them at levels above. And that's what we've tried to capture on Slide 17 was that international sign of "No".

Ken: Okay. Yes.

(Alan Risenhoover): Thanks (Ken).

Coordinator: Our next question is from Chad Hanson. Your line is now open.

Chad Hanson: Okay, thank you. Thanks everybody for having the call. My – I'm Chad Hanson with The Pew Charitable Trust. And I apologize. I haven't had a chance to read the rule, so I'm seeking clarification on the carryover provision when the fishery ACL's not met and carried over. My first question is, "How much guidance is there to do to guide the scientists and SDC's to make sure there's a scientific rigor on – as to why this ACL was not caught or achieved?"

I guess my concern is, you know, if it's – if it's a little bit of underage that's carried over that may not indicate much in the stock, but if it's significant underage and it's more than one year in a given period of time that might be an indication and then from there how much scientific rigor is provided in the guidance to determine what that would look like or why that's occurring.

(Alan Risenhoover): Okay, thanks for that question. And we realize that this is a detailed long rule. It'll publish next week. So folks probably haven't had a chance to read it, say, as much as we have here. So we understand that. We wanted to have this webinar early to help people understand with our presentation and we can have additional conversations, webinars, engagements into the future.

We're planning to have in-person briefings at upcoming council meetings as well so there'll be some more opportunity to familiarize yourself with the rule, but we just wanted to start with a quick overview today and then work with people into the future. On the carryover provision, you're exactly right. The reason that fishery may not harvest its full ACL there could be a lot of reasons for that and that's part of what we put in the final guidelines is that the council needs to work with its SDC -- it's Science and Statistical Committee -- to determine, "Is carryover appropriate?"

Maybe if you have a stock that's subject to over – that is overfished, it may not be appropriate and the appropriate amount of carryover that could be used such as that slide on, well, Page 13 this slide that you never go above that ABC level -- the Acceptable Biological Catch level -- let alone the overfishing level. So again, it's not something that the councils would do automatically. They would need to analyze and determine -- A. Is it appropriate?; and 2. What would the appropriate amount be?

Chad Hanson: Okay, thank you for that. And so as far as the language and guidelines is there a specific language to have to steer the SCC's and the councils into what type of analysis is – would be needed like an updated assessment or some sort of, you know, scientific analysis along those lines or is it pretty vague and determine, you know, interpret it a little for each region?

Erin Schnettler: Well so – thanks, Chad. The – what we’re talking about here really is the acceptable and biological catch and how you set that level and that level has to be set by this SSC -- the Scientific and Statically Committee -- and that committee needs to set the ABC based on the best scientific information available.

They’re looking at stock assessments or whatever other data is available and making sure that that ABC is set at an appropriate level – that accounts for scientific uncertainty and all of that whole process is laid out in the guidelines relative specifically. And so when you – when the SSC sets its ABC from there the council can reduce the ACL from that ABC if it chooses to do so based on management, uncertainty, or other considerations they feel are appropriate.

(Alan Risenhoover): Right. And there’s a good, solid paragraph that you’ll find toward the back of the text on that followed specifically by that statement we made that ABC may not exceed OFL. So even in the cases of carryover. So thank you for your question.

Chad Hanson: All right, thank you.

Coordinator: Our final question we have currently queued is from Steve Marx. Your line is now open.

Steve Marx: Hi. Thanks very much. My name is Steve Marx. I’m also with The Pew Charitable Trust and I had a quick question on the holding timeline options and selection of those. And I – if I think I heard Erin correctly she indicted that selection of – selection among the new options for rebuilding timelines was not a policy decision, but would be based on the life history or the biology of the stock in question and so my question is, “Is that something that

the SCC will be charged with determining and making a recommendation to the council or how would that process relative to selection of the timeline?”

(Alan Risenhoover): Right. I think you’re exactly right there Steve. The SCC would be involved in, “What is the appropriate – the most appropriate method to use based on the information associated with this specific stock in question?” So in some cases they may have a lot of information and use the current method. Or in some cases they may not have much information at all and just use the two times the minimum method -- so that’s the biological deciding or the biological analysis of what those sideboards are what the minimum is and the maximum.

Then the policy diction much as the council has to do now is determine what is the shortest time possible? And that’s always been a big decisions and difficult decision for the council so that in general states that the same. But what we’ve tried to do with this is have the SSC -- the Science and Statistical Committee -- work with the council to get those limits -- the maximum and minimum -- based on the information and the biology of the specific stocks.

Erin Schnettler: Thanks (Allan). And Steve I’ll just clarify that we explicitly added a sentence in the final regulatory text that clarifies that the decision on which calculation method to use is a decision that needs to be in council region with the SSC so we did try to highlight that. And as (Allan) said, this is just kind of getting that all about getting that upper bound on rebuilding plans accurate and then the decision – the policy decision -- on how to determine the target time or the shortest time possible is a decision that the council have got to make.

Steve Marx: Great. Thanks for the answer guys.

Coordinator: Our next question is from Meredith Moore. Your line is now open.

Meredith Moore: Hey, it's Meredith again. Hey, how's it going? Just building off of the question that Steve just asked. Is the TMax the shortest time to rebuild while taking into account the relevant factors deciding or is that the t target and therefore the TMax is in (unintelligible) of the shortest time to rebuild plus factors? Does that make sense?

(Allan Risenhoover): Yes, I think so. So the rig text in particular -- and we have some discussion in the preamble -- talk about the maximum time to rebuilding the stock or at stock complex is that team max. So that's the maximum time that the council could allow the stock to rebuild. T target is what they're trying to rebuild the stock and actually and that's the one where they have to justify that that's the shortest time as possible.

Meredith Moore: Okay, but a stock that takes its TMax to rebuild for whatever reason would not be rebuilding in the shortest time as possible?

(Alan Risenhoover): It depends not the characteristics of the stock and the management available so that's the slide that has that purple line in the middle that Erin had gone over that they have a time, you know, the minimum time it would take to rebuild and the maximum time it would take to rebuild and the council sets a target between those two times and it may be toward the shorter time, it may be toward the longer time, but that t target is what they have justify as the shortest time as possible.

Meredith Moore: Yes, that's helpful. I mean, we're very supportive of using t targets. I just am concerned since that active pretty clear that rebuilding is supposed to take place in a shorter time as possible while taking into consider the various factors that if that is not the TMax and rebuilding (unintelligible) to TMax then, I don't know. That's -- that is -- we're going to have to think through

what that really means, but I just wanted to flag it as – I appreciate that you guys said you would be willing to have more conversations about how this might work and so I think that would be something that we should discuss as one of the later dates so thank you for offering that to us.

(Alan Risenhoover): Yes, thanks Meredith and in our rule I think you were reading that sentence that we included on what the definition of t target is so that's in the rule, it relates directly to the statute and again, this is something – it doesn't make it an immediate change at the council level. The councils will have to look at these issues in the future and see if they adjust how they're managing in the future so there will be a lot of discussions around all of these topics in the future.

Coordinator: Currently, there is no further questions.

Sam Rauch: All right. This is Sam Rauch again. If there are no further questions, I think we will wrap this up. All of this stuff is out and available now. If you have other questions along the way, I'm sure we can work on answering those. I appreciate your attention, and thank you for participating in this call. So we can wrap this up now.

Coordinator: That concludes today's conference. Thank you for participation. You may disconnect at this time. Speakers, please allow a moment of silence and stand by for your post-conference.

END