

**NWX-DOC CONFERENCING**

**Moderator: Heidi Lovett  
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7:57 am CT**

Coordinator: Welcome and thank you for standing by. At this time participants will be in the listen-only mode until it's time for public commentary. Today's conference is being recorded. If you have any objections, please disconnect at this time. And with that, I would like to turn the call over to your host, Heidi Lovett. Ma'am, you may begin.

Heidi Lovett: Thank you. Thank you everybody for joining us today. I'm going to do a quick roll call and then I'll pass the call over to (Julie). And this is for the record. Thank you. So (Julie Morris).

(Julie Morris): Yes I'm here.

Heidi Lovett: (Terry Biedeman).

(Terry Biedeman): Yes.

Heidi Lovett: (Ted Aimes).

(Ted Aimes): Here.

Heidi Lovett: (Bob Biel). (Julie Bonnie).

(Julie Bonnie): Yes.

Heidi Lovett: (Unintelligible).

Man 1: Yes.

Heidi Lovett: (Heather Brandon).

(Heather Brandon): Yes.

Heidi Lovett: (Columbus Brown). (David Donaldson). (Phil Diskow). (Raimundo Espinosa).

(Raimundo Espinosa): Here.

Heidi Lovett: (Randy Fisher). (Erica Feller).

(Erica Feller): I'm here.

Heidi Lovett: (Liz Hamilton). (Mica McCardy). (Peter Moore). (Mike Okinowski).

(Mike Okinowski): Here.

Heidi Lovett: (Jim Parson).

(Jim Parson): Yes.

Heidi Lovett: (Harlin Pearst).

(Harlin Pearst): Here.

Heidi Lovett: (Bob Breaux). (Henry Sensapissara). (Peter Shelley).

(Peter Shelley): Here.

Heidi Lovett: (Pam Yoakum). I think, (Julie), (Peter Moore) said he was going to try to join us later.

Woman 1: Okay, and we did have regrets from both (Bob Breaux) and (Pam Yoakum) so that they were not able to make it but did send some comments.

Heidi Lovett: Right. Thank you.

Woman 1: Okay. Thank you everybody for making time this afternoon or morning, whatever it is where you are, in order to help us finalize our comment letter on the draft national by-catch strategy. So we had a fairly intense and long conversation about this at our April (MAYSAK) meeting. (Mike) and I were charged with taking the notes from that conversation and developing that into a draft comment letter. (Mike) and I wrangled with that over the last couple of weeks. Heidi distributed the draft letter to everyone late last week I believe and today we have an official meeting of (MAYSAK) to decide whether we want to approve this comment letter to be submitted. And I believe tomorrow is the deadline for comments.

So we can entertain adjustments to the letter if people have concerns about the way it's currently structured, but there's not much time to make those adjustments and we will need at the end of the discussion a motion to either

accept and send on the comment letter or not. So are there any questions or suggestions at this point about the comment letter and either comments of support or comments of things that you'd like to suggest need to be changed. And I can't see anybody raising their hands so we'll just have to be polite. Anybody have anything they'd like to say about the comment letter?

Man 1: I would like to suggest one minor change. That's in the general comments. The fourth section where it says balance and flexibility are important.

Woman 1: Yes?

Man 1: I would like to add to the second sentence, by-catch limits can limit directed harvest affect fisherman, processes and communities. Somewhere I feel as though we should point out that by-catch limits are to protect the reproductive capacity of other fisheries or other species.

Woman 1: You'd like to add a sentence there?

Man 1: Somewhere I feel as though we should mention what the purpose - it is a very delicate balance between by-catch and a directed fishery but also for fisheries associated with the by-catch.

(Mike Okinowski): (Julie), this is (Mike Okinowski), can I ask (Ted) a question?

Woman 1: Please.

(Mike Okinowski): (Ted), you say fisheries associated with the by-catch, you mean as target fish or as - I don't disagree with - I think what your intent is to show the by-catch reduction is to I guess as a conservation measure makes good sense, but I'm not quite certain that I understand the fisheries associated with the by-

catch. If that's the fisheries that are targeting other species and that they encounter by-catch or that where fisheries are actually fishing for the by-catch that another fishery might consider by-catch. Could you elaborate on that a little bit?

Man 1: Yes, (Mike). Good question. On the east coast we have this dilemma with codfish, for example, which has very low by-catch limits. It's the directed fishery but it is so low that if you happen to get into a body of them you're in great trouble. By the same token, the Gulf of Maine cod stock is in pretty bad shape and that affects the entire fishery because it's an important species historically for coastal fisherman. So I felt as though it was important that we mention that delicate balance relates to the viability of that by-catch specie.

Woman 1: So let me paraphrase, see if I get it, (Ted). You're talking about the harvest in deeper waters off shore of cod being heavily restricted but the potential benefit of that heavy restriction is that there could be a rebounding of the in shore cod fishery, which would be very beneficial to fishing communities, is that the point you're making?

Man 1: Yes, well, if you get into species biology cod reproduce in relatively shallow water. Historically the length along the length of the New England coast which it no longer does. Very few areas that support reproduction. Most of it's directed either in Cape Cod Bay or on George's Bank. As those stocks recover or attempt to recover, if there's significant by-catch of them it will be detrimental to their recovery. I'm not saying by-catch can't happen. I'm saying that we must remain aware that having by-catch affects other species and in cases like this it also affects the recovery of another commercial fishery. I should have perhaps word-smithed this before I brought it up. But it's just to point out that there's an additional concern.

Woman 1: Okay. Do people understand what (Ted) is recommending be added and is there any opposition to adding that as a general comment. And I think we'll have to leave the final wordsmithing - you'll have to trust (Mike) and I to do the final word-smithing.

(Mike Okinowski): This is (Mike) again. In attempting to keep this straight, I think what I'm hearing or believe I'm hearing is there's a benefit to other fisheries -- well, I don't know if that's right. There's a conservation benefit to the by-catch species as far as maintaining sustainability levels that are or even rebuilding plans, you know, focus on that too. But so there's a net benefit for reduction of by-catch. But in addition where I may be a little bit lost is there's a by-catch necessary to sustain more than - I mean, we're talking about sustaining other fisheries with some allowance of by-catch, striking the balance as you said, but where I get a little lost is I'm not sure if you feel we haven't already covered that. I mean the by-catch allocation - we're not getting into that part of it, but the allocation would be such that ideally it would be to satisfy that most of those fisheries could be prosecuted and you know, full ACL or full attack realized on the target species. But does that capture it or am I missing something?

Man 1: It's pretty close. For example, if you have one fishery that relies on we'll say cod is a great example. A few years ago it was haddock. The problem that happens when you have a directed fishery for 13 different species and you get one which you're not supposed to be catching you're in a terrible Catch 22, but if you have one segment of the fleet that's entirely dependent on it, such as the cod fleet, cod/haddock fleet along the coast of Massachusetts in particular, then you've damaged the fishing community. So it's with an indirect effect on fishing communities if their by-catch is affecting the coastal fishery. I think you got it, (Mike), but I don't want to hold us up on this one issue. I just felt it was important to mention.

(Mike Okinowski): It's a little bit tricky because it's not by-catch in one fishery, it's a directed target fish, and the other fisheries it is a by-catch and we have a similar type example I think we could spend time on, I'm not going to on halibut. (Julie) could talk for a long time on that one. But I think I see your point and hopefully if (Julie) consents then maybe we can wrestle with that to...

Man 1: I have confidence you can.

(Mike Okinowski): Or if you want, (Julie), just a suggestion, maybe he could just summarize and send us a short paragraph on what he wants us to say or he'd like to see. Is that...

Heidi Lovett: This is Heidi. May I offer based on what I've heard a succinct sentence to insert that you can all hear?

(Mike Okinowski): I think that would be great myself.

Man 1: Me, too.

Heidi Lovett: So (Ted) I have that it's the fourth paragraph. I suggest after the first sentence and the first sentence reads, "Balance and flexibility are important when reducing by-catch in fisheries." I suggest inserting based on what you said, "By-catch reduction is important for conservation and in some cases may be significantly important for rebuilding plans for some stock. Yet" -- then it continues --

Man 1: Perfect.

Heidi Lovett: "By-catch limits can limit directed harvest" -- I'm going to insert "of target species affecting fisherman processors and fishing communities." Does that meet what you're trying to achieve?

Man 1: Yes, I think it...

Heidi Lovett: (Mike)...

((Crosstalk))

Heidi Lovett: I'll read it again as a complete three sentences. So "Balance and flexibility are important when reducing by-catch in fisheries." Stop. "By-catch reduction is important for conservation, and in some cases may be significantly important for rebuilding plans for some stock. Yet, by-catch limits can limit directed harvest of target species affecting fishermen, processors and fishing communities."

Woman 1: This is (Julie). The only suggestion would be it can be, it isn't necessarily what - by-catch may not have anything to do with conservation. It could be straight up allocation. But I think you need to use can be or...

Heidi Lovett: Okay. Is?

Woman 1: Yes.

Man 2: And that's an excellent point because it's got an ACL in the target species in some sense, then it becomes an allocation issue and not a conservation issue. But I think if the goal is to raise the stock size -- and maybe this is a little bit different from rebuilding -- but to I guess increase stock size, then you know, I don't know. It's a little different way of rephrasing it but I have very - when I

hear rebuilding plans I think of regulated rebuilding plans, not just rebuilding intentions, I guess.

(Columbus Brown): Yes. This is (Columbus). I think if you add the words in the middle of that with specific gear types I think it sort of drives home the message because most of the by-catch is really related to the type of gear that's being used to prosecute fisheries.

Heidi Lovett: This is Heidi. Where do you recommending inserting?

(Columbus Brown): I'm trying to find the sentence that you were reading. Okay, conservation - I think after the word conservation. I don't see that so I...

Woman 1: Okay, so group wordsmithing when we can't all see the document is really difficult and probably not a great efficient use of our time, but we do have this deadline staring at us and so I'm going to ask Heidi to read the sentence one more time and then ask if there's any opposition to including it in the comment letter. Heidi?

Heidi Lovett: Sure. "Balance and flexibility are important when reducing by-catch in fisheries." By-catch reduction can be important for conservation, and in some cases may be significantly important for rebuilding plans for some stock. Yet, by-catch limits can limit directed harvest of target species affecting fishermen, processors and fishing communities."

Woman 1: Is there anyone opposed to including that in the general comment letter? If not, let's move onto any additional suggestions for changes to the general comments section of the comment letter.

(Terry Biedeman): Okay, this is (Terry). In the first paragraph under general comments just a little edit there. We need the EFA and the MMPA following each of those acts in parentheses and the next sentence didn't flow well for me. I don't know but this is just a really brief revision to that. It says "The strategy does a good job of incorporating the different approaches to by-catch." And this would be my change, "Required by each of these laws." Is that a problem?

Woman 1: Does anyone have - sounds great to me. Does anybody...

Man 1: Sounds good to me.

Woman 1: ... have concerns about that or opposition to it?

General: Good.

(Terry Biedeman): Okay going on then, that's great. On the next page "The balance of flexibility paragraph" notwithstanding what we just changed, also ACL needs to be following annual catch limits and we need to spell out IFQ even though I'm sure all these folks know what it is. Consistency. And then in the next paragraph this is really an area where I would like to insert in the sentence, which it is one long sentence. I'll just go on. "And the work of the regional fishery management councils, NMFS, National Marine Fishery Service, and other government fishery managers" or in lieu of that, get rid of all of those regional fishery management councils, etc. and just say federal fisheries managers. The reason is that the HMS FMP is managed under a different - it is not under the councils. They pick and choose what sorts of things they think applies to them and what they don't and I would like them to be looped into this as well.

Woman 1: Okay so the simple change is to say the work of federal...

(Terry Biedeman): Of federal fisheries managers and is not a mandate and I would get rid of the reference to the councils, whatever, whatever that would include I assume any other federal fishery manager.

Woman 1: Is there any objection to those changes that (Terry) just suggested?

Man 1: I don't have opposition, I agree but I just - one question comes to mind is are these other regulatory agencies that are federal are they under the Department of Commerce?

(Terry Biedeman): What comes to mind is maybe how Atlantic states might work and I'm not sure where they dovetail in with federal fish issues. And I'm not completely aware of how that works but that was my reason.

Man 1: So (Terry), while I agree with your intent -- totally agree -- I don't know if we straddle across and different authority area, agency area or not. I don't have the answer to that. Maybe Heidi can help us.

(Peter Shelley): This is (Peter Shelley). You're really talking about two different things. I thought (Terry), what you were talking about were the (plagic) species that NMFS developed management plans for directly like the heavy migratory, which isn't the Atlantic states...

(Terry Biedeman): That's right. No, that's where I first went and then I just, you know, I thought well we could do it either way as long as we make sure that it's not limited to just the regional fishery management councils because we do have that stepchild sort of thing going on with HMS in the Atlantic.

(Peter Shelley): I think that's a good idea. I would add, again if we were just talking about functions I would add the federal scientists, so federal fishery managers and scientists because I think a lot of decision making on grants and stuff may be takes place in the science centers.

Woman 1: Okay so what we have now is we're going to reduce it to federal fishery managers and scientists? Any objection to that.

General: Sounds good to me.

Woman 1: Okay other people have comments on the general comments section of the letter?

(Peter Shelley): I had a question. This is (Peter Shelley) again. On Page 2 at the top paragraph it says some (unintelligible) members state that APL should be the back stop standard for the allowable amount of by-catch. I just - that sort of jumped out at me. Is there any other back stop standard that would be applicable? Or is a dispute that by-catch shouldn't be considered as having been caught? I'm trying to understand that sentence.

Woman 1: I'll attempt to understand, but my understanding comes from conversations with (Mike). So it was a surprise to me to learn in the Pacific fisheries they actually have an annual catch limit for by-catch species.

Woman 2: In Alaska.

Woman 1: In Alaska. Only in Alaska? And so in that particular situation some (MAYSAK) members including (Mike) think that the by-catch ACL should be the back stop standard for the allowable amount of by-catch.

Man 1: Well, in essence it serves as a back stop because you're not allowed to go over that limit.

(Peter Shelley) Right.

Man 1: But, there is actually one more back stop I didn't bring up and that's the OFL. So...

(Peter Shelley) The by-catch is part of the total catch, whether it's the direct (unintelligible) or a by-catch fisher.

Man 1: Absolutely. The fishing mortality is part of that, yes.

(Peter Shelley) I think that's uncontested so I don't know if there's people on the (MAYSAK) who disagree with that.

Man 1: Well, I guess what my point is -- and I'll be as brief as I can -- sometimes we're forgetting that those are scientifically defensible lines in the sand you're not supposed to cross you know, and if we just arbitrarily so to speak decide we're going to reduce by-catch for the sake of reducing by-catch, we may not be taking into account that there's already a standard there that is defensible from the scientific point of view, that that's the standard we should not be going beyond and just reduction for the sake of reduction may actually impact fisheries that are target fisheries that are occurring.

Now I'm not saying we should catch every damn fish that's within that ACL but that's our comfort zone so to speak, and the ability to prosecute those other fisheries is hugely important on an economic side so that's why I chose that particular language or asset to be included.

Woman 1: So (Peter), you want to eliminate "Some (MAYSAK) members state that"?

(Peter Shelley) Yes, that's confusing.

Woman 1: Is there an opposition to eliminating the beginning of that sentence, "Some (MAYSAK) state that..." and just starting with annual catch limits? Okay then we'll do that.

Man 1: Could you read that one more time (Julie), please?

Woman 1: Okay the sentence will now say "Annual catch limits (ACL) should be the back stop standard for the allowable amount of by-catch."

Man 1: Okay. I'm fine.

Woman 1: So any other suggestions for changes to the general comments section? Great. Good work.

(Heather Brandon): Sorry, this is (Heather). I would - throughout the (unintelligible) there is some support for sprinkled language throughout stating that (unintelligible) will work with international arenas to reduce by-catch and support by-catch reduction. And I'd like to see in our comment letter support of that and even if this group is comfortable going at little bit further and saying that NMFS should attempt to implement or leverage opportunities where fisheries that are exporting to the U.S. market would have to comply with comparable by-catch provisions that the U.S. has.

Woman 1: Heidi, did you capture that or should be have (Heather) say it again?

Heidi Lovett: Could you say it one more time, please?

(Heather Brandon): Sure, so I think I'd like to see (MAYSAK) support the international provisions that are in the by-catch strategies and also I think I would like if (MAYSAK) members are comfortable with this, put in our letter that we would ask NMFS to leverage and even implement activities or regulations that would ensure fisheries that are exporting to the U.S. market (unintelligible) have to - okay activities and regulations - okay...

Man 1: I can tell you right now I'm not comfortable with that.

(Heather Brandon): Why (unintelligible) discussion.

Man 1: I can support the idea of working collaboratively with other countries but when you start messing around with economic trade then that to me is - I just don't want to go there, and neither does my company.

(Heather Brandon): So basically the reason I'm stating that is so that there will be a level playing field for U.S. harvesters with international harvesters.

Man 1: I think in some cases we've gone way beyond the pale of what we need to do to protect marine mammals, for example, and I would rather have it go the other way - that we look at more the international way of doing it rather than just giving up and saying that we're going to force those guys to behave to our standards. So I - there's some dispute, at least on my side, from agreement that some of the protections we've got out there are necessary. And particularly marine mammals, some marine mammals - not all. So I can see this thing just getting to be a sticky wicket. I'm certainly - your opening statement there I think was fine by me as far as by-catch reduction overall, for helping to work in a collaborative manner. But as far as putting import trade restrictions on - and if you want to, if the rest of the membership is willing to go along with

your idea then that's fine. I just would prefer that - I'm not going to agree to that.

Woman 1: Any other members have a comment on (Heather)'s suggestion?

Man 1: Go ahead (Julie).

Woman 1: Well I guess I get a little bit concerned about financial priorities. That's a pretty big ask of the agency and so I'd hate to be spending boatloads of money on trying to affect international trade. So I just think that we're better to just stick, to keep to the more narrower focus which was what the actual draft was in terms of the strategy.

Woman 2: (Terry)?

(Terry Biedeman): Okay, and while I absolutely support and think that we should have a level playing field with regard to the issue that (Mike) raised, there's already something coming down the pipeline that will be coming out from NMFS regarding marine mammals and comparable standards, and also with regard to sharks and potentially with regard to other imports of stuff under the task force from the president. So I don't know that we need to address it here but I think it's coming anyway.

So if we're dabbling around with the wording changes this is - I'm just going to put this back out here again. I'm concerned with the continual use of the word and designed to reduce by-catch. And I recognize it's a by-catch reduction thing but some of our regulations ask for minimization. Minimizing it, not necessarily continuous reduction. So I'm just throwing that out there. That's not in here enough for me. I realize we have the practicable discussion down below but when we suggest to improve management measures and

regulations so they're designed to reduce by-catch that says one thing. It doesn't say that we should minimize by-catch to the extent practicable.

Woman 1: Okay so I'm going to ask if there's any opposition to including your first suggestion, (Heather), supporting the international provisions that are included in the draft by-catch reduction strategy. An opposition to including that suggestion?

Okay so hearing none, (Heather) we can either take a separate vote on your more aggressive suggestion here or set it aside at this point. What do you want to do?

(Heather Brandon): I don't have a sense of if there's other supporters or not on the phone.

Woman 1: Okay. Does anyone else on the phone want to voice support for (Heather)'s suggestion that there be a level playing field regarding by-catch in international fisheries that are importing to the U.S.?

(Peter Shelley) This is (Peter). I think it's important to have a level playing field but I don't feel comfortable I know enough to make a policy statement about it in this area.

Man 1: I would agree with (Peter). I don't know enough about the issue to take a position, either.

Woman 2: And I'll echo that, along with the fact that there are some things in the works that might address it anyway.

Woman 1: So back to you, (Heather), do you want us to...

(Heather Brandon): We can just move on then.

Woman 1: Okay so I'm minding the clock. We're supposed to conclude this by 5:00 and we on to the specific wording changes for the objectives. These came out of discussions meeting. They're pretty straightforward. Any changes we need to make there.

(Peter Shelley) This is (Peter), I have two. First I do want to say you two did a great job in capturing the conversation. The one issue that gives me real concern about this strategy and I'll jump to the most important because of time, is the (unintelligible) of utilization and you touched upon it, but to me that just seems like a loophole to the extent that the agency is going to start promoting some sort of utilization of a huge loophole to by-catch reduction or minimization. And I think we had a pretty substantial discussion about it. And you captured it in this whole notion of is utilized by-catch no longer by-catch.

And for me, if you are utilizing the species as part of your business practice except - I'm speaking generally - I would understand that as a directive fishery and it would come along with you know, the whole discussion about FMPs and ACLs and accountability monitoring. If you were actually utilizing it, that's part of your business practices. Otherwise it's by-catch. And you know, by-catch I think the focus ought to be on avoidance, minimization and utilization is just way down. I just would hate to see the government investing money or making grants or what not to develop new ways of turning by-catch into cat food or something, or something more minimal. Or suggesting that if someone has a composting bin on their dock and they throw all the fish into that and sell it, it's no longer by-catch.

So to me I think I have a much greater concern about this issue that this document reflects.

Woman 1: Okay so do you have some wording that you would like to suggest adding here?

(Peter Shelley): I think the issue is - first I didn't know what the moral hazard. I just think it is utilization should not be used to create a loophole around by-catch reduction.

(Mike Okinowski): This is (Mike), can I say one thing, (Julie)?

(Peter Shelley) Absolutely.

(Mike Okinowski): I think it was - I might have been the guy that actually brought that question up originally - maybe not, but seems that way. And I think you're exactly right. The point being is by-catch reduction, there's done for you know, is being done for a number of reasons including conservation. And if utilization all of a sudden flips a switch so it's no longer by-catch, I think that is a problem because you're basically saying by grinding it up to cat food or whatever the conservation principles you're attempting to enact and protect are no longer valid because you've made it into something that's of use.

(Peter Shelley): Right.

(Mike Okinowski): So to me it's...

(Peter Shelley): And for the other fisheries who have a directed fishery on that species and might want to put in on the tablecloth somewhere they're ACL is going to get chewed up by someone else being much less discriminant grinding the same species up into cat food. And that is (unintelligible) by-catch.

(Mike Okinowski): Where I draw the line is utilization of by-catch is one thing, but utilization making it into something other than by-catch is something else entirely. So that's where I draw the distinction. The ability to utilize it although you're not intending or you're attempting to avoid catching it is I think okay, but to reward it I guess as it were, that might encourage a nonreduction is not.

Man 1: So (Julie), the language I would like to say is something like any fishery that, oh never mind. I can't (unintelligible) the words.

((Crosstalk))

Man 2: This is (unintelligible) I've got something to say too.

Woman 1: Okay, I was just going to repeat what I heard (Peter Shelley) say. The sentence is utilization should not be used to create a loophole around by-catch reduction.

Man 2: Right.

Woman 1: I didn't know if that was sufficient.

Woman 2: (Unintelligible) I guess I'm struggling with what do you mean by utilization of by-catch? So you know, some regulatory sense you're required to throw it away so therefore you can't utilize it so you're into this - by-catch is happening because of regulation and if you could fix the regulations it could be utilized. So in other cases in the North Pacific they require retention of cod and Pollack and no discard to promote utilization of those valuable fish, so what does utilization mean in this context? Is it to make it into cat food or fishmeal or is it having what you're catching be utilized in a food market? I am confused what the paragraph is trying to get to.

(Harlin Pearst): Can I help a little bit? This is (Harlin). I think that some of this by-catch definition or by-catch discussion some was brought up by me at the meeting that my definition of by-catch is very different than (Mike)'s definition of by-catch. My definition of by-catch is a nondirected, nonmanaged species that's caught in a shrimp trawl or whatever in the Gulf of Mexico that is not utilized. That is discarded right now. That is a part of the process in order to catch shrimp in the Gulf of Mexico. And I don't think that we want to hinder the development of species that are nontargeted, nonmanaged, that aren't affecting other species in any way.

I think if there's a way that we can develop, whether it be cat food or fishmeal or whatever, I think that's something we can look at in the future and I don't think we need to discourage that thought process. I think it's a wasted resource right now and again, nondirected fisheries, nonmanaged fisheries species, I think I don't want to close the door on that thought process. See, I think there's something there that need to be looked at in a very different way, where we're not wasting something right now that it really isn't hurting other species as we know it today. We've done some differences like in red snapper and where we've got a reduction in by-catch effort and so we've done that.

So we're doing some things in the Gulf that reduce by-catch on directed fisheries and managed fisheries but other than that, we've got a by-catch that's very different than (Mike)'s by-catch that is now being wasted and it's not something that's a directed harvest fishery and I think we need to consider what we need to do. If we can do something with it in the future I don't think we should shut the door with this particular draft letter that we're doing right here. I think that if we use the - in here it says that definitions is a good way to do it. That this is an unmanaged by-catch. And that we need - it's not managed in some respects because it's managed because of effort restriction because of

snapper, but the other products that are in there, the other species that are in there that are not directed or managed species we should look at them in a different way and it's very different than the West Coast. So I don't want to shut the door on that. I'm not saying that we want to have a loophole - we don't want to have a loophole. But I think we have to have a way that (unintelligible) an opportunity down the road to utilize something that's not being utilized now that's going to be wasted otherwise. That's what I...

Woman 1: It seems like people don't - it seems like the committee would like a comment to say there needs to be a definition of what utilization of by-catch means in different contexts, that clearly we don't want utilization to be a way to take something that is by-catch and make it into something that doesn't need to be, that is this loophole to get around reduction of by-catch minimization but we also see situations where by-catch is just thrown overboard and wasted and could potentially be used. So I think that's the best we can do on this topic. I think we have different views on it and we'll just try to represent those different views in a rewrite of this.

Man 1: And I'm not disagreeing with what (Harlin) is saying, however, on the West Coast it's a lot different just because we can't start a directed fishing exercise without going through a whole process which we're not doing presently. But I am in agreement with what your general principle is there (Harlin), so...

Woman 1: Okay so (Peter) we will rewrite this to strengthen the statement about not creating a loophole and also strengthen the statement about definitions and avoiding waste. Is anybody opposed to us attempting to do that rewrite and do we need to send that out to people to review or can you give (Mike) and I editorial authority to do that?

Man 1: I'm fine with it.

Man 2: I'm fine.

Man 3: I'm fine with you guys having editorial authority, (Mike) and (Julie). I think that will be fine.

Woman 1: Okay so we will try to rework the utilization paragraph. But I was really asking for comments on the middle section of the comment letter about the specific wording changes to the three objectives.

Man 1: Oh, I'm sorry.

Woman 1: Are there any comments there? Then let's move on to the short topical comments. The first one has to do with by-catch data. Anybody suggesting any changes there?

(Terry Biedeman): This is (Terry). I just have a tweak. And it would go by-catch data need to be improved in many fisheries, including but not limited to and then mortality estimates, quality data and timeliness of data. And then delete the rest of it.

Woman 1: Could you say it one more time?

(Terry Biedeman): By-catch data need to be improved in many fisheries, including, but not limited to: mortality estimates, data quality and timeliness of data.

Woman 1: So you would delete the...

(Terry Biedeman): The last sentence, well personally I'd get rid of the word "fisheries." I would just say estimates will yield better stock assessment models but because some of what we're assessing are mammals and other things.

- Woman 1: Are there any objections to (Terry)'s suggested changes? Okay. Any other comments on the by-catch data paragraph?
- (Erica Feller): Yes, (Julie), this is (Erica). I have just one. I think it's a tweak but it would be in addition to the second sentence in that paragraph. Such that it would read, "improved by-catch estimates will yield better fisheries stock assessment models and can improve effectiveness of management measures."
- Woman 1: Any objection to that? And improve effectiveness of management measures.
- Man 1: Slight but maybe, may or should, a can? I don't know. Maybe either one.
- (Erica Feller): Yes, can or may. I think it's something less than will.
- Woman 1: Okay so we've got a may there. Any other changes to by-catch data paragraph? How about any suggestions on the periodic review of closed areas paragraph?
- (Terry Biedeman): I like it.
- Woman 1: Thank you, (Terry).
- Heidi Lovett: Excuse me, (Julie), this is Heidi. May go back to the by-catch data. Was there agreement to take the word "fisheries" out ahead of stock assessment as (Terry) suggested?
- Woman 1: Any opposition to removing the word "fisheries" before stock assessment? I'm not hearing any opposition.

Heidi Lovett: Okay. Thank you.

Woman 1: And so periodic review is okay. Balance and flexibility. Any revisions there?

(Peter Shelley): I have one comment.

Woman 1: Yes.

(Peter Shelley): This is (Peter). Let me just read a proposed other sentence toward the end of that paragraph and maybe that's the best way to explain it. I would put a period after contentious and then I would add this sentence: "The strategy would be strengthened if the agency made an effort to enunciate some of the factors that a practicability analysis should consider."

Woman 1: Okay, you need to say more clearly where you want to put it because you lost me there.

(Peter Shelley): Well put a period after the word "contentious."

Woman 1: Okay, is that in the first paragraph?

Woman 2: Yes.

(Peter Shelley): Yes in the first paragraph. Strike the rest of that...

Woman 1: Yes, I got it. Okay.

Woman 2: Could you repeat that one time please?

(Peter Shelley): The strategy would be strengthened or improved -- I don't care -- if the agency made an effort to enunciate some of the factors that a practicability analysis should consider.

Woman 1: The agency would say again?

(Peter Shelley): Would enunciate some of the factors that a practicability analysis should consider.

Woman 1: Okay, any discussion of (Peter)'s suggestion? Either supportive or critical?

Man 1: I'm probably missing something here but where does the practicability analysis - because I don't see that as...

(Peter Shelley): You mean the word "analysis"?

Man 1: Yes, I mean...

(Peter Shelley): The national standard requires minimizing by-catch to the extent practicable.

Man 1: Right.

(Peter Shelley): (Unintelligible) strategy so what, I guess all I'm saying is what are the sorts of things that ought to be considered in defining what practicable means in the context of by-catch reduction. So there's not a formal - I don't know that there's a formal analysis. I wasn't suggesting any kind of...

Man 1: When you say it that way I can kind of go along with that easily, but when you use the word "analysis" I kind of get sideways.

(Peter Shelley): Okay. All right. The strategy would be strengthened if the agency enunciated some of the factors that should be considered in the context of practicability. (Unintelligible).

Man 1: It works for me but I'm not sure everybody else. But the analysis part, that's where I got lost so I'm fine now.

Woman 1: Okay any other comments about (Peter)'s suggestion? Any opposition to (Peter)'s suggestion? Okay, any other comments for this section on balance and flexibility?

Man 2: Is that including that second sentence - second paragraph?

Woman 1: Yes, the second and the third paragraph.

Man 2: Okay, the second paragraph although I kind of think that ought to be like at the outside ought to be like first it seems like. But anyway. It says some assert that MSA by-catch - I would like to see minimization there. I know that we have a lot of reduction mentioned but I still like to remind them that that's what it says. Going on...

Woman 1: Any opposition to that?

Man 1: Could you repeat that please?

Woman 2: I would delete the word "reduction" in that sentence that says some assert that MSA by-catch. In lieu of reduction I would put in minimization was never intended...

Man 1: Okay.

Woman 1: And then I have further changes at the end of that sentence. Intended to limit optimum yields while others assert that maximum sustainable yield is reduced to optimum yield I would insert, by relevant economic, social and ecological factors, including by-catch levels. And then I would get rid of all of the stuff after the dash. Because that's what it says.

Man 2: I think that's fine.

Woman 1: Including by-catch levels?

Woman 2: Period. And then get rid of that it's one of the factors, because we just said it was. And then at least one member stated that the use of best science should always be utilized. I would also state that so I guess...

Man 1: There's more than one?

Woman 2: I do. There's at least two because...

((Crosstalk))

Woman 2: So I support that statement without the qualifier.

Heidi Lovett: So it should start - this is Heidi - the use of best science, etc. Delete...

((Crosstalk))

Man 2: That's science and stock assessment should always be utilized.

Woman 2: Yes. I'm comfortable with that.

Woman 1: Any opposition to those changes that (Terry) just suggested?

(Terry Biedeman): Okay, I've got one more thing in the next paragraph. Couple of things. Little things. By-catch reduction strategies that close directed fisheries when the allowable by-catch has been harvested have led to a race for further fish in nonrationalized fisheries. I would insert i.e., trying to harvest as much as possible before the by-catch limit closes the fishery. Just because. And then in the next sentence I would make a lower case i.e., in the parentheses and the such as fishery cooperation through coops I usually see it as a hyphenated word. Otherwise it's coop to me. And then well-defined RFQ programs can keep by-catch levels low enough to allow the full harvest of the allowable catch of the target stocks period. Because we already said that we would keep levels low enough just above it. But while reducing by-catch is kind of redundant to me.

Woman 1: Anything else (Terry)?

(Terry Biedeman): Yes. FMPS is not possessive so there is no apostrophe in the following. And then however the very last sentence I have another wording change. However, if this factor is taken into account prior to inception of by-catch reduction guidelines and policies, the net result will be fisheries that achieve - and this is a change - optimum harvests of target stocks, get rid of and put while minimizing by-catch. And get rid of all that realize the reduction of. If that's acceptable.

Man 1: Well from my point of view I kind of put most of that language together and I think those are improvements actually, so thank you.

Woman 1: Any comments or objection to this change (Terry) is suggesting?

Man 2: I have some discomfort with the first sentence in the by-catch reduction strategies sentence. We don't have a race to fish and then rationalize fisheries at least in the Northeast, maybe it's because we lack many of the species of fish that would cause that. But our in shore fisheries which fishing in federal waters such as lobster encounter a race for fish. Address the problem in other ways. So I'm a little uncomfortable by seeing this as a standard goal. And I'm not saying if this is the case on the West Coast, then that's certainly is an appropriate issue to address, just that it does not necessarily apply to the east.

Man 1: Again, I kind of put that together. I wasn't intending to mean it in every case. I think I would ask (Julie Bonnie)'s opinion if this is satisfactory or if it kind of - I was thinking of her to some extent when I was writing this so (Julie Bonnie) do you think that that's hits the mark of what you and I have talked about in the past?

Woman 1: I agree with (Ted), it's not a panacea, so it needs to allow for both.

Woman 2: How about putting the words "could lead to a race"?

Woman 1: There you go.

Man 1: I think that is better also. I did this pretty quickly and I only went over it once after, so.

Woman 1: Okay so we're changing have to could here.

Woman 2: Could lead. Okay great.

Woman 1: So any other changes to this paragraph from any quarter? Okay. Innovation paragraph. Any changes suggested there? Okay then moving on to definitions, any changes?

Woman 2: Wait. I just want to say that the last sentence in innovation is pretty long and complicated and I don't have a good way to fix it on the fly.

Woman 1: Okay well (Mike) and I will fix it.

Woman 2: I got the whole thought and it's a good one, it's just long.

Woman 1: Thank you (Terry). Any other comments on the innovation section? And then we're going to go onto the definition paragraph. Anything there? Okay do (Melissa) do we have any public comments?

Woman 2: We request that you open the line for public comments. Thank you.

Man 1: I'm showing no public comments.

Woman 1: Heidi? Wait a minute.

Man 2: (Julie)?

Woman 1: (Henry). Are you here?

Man 2: Yes, I finally got on the line. Sorry I had difficulty going through, but I have a question to ask on the utilization issue. That (unintelligible) work is the reduction of the resources. Has there been an extensive discussion on this issue?

Woman 1: We had an extensive discussion on this issue and I will ask (Peter Shelley) to summarize it. (Peter)?

Man 2: I guess my concern here is that I can't understand the definition here where utilization was probably seriously a reduction or whatever (unintelligible). The concern I have here in our fishery here in American Samoa and along Hawaii as well with a long line fishery. About 90% of the by-catch is already dead fish and there have been individuals here in American Samoa that apply for a (unintelligible) to utilize the by-catch, the dead fish already. Unfortunately, sometimes it fell through because of the earthquake and the Tsunami that hit American Samoa in 2009 and washed out all the protection. But anyway the concern I have here for the long line fishery, I think we should take this case by case depending on the region and the type of fisheries because the long line fishery it would be a waste of resource just to throw the fish back. As I said, I think it was estimated about 90% of the resource of the fish caught on long lines are all dead fish and we here in the Pacific Islands would like to see utilizing that resource. So my comment would be for a definition which consider it case by case depending on the region and the type of fisheries involved.

Woman 1: Okay. Well the group has suggested that (Mike) and I could be authorized to revise the whole utilization paragraph and so we will include that comment when we do that.

Man 2: Thank you.

Woman 1: Any other comments that still need to be made suggesting changes to the comment letter?

Man 2: No I don't. I got through when you were discussing the by-catch reduction strategy from there on, but I had no additional comments on it.

Woman 1: Thank you (Henry). So let's see, could we I guess I would like somebody to move approval of the amended comment letter.

Man 1: I'll make that motion along with the fact that you have editorial license to make the change we suggested today.

Woman 1: Thank you (Henry). Is there a second for that motion?

(Terry Biedeman): I'll second it.

Woman 1: Thank you (Terry). Before we vote should we review the sort of general changes that we've agreed to or do people feel they have a sense of them before voting?

Man 1: (Julie), I think you need to put it in writing and let us look at it one more time. With the changes to make sure everybody is just happy with that, have a quick straw poll then.

Woman 1: Comments are due tomorrow (Harlin).

Woman 2: The comments are due Friday.

Woman 1: Friday, thank you.

Woman 2: If people are on email I've been keeping track and can send the document now and then people can follow along if they wish. It's one option. And I'll consider a different method of this type of call in the future.

Man 2: I won't be available shortly, but...

Woman 1: I'm sorry, say that again.

Man 2: I won't be able to look at it immediately, it will be half an hour or so.

Woman 1: Okay so comments are due Friday, (Harlin), you made two suggestions. One was a motion to approve and leave editorial and the other...

Man 1: I know, I started thinking about it.

Woman 1: (Unintelligible) approval until a revised draft has been circulated and people can indicate approval or opposition via email. Is that even something we can do, Heidi?

Heidi Lovett: I would say that's a tricky question. If in concept yes, everybody is agreeing to the changes or if you would like me to walk through and read them again from start to end I can do that.

Woman 1: It seems like it's best that we have a vote on this conference call and it's probably best that we review the changes that Heidi has recorded before we vote. So is everybody up for that?

(Group): Yes.

Heidi Lovett: Okay. This is (Heidi). Under general comments we're adding initials after (unintelligible) species act and MMPA we're adding those. This last sentence is now going to ready the strategy does a good job of incorporating the different approaches to by-catch required by each of these laws.

On the second page the first paragraph will read after the first sentence, by-catch reduction can be important for conservation and in some cases may be significantly important for rebuilding plans for some stocks, yet by-catch limits can limit directed harvest of target species affecting fisherman, processors and fishing communities.

The next paragraph strikes the first five words and will start with annual catch limits. Initials ACL follows. And inserting individual fishing quotas ahead of IFQ. Just to explain the initials.

The next paragraph rather than saying the regional fishery management councils, we're inserting federal fisheries managers and scientists. I have a single sentence, it may stay and it's only written here because this is when (Heather) discussed it, but it says (MAYSAK) supports the international provisions of the draft national by-catch reduction strategy.

And then there are no changes to the suggested wording changes for the three objectives. Those were all discussed at the April meeting.

Woman 1: Okay just pause for a minute. Everybody cool with what Heidi has reviewed so far? Any questions about that? Okay. Continue, Heidi.

Man 1: Cool.

Heidi Lovett: Short topics, for by-catch data there is some insertions and slight changes so I'll read that first paragraph or that paragraph. By-catch data need to be improved in many fisheries, including, but not limited to: mortality estimates, data quality and timeliness of data. Improved by-catch estimates will yield better stock assessment models and may improve effectiveness of

management measures. No change to periodic review of closed areas. Under balance and flexibility the first paragraph the last part of the last sentence where it says however there may be aspects, that is all struck. The sentence ends with the word contentious and a new sentence is added. The strategy would be strengthened if the agency made an effort to enunciate some of the factors that should be considered in the context of practicability.

Next paragraph, second sentence, the word reduction is replaced with minimization. And further down after it says reduced by optimum by relevant economic, social and ecological factors it says including by-catch levels. So the rest of that sentence is struck.

Woman 1: You're supposed to insert the word yield after optimum.

Heidi Lovett: Okay. That does read better. So it now reads reduced optimum yield by relevant economic, social and ecological factors including by-catch level.

Woman 1: Great.

Heidi Lovett: The next sentence, the first five or six words are dropped and it starts the use of best science. No other changes. Under by-catch reduction strategies instead of have led to a race for fish, it's going to read could lead to a race for fish and after a nonrationalized fisheries, i.e. instead of a dash. Small i for the next i.e., and then at the end of that next sentence instead of saying complete harvest it will say to allow the full harvest of the allowable catch of the target stocks. At the last sentence, the last portion is deleted and it's replaced with I'll read, the net result will be fisheries that achieve and the replacement is optimum harvest of stocks while minimizing by-catch.

Man 1: Of target stocks while minimizing...

Heidi Lovett: I'm sorry?

Man 1: Of target stocks.

((Crosstalk))

Heidi Lovett: Optimum harvest of target stocks while minimizing by-catch.

Man 1: Yes.

Heidi Lovett: Innovation, the first paragraph no changes. Just a suggestion that that very last sentence be (unintelligible) sense of that yet.

Woman 1: Right and (Mike) and I will take responsibility for that.

Heidi Lovett: Right. I put a note in for that. And under utilization these are the notes I have. Needs to be a better definition of what by-catch means in different contexts but also there are situations where by-catch is wasted and just tossed overboard. Utilization should not be used to create a loophole around by-catch reduction. (Harlin) noted that nondirected, nonmanaged species that are caught that is not utilized but is discarded is potentially a definition. And there was agreement that this section we need to strengthen the statement of definitions and avoiding waste and no loopholes. And then (Henry) added insert something regarding case by case depending on region and fisheries.

Woman 1: Okay. Again (Mike) and I will try.

Heidi Lovett: You'll massage that.

Woman 1: It all makes sense.

Heidi Lovett: Yes.

Woman 1: Okay so that is our comment letter. We have a motion second. Any further discussion? I'm going to call for a vote. All those in favor say aye.

(Group): Aye.

Woman 1: All opposed? Thank you everybody. We have a comment letter on by-catch. And I think we moved our discussion and our understanding of by-catch as an issue spanning all of our oceans forward as a group. I mean, I've certainly learned a lot from these conversations. Is there anything to come before this committee meeting.

Man 1: Just one more thing, (Julie).

Man 2: Just thanks to you and (Mike) for doing this (Julie).

Man 1: Right, yes. Thank you. Also next week is the Noah Fish Fry. (Julie)?

Woman 1: Yes (Harlin).

Man 1: Next week is the Noah Fish Fry. You need some good Louisiana cooking, you need to go. They're going to have (unintelligible) and grilled snapper, oyster shooters and shrimp (unintelligible).

Woman 1: All right.

Woman 2: That sounds good.

((Crosstalk))

(Terry Biedeman): I have one other kind of heads up here. I had briefly - this is (Terry) I had briefly talked to Heidi about penciling in resilient status meeting for the 15th which is Wednesday in a couple weeks. And I don't know how that works for whoever is on the phone. I know you know, (Bob) and (Pam) aren't but that was kind of something that we had discussed. So something will go out I assume.

Woman 1: A save the date announcement and it will be confirmed via email.

(Terry Biedeman): Yes. Thank you for that. And your work, you and (Mike). Good job.

Woman 1: Sure. Anything else?

(Mike Okinowski): I would like to give (Julie) most of the credit on this. I did take on a few issues that seemed a little out of whack but (Julie) did most of the actual work so I very much appreciate working with her. Thank you.

Woman 1: Likewise (Mike), it was great. You set me straight on some things I clearly misunderstood and like I said before, our discussion at the meeting was so rich that there was a lot to work with here. So thank you all for your all being on the team together. I think the meeting is adjourned.

(Mike Okinowski): (Julie) could you hang on for just one second?

Woman 1: Sure. Okay. Farewell.

(Group): Thank you. Bye-bye.

Man 1: Operator would you like me to disconnect the recording?

Coordinator: You may disconnect the recording. Thank you.

Man 1: thank you.

END