JOINT MEETING OF THE

ATLANTIC HIGHLY MIGRATORY SPECIES

AND BILL FISH ADVISORY PANELS

JOINT MEETING

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(Morning Session)

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8:50 a.m.

GREETINGS AND INTRODUCTIONS

MODERATOR CHRISTOPHER ROGERS: Good morning, everybody. We're 15 minutes late. We've got a lot to discuss today, so if everybody could take their seats, we'll get started. That's why we had the meeting outside of the government complex, so we could all have a bottle of rum in front of us instead of ice water.

Okay, good morning. I trust you all had a nice evening in Silver Spring. We have our machine working there? This morning we have billfish on the agenda. We envision basically the whole morning right through to lunch on billfish issues.

We're going to have a welcome and some opening remarks from none other than Doctor Bill Hogarth. Then we are going to have a quick review of the status review process, for those who hadn't followed it very closely. We'll just give a quick status report on what it was and what happened.

Then we'll have a presentation by Eric Prince about the enhanced billfish research program headquartered out of the Miami Center, Science Center. Then we'll look at some of our recent rulemaking to improve billfish monitoring, catch monitoring. And look forward to some interesting discussions, helpful discussions on where do we go from here in terms of management.

So with that, we'll let Bill Hogarth have a few opening remarks.

WILLIAM HOGARTH: Thanks, Chris. A few things I'd like to talk about before we get to billfish, but they'll be very short. All of you should have in front of you this morning a book of -- this is our first attempt at the agency to try to put together sort of an annual business report. It turned out longer than we had hoped for the first year, but what we're doing, it's on the Hill and it's with all the councils and it's with the commissions and it's on the Web site. And what we're asking for is comments by March 15th. So, we'd like to get the 2002 done by June or July.

So, if you'd take this, take a look at it. If you don't have a copy, we have a few more up here and I can bring others, but we'd like for you to take a few minutes and look at it and give us some input as to what we can do to make it better. We'd like to first off make it a little shorter, and get it out in a more timely manner, but it was our first attempt. You know, we call it a business report and Chris asked me this morning did we make a profit, I said I don't think we did, but I'm sure the fishermen would say that we got a salary and they didn't make a profit.

So, but I think you've heard me say this before. The recreational and commercial fishery in the U.S. adds about 52 billion dollars a year to the gross national product. And I just think we need to try to do business a little differently, and this is our first attempt to sort of bring out as a sort of report and to talk about some of the problems and some of the issues and how it should go.

So, this is it. Please give us your comments and we would like -- we'll definitely take them to heart, but we do want to get the 2002 out by June and the 2003 we'd like to have it by January or February of the next year to get them current,

so we can use these for the Hill with budget purposes and all.

Just quickly, someone asked me about the budget yesterday. The conference seems to have gone pretty gone on the budget. We don't know what the bodies will do with it now for 2003. So, we'll probably know in the next few days. If we don't get agreement by the House and the Senate end of this week, I think all bets are off as to whether we'll have a 2003 budget or have a continued resolution for the rest of this year.

The President's budget for 2004 is out. I think under the circumstances, being a war budget, we did exceptionally well. We got additional money for stock assessment. We got about three million dollars for bycatch, which is the first time we've really had money directed towards bycatch reduction. Working with industry on bycatch reduction, using their platforms and all. So, it's the first time we've had directed money. Some more money for socioeconomic work and to try to look at regulatory streamlining. So, budget, while it's not a great picture, we did fare well with what's in the budget.

Just a couple other things. Bob Hayes and Glenn Delaney and I met Friday to try to get the ICCAT Advisory Committee people on it. It's just one hang-up right now, and we hope to have that resolved this week, and maybe before you all leave here tomorrow we'll have the list out for the ICCAT Advisory members. We want to get that done. And John -- we talked somewhat about the first meeting will probably be sometime in April or May. But the week we now have set, looks like it may not be the best time to have that meeting.

One other thing, just so you're aware, we have put out -- and it will be in the Federal Register I think today or tomorrow -- a Notice of Proposed Rulemaking on the National Guidelines -- the National Standard Guideline 1. We as an agency are going to look at that National Standard Guideline. There's been a lot of concern over National Standard Guideline 1, SST and OY and all -- we are going to take a look at it, and I hope everyone realizes we're taking a look at it to see if we can make it work better to come up with some process and things that people can understand. It in no way is intended to weaken that standard, but it's intended to make it work better, get something that we can get some of these stocks straight.

And we have an internal group, which is led by Pamela Mace and Grant Thompson and Steve Murawski and Roy Crabtree, and Jack will be on it. But it's a small group. But whatever we do from that, we'd go through a proposed rulemaking. That's why we put the Notice out, so everybody would be aware.

MAFAC, which is an advisory group, would also be a group that will look at this. And we just had a new advisory group set up for MAFAC. So, that's it there.

The other thing that you'll hear more about hopefully by the end of this week is on bycatch. And we have a bycatch petition for rulemaking. We are looking into that very carefully. Regardless of whether we accept the petition or don't accept the petition, we think there's a lot we need to do with bycatch. And so we're trying to make that decision and get that done.

I just want to say publicly, too, that the experiment that's been done in the Northeast Distant Waters with the industry and with HMS and with John Watson and the group from Pascagoula has been in my opinion a prime example -- and sets out a standard of how we can work together if we put our minds together to do it. We've learned things that we'll be able to I think export to the industries, the international communities, and it's worked and I think we have to continue to try to define those issues that we can do this with and sit down and work something out together.

We have some great -- in my opinion -- gear people in the group at Pascagoula. And the industry has always been one in my opinion is the industry sets their mind to do something, they can do it. And I think this time we had the industry and the people who sit down to design something -- that's worked and you'll find that the longline fishery will have minimal impact on turtles -- if any, I think very minimal. So, I think it's good.

The last thing that I'll talk about real quickly is that -- you know, at the last -- John Graves will talk to you about the ICCAT meeting. One thing that came out of that is we're going to have to watch the European community very closely over the next year to see if they do what they're committed to do. I'm trying to meet with John Spencer in March. We still have the Pellas (phonetic) -- certification which is floating around, which we have not resolved. But we have a lot

to do in bluefin tuna and we need to continue to work hard with the European community, in particular, but with ICCAT to see if we can make this thing work.

Internally, I think I told you yesterday, that Roy Crabtree is in the Southeast. John Borman is acting in the Northeast, which Mike Sissenwine is now head of science reporting to me. And Laurie Allen is acting as head of Protected Resources. John Knowles is going to be an interagency coordinator with us and some of the other agencies we have lots of issues with.

So, there are a lot of things going on with the agency. We're trying to make the agency better, more transparent. We've really got to find a way to rationalize our fisheries and keep our fishermen working and making a profit with minimal environmental impact. And I think we can do it. The problem we have is we don't have the money to do it. We have to find a way to get Congress to react. This year you'll see -- I think in the budget you'll see quite a bit of money for disaster assistance that will help over the hump with some things, but we need long-term money to look at rationalizing fisheries.

The shrimp fishery in the Gulf right now is -- 70 percent of the vessels have no insurance. They're probably operating at probably the smallest profit margin that you could even imagine. Aquacultures and imports are just taking a major impact. So, we have to try to figure out -- work smarter to try to figure how we can get these fisheries -- I was talking to Bill Etheridge this morning -- been a fishermen and his son about having to fish because he only had a couple days to fish. That's a real problem. Some fisheries you have ten days to fish. If the weather's bad those ten days, you make that attempt to go fishing because you've got to have some money, you've got to make a living. And we have to look at those type things.

And so we hope our Magnuson-Stevens bill will be on the Hill quickly. It has gone through the review process twice. We hope it's on the Hill shortly, they'll have something to work from. I will be very surprised if you see a major Magnuson reauthorization this year, or ESA or MMPA. I think you may see some small things, but nothing major.

Now, as far as this morning's work, I just want to stress to you all very -- as hard as I can that billfish -- we bit the bullet by not listing billfish, but we are nowhere near out of the woods, and that the status quo with the regulations we have now just simply are not acceptable. We have to look at what we can do to make sure that we are in compliance with the 250 fish, be it tags, be it dividing the fish up among the states, whatever. But we have no choice when we reach that limit to close the fisheries as far as the take of any billfish. And I don't think that's what anyone sitting at this table wants. Because -- you know, it's a big business and we need -- there should be a way that we can work with the tournaments and work with the states.

So, I just want you all to take this extremely, extremely seriously. There's a lot of options that you were talking about this morning, but we just simply cannot say okay, we bit the bullet, we didn't list, five years from now it comes up again, we have to make another decision. And unless we take some appropriate action there and be proactive to this, then we could have a very serious problem then, and we could also have a very serious problem with ICCAT which we try to work through -- you know, Japan, I met with them a couple weeks ago, and Masa -- (phonetic) -- again says why does the U.S. think everybody else has to stop and they can still kill, you know, marlins?

So, it's an issue and we try to work internationally. So, I'm just saying we want your advice, but as an agency, Jack and Chris will have to find something that they can recommend that we move forward to make sure that we're in compliance with the billfish in ICCAT. So, I'm going to be here most all day today except for one call that we have from 1:00 to 2:00, but I'll be here, and I plan to be here most of tomorrow. So, anything you want to tell me, feel free, but seriously, folks, take this white marlin and billfish issue extremely seriously and give us some recommendations and some help as we go through this. With that, I'll shut up.

MODERATOR CHRISTOPHER ROGERS: Mau Claverie, you have a question for Bill Hogarth or observation about the procedure this morning?

MAUMUS CLAVERIE: Well, Bill, what did you tell him when he asked you? What was the answer?

WILLIAM HOGARTH: Masa?

MAUMUS CLAVERIE: Yes.

WILLIAM HOGARTH: Masa and I have been -- I just told him we're doing -- we will be in compliance with the regulations from ICCAT, but we've got to do something with some of the areas that they're taking small fish.

MAUMUS CLAVERIE: I see two problems there. One is compliance, which is -- should be an easy issue, but the other issue is complying or not, if we're killing 250 or less fish a year, and they say we shouldn't even be doing that because we're not going to let them kill any, that's a whole different issue.

MODERATOR CHRISTOPHER ROGERS: At this point Dave O'Brien from our Office of Protected Resources will give us a quick synopsis of what occurred with the status review for white marlin, and for those who didn't quite track the process, how it had originated and what was the outcome.

WHITE MARLIN ESA STATUS REVIEW

and FIVE-YEAR MANAGEMENT REVIEW

DAVID O'BRIEN: Thanks, Chris. Chris asked me to come this morning just to give a brief overview of the listing decision, or the decision not to list white marlin, that sort of occupied a lot of time and effort last year.

Just as a review, in September of 2001 NMFS received a petition to list white marlin as an endangered -- Atlantic white marlin as an endangered species under the Endangered Species Act. And in the petition they cited -- the petitioners cited high fishing mortality and lack of regulations as the two primary reasons for their concern.

So, in December of 2001, after reviewing the petition, we decided that the petition did present substantial information that listing may be warranted and we initiated a status review. So, in the spring and summer of last year, we had a status review team of six people, two of whom I believe are here today, and in the status review they did find that the white marlin population is low, but not maybe as low as petitioners had indicated, and that the fishing mortality was still relatively high.

So, what we came up with after a lot of -- say discussion, decided that in our 12-month finding not to recommend listing white marlin as an endangered species, but we did observe that the -- well, the main reason we didn't list was because the population while low wasn't quite low enough to warrant listing. However, we did note that there were still some concerns about the high fishing mortality.

And in the decision not to list, we did say explicitly that if the fishing mortality remains high, then in a subsequent review that will take place in 2007, that we would likely list white marlin as an endangered species. That's actually pretty strong language, which I haven't seen before in a decision not to list.

So, I wanted to sort of highlight that. We basically have put the pressure on the regulators, both domestic and international, to do something about the high fishing mortality. And if nothing is done, then the odds would be that we would list white marlin in 2007. So, as Bill said, you know, we're not out of the woods when it comes to white marlin.

One other point I wanted to raise was that whenever we do these analyses, we have to look at the data that's available. And so taking measures sort of at the last minute is usually more difficult to evaluate what the effectiveness of those measures will be. So, from the standpoint of the Office of Protected Resources, the sooner we can see some kind of turnaround the better. So, I would just I guess stress that, and when you're considering -- you know, whatever you want to do for white marlin, that the more years of track record we have to work with to see a turnaround, the better.

So, basically that's all I wanted to say and do a quick review. If anyone has any questions, I'd be happy to answer them.

MODERATOR CHRISTOPHER ROGERS: Any questions particular to the status review process? Jack Devnew.

JACK DEVNEW: Yeah, hi. Coming out of that review, what -- you know, have you made any recommendations as to stock assessments, coordination of various sources of scientific data or anything like that?

DAVID O'BRIEN: I don't recall the status review had any recommendations to that effect. In our decision not to list, we didn't go into anything like that. We kind of left that to the Office of Sustainable Fisheries, I suppose. Our main concern, our main recommendation, was that fishing mortality somehow or another has to come down.

JACK DEVNEW: Okay. But you didn't -- you stopped short of recommending any level of -- you know, expenditures or concentration from the Fisheries Service on -- you know, amassing, you know, real quality data and whatnot?

DAVID O'BRIEN: I don't think we stressed that in the decision, no.

JACK DEVNEW: All right. Thank you.

MODERATOR CHRISTOPHER ROGERS: Mau Claverie, Jim Donofrio, then Irby Basco.

MAUMUS CLAVERIE: Thank you. Mau Claverie. How much weight -- can you tell us how much weight was given to the regulations that result from ICCAT management of the white marlin in deciding not to list them? Is that a big item or did that play no part in it at all or what?

DAVID O'BRIEN: No, I think that played a fairly large role. In fact, we're basically counting on a combination of domestic and international regulations, but we're counting on those to reduce fishing mortality. Clearly, the international component of the mortality is very large, so we did essentially rely on the more recent ICCAT measures to reduce that mortality.

Now, those measures had gone into place shortly before our decision, we didn't have any real track record to go on to see whether or not they were effective. But we are -- we basically are assuming for the moment that they will be effective, but that's why we want to review again in 2007 to see, you know, if that assumption is correct or not.

MODERATOR CHRISTOPHER ROGERS: Jim Donofrio.

JAMES DONOFRIO: Dave, did you look at the mortality where it's the highest, domestically? You know, what's your assessment of the mortality? Where is it coming from? You said we have to reduce mortality. Where? I mean, where do we have to reduce it?

DAVID O'BRIEN: I don't know the details of a domestic component to mortality?

JAMES DONOFRIO: Right.

DAVID O'BRIEN: I don't know exactly where it's concentrated. Maybe -- I think John or Jill may be able to answer that.

JAMES DONOFRIO: Okay. I'd like to get an answer on that, if I could.

MODERATOR CHRISTOPHER ROGERS: Irby Basco.

IRBY BASCO: Thank you. Irby Basco. I have the same question Jim has. You know, where is the mortality? We'd like to have an answer, if possible.

MODERATOR CHRISTOPHER ROGERS: John Graves is next on the list, and as a member of the Status Review Committee, he could probably shed some light on that subject.

JOHN GRAVES: Well, Jim, to your point, when we did the assessment -- or looked at it, we looked at the stock, and the stock is not a domestic stock. It's an Atlantic-wide stock. And so it would appear that the majority of the mortality occurring on this stock is a result of the pelagic longline fishery. However, we're not able -- we weren't able to assess

completely the mortality because we don't know post-release survival of the animals from the recreational community. And now it's assumed in the most optimal case to be zero, and I doubt anybody at this table believes that that's the point.

And to address Jack's concern, which is really what I rose my hand for, in terms of the assessment, although the status review document doesn't detail a lot of the concerns of the review team, the fact of the matter is even in the U.S. fishery -- pelagic longline fishery, when you have an observer on board and you compare the observer's records with the captain's logbook records, there's a disparity in the number of billfish that are encountered, and that's simply because they're not a target species to the captain, and even though they're concerned about them, the records aren't right.

Well, we don't believe the recordkeeping is nearly as good in other fleets and now that ICCAT has mandated the release of all live billfish, what -- you know, when we go and do an assessment in 2005, what data are we going to have to prepare in a time series. All of a sudden you're looking at apples and oranges, and the status review team was concerned that we won't have great data to build an assessment.

MODERATOR CHRISTOPHER ROGERS: Okay. Nelson, Gail, then Bob Hueter.

NELSON BEIDEMAN: I just wanted to throw out there some of the things that we're trying to work on and I wanted to do it early enough because I think it's going to have a lot to do with all of our discussions on billfish. On --

MODERATOR CHRISTOPHER ROGERS: Nelson, we're going to get into a lengthy discussion of regulatory measures and research measures. What I wanted to do here was just -- we'll release Dave if there's no more questions on the status review process or any questions about the status review report.

NELSON BEIDEMAN: Okay, well, just suffice it to say that -- you know, there is research that we're trying to get underway that will hopefully lead in the right direction, you know, for international pelagic longline reductions.

MODERATOR CHRISTOPHER ROGERS: Okay. Gail and then Bob Hueter.

GAIL JOHNSON: Well, this is more in response to Jim's question. I have some anecdotal data. I don't have anything written. But as you guys know, our boat fishes out of Brazil and twice now landing fish, my husband and others have noted a bunch of white marlin going out frozen in carts to the trucks from the Taiwanese vessels. And I don't have a firm number of them, except that they comprised -- just seeing a couple of carts -- a significant portion of the catch.

So, I asked the people we deal with in Brazil. They of course have a new president, which necessitated a big change in their whole fisheries department structure and they presently don't have any law on white marlin, which they did last year. And they don't expect to have one until June at the earliest, most likely September or October before white marlin is again on the prohibited catch and landing -- or prohibited landing.

MODERATOR CHRISTOPHER ROGERS: Bob Hueter and then Bob Zales.

ROBERT HUETER: Hi, Dave. Bob Hueter here. Nice to see you. I've talked to you on the phone. I was wondering in considering ESA listing are you at liberty to go into the science forward beyond just looking at abundance data and present mortality data, because I saw an interesting paper by Jim Kitchell not long ago that looked at ecosystem effects of ESA listing on the white marlin that actually in his model showed that if they were listed, overall mortality would go up. And I can't remember the details. It had something to do with shifts in predation on the young billfish as a result of the fishery changing.

Now, I'm not saying he's right or wrong, but are you able to look at the practical effects of ESA listing or are your hands tied to just look at what the law says and whether or not they should be listed as endangered species based on their abundance and mortality rates?

DAVID O'BRIEN: Well, I don't know that paper, first of all, and it sounds kind of strange on the face of it. But to answer your question, we're obligated by the law to look into the foreseeable future at least for threatened species and

look out as far as we can realistically.

So, in the models, what the stock -- I mean the status review team had to do was project out population trends under various scenarios and try to pick the most likely ones, do that sort of thing.

Typically what we look at there is like new regulations, for example. We can't anticipate regulations, but we can -- in this case we said well, there's new ICCAT regulations on the books. You don't have the data to show exactly what they're doing, but we can sort of anticipate and predict that they'll have this type of effect on mortality rate and project out the population based on that, and that's basically what we did.

So, we are obligated to look into the future, and that's -- I mean, that is written into the law. We have to do that. I'm not sure if that answers your question entirely.

ROBERT HUETER: Yeah, I just -- you know, it's a lot more complicated than just stopping the present mortality and then see what the population trends look like. There are ecological effects. It's a very difficult area to assess, no question about it. But you should -- you know, you should look into this work by Jim Kitchell and others, and it's theoretical, it makes a lot of assumptions, but it's very interesting and should be considered I think in the listing process.

DAVID O'BRIEN: Yeah, I mean, anytime you project into the future, obviously there's a lot of uncertainty. And if there's -- you know, taking into account other ecosystem effects, it becomes, you know, an extra layer of complexity that's harder to predict. So, it's something we could certainly look into, but I think it may be hard to -- you know, in a practical way take that into account, unless there's some real strong evidence.

ROBERT HUETER: It's very similar to looking at shifts -- fishery shifts when you put in management. It used to be that management was put into place and you assumed that everybody just stopped fishing in an area and that's all that happened. Now it's -- we know it's much more dynamic. So, the next step is to look at what the ecology of the system is doing, as well, in response. And that's what Kitchell was doing in that paper.

MODERATOR CHRISTOPHER ROGERS: Okay. Bob Zales and then Ellen Peel.

ROBERT ZALES, II: Given the fact that this is a predominantly -- an Atlantic fishery and predominantly also a foreign fishery, when the next listing issue comes up again in 2007, how much weight is going to be given in effect to the fact that restrictions on the foreign impact on this fishery is going to be a primary player on what happens with the potential survival? In essence, I mean, we could totally eliminate fishing altogether on white marlin. The foreign fleet is the critical impact here. So, where is that going to play in the next discussion of this in the coming years?

DAVID O'BRIEN: Well, when we're looking at ESA listing decision, we don't -- break mortality up. I mean, from the perspective of the species, it doesn't matter if it's the Americans or Spanish that are taking them. So, we look at sort of the sum total of mortality and look at what the effect on the population is.

So, you're right in that the American -- as far as we know, the American component of the mortality is relatively low. I would say also that in the case of white marlin it was kind of right on the edge. You know, we saw that the population was declining and starting to flatten out, and I think in this kind of situation, even a relatively small change in the mortality one way or the other could make a significant difference.

And in terms of our ability to negotiate with ICCAT, that's a whole other issue that I'll leave to Chris and Bill to discuss, but I think that's also something to consider.

MODERATOR CHRISTOPHER ROGERS: Ellen Peel.

ELLEN PEEL: My comments follow up on Bob's thinking. And to you, David, we certainly -- everyone in this room realizes and are committed to billfish conservation. Our laws reflect it, our practices reflect it. However, the reality is that the overwhelming majority do come on the hooks of the other anglers, now -- of the other countries.

I think the U.S. -- now we're going to work with our 250 fish and Bill, we all know we're going to have to do even more in terms of maybe accounting for those and tracking those. And you know, we will keep our laws strict as they are.

However, we have to get a message back to Masa that the U.S. fishery is going to continue. It's very important. We are not going to give up our 250 fish or stop the other fishing in this country just to please the Japanese.

Now, Masa needs to understand that the overwhelming majority of the mortality comes on his hooks and the other foreign fleets' hooks, and we have to do more to get them to back off, or we're not going to be able to show you, David, any recovery whatsoever. We know that. Just as someone else said, no matter if we stop all the fishing, we're not going to be able to show you recovery.

Now something has to be done. We have to do more at ICCAT so the European community and Japan are not holding us hostage for the last ten minutes in order to jerk us around with our 250 fish and to threaten we're going to have to stop fishing for those or they're not going to play ball.

I say, you know, let's hold their bigeye, let's hold the other species that they think are so important, you know, at bay, you know, to negotiate with them. This is asinine for him to keep threatening us like this.

MODERATOR CHRISTOPHER ROGERS: Tim Hobbs.

TIM HOBBS: I agree with everything Ellen just said. I think if they want to limit their landings to 250 fish, they could try to do that, too.

ELLEN PEEL (No microphone): (Inaudible.)

TIM HOBBS: Just want to make a couple points. First of all, I mean, as far as accounting for all sources of mortality, it's true that we don't know what the level of recreational mortality is, but it's also true that we don't know what the level of mortality is of fish that are -- you know, discarded alive from longline gear. At this time we only estimate longline dead discards. There's a couple of outstanding issues that we need to resolve there.

And I was very encouraged to hear Nelson talk about some of the ways that they're looking into to reduce bycatch, because frankly, you know, to get these other countries to take action, we're going to have to push them. Whether it's push them towards time/area closures or gear modifications, it's going to have to come from us. And so, you know, that's the unfortunate reality. We've got to be a leader here at ICCAT and we've got to force other countries to take action. So, you know, the more things we're looking into to do that, the better off we're going to be in the long run, especially by 2007. Thanks.

MODERATOR CHRISTOPHER ROGERS: Okay. We're getting off into our management discussion, which we want to do a few more presentations first. Are there any more questions specific to the status review process? I have Jim, Nelson and Jack, and Rick Weber.

JAMES DONOFRIO: Bill, I just want to support what Ellen had to say, and I think one thing we can say what happened with this potential listing process, as you know we were pretty much involved with you, we were down there with the industry people, it galvanized our industry, I can tell you, Bill. It galvanized the entire boat building, tackle, sport fishing industry. And the message to Masa and the Japanese, if they want World War III on trade, they're going to get it. They're going to get it big time. You're talking 250 lousy fish supporting three million jobs in our industry. My God, I mean, they're out of our minds if they think we're going to give up anything. I heard that at ICCAT this year, we were in the delegation room. You know, some of the people come up and say what are we willing to give up on the recreational sector? Nothing. We gave it up already. We're done. And it's about time they've done something, because this administration now has got our ear, and it's never been there before, and I assure you a letter's coming out any day. I know you're aware of it. To the E.C. and everybody else. And they ought to take warning, too, the Japanese, that we're not going to mess around anymore. We've got serious, serious problems, and they're causing it, and we don't want to lose any more jobs or opportunity in this fishery. And we're tired of his threats.

MODERATOR CHRISTOPHER ROGERS: Nelson.

NELSON BEIDEMAN: Just a more specific answer to Jim Donofrio and Mike Leech's question on where the mortality is, off the coast of Brazil -- the white marlin. If we don't address a major source of mortality off the coast of Brazil on white marlin, we won't be getting very far.

MODERATOR CHRISTOPHER ROGERS: Jack Devnew.

JACK DEVNEW: Yes, I just wanted to get some re-clarification of something you said about the fact that the status review team either did not or cannot -- and I need to know how it -- you know, what your mandate is I guess legally, but it's irrelevant -- what I heard you say was it is irrelevant where the sources of mortality occur if the mortality is such that it drives it to an ESA listing. You have to then take the only other measures you can, which are even more irrelevant given the fact that the U.S. catch of whatever -- or the U.S. sources of mortality are of a de minimis nature.

So, what I heard you say is you are trapped by your legislative mandate into looking at total sources of mortality and then taking action against -- in this case an enormous industry, as you've just heard, with far-reaching implications, economic disaster, et cetera, for an irrelevant gain. Is that what I heard you say?

DAVID O'BRIEN: I certainly would -- I don't think you -- I think you put words in my mouth there a little bit. I didn't say that -- you paraphrased. But getting to the first part of your question, you're correct in that in the ESA listing, we don't look -- we can't say well, because the U.S. mortality is -- or the U.S. fishing rate is low, that alone is enough to prevent a listing. We need to look at the effect on the species as a whole.

And this -- a similar issue came up when we listed sea turtles. I mean, it's probably not quite as dramatic, but there's a large international component to the mortality of sea turtles. But under the ESA, we're obligated to list those species, because the population was going down the tubes. And so it didn't really matter -- from the turtles' perspective in a sense, you know, it doesn't matter who was catching them. They were being caught. And so we were obligated to list them.

Now, I don't know if -- the U.S. component of the mortality is definitely much lower than international -- I think that's irrefutable -- for white marlin. Whether or not that is irrelevant, I don't know. We didn't really look at that specifically in our status review. As I said, the population is right -- you know, from my interpretation of it, it was right sort of at the edge of -- you know, still going down slowly, but maybe on the verge of coming up. So, it's possible, first of all, that even a small change in mortality could be relevant.

Now, the impacts -- you know, the effect of a listing on our future ability to negotiate with ICCAT and that sort of thing is unknown, but it's also -- that is out there. So, I mean, I wouldn't phrase it the way you did, but to a certain extent your first part of the question anyway was correct.

JACK DEVNEW: Thank you. I just think that everybody could take this home with them and make some kind of a contact with the legislative people. This law needs to be changed. This is the most cockeyed thing I've ever heard of.

MODERATOR CHRISTOPHER ROGERS: Just for the record, Jack, irrelevant is not in the lexicon of government employees. We don't use that word. Bill Hogarth had a comment to make and then we had Rick Weber and John Graves.

WILLIAM HOGARTH: I think you hit the nail on the head. It's the act says that if a stock or species is going -- headed towards extinction that we have to take care of our portion, so to speak, and I think the longline fishery and northeast distant on turtles is probably five percent or less, and you know, that fishery's been shut down except for experiment.

The swordfish fishery in Hawaii is about 3.8 percent for the mortality on the turtles, and it's been shut down by courts now for -- going on three years, and we can't even get the experiment going past several groups to even get the experiment going in Hawaii. But we're 3.8 percent of the impact on turtles there. The judge shut the fishery down. So, that is the law -- if it's going towards extinction, then you have to take care of your share of the mortality.

MODERATOR CHRISTOPHER ROGERS: Okay. Rick Weber, John Graves, than Mau Claverie.

RICK WEBER: Go with John because he's relatively brief.

JOHN GRAVES: Just to address Jack and slightly correct Dave, we did in the status review team model what would happen if we removed the U.S. mortality completely, and basically you got a line that you couldn't really even -- the resolution of the printer wasn't good enough to separate it from the other line as it went down and followed the track. But we also believed that -- you know, if you -- and we discussed the fact that if you reduced, you know, closed off the U.S. fishery, we're still going to then -- and you closed off our pelagic longline fishery, we're still going to import tuna from other countries that may have higher bycatch rates and mortality rates for white marlin. Some anglers will indeed go to other countries and fish where they might not have the same catch and release ethic that we do, so in fact by creating an ESA listing, we could actually increase mortality on that stock. So -- and we did model it. Some people weren't so happy that we did, but fortunately we were given quite a bit of independence as a body.

RICK WEBER: Dave, if OPR encounters a species like turtles, where the U.S. is a minor player, does that kick in some other response by OPR as far as -- I guess where I'm leading to is could you help us, could you be proactive now so we don't get there? Do you lean on the government at some point when you go listen, we've cleaned house here and it's not us? When does OPR start kicking into international education, international lobbying? I don't want to go -- I don't want to have to take this pain in order to get your help. I want your help now. Can you help with that?

DAVID O'BRIEN: Well, I think -- I mean, OPR doesn't get involved in international negotiations, but certainly NMFS does. I think, you know, through the ICCAT process primarily, probably Chris and Bill could better answer that question.

RICK WEBER: Let's not go down the ICCAT path. Are you doing anything for turtles? Certainly there is international education on turtles that has nothing to do with an international agreement. There are things that are being done that aren't strict negotiations, but rather subtle things to push international bodies in different directions.

MODERATOR CHRISTOPHER ROGERS: To that point, Bill?

WILLIAM HOGARTH: Well, there are several things going on. A lot of them going on through other things other than ICCAT. (Inaudible) -- conference we had we are doing things, so there are things that ITTC gets into. As we speak right now -- well, it's a little early, but in Seattle there's an international turtle symposium going on, which we even, I think, had to pay to get a couple people to come, but we thought it was important for those countries to be represented. We're talking about -- you know, the status of the turtle population, and also any type thing we can do to reduce.

Sea birds is another big issue. We're doing that internationally the same way. We think we've solved that issue with sea birds, we believe. So, working internationally in a couple forums on sea birds.

So, yeah, we do go international. We use every avenue we can and every treaty or anything that we try to develop, we make sure that -- (inaudible) -- impacts on sea turtles.

The main way we have to I think deal with these international countries is through gear. I mean, they're not going to shut down their fishery and they're not going to shut down areas as we've done in the U.S. But if you can develop gear sometimes to export to them. And then we can go to Congress, too, you know -- the shrimp fishery, we have to go to foreign countries now and do TED inspections every year out of the Southeast. If you want to export shrimp here we go over there and we look at your vessels, have you implemented your TED regulations and we surprise -- you know, because they always never come get them, but unannounced inspections.

The same thing can be done here. If we can find something for the longline gear, we can say if you want to export the tuna or the swordfish to the U.S., then we can do the same thing. So, there are avenues, but most of it's through gear. And that's why I think gear technology and gear experiments are so important to the U.S.

Right now in Hawaii we have data right now which clearly shows that the areas our fishermen fished in have totally been replaced with Taiwanese vessels, and they're catching more swordfish. So, in turn, it's almost assured that they're killing more turtles. But they have replaced -- we've got the documentation from our grids. We haven't saved a turtle and haven't saved any swordfish either. So, but if we can get the gear, then we can go and say okay, if you want the tuna -- Congress nine times out of ten will back us with that to say if you want to export to this country -- (inaudible).

MODERATOR CHRISTOPHER ROGERS: Okay. We had Mau Claverie, then Russ Nelson.

MAUMUS CLAVERIE: Yeah, Mau Claverie. I wanted to ask for the next six or seven years what are you and your staff and -- what do you call it, the review panel, going to be doing? Are you going to be looking at any new information or is this going to sit on the shelf for six or seven years and then be reviewed?

DAVID O'BRIEN: Well, the status review team will be what we consider re-evaluating in 2007. So, I mean, we'll certainly be keeping an eye on things, but we won't be actively reviewing the population again probably till -- well, at least from OPR's perspective, you know, as Sustainable Fisheries perspective. But from our perspective, you know, it is sort of on hold in a sense for a number of years until we start actively reviewing it again.

MAUMUS CLAVERIE: Well, I guess what I'm specifically asking is what do you mean by keep your eye on things? Whose eye and how do you keep it there? Your eye, or you and your staff, or the team or --

DAVID O'BRIEN: Well, when it comes time to do our 2007 review we will reconvene -- well, either reconvene the same status review team or something similar, and they will evaluate -- you know, more closely look at all the new information that's come out in the past several years, and that will be the basis for our new determination.

So, in the meantime keeping an eye on it means, you know, coming to meetings like this and observing --

MAUMUS CLAVERIE: Okay. So, in other words, the team will not convene until your deadline is approaching so that you can -- okay. All right.

MODERATOR CHRISTOPHER ROGERS: We had Russ Nelson, Bob Pride, Ellen Peel.

RUSSELL NELSON: Listening to what John said and Bill and harkening back to what Ellen said, and I like the Endangered Species Act. I would never want to argue that we should eliminate the Endangered Species Act in this country. I like what Ellen said about the fact that we need some kind of leverage for dealing with other nations. In looking at what potentially could -- what could have or might in the future have with white marlin, and looking what happened with the U.S. swordfish fishery in Hawaii, looking what potentially threats face the longline swordfish, tuna fisheries with tunas in the Atlantic, with turtles in the Atlantic, I think the people in this country value turtles. I think they value marlin. They value a lot of things. It's sort of existence value that one can talk about recalculating.

And the problem we have with dealing with these in terms of governance and managing is that the value of the measures that we take to protect sea turtles or marlin are dispersed. They're dispersed over a huge amount of people in this country. Say everybody would be willing to pay 50 cents to protect the turtle. That's a lot of money in total across the country. And the costs are not dispersed. The costs are focused on a very small segment of people. In the instance of Hawaii, on the longline fishery there.

We don't achieve -- and Hawaii, as Bill pointed out, we can shut down our fishery, we can do that, the Taiwanese and other vessels will move in and continue to take the same fishes, probably continue to take the same amount or even more turtles.

We have often in this forum and in the ICCAT panel looked at -- talked about trade and talked about other matters. I think if ultimately we're going to solve these problems, we need to look at some means of bringing the costs that the United States incurs, taking that value that people are going to gain by saving our turtles, and applying it to somewhere. We ought to be able to look at tariffs. We ought to be able to say -- and the analogy is, Bill, with TED's and imports of shrimp, if other fleets are not going to take the same precautions that we do, if the Taiwanese and Japanese fleets are going to move into the areas that the U.S. used to fish and still catch swordfish and still sell them to

the U.S., well, we ought to be paying for that.

And the people of this country ought to pay for that, because we want the Endangered Species Act and we value turtles and we value marlin and we value conservation. So, we ought to start looking at more creative ways to look at trade and tariffs and other things to try to level this playing field. And I think ultimately to solve any of these problems internationally we're going to have to come up with more creative solutions outside the box, big picture solutions, that look in taking our ethic, our conservation ethic that the United States holds -- the same ethic that passed the Endangered Species Act and the same ethic that exists pretty broadly across this country that has resisted efforts in the past to weaken it, and you take that ethic and find some innovative, imaginative, new ways to force other nations to follow the mold that we're going to. And if they're not going to follow the mold, then they'll pay the price. If they want to import their tuna. If they want to import their swordfish. They ought to be subject to a tariff.

I just -- I think forever we're going to be stuck in this conundrum of going, well, we have this law in the U.S. and we can take an action, but it's not going to make any difference on a stockwide basis. I'm talking here these high-seas type fisheries, not many other ways that the Endangered Species Act has worked domestically.

We're going to have to find some other way to extend our reach and to find this leverage; or we are, I think, going to end up in these incredibly difficult times where our law will force us to take an action that will disadvantage Americans and our industries, be they commercial or recreational, and at the same time it won't be really doing anything relevant to protect the species.

And that kind of -- that kind of conundrum, that kind of nonsensical situation, I see ultimately is going to -- would be the biggest threat to the Endangered Species Act and other conservation efforts that go on in this country. So, that's my only sermon for this three days.

MODERATOR CHRISTOPHER ROGERS: Okay. Bob Pride, Ellen Peel.

ROBERT PRIDE: Thank you, Chris. Doctor Hogarth, I'd like you to take a message back to the Japanese from me personally, and maybe some other people can chime in and see if this makes any sense. From 1981 to 1989, I bought 11 Toyotas, five Yamaha outboards and I don't know how many Shamara reels. Since 1999, I haven't bought anything Japanese made. And I intend to continue that personal protest until we get these fisheries matters resolved with the Japanese. So, I'd like you to take that message back and hopefully some other folks will join in and my little $200,000 economic impact might turn into 200 million.

MODERATOR CHRISTOPHER ROGERS: Ellen.

ELLEN PEEL: Thinking creatively, following up on what Bob said, echoing that, and Russ -- David, did your office or a part of that have anything to do with the tuna safe labeling? I mean we don't want -- I like the idea of tariffs. You hit the other countries instead of our own users so maybe the U.S. product will be less expensive, higher quality, but if they don't -- if we can't do that, if we can't get something through trade, then you're going to force us to go to looking at things like how you get marlin-safe caught tuna, so that -- you know, it's going to then start having people ask for purse seine caught tuna or other type. We aren't wanting to say that necessarily, but we've got to do something either trade by hitting the other countries with tariffs, or conform to what our ethic is on conservation, or we're going to have to do labeling and maybe not buying gear and other things made from the countries responsible.

So, David, did your office have anything to do with initiating the education labeling tuna safe campaign?

DAVID O'BRIEN: Our office did. I am not very familiar with the details of it, but someone in my office was very involved in that.

ELLEN PEEL: So, you have perhaps the means to look at -- be creative in looking at how can marlin safe, be it non-Japanese caught, be it purse seine caught, or be it whatever, so you could start looking into that and help us with this problem and finding a creative solution.

DAVID O'BRIEN: I'm not even sure where to begin with that one, but certainly something to look into, you're right.

MODERATOR CHRISTOPHER ROGERS: Certainly the dolphin safe labeling had its origins in legislative requirements, so that might be something to think about. I had promised Dave he'd only be in the hot seat for about 20 minutes, and he's going on -- he'll never trust me again. But any further questions on the status review? Otherwise we've got a lot more to present before the break, and we want to have plenty of time for an open discussion on where do we go from here in a regulatory sense.

(No response audible.)

MODERATOR CHRISTOPHER ROGERS: All right. What we'll do is we'll move to something that we can all support right now, and that is research. And Eric Prince is with us -- at least he was a moment ago. Where did he go hiding? He missed his cue. He was going to present some of the ongoing activities at the Southeast Science Center in Miami on billfish research. Of course, concerns have been expressed this morning, as well as in the past, on data needs for management and not only from the life history perspective, but on catches and landings, all that kind of stuff.

So, Eric's going to give us a quick overview of the ICCAT enhanced billfish research program. Thank you, Dave.

ATLANTIC BILLFISH RESEARCH PLAN

ERIC PRINCE: Good morning, everybody. Thanks, Chris, for having me -- this seems like a really appropriate place and time to go through this. I know we have limited time this morning to talk as rapidly as possible and try and get through this without taking too much of the committee's time.

About two years ago, Nancy Thompson, Director of the Southeast Center, had asked me to take the lead in developing an Atlantic Billfish Research Plan. I immediately started to delegate certain things to key members of my staff. As the plan was developed, we brought in some key staff from the Center itself to review, and in addition to that, I know other colleagues outside the agency had a part in contributing to ideas in development of the plan, some of which are here today. So, thank you to John Graves, Russ Nelson and Phil Goodyear for their contributions to the plan.

It went through Center review and then later HMS review. Ultimately, Bill looked at it and the plan went public last summer. So, my point this morning is to try and stay true to the plan, the written version, and give a perspective in the oral presentation that you may not get just reading it off our Web site. This is the cover. The plan actually had dates of FY 2003 through 2005 for three years. We obviously missed the 2003 budgetary process, so I'm speaking to you today about a plan intended for 2004 through 2006. I just wanted to give that correction.

The plan is available, public information, on our Web site at the Southeast Center. I can provide this Web site for people who are trying to write this down later on.

This is the table of contents. Quickly I'll go through the major subheadings, and again making a reference to 2003-2005, that should be 2004 to 2006.

One of the first things in the introduction was the economic value of recreational fishing for billfish, and an estimated expenditure of about 2.3 billion per year. We got that from ITFA in 1996. Certainly this is an outdated figure, and number one, in many of the groups that I've talked to about the plan, they feel this is closer to six or seven billion.

One of the subheadings within the plan itself is economics, and that certainly needs to be clarified. Recreational billfish activities provide economic support for a wide range of affiliated industries. Jim Donofrio made reference to that this morning. So, there's a whole series of industries that depend on the fishery, and certainly the value is very large. Exactly what it is is up in question at the moment.

The plan objectives. What are we really trying to accomplish here? Two major issues. First, to develop a research program to reduce the uncertainties of billfish stock assessments, and secondly to improve the biological basis for management and rebuilding of the stocks. So, these are the two specific objectives that are driving the plan. They greatly influence the research topic areas that are identified in the plan.

In addition to this, I would just say that the plan is written not to identify every single research project that could possibly be developed, but rather to identify the generic research topics which have an infinite number of subheadings underneath them.

It's being done now because my Center director feels the time of billfish research has arrived. I would draw an analogy over the last 20 years -- 23 years in my work in NMFS to billfish research priority is analogous to the redheaded stepchild for many, many years. And it just simply had no priority.

And the time has come, however, and we're convinced that this is the time to push forward with a more agency-wide approach. If the Fed buys into this plan, certainly this will -- is intended to stimulate the researchers with various areas of expertise to work on this species grouping, because perhaps funding now -- the seed funding is available to get things started. And that's the whole approach being taken here.

The billfish of concern, I'll list them very quickly. Longbill spearfish, sailfish, white marlin and blue marlin. In terms of their stock status, we don't have any information on the longbill spearfish. Sailfish in the west is fully exploited, in the east possibly overexploited. White marlin, as you've already heard, severely overexploited; and blue marlin, overexploited.

In terms of stock status, just to give you an idea very quickly on the composite catch per unit effort time series, this is for the west, and you can see that the biomass certainly is a small fraction of its former self.

White marlin again -- oh, one of the other corrections that need to be made to the current plan, which was last drafted at the end of September, is the current results for the white marlin assessment done last May. Having said that, the differences between the assessments in 2000 and 2002 were not greatly different, as you all know. This is just a composite CPUE for all the major components of the fishery, showing the peak of the fishery in the early 1960's and its present course downward.

Atlantic blue marlin, the same. That blue line is the biomass ratio, superimplanted on top of the CPUE series again. You can see it's below that horizontal line at one, indicating overexploited status of the stocks.

Threats. This is a section -- as I go through here, I'm trying to be true to the written plan to cover -- make comments about each major section of the plan. The threats to the Atlantic billfish stocks, we heard a discussion of that this morning. Basically this is a result of the worldwide fisheries for tunas. As you can see here, this is the source is FAO. You can see the worldwide distribution of the fisheries centering above and below the equator worldwide. When you take in consideration the landings from FAO of the marlins, the similarities superimposed on top of the tuna fisheries is very obvious.

So, where do these mortalities come from? This goes along with much of the discussion that we had just a few minutes ago. Starting left to right, sailfish, just to read this for you a little bit very quickly -- foreign offshore longline fleets account for about 55 percent of the ICCAT reported landings. This source here is the ICCAT 2000 database. The gillnets, purse seines, about 20 percent. Sport fishing, recreational fishing, one percent. The U.S. component of the longline dead discards, about five. And then the foreign unclassified gear, about 19 percent.

Moving to the right, blue marlin, pointing out that the offshore longline fleet accounts for about 61 percent in 2000. Gillnets and purse seines about 29 percent. U.S. sport fishing one percent. U.S. longline discards about two percent. Foreign unclassified, seven percent.

And then lastly the white marlin. 91 percent of the landings reported to ICCAT in 2000 came from the offshore longline fleet. The gillnets and seines are about three percent. The U.S. sport fishery is 0.20 percent. And the U.S. longline dead discards are about six percent. All the comments we heard earlier apply and are illustrated in these figures.

Wanted to distinguish the different components a little bit of the offshore longline fleet. This is taken in the Port of Spain, Trinidad-Tobago. This is about seven to eight very large offshore longliners from Chinese Taipei, and these

vessels were formerly from the Japanese offshore longline fleet purchased by the Taiwanese starting in about the early 1980's, late 1970's. These vessels are about 200 feet long, about 200 metric ton capacity.

They stay offshore for as much as nine months to a year, maybe even longer. That makes it very difficult to monitor these vessels with observers, because of the length of time they're on the water, and also you can see the rust coming out of the boats.

The living condition on board these vessels are -- I'd call them subhuman myself. I can't imagine having anybody on the boat from any country, but the actual crews have changed from Taiwanese to Philippines because they're more economical, so most of the crew on the boats now are Filipinos with Taiwanese captains.

This big building in the back is the National Fisheries freezer facility, and that's where all the landings are frozen and then transshipped. The two basic transshipment ports in the West Atlantic are the Port of Spain and also Netherland Antilles Nachuri Pynere Corporation has a big transshipment port in this location, as well.

Of course the billfish are landed on the longline gear, dressed and stored for months at a time and then when they land them off at the longline transshipment ports, there's been problems because of species identification with carcasses in this condition. But nevertheless, we've made improvements over the years, improved the database through the enhanced research program for billfish.

This is a comparison, just in size, to one of the largest vessels in the U.S. longline fleet in the year 2000, the Last Deal is 110 foot long. It stayed out on the water about a month, a month and a half at the outside, so the differences in the operational schemes of the fleets are quite dramatic. What I call the big three: Japan, Taiwan, Korea, is really quite different in the size of the vessels, their capacity, and where they fish. So, really do have to make a distinction of the top-tier longline fleet and then the second tier.

Some of the other second tier fleets might include Brazil, Venezuela. Spain is sort of an intermediate. They're making bigger boats I think and fishing longer, so they're more moving into the top tier at this point if you evaluated them.

The core principles guiding the Southeast Center's billfish research, just a little history for you very quickly. Why is this plan emanating from the Southeast Center as opposed to any other place in the agency? This is sort of a developmental thing where, first of all, our principle -- core principles are conducting the highest caliber research, meaning peer review publications and the end result, conducting cooperative research with recreational and commercial fishing constituents. We certainly do that and have done that and continue to do that. And then to develop strong research partnerships with academic and other government and scientific institutions -- we're very busy doing that.

In terms of historical activities, first the established recreational billfish tournament survey, 1971. By the way, the doors of the Southeast Center opened up in 1965. It was then known as the Tropical -- Subtropical -- Southeast Tropical Research Center.

The Cooperative Tagging Center was transferred from Woods Hole to the Southeast Center in 1978, and then this next little bullet more or less is my résumé. We've had leadership position through ICCAT for many years. First, a billfish rapporteur since 1984, Chairman of the ICCAT Billfish Working Group since '85, coordination of the ICCAT Enhanced Research Program for Billfish since '86, and then the ICCAT tagging correspondent since '84.

The Southeast Center staff has taken the lead in the ICCAT billfish stock assessments and related analyses since the late 1970's. The first ICCAT-related assessment -- production assessment on a billfish was conducted by Ray Conser in 1978 and then Ray Conser and Mark Farber did subsequent assessments. Mark is also in the room. And so we have always taken the assessment lead on billfish research through ICCAT.

The last bullet has to do with the Southeast Center taking the lead in conducting billfish research on age and growth, life history, biology, gear, such as circle hooks and stock assessment techniques since the Center was established. So, we've been doing this.

One example of some of the work we've done recently with some considerable impact appeared in the Catch and Release in Marine Fisheries Symposium proceedings that came out last year. The original work on circle hooks was presented by Southeast Center staff at this meeting. Subsequent to this release of information, the largest tournaments in South Florida have now gone voluntarily to mandatory circle hooks, including the Miami Billfish Tournament, the Fort Lauderdale Tournament and the Stuart Tournament, all some of the biggest tournaments going to mandatory circle hooks. So, this research does have impact.

But other research that is currently being conducted also is going to affect billfish, although it was some of the targets were other animals. And Nelson and Phil and many other people in the room are familiar with this, but the Western Atlantic longline turtle mitigation research is really having some really interesting benefits because as you can see here loggerhead turtles, leatherback turtles and swordfish gear experimentation using -- comparing J hooks in squid versus offset circle hooks in bait, basically the target animal is harvested in the same catch rate while the turtles are almost being circumvented altogether.

This is a real, real positive result referred to earlier, and it's going to effect how much of the bycatch the domestic fleet encounters on our billfish, as well. So, that's how this is all tied in.

One of the tables in the plan involves research topics on the horizontal axis and techniques on the other axis, just to indicate the effects whether larvae, juveniles or adults are being examined. I'm just going to go -- use this as an example. The table in the written document is more extensive than that. I just want to give you an example of how when we go through the types of research, what's being done and what life cycle is being affected or examined.

Again, the research needs really are FY 2004 through 2005. I'm assuming the plan is going to be part of the NMFS budget for this 2004 time period. This is broken down by subject area, biology and ecological research, analytical methods and research tools and development, the second major category, and then fishery related research.

The amounts in the right-hand column, the total amounts, are really not necessarily intended to indicate priority. We really tried to stay away from that, and just identify the major areas that need to be addressed. The total amount is 6.4 million for three years, and again nobody is insinuating that this amount of funding is going to be able to cover all the research that needs to be done. We look at this as start-up money to encourage scientists from appropriate disciplines to engage in billfish research now, where maybe they hadn't considered it before. And in that respect, I would view that all scientists would look at this plan in a very positive way.

What sources did we use to determine research needs, and this is multiple sources. First the ICCAT annual recommendations had been compiled over many years and certainly were considered. Every time there's a stock assessment on a billfish species there is an accompanying long list of research needs and these were also considered. The ICCAT Advisory Committee reports also have these recommendations listed. The Billfish Foundation did hold a meeting a couple of years ago on research needs. These ideas were incorporated and HMS recommendations were also considered. So, the intent was to try and identify the major areas of billfish research needs and of course other sources, as well.

Just to give you a little idea how this whole thing fits together, post-release survival, if you draw concentric circles on the larval, adult and juvenile stages, you superimpose biology of reproduction and post-release mortality that John referred to. I can go through this very quickly with you.

First, using traditional genetic species ID methods to resolve species identifications, particularly in the larval stage, some in the juvenile stage. One of the problems in working with the larvae is that up until recently we haven't been able to tell one billfish species from the other, except for blue marlin.

Age and growth studies are very critical. They have been identified as one of the top priorities in the last assessment, and we're going forward in trying to get some of this accomplished, especially for the adult stages here.

Habitat utilization, spawning, nursery and feeding grounds all factor into all three life stages. Satellite and conventional tagging certainly are a part of the biology or reproduction on the adults, as well as the post-release mortality on the adults from the fishery side.

Gear behavior modification studies, some of that was already mentioned, and we are going forward here to examine ways to reduce the mortality.

Stress and physiology studies certainly factor into post-release mortality issues on the adults and their biology. Histology would be more closely related to the biology or reproduction and -- in this general topic area. We have developed a non-lethal sex identification technique so that when we look at -- we put tags on adults in the spawning ground we know what sex we're dealing with and we can look for residency times on the known identified spawning areas.

In terms of what the Southeast Center is currently involved in versus other scientific entities -- oh, one other really critical thing is that for the larval stage we hope to eventually get a fishery independent indices of abundance. We have that with bluefin tuna. We have not had the privilege of having that with our billfish. But this rectangle gives you an idea of what subject areas we're covering at the Center and our current and former research collaborations with other scientific entities.

Biology and ecology studies were broken down into four major categories. Age and growth, species ID, gender and maturation determination, and habitat utilization. Again, I'm going through this very fast. I don't want to use more time than necessary. Analytical methodology and research tool development, alternative stock assessment modeling of fish populations is one major issue. And again, development of the fishery independent indices of abundance to improve -- reduce the uncertainties in our stock assessments. Development of pop-up satellite tags and application of GIS technology, the Center is taking the lead on that. First, the Center staff was involved in some of the first work in this area on bluefin tuna and then more recently with John's group on billfishes.

The Southeast Center has recently made quite a large investment in GIS, and that stands for Geographic Information Systems infrastructure, to have a more orderly processing of the incoming satellite data, and this is quite expensive, but certainly worth the investment to accelerate the speed of data analysis of the pop-up tag data.

I think most of you are familiar with the basic data, but basically the pop-up tag is put on a billfish. It's popped off at a particular interval, transmitting the data to the -- (inaudible) -- system of satellites. These data are filtered in Wallops Island, Virginia, at a filtering station and then transmitted over the Internet to the user, in this case the Southeast Center in Miami. That's how the system works.

Fisheries research. Fishing technology, gear modifications to reduce the bycatch, we're as you know going into that very heavily.

And then improvement in monitoring of billfish landings and catch statistics. This seems like a sort of mundane topic, but it's really critically important, and knowing what the landings really are. And as you heard some comments this morning, that's not always easy.

And then the last category associated -- economic research. We have some people at the Center who are interested in pursuing that, but others, as well. Bob Didden, for one, at Texas A & M University has done some of this work early on.

So, again, this information is available on the Web site. Things that are expected to change. This plan almost by definition is a work in progress. Billfish stock assessments, certainly every time they're done there are changes in stock assessments results. The research needs. These are going to change in time as one research problem gets resolved, a new research problem is probably going to be identified. And of course this will affect the three major areas of research topics identified in the plan.

Again, a work in progress by definition, this document is expected to change. We're dealing with Version 1.3, and we'll go forward with new versions. Also a special thanks to Doctor Guy Harvey, who allowed me to use his photographs of Atlantic billfish in the plan for distribution. Greatly appreciate that from Doctor Harvey.

In any case, I hope I didn't go too long. That was a record. Usually I speak. But if I can answer some questions now,

Mr. Chairman.

MODERATOR CHRISTOPHER ROGERS: Yeah, we're supposed to take a break at 10:00, so let's take maybe five minutes of questions and then we'll take a break. Pamela Basco, Ellen Peel. Bob Hueter.

PAMELA BASCO: On your chart with the breakdown for the recreational anglers on the one percent for sailfish in blue and the .20 for white marlin, can you break that down into numbers of billfish?

ERIC PRINCE: I suppose I could, but not at this meeting. I'd have to take a look at that. Normally they're reported to ICCAT in metric tons, especially from the offshore longline fleets, so numbers are difficult but you could potentially take average size. Mark Farber down there has sort of dealt with those questions a lot in his career, and -- but we look at it -- they're reported in metric tons.

MODERATOR CHRISTOPHER ROGERS: Okay. Ellen Peel.

ELLEN PEEL: Jack, I have a question. Since Hogarth isn't in the room.

MODERATOR CHRISTOPHER ROGERS: He's right behind you.

ELLEN PEEL: Big Bill. We need to know whether the billfish research plan proposal is in the agency's budget proposal for '04 at the level that has been recommended.

WILLIAM HOGARTH (No microphone): (Inaudible.)

ELLEN PEEL: Is it in the agency's budget that you submitted?

WILLIAM HOGARTH (No microphone): (Inaudible.)

ELLEN PEEL: Okay. So then we can -- I mean, so then it would be up to those of us who are interested in -- I mean, we've certainly put our money as an organization where our mouth is on furthering billfish research, and we'll continue to do so, so we don't mind asking others to help get money to continue this, because as we've seen with David O'Brien's shop, we've gone from having to deal with threats of arguments of extinction which impacts industries to closures.

There's been millions put in for swordfish, for bluefin tuna, for red snapper, and that's fine. However, marlin have been the bottom end of the totem pole on funding. Now is the time to get Congress and the agency to support federal funding -- a research pool for everyone to draw from. So, if it's not a means to put in the agency budget, then anyone around this table I would urge to work with us to try to persuade those with the authorities elsewhere in Washington to put it in and make sure it gets approved.

WILLIAM HOGARTH: Just to that point real quick, you know, there's increased money for stock assessment. There's increased money for certain things. But as far as the line item for this billfish research, it's not there. Usually those type things, to be honest with you, come from the negotiations within Congress. I mean, like the 7 or 8 million dollars for red snapper. That came from Senator Lott and his people. So, I mean, studies of this magnitude usually come from the negotiation between the House and the Senate.

MODERATOR CHRISTOPHER ROGERS: Okay. Bob Hueter, Mau Claverie, Rom Whitaker, Bob Zales, then Mark Farber.

ROBERT HUETER: Just to follow up on that thought, sharks are in the same boat. Every year we have to fight for research funding, and it's just -- it's not a great way to run a scientific research program. It's very risky and you're asking scientists to do something that they're not really trained to do. But so -- the same applies to sharks.

Eric, I wanted to ask you about your satellite tagging program. How long have you been deploying the PAT tags on billfish and what is your success rate of getting these tags to report back to you?

ERIC PRINCE: We started in collaboration with John Graves's group in 1999, first in Bermuda and then John's student continued deployments. Those are on recreational deployments. Dave Kerstetter has continued to work on longline deployments. Our first durations were very short. Remember that at that point our research group was looking at post-release survival pretty exclusively, and Phil wrote a really great paper in the Catch and Release Symposium identifying the pitfalls of what you need to do to attack that research problem.

So, the first deployments were five days. We cranked them up. Much of the deployments last year on John's group were ten days -- and he can correct me if I'm wrong. My research question -- (inaudible) -- and critical marlin habitat is a bit different. I'm looking for more long-term deployment and habitat utilization. I'm not addressing the post-release survival question with my research team at this point.

We have cranked it up from 30 days to 40 days. We're going to move to two months. We're moving very slowly because when you have an animal that swims 40 to 60 knots, jumps out of water as part of its normal behavior, keeping that darn tag where you put it is the ultimate, you know, challenge. We're making progress, but those are the basics of what we're up to.

ROBERT HUETER: So, for the tags that you set for over one month, let's say, can you come up with a percentage success rate yet, or is it too early to --

ERIC PRINCE: We have had a series of problems last year and there's probably many reasons for it. First, the corrosible pin of the 2000 PAT's was new. It turned out to be faulty. It results in a lot of premature releases. And then we had a problem with a bad batch of transmitters in combination possibly with some handling procedures.

We've improved both of those issues, and I'll just put it this way: After we went through those problems, the last eight PAT tags I've put out on marlin and billfish and sailfish went to the end. I had no premature releases. I got 100 percent of my data back after 40 days. So, the company I'm working with has responded to the problems, made accommodations, made the changes, and we're moving forward.

MODERATOR CHRISTOPHER ROGERS: Okay. Mau Claverie.

MAUMUS CLAVERIE: Yeah, Eric, you had described the turtle experimental research and how that was maybe giving you some clues for the marlin, but did you say in the turtle research you were using offset circle hooks?

ERIC PRINCE: Yeah. These were ten degree offsets.

NELSON BEIDEMAN (No microphone): Ten degree.

ERIC PRINCE: That's right, Nelson. Ten degree offsets. And we also were testing no offset at all, and we're continuing to go down that line, and I know the Northeast experiment is going to continue to modify and expand the research next year, and then there's this coastal research initiative that is coming up. So, there's many possible ways of going forward.

MAUMUS CLAVERIE: Are you finding that offset circle hooks are better for turtles? Because I thought we found that they were worse for marlin. Is that a problem? I mean, I don't mean from a research point of view, from an actual point of view. But research, too, you'd have to check that out.

NELSON BEIDEMAN: Actually, the slight offset had better results than the non-offset.

MAUMUS CLAVERIE: For turtles or billfish?

NELSON BEIDEMAN: For turtles.

MAUMUS CLAVERIE: What about --

NELSON BEIDEMAN: Well, there's not enough -- you know, interaction with billfish at the NED that, you know,

have anything statistically valid on that, you know, billfish.

But we have up to a 92 percent reduction in sea turtle interactions using the slightly offset 18-O circle hook with a two and one-eighth inch width and large mackerel bait, with a 95 percent confidence that -- in that 92 percent.

MODERATOR CHRISTOPHER ROGERS: Okay. We had Rom Whitaker, Bob Zales.

ROM WHITAKER: Yes, Eric, appreciate your report, but I just wanted to ask in your -- with your satellite tagging have you got any preliminary post-release mortality white and blue marlin?

ERIC PRINCE: I'm going to defer to John on that question, if I can, John. Can you respond to that?

JOHN GRAVES: We've been focusing on whites and this year we put out 21 tags, 20 of which reported. We have 15 that were put out on J hooks, and of those we had five mortalities. We put six out with circle hooks and we had all six survive. So, a big difference between circle hooks and J hooks, but the sample sizes were small.

But what we found with white marlin is that there is a higher post-release mortality than with blue marlin, and that probably makes a lot of sense, considering that what we looked at in Bermuda was a high-speed trawl fishery where the marlin basically hooked themselves, whereas with white marlin, as with striped marlin on the Pacific coast, these will typically drop back to the animal and they adjust the bait a lot of times and so the circle hook has a much smaller chance of being lodged in the soft tissue.

And we also found that with the J hooks that there was almost an inverse relationship between fight time and mortality, so the shorter the fight time -- some of the shortest fight times had the highest mortality. But then again, if the hook is lodged in soft tissue and the mate grabs the leader and pulls the animal in, it's pulling on its stomach or esophagus, which might not feel very good.

MODERATOR CHRISTOPHER ROGERS: Okay. Bob Zales.

ROBERT ZALES, II: When you mentioned the social and economic data coming from Doctor Didden, is that from particular studies to do with HMS or billfish or is that from existing studies, like the one in the Gulf that was done in '99?

ERIC PRINCE: That was similar. He had done some of the early work on the economic value of the recreational tournament billfishing effort. He has done a couple other studies since. I can't say I've kept up with every single thing he's done. I was just using that as an example of some of the early work. This needs to be expanded and some of the key questions need to be identified here on the economic side. If I've answered your question -- it was just he had done the preliminary work and I don't know of anything more recent.

MODERATOR CHRISTOPHER ROGERS: Bill.

ROBERT ZALES, II: That kind of lets me know where it came from, but hopefully at some point today you're going to let me talk about some of it. Thank you.

MODERATOR CHRISTOPHER ROGERS: Right. Bill.

WILLIAM HOGARTH: I just want to go back to the budget and stuff a minute, Ellen. There are some other pots of money, for example, that wouldn't fund the whole big complex study, but that's cooperative research. I want to do parts of this working with industry and use some of the cooperative research plans. And of the expanded stock assessment money, there was a specific study we can do some things like that, but as far as money to fund this entire project as proposed, I would have difficulty doing it. But using cooperative research, using research, using, you know, bycatch funds -- you can fund pieces of it. But as far as saying we want this proposal as written funded, I don't have -- have the funds to do the whole thing.

MODERATOR CHRISTOPHER ROGERS: Mark Farber.

MARK FARBER: Actually, my question was on post-release mortalities in the recreational fishery and John just answered it, so I'm done.

MODERATOR CHRISTOPHER ROGERS: Bob Pride.

ROBERT PRIDE: Thank you. Doctor Prince, I think I missed something, so clarify this for me. The 6.4 million dollars you've got up on the board, it is a wish list, not --

ERIC PRINCE: Yes.

ROBERT PRIDE: Okay. Thank you.

MODERATOR CHRISTOPHER ROGERS: Jim Donofrio.

JAMES DONOFRIO: Thanks, Chris. Eric, thank you. Great presentation here. Going to regress a little bit based on something Eric pointed out here on the mortality -- domestic mortality on white marlin, six percent and then -- on the longline fishery, and then .028. I mean, Bill brings up a question before about the Japanese wanting the recreationals to do more. You sit in a delegation room in ICCAT and it's always what are you guys willing to give up. And I think you've got your answer right here where you've got to go, and there's going to be a problem. Going to be a problem if you came after us on this.

MODERATOR CHRISTOPHER ROGERS: Okay. Jack Devnew.

JACK DEVNEW: Actually, that's a very good segue into my comments, Jim. Two things. The first comment is I think, you know, if you do end up not getting all the money and have to do some prioritization, Eric, I would certainly think that the satellite tagging program that addresses, you know, migration and post-release mortality is a big priority.

The second comment is if I'm not mistaken -- correct me if I'm wrong. The statistics that you have up there relative to the U.S. sources of mortality or catch and landings is all data that is pre Straits of Florida/Gulf of Mexico longline closure.

ERIC PRINCE: This is from ICCAT 2000, so I guess yeah, that would be right. Okay.

JACK DEVNEW: So, none of that data that is up there contemplates the reduced mortality interaction, landing, catch, dah-dah dah-dah, the yada yada of the closures. So, there's no valuation in that data and I would suggest that -- you know, you take a look at trying to see what the impact of those closures -- because I would think that you would find it to be fairly dramatic with respect to one sector of those landings, which would be the U.S. longline fleet.

ERIC PRINCE: Yes, I'm sure we would see that. I'd probably have to look at it a different way. If we dump it in with the entire ICCAT landing reports, whatever changes that might have occurred are just so small you may not even see them. But if I look just at the U.S. components, then you would probably see that data.

JACK DEVNEW: Well, I think you would, and I think it would also provide some level of leverage, you know -- you know, what I heard Jim and Ellen and others talk about is -- you know, how you deal with the Japanese -- you know, Masa's comments and the kind of leverage that he puts in there. Well, we've already got -- you know, some leverage and, you know, program and results, you know, at least in that sector and there's been a fair amount of recent activity with respect to the recreational landings, the tournaments -- you know, you've got mandatory J hooks, that has been talked about. There's been greater effort to try to quantify -- you know, and avoid capture and kill of post-release mortality has been -- you know, is I think being addressed and will continue to be addressed.

So, there are efforts -- I think very demonstrable efforts underway, you know, in the United States throughout the sectors that would -- you know, provide I think a quality answer back to Masa.

MODERATOR CHRISTOPHER ROGERS: Jack, to that point, we're going to be discussing some of the results of the bycatch reduction plan for HMS tomorrow morning, so we'll have a little bit of information there. And we have Rick

Weber and Nelson Beideman. Then we'll take a break and we'll pick it up again after the break.

RICK WEBER: Eric, on the billfish tournament survey, is there or was there ever an estimate of the catch that was not included in the tournament survey?

ERIC PRINCE: Phil Goodyear and I have worked on this particular issue for quite a while. We have looked at a variety of sources. At this point I would say that the non-tournament recreational landings is a problem that continues to be unresolved.

Now, I know the 1-800 line is going to be invoked by HMS this year and we're hopeful that that gets at some of these non-tournament landings. We're going to use the Gulf of Mexico as sort of a model because we have some non-tournament fishing at dock surveys going on in the Gulf of Mexico and we can see what proportion of that we do or do not pick up in the Gulf based on comparison to the results of the 1-800 number, and I think it will be a really good way to ground-truth what we're missing.

But we looked at the MRFSS data, Phil and I -- Phil's taken the lead on this. Maybe he'd want to make more comment, but being able to estimate the non-tournament landing -- recreational landings has been a problem because of the huge geographical area we're dealing with. The entire U.S. East Coast, Florida, and the entire Gulf of Mexico plus the U.S. territories in the Caribbean. So, it's been a problem, but there are some moves in the right direction, so I hope I've addressed some of your -- answers.

RICK WEBER: I'll follow up and get a little clearer. As the originator of that number, you would never have used that as an estimate of the total U.S. recreational catch.

ERIC PRINCE: No, we never characterized it that way. Not as long as I've been with the agency. It's strictly the tournament component of the recreational catch, it's not the total catch.

RICK WEBER: But it could be a good marker if you wanted to see total U.S. effort. If we're going for status quo, are you going to continue to generate that number, even as we go through the 1-800? Will you still generate your number, as well?

ERIC PRINCE: Phil, you have some input here?

PHIL GOODYEAR: Go ahead and answer that question, then I'll say something.

ERIC PRINCE: It's a soft spot that's been identified for quite a while. We've had ongoing discussions of having -- developing a survey to address it, but -- (inaudible) -- geographical area, addressing that in the survey is extremely expensive. We'd like to see what the 1-800 number does now, especially if it's tied to the permit and it's required, and go from there.

RICK WEBER: In 2003, 2004, and ongoing, are you intending to continue generating your number using the methods you've previously -- will that -- is that an ongoing program? Will we be able to look back and see this disparity, or does your survey end and be replaced with something else?

ERIC PRINCE: No, we're continuing to do the recreational billfish survey, the RBS as it's known, and that will continue into the future, because we believe the fishing effort represented by the tournament fishery activity is a significant component of the total. The issue is how much of the total it represents, and that's the unclear part. But that historical survey has been going since '71 and will continue into the future.

RICK WEBER: Thank you.

PHIL GOODYEAR: Also, Rick, if I can just add that the new reporting numbers only intended to pick up non-tournament landings. So, tournament landings are not required to report unless -- one caveat -- unless the tournament operator fails to report them, the vessel operator or the -- which is the permit holder -- the vessel owner, sorry, not the operator, is required to make sure that those landings are reported. So, it would really behoove us if Eric would

continue that, the RBS.

RUSSELL DUNN: The historical total estimates, what we've done is to take a look at the MRFSS estimate and the RBS estimate. The RBS series is that highly precise series of numbers of the total landings by the tournament component of the fishery. The MRFSS estimate is a very imprecise but probably accurate estimate of the total landings.

Since it's highly imprecise, we couldn't use MRFSS for the annual estimate, but we did is to analyze over the whole time series a ratio of the MRFSS estimate to the RBS estimate, and applied that ratio to the RBS estimate to come up with historical landings. They're a factor of a few over the RBS estimate itself. And those I think were going to be adopted by ICCAT for the recreational catches. I'm not sure where the process is.

MODERATOR CHRISTOPHER ROGERS: I've got a number more people who want to speak on this research program, so let's take the break now and come back within 15 minutes and get back into our billfish discussion.

[BREAK: 10:30 A.M. to 10:50 A.M.]

MODERATOR CHRISTOPHER ROGERS: We'd like to quickly finish up with the discussion of the research plan and then we'll get into a review of our recent rulemaking affecting billfish recreational catch monitoring and talk about the future in terms of regulations. Has anybody seen our chief researcher, Eric Prince? He wasn't off the hook at this point. Now's your chance to call for a vote, Nelson, while you're not outnumbered.

NELSON BEIDEMAN (No microphone): (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: Okay. Thank you, Eric, for that presentation. We did have a few more folks who had some questions about the billfish research program. I had on my list Nelson, Mau Claverie, Tim Hobbs, Ellen Peel and David Cupka. Anybody else?

(No response audible.)

MODERATOR CHRISTOPHER ROGERS: We'll take them in that order. Nelson, Mau, Tim Hobbs, Ellen Peel and David Cupka.

NELSON BEIDEMAN: Yeah, Chris, a few things. First off, I don't think that there's any more important issue that these HMS fishers face than these issues right here. The potential economic impact of these issues if they go south far exceeds anything else that we're looking at, whether it be bluefin tuna or not.

And quite frankly, to me, I don't think that the United States is positioning itself appropriately as ICCAT moves on with billfish issues. I think that we're potentially getting into a too little too late.

Everything Eric put up there is critical, very, very important, needs to be done. The answers, you know, concerning -- you know, that we don't have dedicated budget, et cetera, you know, are very, very concerning to me, but what Eric doesn't have up there is potentials toward a solution.

And ICCAT -- our ICCAT colleagues, year after year after year, have told us -- you know, come back to us with credible information, with credible data. Those pie charts up there are not credible. They're missing a very important part of the picture.

Until we fill in that complete picture, I don't know how much progress we're going to get from our colleagues at ICCAT. And year after year after year they have asked us to fill in those gaps and we continue to go to ICCAT with question marks for billfish in our national report year after year. The SAFE Report has made very little progress on filling in those gaps.

But I'd also like to speak to some of the research parts of it, because I don't think that we're putting enough quickly enough to position ourselves for what's necessary at ICCAT. I think there needs to be a large change rather rapidly.

One of the things we're looking at -- a little bit cosmic, okay, but we're looking at an idea, a concept called a dissolve-away bait, okay, for pelagic longline. In order to get the data that would show us whether there's any credibility to move in that direction, we're looking at -- you know, getting data on the timing, the timing of the hookup of both the target species and the non-target species, such as billfish. And we're not going to be getting that data quickly enough to act fast enough for ICCAT's schedule in this.

We're looking for 100 sets in the Gulf of Mexico in the year 2004, 50 sets in south of Hatteras in 2004, and 50 sets north of Hatteras in 2004, with a new timing -- hooking timing device that -- you know, is being made, you know, for this job and depth -- time depth recorder devices. And that's good, and we're working on a dissolve-away bait. The concept is that if the target species and the non-target species are biting at different times, you can connect the bait with a dissolve-away thread that the bait can be off the hook and nothing but a bare hook sitting there when the non-target species bite occurs.

We don't know how much credibility that has at the moment, and I certainly don't want to wait till 2004 to find out whether it's even a viable direction or not. Some of that work should be being done now. We have the boats that are willing to do that work now. Well, we're trying to get a little shoe-in through the cooperative research to get started, to have those boats available for the work that John Graves is doing, and that's probably about the only work that's being done in 2003 is some of this tagging work. And it's being done at such a small scale that we're not going to have anything.

ICCAT had said that's not credible, and all's we keep doing is going back to them with a different color pie chart. Until we fill in those unknowns, we're probably going to be getting the same response from our ICCAT colleagues.

Now, I'm sorry, but I don't think that the question marks, you know, that -- you know, we don't know if Eric's research is going to be funded. The fact that we can only possibly afford 200 longline research sets in the year 2004, you know, I just think that we're not putting our priorities in order.

Is there any larger issue that faces the HMS fisheries than -- you know, the potential for billfish, all billfish, not just white marlin, continuing to go downhill? I don't think there is. And I don't think we're getting the information that we're going to need quickly enough, my estimation.

MODERATOR CHRISTOPHER ROGERS: Quick response?

ERIC PRINCE: Quick response, just a couple clarifications. This is not Eric's plan. This is the Southeast Center's plan. First of all. And there are a lot of priorities that fit within those two major objectives. One was to reduce the uncertainties of the assessments, and another was to provide a better biological basis for management and rebuilding. You're talking about the latter, I believe. Some in this room might argue that we do see uncertainty to the assessment as a higher priority. Whatever the priorities are, I can tell you one thing for sure, it takes money to do the work and that's a reality that's -- you just can't get around. So, we hope to get this together with an organized push on a plan and start to move.

MODERATOR CHRISTOPHER ROGERS: Okay. Mau Claverie, Tim Hobbs, Ellen Peel, David Cupka.

MAUMUS CLAVERIE: Thank you. I had some comments, but first, Nelson, I'm a little confused what you're talking about. Are you saying overall HMS needs more scientific research or are you saying the 250 count on the recreational thing is so far off that it's not -- it's looked at as not accurate? Are you saying billfish needs more than tuna? I wasn't sure what you were saying.

NELSON BEIDEMAN: Two levels that I raised there, Mau. One is that our ICCAT colleagues have repeatedly told us, you know, come with more credible, you know, mortality statistics. You know? And that's research. And two -- you know, I don't think there is any larger problem that the HMS fisheries faces than -- you know, potential of an ESA listing in 2007. And if we don't make progress within ICCAT -- you know, between now and then, and I think that progress will -- you know, pretty much depend on how much research we can get done and how quickly it can be done.

MAUMUS CLAVERIE: Gotcha. Thank you for clarifying that. I got two questions. Is the work, Chris, that you all are doing, where we have these three brochures here with the HMS recreational stuff, is that part of Eric's six million dollar wish list? So, this is separate and apart from that. Okay.

And then the other question is: there is an effort component in the billfish recreational fishery and is that now coming from the tournament sampling or tournament reporting, or how is the effort part of the equation, the data on effort being gathered now, relative to how it was gathered since '71 in that historic -- Eric, what you call the historical and what I call the historical thing, is there a difference there? I'd like to hear about that.

MODERATOR CHRISTOPHER ROGERS: Do you want to speak from the RBS perspective?

ERIC PRINCE: I can speak to the RBS perspective. In previous years we had been doing a bit more dock sampling than we are currently doing in the Gulf of Mexico and elsewhere. And we had noticed a bias where the dock sampling efforts had focused on successful fishing trips, and this biased the CPUE's upwards. So, we changed and felt we couldn't use these data for the catch per unit effort calculations, but we do get the data on landings, with no effort associated with it, and use that -- the landings for our catch reporting. And we still do that today. Exactly how much of the non-tournament landings we capture we hope to verify with the 1-800 number call-in's, and answer that question at least for the Gulf of Mexico for starters.

So, what's the fishing effort for the non-tournament billfishing effort? That could be captured from the approach that Phil talked about a few moments ago, but that's about as much of an answer as I can give you at that point.

MAUMUS CLAVERIE: Well, aren't you asking the tournament directors effort?

ERIC PRINCE: The tournament CPUE's we do have, absolutely. It's the non-tournament CPUE's that's been the problem.

MAUMUS CLAVERIE: Are you considering the tournament CPUE's to be accurate?

ERIC PRINCE: Yes.

MAUMUS CLAVERIE: Okay. That's what I want to know, because I have a serious problem with that. I don't think it's anywhere near accurate. Well, you're asking for hours trolled, I believe, in the CPUE. You're asking that of tournament directors.

And in all the tournaments I know, except maybe Hawaii -- and that doesn't play in the Atlantic -- where there's continual radio contact and requirements for phone-in and so forth -- radio-in and all that, many tournament directors, if not all tournament directors, really don't know how many hours are trolled. They don't have a system in place, and as you know from your experience and I know from my experience, it's very hard to put such a system in place to know how many hours are being trolled.

Directors of some tournaments don't even know how many boats are fishing for billfish in the tournament, much less how many hours they trolled. Directors of tournaments who know that the boats can start fishing at 7:00 a.m. and have to pull their lines in at 3:00 a.m. don't know how many boats fish that full time. Directors of tournaments who just -- you know, the boats show up at the dock and weigh in and fish don't even know how many hours the lines were in the water.

So, you're getting effort information from people that it's physically impossible to know how many hours are trolled. Now, there are possible solutions, and that's through computerism and that sort of thing, but the present status I doubt if any tournament director can really tell you I know how many hours were trolled. In fact, if you go around this table and we did this, I think last year or the year before, tournament directors weren't even certain what effort -- what the criteria for effort was, whether it was days fished or boats in it or what it was.

And so I think that you're being misled if you think that that's an accurate count of effort. Now, you for years tried to get an accurate and total count of effort and couldn't, and I don't know why you think a tournament director could do

what the agency couldn't. There's a relative effort string from '71, but there's not an actual hours trolling available, that I know of anyway.

There may be one or two that you know of, but overall, if you talk to tournament directors I think you're going to find that they really don't know what you're talking about when you're asking for effort, and if you get down to it with them, they can't know what you want to know and should know, I guess, which is hours trolled.

Now, the boats in our system that actually report that know that they deduct from their fishing time, hours trolling to hours fighting fish, because that's not trolling, and that's the degree of accuracy I assume you're looking for.

So, I think we're being misled if we just sit back on our haunches and say we have this great system and we're getting an accurate effort data, and we need to look to how to include that, and I think there are ways to improve that with modern technology that would not be so intrusive on the recreational fishing activity and that it would -- you know, be perceived as a bad thing.

And we ought to really spend some money on that. I don't know how much money you have in your wish list for stuff like that, but I think that might be important, if effort is going to be an important component of the recreational fishery.

MODERATOR CHRISTOPHER ROGERS: Thank you, Mau. Tim Hobbs.

TIM HOBBS: Yeah, thanks, Chris. Most of my comments were in regard to something else that's not pertinent at all, I'll save for later. But I think -- I've got to disagree with Mau. I mean, I think that -- I mean Mau's tournament director has probably counted the number of boats, the number of hours that are fished, the number of fishing days, come up with a total.

Maybe some of the captains here that fish a lot of tournaments could give us some better insight into that. But yeah, I mean, sure, some boats are going to have some time fighting fish, but a lot of these crews are professionals and, you know, they can get -- they can wire a fish in a couple of minutes and keep fishing to get them. Fishing time's a premium in a tournament and if -- I think they're going to be trying to get as most out of the possible fishing hours as they can. So, I don't see any real problems with the number of hours, you know, being estimated there.

MODERATOR CHRISTOPHER ROGERS: Okay. What we'd like to do now is sum up the discussion on the billfish research plan and then get into a presentation on current regulations and certainly an introduction to the new regulations that have just come on line, and hopefully have a more detailed discussion along the lines of what Mau's presenting, is how to improve both the recreational statistics and the effort monitoring that can go into an improved stock assessment.

WILLIAM HOGARTH: Let me just point out one thing, folks -- another thing to point out is we've heard a lot of discussion about the fact that we had a petition to list under the ESA. One thing you've got to remember, even if it wasn't under the ESA, under Magnuson if it's overfished, supposedly you have one year to put a rebuilding plan in place. So, you know, you can say okay, we've got ESA, but also we have Magnuson, which would put you under some type of regulations within a year's time of being determined overfished. So, ESA is not the only stick over our head -- we also got -- we've got the Magnuson-Stevens Act.

MODERATOR CHRISTOPHER ROGERS: And to that point, in fact, the Magnuson-Stevens Act arguably is a higher standard, because the ESA you're avoiding jeopardy but with Magnuson you actually have to rebuild. So, a lot more work needs to be done.

I had a few folks, Ellen Peel, David Cupka and Mark Farber, if it was with respect to the research plan, we'll take those comments now, but what we'd like to do is get into a presentation of the current and new regulations and open up the floor to where we go from here.

ELLEN PEEL (No microphone): (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: Fine. David, did you have anything?

DAVID CUPKA: I just want to make an observation or a comment. I was thinking about this issue of tournament catches versus non-tournament catches. And I know that a long time ago, at least in our state, we started spending quite a bit of effort in trying to document billfish catches and landings. I can remember back in the early '70s when we started collecting those data, and we've continued to do that through the years. Now, granted that's just a small part of the southeast, but there is some data out there, I think, that does have some numbers on tournament catches versus non-tournament catches for the whole season, so we do have some of that.

The other thing I'm thinking about though is the fact that South Carolina, like in a lot of states right now, is faced with a severe budget problem and I'm just hoping that the powers that be don't look at it and say well, you know, NMFS is going to start collecting this data, we don't need to do anything more, because I think it's a good opportunity there, we do have 20 some years worth of data and experience. It would be an excellent opportunity to ground-truth some of what you're going to get out of the situation, maybe get a better feel for just how much reporting you're getting on it.

So, I hope that doesn't happen, that we do away with it, and we at least continue for a couple years, because I think that would be valuable data to, like I say, ground-truth what you're going to get out of this new system.

MODERATOR CHRISTOPHER ROGERS: Okay. Thank you, David. What we'd like to do now -- Russ Dunn -- Mark Farber, to the research plan point?

MARK FARBER: I'd like to respond to what Mau said, an hour later.

MODERATOR CHRISTOPHER ROGERS: Specifically the historical data --

MARK FARBER: About the efficacy of the HPUE data that we've been collecting in the RBS.

MODERATOR CHRISTOPHER ROGERS: Well, why don't we discuss that under the area of where do we go from here, improvements to the system.

MARK FARBER: Fine.

MODERATOR CHRISTOPHER ROGERS: Let's at least take a look at what we have coming on line in terms of new reporting requirements, and the overarching theme under federal government is consistent with what Mau had said, computerizing and reducing the burden. We did have some stop-gap measures, but also some long-term views of how to improve it. We do envision working more closely with the states and taking advantage of state resources, as well.

So, we're going to have to be very careful that we don't end double-counting and that we can in fact fill the gaps that we all recognize between the tournament and non-tournament situation. So, Russ is going to go through a presentation of current management measures and our new rules coming on line, and then Greg Fairclough will discuss briefly the tournament registration program that we're trying to improve and enhance. And then we'll get into a further discussion on implementing the ICCAT recommendation on 250 marlin and how to ensure that we don't exceed that. So, take it away, Russ.

ATLANTIC BILLFISH PERMIT & REPORTING REQUIREMENTS

RUSSELL DUNN: All right. I'm Russ Dunn with Southeast Regional Office and I was actually going to do the ICCAT presentation first, but I think it's more the new permitting and reporting requirements that probably fit in better with where we are. So, we'll go through that presentation first.

I'm just going to run over basically a quick update of two recently published rules which have been or will be implemented and implement important permitting and reporting requirements for Atlantic billfishers.

The first that we will cover is a rule that was published December 18th of 2002, and establishes the HMS angling permit, which becomes effective March 1st. The second is a final rule that was published January 7th and implements a mandatory recreational landing self-reporting system, which becomes effective March 2.

So, taking them chronologically, as I mentioned, the final rule was published December 18th and the permit becomes effective March 1st. It establishes the HMS angling category vessel permit and who needs this permit? Well, the owner of each vessel used to fish recreationally for Atlantic HMS or on which Atlantic HMS are retained or possessed must obtain this permit. And so this means that if you go out intentionally fishing for these species, or if you interact with any of the regulated species, you need to obtain this permit.

Now, two notes to this regarding the new permits, first is that HMS angling permit holders cannot possess an HMS charter/head boat permit, or an Atlantic tunas permit in any category. So, you could have one or the other.

Secondly, the Atlantic tunas category permit issued for the 2002 fishing year will meet the HMS angling vessel permit requirements through May 31st. What that means is if you already have an Atlantic tunas angling permit, it is valid. It will cover you for the requirements of the angling category permit through the end of this fishing year.

All right. Now, what else did the HMS angling permit final rule do? It codified a prohibition of sale or transfer for sale of recreationally caught HMS. This isn't so much a problem with billfish, but it has been an increasing problem with swordfish.

What does it not do is just as important as what it does. There are no changes to the billfish minimum sizes. There are no change to billfish possession limits. There is no change to allowable gears for billfish, and you can obtain this permit by calling what was the U.S.A. tunas number, which is still the same number, or by logging onto NMFSpermits dot com. As of March 1st, you can print one out right there, sign the bottom of it, and you will have your valid HMS permit. The cost, as many of you already know, is going to be I believe $27, and we are working on ways to try and reduce that.

And just as an additional note there. NMFS does not receive major funding from these permits. This money goes to cover the administrative costs of issuing the permit, and then if there is any additional money, it goes into the general treasury. NMFS does not get this. So, this is not a windfall for NMFS, as some have insinuated.

So, the second rule we're going to touch on are the new reporting requirements. And this seems pretty pertinent to today's discussion. The final rule published January 7th implements the mandatory recreational landings self-reporting system, which becomes effective March 2. The affected species include white marlin, blue marlin, West Atlantic sailfish and swordfish.

UNIDENTIFIED: What about the spearfish?

RUSSELL DUNN: Spearfish, there's a retention prohibition on, so you can't land those. But if you land it, give us a call. We'll be sure to send someone by.

Owners of the -- who needs to report? Owners of the recreational and party/charter vessels landing fish, and that is bringing fish to shore, of the affected species, must report. This is an important point. We've had a lot of confusion over the term landing. What we mean are fish that are boated and brought to shore, not simply fish that are brought to the boat and tagged and released. And there's apparently regional or colloquial uses of the term landings. So, we mean you bring that fish to shore, you need to give us a call.

Also as I mentioned earlier, I believe, should a tournament operator fail to report landings of affected species, the vessel owner, who is also the permit holder, because it is a vessel permit, is responsible for reporting landings. So, what I would suggest is those of you who participate in tournaments, make sure that your tournament is A, registered, and B, reports within the seven-day time frame. And if you've discovered that they haven't, give us a ring and let us know what your landings are. Joe.

JOSEPH MCBRIDE: On that issue, Russ, who is God's name is going to ask the tournament director if he reported his

landings? You know, you would just assume that's automatic, unless you -- I'm sorry.

MODERATOR CHRISTOPHER ROGERS: Microphone, please.

JOSEPH MCBRIDE: I was going to ask who in God's name in a tournament -- you know, number of tournaments I've been in -- you would just assume the tournament director's going to do the reporting, unless the agency called the participants, which you'd have to get from the tournament director. It gets chaotic, trying to find this information.

RUSSELL DUNN: Well, we would assume that the tournament is going to report, but I don't -- because it is the vessel owner's responsibility ultimately to make sure that that fish was reported, a quick mention during the tournament at the conclusion of the tournament, just to make sure that they are going to report it, could go a long way.

A quick discussion of the new process, which I know many of you are interested in. Essentially, permit holders are required to report landed fish within 24 hours of landing, by calling the toll-free number, which is the current HMS information line number.

This is true with the exception -- and I neglected to put this in the slide -- of anglers in Maryland and North Carolina. They will report through their state -- those states' landings programs. Essentially they fill out a landing card. They get a tag when they fill out the landing card. They tag the fish and they can move it off the boat.

When you call in, the angler will be asked to provide some information, including a contact phone number, species, the lower jaw fork length or weight of the fish for marlin. With swordfish, it will also be the CK length. The date of landing, the state or country of landing, and that means yes, if you are on an American vessel and you land fish in another country, such as you go to the Bahamas, you need to call us and let us know that you landed that fish.

You also need to give us your Atlantic HMS angling permit number and the vessel owner name and contact information, if it is other than that individual who is calling. So, an example is the vessel Salty Dog, permit number 123456, landed 101-inch blue marlin on Fourth of July in South Carolina. The vessel owner's name is John Doe, and I can be reached at -- whatever number.

At that point we will contact the angler to do two things. One is to obtain additional trip and biological information, which I'll touch on in a second. And the second is to provide the angler with a landings confirmation number. You need to know that the landings reports will not be considered complete until the angler has received confirmation. We will call you back shortly, within a day or so of getting the call, so we need to make sure that we get numbers where we can reach you.

The data -- just to let you know how this data will be used -- I'm sure many of you can envision this, but we're going to use it to track the landings, to assist in compliance with the international obligations, meaning the 250-fish cap, and to obtain a more complete understanding of recreational fishing activity.

This -- and I don't know how well you can read it -- is a screen shot of the new database meant to track landings. What we collect on here -- what's that?

UNIDENTIFIED: You got the English version?

RUSSELL DUNN: In your presentation, you have a copy. We get information in here on the trip itself, when was it, how long was it, what technique you were using to catch the fish, what kind of hook you were using, what kind of bait you were using. We get basic biological information. But we also make sure that we get information on the trip type and whether this was fish that was landed in a tournament or not, so that we can separate any reportings we get from tournaments that were reported to make sure we don't double-count. If the fish was reported in a tournament, that sends up a red flag, we get the name of the tournament so we can contact them if they're not in our database. But this way we can make sure that we don't have double-counting of fish.

We also -- you'll see right smack in the middle we get the vessel name, the angling permit number and the vessel ID number. Those categories are there to ensure that we can make sure there is no false-reporting. So, you people -- or

people who call in cannot just randomly say oh, I landed a fish, and try and get the fishery shut down. We will be able to track it back. So, that is our attempt to address the concern of false landings.

So, we've had a number of concerns expressed to us. One is redundancy with current reporting system, and I think as Eric pointed out we have no current system that captures 100 percent of non-tournament billfish landings, and we need to do that to comply with the 250 fish cap.

This system should be seen as augmenting current reporting systems and not as something that will interfere with current reporting mechanisms, as we all know have significant problems.

False reporting, as I mentioned, is a real concern among the recreational community. As I mentioned, the confirmation number is tied to the angling permit number and the vessel ID number. We can track it back to a specific individual. If that angling permit number proves to be false and there is no vessel with that ID number, the landing will not be considered credible.

And the definition of landing, as I touched on early on, we mean fish that are brought to shore. And so we've had a number of hysterical calls saying do you know how many sailfish I hook up and land? And we said wait a minute, we're talking at cross-purposes here. We mean fish brought to shore.

So, that wraps it up on the new permitting reporting requirements. So, any questions you may have? Looks like there's a lot.

MODERATOR CHRISTOPHER ROGERS: All right. Why don't we go around this way today, since we ended up going around that way. So, we've got Mau, Rom, Rick.

MAUMUS CLAVERIE: I agree with the problem about how do I as a fisherman know whether or not the director's -- the tournament director's doing what he's supposed to do. I mean, if he tells us he is and he doesn't, how in the world would I know? And so that's kind of pie in the sky. You all --

MODERATOR CHRISTOPHER ROGERS: Give us a call and find out if he did.

MAUMUS CLAVERIE: Oh, I'm sure you'll love to get that. While he was talking, I called the 1-800 number and I still hadn't gotten to the meat of anything. I mean, I'm not going to spend a half a day listening to your recording.

RUSSELL DUNN: The call-in system is not actually in place. We have the text to amend it has been finalized, but it has not actually been incorporated, and it will be --

MAUMUS CLAVERIE: Well, this is a billfish information program that I called and if you have to go through a big menu, that's time consuming. If it's -- the only thing it says oh, if you've got a billfish to report, you've called the right number, do it. Here's how you do it right now. Bingo. That's fine. But to go through a bunch of menus --

RUSSELL DUNN: Well, --

MAUMUS CLAVERIE: Anyhow, that's a problem you all are going to have to solve. You all are advertising -- let's see. What was the point? The tournament directors think only selected tournaments get selected, but actually all tournaments are being selected, aren't they?

RUSSELL DUNN: For the billfish.

MAUMUS CLAVERIE: Right. So, there's a problem there. If you're saying it's up to the angler to determine if that tournament is reporting, that would mean to find out whether or not that tournament is one of the tournaments that was selected to report, because most people don't -- you all snuck that in, do you see? We're only going to select a few is what it intimated, so everybody said well, maybe I'm not going to be the one selected, I don't have to worry about it. But you're actually selecting all of them. You might as well admit to it and make that clear, that all tournaments are selected, so that people know that they should have tournament directors that are reporting. That's a difference you're

going to have to straighten out.

I notice on your reporting form that you want the time the trip started, the time the trip ended. I assume that that has nothing to do with effort. I hope that that's nothing to do with effort. Is that just so you can identify --

RUSSELL DUNN: Yes.

MAUMUS CLAVERIE: Okay. And there's a big problem with explaining to people, making it clear to people that it's only non-tournament landings that are required to be phoned in. One of your first slides didn't make that distinction, that we just looked at. I don't remember which one it was. But that -- yeah, the first one, new final rules. January 7, 68FR7-11 final rule implementing a mandatory recreational landing self-reporting system. Technically, that's correct, but it's misleading in that it's a recreational non-tournaments landing self-reporting system. You see, it was left out there, so that's misleading right from your very first slide, and that's -- I don't know if you're hitting the road with this slide show, but you've got to be sure that that's understood, or else you're going to have a real problem with double-reporting.

RUSSELL DUNN: Yeah, that slide was just sort of intended to show what we're going to be discussing. When we'll actually get into the reporting requirements under who must report, which is towards the back, I have a bullet which says -- it specifies all non-tournament landings. But your point's well-taken.

MAUMUS CLAVERIE: Now, it's been slightly corrected here, but when I was looking on your Web site, you all are incrementing ahead in your explanation of what's going on, and I know you all know -- you probably dream about it, what's now required and what has been required in the past and what changes have been made. But if you were going to buy a boat today and wanted the first -- you're just getting into the offshore fishing system, you would be hard-pressed to understand whether or not you still need a tuna permit when you get this HMS permit. And that's because -- and even in what you -- the way you have it set up, that if you have a tuna permit, you can't have an HMS permit. Well, but yet the tuna permit that you have is okay instead of an HMS permit. So, that's all so confusing, I'm afraid it's going to be an overwhelming confusion for the participants, and I don't know how you correct that, but you'll probably get a lot of phone calls about it, but it would be good to address how you're going to explain that in a fashion where somebody who knows nothing can start from scratch, and somebody who knows what he's got know where he is without having to read the fourth bullet down to understand oh, I can still use my tuna permit.

RUSSELL DUNN: We are producing right now some user-friendly materials, both sort of individual pamphlets, brochures, that we will be distributing to the public as well as revising the current compliance guide, which is pretty user-friendly language, which will clarify all that.

MAUMUS CLAVERIE: Sea Grant has a criteria for user-friendly language, and you know Sea Grant is a premier NOAA public relations situation, and their criteria is if it's clearly understandable to fifth grade, that's what you're after.

RUSSELL DUNN: That's a sad statement about our society.

MAUMUS CLAVERIE: Well, it's accurate, though. So, you've got to put fifth grade in your word processing correction thing and get that. Okay, I'm done.

MODERATOR CHRISTOPHER ROGERS: Okay. Rom Whitaker, Rick Weber.

ROM WHITAKER: Yeah, I agree with Mau on some points, some I don't, but just -- back to the effort, I think without spending megabucks, the tournaments are an excellent way to obtain catch per effort because most of them in our area on the east coast, the people have got -- well, the participants have invested two to ten thousand dollars on entry fees, and the tournament themselves have got major investments.

So, I feel like there's two things here. Number one, I feel like this is an excellent way -- if these participants have invested this type of money, then they're going to make every effort to fish every day that they can. And I think we've got -- this is really getting into spending a lot of money -- this is an excellent way to keep a gauge on kind of what is

happening with catch per effort.

The second thing, as far as the tournament is concerned, I think with the money they've got invested in advertising and getting people there and special events, that they want to maintain their tournament and I was under the impression that all the tournaments had to report. I guess it's only a select few; is that right?

MODERATOR CHRISTOPHER ROGERS: It's a two-phased process. One of the problems we had in the past was that tournaments that were known to the agency were selected for reporting, but not all tournaments were known to the agency, so we set it up with a first requirement of registration and then upon registration a selection will be made.

Currently, any tournament in that registration process that indicates billfish are scored in the tournament, the points or awards for billfish, is an automatic selection for reporting. But if it's a shark tournament or a bluefin tuna tournament, it would be a subset.

ROM WHITAKER: Okay. Well, I would agree with that, any billfish tournament I think should be mandatory reporting, and that would take care of the problem that was brought up about the active participants not knowing whether their tournament reported or not. I think that should be required.

The permitting system, I'm -- it seems like every year -- in fact, I come here today and I look and I see this new permit that you have to have and I'm going through my mind, man, have I got my permit, am I going to be legal to fish March 1st? And it has been a little bit confusing.

I assume -- I've got a charter/head boat and I'm assuming that that's good right on through, but --

RUSSELL DUNN: Yes, it is.

ROM WHITAKER: -- it's confusing to me, so I know to the general public or whoever, it's got to be a little bit confusing, so every effort to clear that up would probably be appreciated. And as far as I think I heard that North Carolina and Maryland will be participating in a tagging program which is going to develop from our bluefin tagging program.

Perhaps -- but anyway, I think that's how it's going to develop, but just be sure -- I know in our state traditionally there's only been mostly Hatteras and Morehead City to be sure that that's expanded to other ports, such as Oregon Inlet and Wilmington, so that that -- that whole -- the fish are caught and they're reported in North Carolina, so I hope that's covered. Thank you.

MODERATOR CHRISTOPHER ROGERS: Okay. Rick Weber.

RUSSELL DUNN: If I can interject just one thing. One of the problems that we're having, it's less with reporting of tournaments and more with registration. We've seen a real decline in the past three years in the number of tournaments registered, where we don't believe that the tournaments are drying up and disappearing, but we are having a problem with the number of tournaments reported.

Yeah, we went from -- in 2000 we had 168 registered tournaments, in 2001 we had 186 registered tournaments, and last year we had 83 registered tournaments, and this year I think we have eight registered so far. So, that's -- at this point the problem -- the concern is more with registration over reporting.

UNIDENTIFIED: I'm assuming we're about half of the eight.

RUSSELL DUNN: Atlantic tunas permits may not hold an HMS angling permit. Does the Atlantic tunas permit allow the catch of billfish?

MODERATOR CHRISTOPHER ROGERS: No, the Atlantic tunas permits would all be in commercial categories at this point. What we're doing -- we have migrated the charter/head boat and the angling category to be an all-encompassing HMS permit that would cover the recreational fishing community, either on the charter/head boat, as

Rom indicated he has, or the HMS angling permit. So, the remaining tuna permits would be in the various commercial gear categories.

MAUMUS CLAVERIE: Including the recreational trophy permits that we use in the Gulf, is that --

MODERATOR CHRISTOPHER ROGERS: The recreational trophy would be authorized under the HMS angling permit.

RICK WEBER: All right. And the additional data -- the goal of this is to make sure we don't go over the 250, as the stated goal. Yet there's a lot of data here that has nothing to do with going over 250. Both in the name of not liking to give partial data without knowing what it's being used for, because you don't know how it's going to be extrapolated, and in the name of streamlining and making things doable for the recreational angler, why is the entire lower half of this grid there?

RUSSELL DUNN: It's information in conversation with the Southeast Fisheries Science Center that they felt would be valuable in terms of collecting for examining the impact on the marlin fisheries from the recreational community. It's not anywhere near as complete as they would like, but it provides some initial data to examine the impact of the fishery.

RICK WEBER: And that's exactly what I'm afraid of, Russ, is you're going to take -- I mean, the only people who are due to report are those people who have landed a billfish. So, the only profile you will know is the profile of a landed billfish. You can't extrapolate that to released billfish. You can't extrapolate that to anything. And I don't understand its value unless someone's about to reach out and extrapolate, and that's what has me a little nervous.

RUSSELL DUNN: Eric has a response, I believe.

ERIC PRINCE: Yes, Rick, I can understand the concern. So, let me tell you what this information is being used for. We're trying to categorize the various techniques used to catch both non-tournament and tournament billfish. That sounds like a pretty specific question, doesn't it? But the fact is that the release mortality can be drastically different based on the technique employed, and nobody really knows at this point to quantify what portion of the entire recreational fleet uses J hooks and dead bait or to target particular billfish, whether they drop back or they don't, and if they do drop back for how long. So, we've initiated surveys, not just from the non-tournament, but also from the tournament circuit, to answer that question. Very straightforward. It's not going to be to slam anybody. All we want to do is to quantify what proportion of the fleet is using particular fishing techniques. That's the beginning and the end of it.

RICK WEBER: One thing those of you in the research circle have always asked for is a population. With an HMS permit, you're about to get a surveyable population, rather than a censusable -- see, this -- I just -- I don't like this census. I'd rather have you do an end of the year survey of all the HMS population and really learn what they're doing out there than taking this information, which is about dead billfish, and putting that profile onto all of the population.

ERIC PRINCE: What we intend to do is there's a name and there's a phone number here. Now, there's only so much time we could spend on these questionnaires that the federal government will allowed to take up the public's time. We're going to be calling these people and we're going to be asking exactly those questions, not just about what technique you used to kill this particular billfish, but what techniques do you usually use to target certain billfish species.

RICK WEBER: But will you only be calling these people or will you be calling the entire population?

ERIC PRINCE: We're going to be attempting to call the entire population. This is a big job. And then also --

RICK WEBER: Then I just don't understand the reason for taking up someone's time when all we're trying to do is meet ICCAT. It would seem to me there is alternate and more valid statistically methods of getting that information.

MODERATOR CHRISTOPHER ROGERS: Well, there certainly are, and we do the Marine Recreational Fishing

Statistics Survey as well as the large pelagic survey. We are working on improving both of those avenues of information collection, and even though this is a somewhat rudimentary entry into the area of who fishes billfish and how they fish them and where and when, that will provide valuable information in designing a survey of targeting ports, for instance, for a dockside effort. The last thing you want is to send people to ports that -- with the intent of capturing billfish landings or interviewing people who may be involved in catch and release fishing for billfish and finding that you're at the wrong spot.

So, it's preliminary information that can be used to improve the ability to survey the general population. So, what you had said about a surveyable population is certainly the intent of the permit system. We're trying to monitor the billfish landings to meet the ICCAT recommendations certainly, but as an ancillary exercise is to get a little bit more information to help us design the surveys that will be expanded to the larger population.

RICK WEBER: And then I'll finish and yield. But what you just said is you're going to use this to start forming the other survey of learning where you should be focusing your effort, when this is still only telling you about dead non-tournament caught fish, of which I can tell you at my marina there were zero last year. Therefore, I'm going to appear unimportant if you're going to build a profile based on this information of where fish are being caught, you are going to ignore catch and release --

MODERATOR CHRISTOPHER ROGERS: It's one piece of the profile.

RICK WEBER: Okay.

MODERATOR CHRISTOPHER ROGERS: Okay. Frank. Oh --

UNIDENTIFIED: I had my question answered.

FRANCIS BLOUNT: Thank you. First question I have is when you gave the presentation -- and also in the words it says the owner of each vessel used to fish recreationally. And then you inserted the words on your own that said intentionally interact with. Well, every white marlin I've ever caught, I've never fished for one. They've all been unintentional. So, I don't know is this every vessel that's going to need a permit?

RUSSELL DUNN: That is the way -- if you read this code of federal regulations, if you interact with those species, you need the permit.

FRANCIS BLOUNT: So, if a vessel unintentionally hooks a white marlin, he doesn't have a permit, he's in violation of the regulation?

RUSSELL DUNN: Technical sense.

FRANCIS BLOUNT: Well, it says two fish. This says two fish or interact with. When you said interact. So, if a vessel accidentally hooks a white marlin, he's in violation of the regulations.

RUSSELL DUNN: In a technical sense, that is correct.

FRANCIS BLOUNT: Well, that's something I think that needs to --

MODERATOR CHRISTOPHER ROGERS: The intent is to capture the catch and release fishery, as well. In other words, as Rick has just pointed out, there's a significant component of the fishery that is catch and release. So, that's where we use the term permit is required to fish for. The other issue is that under Magnuson there's a definition of bycatch, which excludes recreational fish in a catch and release program.

So, again the requirement for a permit in a catch and release situation is intended to substantiate that a program is in place, recognizing catch and release activity as something other than bycatch.

The unintended interaction, if somebody is out there fishing for cod and happens to catch a marlin -- I don't know how

that would happen, but something totally out of the blue, unanticipated, it's not a technical violation. Obviously the person couldn't retain the fish they were not fishing for. The fishing for language, as any enforcement agent can tell you, is a very difficult test in terms of enforcing. But obviously it is written into the regulation to capture that element of -- a very significant element of catch and release fishing that occurs for marlins, as well as tunas. And that's why the permit is required to fish for.

FRANCIS BLOUNT: The largest marlin I ever caught was on a codfish rig with a clam, a sinker.

MODERATOR CHRISTOPHER ROGERS: Okay.

FRANCIS BLOUNT: My other question is it says HMS angling permit holders cannot possess. Now, I'm assuming the permit holder in this case would be the boat and not the person.

RUSSELL DUNN: That's correct.

FRANCIS BLOUNT: Thank you.

MODERATOR CHRISTOPHER ROGERS: Let me finish going around the table. We'll come back to you. Sonja, you had a question at this point?

SONJA FORDHAM: No.

MODERATOR CHRISTOPHER ROGERS: Irby Basco.

IRBY BASCO: Thank you, Chris. Irby Basco from Texas. Just clarification of one thing. The permit will be tied to the vessel, not to the --

MODERATOR CHRISTOPHER ROGERS: Exactly.

IRBY BASCO: -- exact person. All right. Well then if you have -- let's see. I think we went over the thing about you do need a permit if you're going to be in waters -- like in Texas we prosecute a wahoo fishery that there's billfish there and so I should have a permit if I'm going to fish for wahoo, just in case I happen to encounter, right? Is that what was said?

MODERATOR CHRISTOPHER ROGERS: Well, that would certainly be the preference. If you have a reasonable chance of encountering a marlin in your fishing activity, we want to be able to include you in that population that Rick was referring to, of somebody who could be surveyable as to their activities -- level of activities.

IRBY BASCO: Okay. Thank you. Then the other thing is I know this complicates it a little bit, but why wouldn't NMFS want the information on the encounter with a billfish if you tag and release it. Wouldn't that be useful?

MODERATOR CHRISTOPHER ROGERS: Well, again, it comes down to all the various programs we have in place. We have a separate cooperative tagging program in effect, with its separate clearance, as they call it, under the Paperwork Reduction Act. We're trying to get some more information piecemeal and then figure out a more comprehensive program.

But ostensibly, if somebody who is involved in the cooperative tagging program, we would get a card on that release and capture that information through that program. We recognize that is it not a complete program at this point, and we're working towards getting the pieces together of the puzzle in a step-wise fashion.

It's going to take some growing pains, so to speak, in the next several years to improve the situation and get a complete picture. But there are various reporting mechanisms and we're certainly interested in cooperating with any state programs that currently exist or might come into existence to improve the situation.

IRBY BASCO: Okay. A final question on the new permit requirements. You have -- at the Atlantic HMS in which Atlantic HMS are retained or possessed. Tell me the difference. What is that? How are you using that, retained or

possessed?

MODERATOR CHRISTOPHER ROGERS: Well, that's a term of art in enforcement, or I guess you could say two terms of art. Sometimes there's situations where a fish is retained, but arguably not possessed. There are situations where large fish cannot be brought aboard the vessel and are towed into port. So, it's just a matter of capturing all contingencies where possession may be contested, but the fish is obviously being retained. Mike Leech.

MICHAEL LEECH: Yeah, if I understand it, in Dade, Broward and Palm Beach Counties, who've got 100,000 registered boats -- actually a few more than that, 70 percent of them fish at least part of the time. So, you're expecting 70,000 boats in the south Florida area to call in and get licenses?

RUSSELL DUNN: I think the actual number is going to be a lot higher than that when al is said and done. We know that we have 25,000 tuna angling permits out there, and we would expect that the vast majority of those are going to turn around and get the HMS angling permit in addition to south Florida and everywhere else up and down the coast.

Part of this exercise is to ensure that we more fully understand the complete universe of recreational anglers out there. Because without being able to quantify that to an extent, it's very difficult for us to assess the impact.

MICHAEL LEECH: Okay. So, now we've got a sneaky way to get a federal fishing license, and we have to get a state fishing license, so now we're going to have two licenses. I can say brace yourself for a lot of very bad publicity when this gets out.

RUSSELL DUNN: I guess if you live in Florida, you need two licenses. Obviously not every state requires that. But I don't understand the sneaky connotation. It's out in the public. It was -- there's been a lot of debate about this in this forum and others, and there's been a fair amount of support for it.

MICHAEL LEECH: Well, it seems to me disguised as an HMS permit, but it's going to apply to every little 18-footer that goes out after dolphin on Sunday afternoon.

MODERATOR CHRISTOPHER ROGERS: Bob Zales.

ROBERT ZALES, II: I've got several questions and then a little bit of constructive criticism that I hope is taken in that light. First off, when you talk about in this final rule where it's done -- and I would disagree with the statement that was just made. I mean, I haven't been on this panel for two years, so I don't know what discussion has taken place on this, but it appears from what I've heard so far not very much. And I know that when I was on this panel before, we never discussed any of the stuff I'm hearing right now. So, I don't know where that discussion and debate took place.

But when this came out in the Federal Register, I caught it, but I tend to look at the Federal Register more than most people do, for various reasons today, and I can tell you that in our area nobody but me knows about this, and just a handful of people that I've told, and they really haven't listened to it.

But number one, when you talk about possessed -- the question was just asked about possession. In the southeast region, Dick Livingston has made it perfectly clear in enforcement, possession is on that hook. If you intend to let it go, if you have a fish on the hook, he is in your possession, so that would apply here. Is that your intention with this permit, too?

MODERATOR CHRISTOPHER ROGERS: Well, again, we're not trying to say that everyone that goes out in the water and puts a hook in the water or a baited hook -- or an unbaited hook for that matter, is trying to be captured in this program. Anybody whose activity has at least a reasonable chance of encountering one of the regulated highly migratory species, we want to include in the program. And again, the idea is to capture not only those who are retaining, possessing, landing these fish, but also those who are practicing in the catch and release manner, so that we can correctly characterize that program, as well -- or that activity.

ROBERT ZALES, II: Okay. Then I would argue that in the southeast, at least from what the chief enforcement officer has told us, that anybody fishing is going to need an HMS permit.

Number two would be where you've got in here that the owner -- which has been classified as the vessel -- and in my particular situation I've got five charter boats. Currently I have dual permits on several of those boats to commercial fish and also to charter fish. I have state saltwater fishing licenses on them.

According to the way that I read this, due to the fact that I have an HMS charter permit currently on my vessel, I cannot have the angling permit on that vessel. Now, if I choose --

MODERATOR CHRISTOPHER ROGERS: You don't need that.

ROBERT ZALES, II: Well, what happens if I take my little girl fishing? She hasn't paid me to go fishing. I'm now a recreational angler on my charter boat. What happens with that?

MODERATOR CHRISTOPHER ROGERS: The HMS charter/head boat permit would cover that situation, whether it's strictly a for-hire fish or not -- a for-hire trip or not. You're permitted.

ROBERT ZALES, II: Okay. What happens in a situation where there's a commercial vessel that has the commercial tuna permit on there that he obviously can't have this on there. What happens if he wants to take his child fishing recreationally and he's not on a commercial trip with that? Where does that fit?

MODERATOR CHRISTOPHER ROGERS: It depends on what activity they wanted to engage in recreationally. To have a commercial longline permit, they would be precluded from fishing recreationally from that vessel for marlin, billfish, tunas.

ROBERT ZALES, II: Okay. And that's a good question. In the NEPA analysis for this, it included all those scenarios to the impacts of people, because in the Gulf of Mexico where we are, we do a lot of things -- various things on the same boat. I mean, I use my boat for -- you know, I'll pick a cocktail party, I'll go billfishing for fun, I'll go take my little girl fishing, I take people fishing that pay me to go fishing, I go commercial fishing on it. And all of my permits that I currently have, I have to have a permit for each function, but my permit is only active when I'm doing that particular function.

So, this is telling me that you're telling me it's okay for me to recreational fish with my charter permit, even though I'm not under a charter, but if I'm a commercial -- I'm a commercial boat and I have a commercial permit, then I'm going to be precluded from using that boat for my own personal family enjoyment.

MODERATOR CHRISTOPHER ROGERS: That's correct. The intent was that the HMS charter/head boat category would cover that dual use. The recreational and commercial nature is embodied in that permit, where we have stipulated that if the fish are eligible for sale -- they're not required to be sold, that the vessel is authorized to do for-hire fishing, the vessel is authorized to do recreational fishing, as part of the rulemaking with the permit we clarified the conditions under which the vessel will be presumed to be recreational versus commercial fishing, and which landings limits would apply, possession limits or size limits as the case may be. But again, the idea was the dual use category would be captured with the HMS charter/head boat permit.

ROBERT ZALES, II: Okay. The next one is due to the fact that this is an HMS permit, which is going to cover billfish, sharks and tunas, all of them that are in the HMS plan, for billfish it's my understanding that for billfish the plan essentially is in effect from the beach offshore. Are the HMS species going to be considered for this permit purpose, is this going to be from the beach offshore, or is it only going to be in federal waters?

MODERATOR CHRISTOPHER ROGERS: That's a complicated question. We had discussed that at the panel before. What we're trying to do, as I referred to yesterday, is undertake the continuing review, as required under the Atlantic Tunas Convention Act, and make determinations as to what states have regulations that are -- again to quote the act, or at least paraphrase it, if I'm not exactly correct -- which states have regulations that are at least as restrictive and effectively enforced, and make that determination as to whether state regulations apply or that the federal regulations need to apply to the beach, per se.

That review and determination process had been undertaken with respect to Atlantic tunas. It has not been undertaken

with respect to billfish and swordfish. We will undertake that continuing review. The first phase was getting that summary sheet distributed. Hopefully most of the representatives of the respective states are here at this meeting. If not, we'll make sure we get a copy of it to the state reps, and we'll make some determinations.

Right now, having -- not having formally done the process of issuing a formal determination to the state, and afforded the state an opportunity for a hearing, it's clearly not consistent with what was envisioned by Congress when they passed the Atlantic Tunas Convention Act. So, we can't categorically state at this point that the federal regulations with respect to billfish and swordfish apply within areas of state jurisdiction.

Certainly as is the case with sharks, we would encourage states within their own respective systems to adopt consistent, more restrictive if they desire, regulations to backstop the federal plan.

ROBERT ZALES, II: Well, I mean -- and I guess it answered part of my question, but it really didn't answer the whole thing. But from what you described to me, then in effect you have a useless regulation, because in the state of Florida where we have nine miles of state waters on the Gulf coast, and you have three on the east coast, what you just told me is that anybody that doesn't exceed those limits, that stays on the beach inside nine and inside three, except for billfish, they don't have to have this permit. So that when you get out there and publicize this thing, right away -- besides all of the other confusion that you've got out there, you just confused the universe as to why do I need this. If I'm not going outside three miles, I'm not going to pay it. So then you've lost the database that you're attempting to get.

So, before this thing goes into play, one suggestion that I would make is that you get that worked out to where this permit's going to be needed. Because in one sense you're telling people if it's an HMS species you've got to have a permit for it, but now you're just telling me because of Atlantic Tunas and intents and all this other kind of stuff, state regulations and the whole bit, you may not need this permit there.

So, when it comes down to having the permit or not, when it comes to enforcement, I'm certain that if Dick Livingston's seen this, he probably just threw his hands up in the air and said there's no reason to have this, because I can't do anything with it. He's going to be wasting his valuable time on something that he can't make a case with.

Going into a little bit further, I guess, is when you get into -- and this is where I'm going to try to give you some constructive criticism. I hope it's taken in that light. You've got a fellow sitting next to you up there, Bill Price, that understands this I think relatively well. I think Jack understands it relatively well. But it appears to me that within the Fisheries Service you all don't have people that fish, or that understand what goes on on the water, because with this whole system what you developed, you developed a call-in system that you're wanting somebody to give you information that they -- on the fish that they landed, what species, how big, and the day.

And then all of a sudden now because -- with all respect to Eric Prince and his people -- you've added some other questions that have to do with data. In dealing with people and fishermen on the water, it's been our experience -- and especially mine since about 1986, that when the government starts telling people we want this information, but they slide in a few more questions that really aren't relative to what they want the people to answer, the people tend to not want to cooperate. And by -- someone else stated earlier, once you get this HMS permit established and on-line, you should have a pretty solid database of the number of people that are at least wanting to fish, otherwise they wouldn't pay for the permit.

So, by that -- then you can very simply design a survey as to what you need, and much like the data survey we have now for charter boats in the Gulf of Mexico, you reduce your universe. You then get much better information than what you had before, and you don't have to do it in what someone called a sneaky way -- I would agree with that sneaky way. It's probably not a nice thing to say to you, but that's the way that it appears to the public. And perception is key in anything that you do. And the more you do to antagonize the fishermen, the more you're going to do to drive them away from complying with what you're trying to do. And that's it.

MODERATOR CHRISTOPHER ROGERS: Okay. Thanks. We do consider that constructive. Mark Farber. Russ Nelson.

RUSSELL NELSON: I always like high-hanging curve balls. But there exists in the fisheries literature a great body of

information, studies that have been done on how to conduct surveys, where -- you know, how to do with them with -- you know, where you're going to likely find biases and errors. This doesn't appear to me that this system -- that anybody who created this system spent any time or energy trying to look at work that's been done before to try to come up with something that -- you know, that might get you the reporting.

My greatest fear -- I agree with most of the criticisms here. I don't think you're going to get -- this isn't going to work to count all the fish. And it's guaranteed to underestimate the number of fish that are taken, which undermines our ability to deal with it at ICCAT, because that's always been the objections to our estimates, * minimum objections or whatever.

I'm to understand that if I'm fishing in Venezuela and catch a white marlin, within 24 hours I have to call you guys up and tell you that I've caught the fish, even if I'm not coming back to the states for say two weeks; is that right?

MODERATOR CHRISTOPHER ROGERS: That's correct. If it was a U.S. vessel.

RUSSELL NELSON: From a U.S. vessel. So, if I'm fishing from -- so, we've asked this question before here. So now it's if I'm a U.S. citizen fishing on a vessel that's not a U.S. vessel, my catch doesn't count towards our 250-fish cap?

MODERATOR CHRISTOPHER ROGERS: Well, normally it would be correct, but there are some conditions. Everything is complicated. If that -- let's just say it was in Venezuela. Venezuela is a contracting party to ICCAT. Presumably they license their vessels. Presumably they report on landings to ICCAT. If all that is true, then fine, you're okay.

If in fact it is a non-contracting party and those landings are not being reported to ICCAT, then by definition that is an I/U/U fish, unreported -- illegal/unregulated/unreported. And as a U.S. citizen, you are participating in an activity that would be not be sanctioned or authorized under U.S. regulations.

So, we'd like to hear about that fish, unless you are certain that it is not an I/U/U fish and is being properly reported to the Commission.

RUSSELL NELSON: And I suppose, as in Bob's question, those sort of contingencies were -- in the EIS/REIS were analyzed and you looked at the impacts. So now you're telling every U.S. citizen -- let's assume they're fishing on U.S. vessels. They're going to have to -- they don't have a toll-free number.

MODERATOR CHRISTOPHER ROGERS: It's toll-free.

RUSSELL NELSON: It's not toll-free from Venezuela or Costa Rica or -- well, it wouldn't be Costa Rica, but -- or Brazil or most of the islands it's not toll-free. So, they're within 24 hours going to have to contact you, even if they're in a foreign country. I mean --

MODERATOR CHRISTOPHER ROGERS: We tested it from several sites overseas by calling people and asking them to call into it and seeing if they had no problem. If in fact it's encountered as -- other than a toll-free number, people can let us know and we'll get that fixed with AT&T to just make sure it's --

RUSSELL NELSON: It is toll-free, okay, thank you. It's toll-free from anywhere in the world, or ostensibly should be.

MODERATOR CHRISTOPHER ROGERS: It should be and can be if there's a problem from any particular site.

RUSSELL NELSON: Okay. Do you -- Chris, were you around when the Coast Guard Department of Transportation required a permit on every vessel -- commercial, recreational, private, a number of years ago? So that every vessel has to have a permit, a sticker, a Coast Guard sticker? It was a blue sticker.

MODERATOR CHRISTOPHER ROGERS: This is -- not a permit, but an inspection -- safety inspection?

RUSSELL NELSON: No, no, no. This was just if you had a vessel -- if you had a vessel, you had to have a sticker.

Everybody.

UNIDENTIFIED: Over a certain size --

RUSSELL NELSON: It was over like 12 feet or 13 feet, but everybody had to have a sticker. You don't -- it would have been helpful before proceeding with this idea if you'd taken a look at that, because I can tell you that in the marina where I had my 22-foot boat, I had the damn sticker, I'd say probably out of the 80 or 90 boats in that marina, maybe 15 of them had the sticker. I just think you're going to run into the same sort of thing.

Is there an enforcement plan? Did you deal with the enforcement branch of your agency and come up with the plan for how you're going to enforce this 24-hour reporting? I mean, at least we had -- when we first put the minimum size limits, a lot of cases early on of people coming in wi fish that were under the minimum size, some because they wanted to and mostly because they were stupid or they didn't understand it. And that -- mostly they got turned in because there was somebody on the dock that saw them and it created a trail of suspicion or whatever, and some attention would be directed.

Nobody's going to know if I call. I mean, that's why I say this will -- it has to underestimate the number of fish that are brought in, and you're not going to be able to know how many it's underestimating.

MODERATOR CHRISTOPHER ROGERS: Well, we certainly don't know exactly how many are being landed heretofore and want to improve that, and this was one approach that we elected to take as an attempt to get where we need to be. We have had some experience with bluefin tuna, similar reporting requirements through the toll-free number, over the Web, and cases have been made of observed landings that were not called into the system.

I'm not saying that you have an enforcement agent at every dock and every fish that's not called in will result in a violation, but --

RUSSELL NELSON: I just -- I fear that this isn't going to be very successful, for many, many reasons. I know that over the years -- I can't recall any recommendation coming out of the Billfish Advisory Panel saying this would be a way to track the fish. There were a lot of other things discussed, but nobody ever recommended this system.

And finally, the question of how sharks are going to be handled in this I think is going to be very important, because if you determine that anyone who is going to catch a shark has to have an HMS permit, whether they're fishing in federal or state waters again, if they don't have to in state waters, then you've -- you know, you've lessened your universe and the efficiency of this is a sampling tool, but if they do have to have the federal permit, every single boat of every size that fishes anywhere from the Texas/Mexican border to the Maine/Canadian border, in salt water, will have to have this permit, because I don't know of any form of fishing with a hook that is not possible -- in fact, fairly probable at one time or another -- catch a shark. Good luck.

MODERATOR CHRISTOPHER ROGERS: Okay. Mark Farber.

MARK FARBER: I don't really want to sidetrack this HMS discussion here. Are we going to get back to fish tournament registration? Because I have some comments about what was made earlier when I raised my hand, but that was sometime ago. Are we going to do that sometime soon?

MODERATOR CHRISTOPHER ROGERS: We'll get back to fish tournament registration in a minute.

MARK FARBER: Okay. I'll deal with it then.

MODERATOR CHRISTOPHER ROGERS: Okay. Shana Beemer, Tim Hobbs and then Jim Donofrio.

SHANA BEEMER: I just have a few questions. First of all, you said that you were producing the user-friendly materials for distributing to the public. Is that the -- and I assume there'll be notices up on your Web site, but is that the only kind of outreach? Because one of your -- I think it's a NMFS report says that the compliance with the bluefin angling permit system is only about 40 percent, and I assume it will be -- you know, just as bad for the HMS permit,

as well as the call-in reporting.

RUSSELL DUNN: There are a number of other strategies planned. I mean, to be up-front, NMFS has not done as good a job as it should have in publicizing these new requirements. There are a number of reasons for that, but there are -- there is the fish news, there's the HMS fax hotline, the public outreach department here within NMFS is working on materials to distribute to the press, both the mainstream press, as well as the sort of outdoor magazine writers and editors, the sport fishing magazines, things like that.

Then the materials that we are -- and it will also be on the Web. Then the materials that we're developing for outreach, which should be done any day, we are going to undertake an effort to distribute those at various boat shows, tournaments, all the places where we're likely to encounter large numbers of recreational fishermen.

SHANA BEEMER: Another question for the call-in system. What is the motivation for people to call-in and report their fish? I mean, you know, none of us are stupid. If they call in the fish and then the 250 are fished, that's not the best thing for that angler. And so, you know, without rewarding people for calling in, you know -- I know the tagging -- cooperative tagging center sends a hat sometimes, like are you're doing anything like that?

RUSSELL DUNN: We're hoping that their moral conscience will be their guide in complying with the law. No, we have no sort of reward system designed, and as we said, this is one of the mechanisms to try and account for -- or this is going to be the primary mechanism to try and account for the 250 or comply with the 250-fish cap.

In the next presentation, we will talk about additional strategies to comply with the ICCAT limit. But you're right, there's an inherent weakness in the process, but to this point, this is the best that we have been able to come up with within NMFS and within public input. So, we are hoping that the panel will provide us additional ideas and mechanisms to ensure that we have an accurate accounting of marlin landings.

SHANA BEEMER: Well, along those lines then I'd just like to really urge the leaders in the recreational groups to -- no, not give hats -- you can do that, but -- to just let their members know that they should really call in and report. Thank you.

MODERATOR CHRISTOPHER ROGERS: Tim.

TIM HOBBS: Yeah, thanks. I don't know about the hats. Some of the ones I've seen are a disincentive to report. I've got a question, though. As far as the tuna permits go in the past, I mean, there's two ways to get the permits. You can either call in or go to the Web site; is that right?

MODERATOR CHRISTOPHER ROGERS: Well, you can use the old-fashioned way, as well, with the written application submitted by postal means.

TIM HOBBS: Okay. Do you guys have any idea what percentage of permits are being sold over the Web site, phone and write-in?

MODERATOR CHRISTOPHER ROGERS: Actually, when it comes to renewals of permits, I think we're well over 50 percent over the Web site, which is fantastic, compared to what I've seen in other -- you know, state vehicle registration Web sites and stuff like that. I think some of the reports -- at least I've seen -- they consider 20 percent usage of electronic means to be good in terms of reducing the burden on the state, and things like that. So, we're obviously connected with a computer literate audience with the tuna permits.

TIM HOBBS: Yeah, that's encouraging. I just would suggest that -- you know, whether it's on the Web site or the call-in system that -- you know, you guys make it very clear that there's a new call-in requirement for billfish landings and that should be printed and placed -- you know, quite frequently in these systems so people know that they have to do that.

Got a minor issue with the cost, too. 27 bucks. I mean, as far as hunting and fishing licenses go, and permits, you know, that's more than some and none of that cost goes to any conservation efforts or whatever else. And whether the

recreational community wants to -- you know, think about devoting some of this cost to some of the research needs that we've heard about today or whatever, is an argument for a different time. But having a permit that starts at $27 just for administrative costs seems to me like a lot of money, especially for just going to the Web site and printing out a piece of paper. So, if there's a way to get down that cost, I really would encourage you to look into other means.

And finally, as far as data collection goes, I mean here we have a situation where, you know, every angler that fishes for these species is either -- you know, one time a year is going to have to either call up NMFS or go to the Web site. And I think that that interaction -- there's a way to capture that, you know, one visit per year. You know? Maybe make a list of questions that we want answered, you know, with the data needs that are outstanding for the recreational sector, and have a few questions that can be answered before the permit is allowed to be printed out or given or whatever else.

But I think there's an interaction there once per year that NMFS really should try to capture that might be useful as far as data collection. That's all I've got. Thanks.

RUSSELL DUNN: Let me ask one question pertaining to that. Did you mean something like for a permit renewal maybe you have to fill out a survey in order to get your permit renewed, that sort of concept?

TIM HOBBS: Yeah, I mean. I'm not sure exactly what it would entail, but yes, something along those lines. You know, there's a lot of outstanding data questions that I think a lot of people in the recreational community want answered. And if there's, yeah, just a list of questions, before you get your permit, would you mind answering these handful of questions. It might help fill in a lot of gaps instead of just trying to estimate based on -- you know, MRFSS interaction or LPS or whatever. It would seem to me that you'd be a lot better able to tap into the whole universe of permit holders.

MODERATOR CHRISTOPHER ROGERS: Let's take Ellen and Jim Donofrio. Then we're going to have to break for lunch. We're already 15 minutes over, and we'll take it up after lunch again.

ELLEN PEEL: Despite all the questions we've raised and the frustrations we're feeling in trying to help make this a successful system for you, I think -- you know, we want to remind you we are trying to help and we're on the docks, we understand and guys here and ladies are on the boats, you know, and run tournaments, what it is that's going to work and what is not.

To that point, I've got three questions about reporting and then one I'll save later for tournament registration. Two, the reporting card on those other pieces of information that have been listed, it might be valid to consider listing that as optional. A lot of anglers have participated in giving information in the Gulf of Mexico, other areas. If -- you know, and put optional for science purposes. Certainly there are plenty who want to help research and want to help the scientists. Those who don't want to report that other information, fine. But I think maybe having it optional, you know, and let's see where this grows or doesn't grow and how beneficial it proves to be. But I think optional for research. We have optional things we took off on our taxes, you know, add this one to it.

RUSSELL DUNN: Yeah, just to that point, on the form that you saw, that's something which follows essentially a phone script that when a NMFS employee calls back to give the confirmation number, they'll run through, and that could be something we could do to say at this point, you know, the mandatory portion of this is done. Would you mind answering a handful of additional questions about your trip?

ELLEN PEEL: In the Gulf of Mexico there has been -- I mean, Mau has told us repeatedly about it, but it is true, the Gulf of Mexico through the system at the Panama City NMFS lab has an incredible rapport with anglers. And they're happy to give information because they know it's going to research. So, not just saying we finished mandatory, we want more information. It is very important to stress this is for the scientists to -- you know, to use. And I bet you'll get eight to nine of each ten you call will give you the additional information and be pleased to do it.

The second question on the reporting -- I mean, on the vessel permits. Essentially what we -- what I hear -- need to be telling our constituency is if you troll and/or if you're in waters 100 feet, maybe even 50 feet, you -- it would be wise to have the permit to resolve uncertainties when it comes to law enforcement.

Last and third on this, there are enforcement folks in the room, I understand. My fear is that the phone-in system is going to be a nightmare. There is no -- I think Russ was saying there is no peer pressure as maybe with tarp and tags. I'm interested in hearing how the system in North Carolina and Maryland works. Body tags we discussed in the AP meeting when we were amending the billfish plan.

From an enforcement standpoint, would a body tag provide -- you know, is that better? If you show up on your dock and your neighbor next door doesn't see the body tag, again you're going to have some peer pressure to say whoops. Is that an issue we need to revisit? Is that going to be a more useful tool for you? Thank you. And then I have one tournament question -- registration, we'll save for later. Is that when you want to take that -- okay, thank you.

RUSSELL DUNN: To your last point, we'll cover more of that issue, the body tags and other issues, in the next presentation. And mechanisms to help augment compliance with the 250 cap.

MODERATOR CHRISTOPHER ROGERS: Okay. We'll take Jim Donofrio, then we'll break for lunch.

JAMES DONOFRIO: Thanks, Chris. I'm going to go backwards a little bit here regarding Tim's comment about where the money goes. I can tell you from a recent proposal by the State of New Jersey to get a saltwater license. In other states we've been involved with with saltwater licenses, the biggest resistance you're going to get from anglers is that money doesn't -- if it doesn't go into a dedicated fund, they do not want to hear about any license. To them it's just an additional tax on fishing. And they don't mind bellying up to the bar if it's going to go into programs, but most of the time on a general fund type issue, you're going to get the resistance there.

Secondly, this call-in thing is just so arbitrary. I mean, I understand you've got to get data, but like Shana said, you know, people, they may want to call in. But you might have other people that may want to call into get the numbers up high because maybe they're going for a thing where they don't want us to take any marlin anymore, they like catch and release better. So, they're just calling in and giving -- how do you know -- how can we use this as best available data to ICCAT when it's an arbitrary phone call?

I mean, I would have to really look at that serious if I was a federal judge and this came down to a lawsuit and say well, this was based on phone calls, your Honor. I mean, it's crazy.

Back to my -- what I want to talk about here. You know, this new permit where you exclude the general category people from getting involved in tournaments, first of all, you're excluding one of the most historic sectors in the northeast.

These guys in the sportfishing boats, they practically invented that fishery on bluefin tuna. There was a few lobster boats, a few codfish boats, as Ray can tell you, but if you look at the fleet years ago traditionally there was more sportfishing vessels doing it. And then of course now it's more the commercial fishermen doing it, which is great, and they should do it.

The thing is this is a historical fishery where boats deemed to not fish the canyons, not fish inshore in their home states and go up to New England and pursue bluefin, and then decide to go down and fish the Mid-Atlantic when the blue marlin open, and then go further south for the winter and fish sailfish and go to Bahamas and Mexico.

This now takes them right out of the fishery. I don't understand this. And so what is the purpose? What are we achieving by doing this? What are we achieving by doing this? Because I'm getting phone calls in the office already from people that participate in Mr. Weber's tournament. They're members of the RFA and they called me before I left for this meeting and said Jim, we need this question answered by the -- you know, by the HMS division. Thank you.

MODERATOR CHRISTOPHER ROGERS: All right. We have five minutes before 12:30. I'll try to answer that in five minutes. This has been a progression over the years of trying to use the permit scheme to identify the universe, as Rick was talking about -- a surveyable universe, and to determine who's participating in the recreational fisheries and who's participating in the commercial.

In the earlier years, we allowed dual use and it became increasingly complicated. You know how bluefin works with categories and subcategories of quota and gear that is restricted to this category or another category. It became increasingly difficult to segment the fisheries. Coast Guard was frustrated, enforcement agents were frustrated. What rules applied to this vessel?

So, what we've been trying to do over the years is gradually separate the commercial and recreational components of the HMS fisheries, but recognizing that there is -- a dual use category is -- set up that HMS charter/head boat category for that purpose. Those who are on occasion recreational fishing and on other occasions participating in a fishery which results in the sale of fish.

There's no clean way to separate every situation. Even within the commercial bluefin there are folks who like to go harpooning and like to use hand gear and we have separate categories there, but you can use harpoon in both situations. Some people end up getting a boat in each category. And I'm not saying that that's what we want everybody to do, get a boat so you can have a permit in each category, but it's difficult to manage the fishery with so many categories and subcategories with different rules applying to each category or subcategory, without trying to accommodate the vast majority of the participants in a rational scheme.

And again, it's been a gradual migration of separating the constituency into truly commercial versus truly recreational categories, with an allowance for overlap, or right on the fence, so to speak, a foot in both camps, through that HMS charter/head boat.

We will have a discussion tomorrow on vessel and authorized gear -- vessel permits and authorized gear, where we can look at the current mix or scheme of permit and gear management and see if we need to create additional categories or consolidate. But again, any time you consolidate, you lose resolution on certain segments of the population that you're trying to get information about.

It's difficult. There's no easy way to do it. Arguably, the simplest system would be to just say we'll just have one HMS permit. It covers the recreational and commercial fishing. But what have we gained with something that's so broadly based?

JAMES DONOFRIO: Let me just ask you this regarding what you had said. So, what you're saying is if these boats choose to go into the charter/party boat category, they can then fish the tournaments?

MODERATOR CHRISTOPHER ROGERS: Uh-huh.

JAMES DONOFRIO: All right. So, now I have a legal question for Lieutenant Commander Hoover, because I know when I had my charter boat, I had to have my charter boat documented in the -- what they call the coast-wide mackerel fishery. That was the documentation back then -- I don't know if that's changed since then -- which made you a charter boat. Okay? And there was a different documentation.

Now, do these people have to change their documentation to be legal by having this permit? That's the legal question I want to ask here.

MODERATOR CHRISTOPHER ROGERS: Our HMS regulations are not tied to any category of vessel documentation. I don't know exactly how the Coast Guard regulations on documentation work with respect to authorized activity, whether that's just a general characterization or there are any specific regulations that says you cannot do fishing if you're documented in this category, recreational, pleasure craft or something like that.

But our regulations are silent on the documentation, only insofar that if the vessel is documented that is the link to the permit system, whether it's state registered or Coast Guard documented. That's a link to the permit to identify the hull.

But there's no crossover, at least from our direction, in terms of what the vessel is authorized to do. Our regulations speak for themselves in that regard. You get a permit in a certain category, here are the rules that apply to that category.

JAMES DONOFRIO: I understand that. Now let me give you the hypothetical. I re-register a boat, which is an angling category boat. I put it in charter/party boat permit category. I'm boarded by the Coast Guard while I'm tuna fishing and the Coast Guard says let me see your permit and it says charter/party boat. Then they want to see my documentation and it's a recreational documentation. I didn't change it over yet. Am I going to have a conflict here? This is what I need to know from the lieutenant.

LCDR DAVID HOOVER (No microphone): (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: Can you get up to one of the mikes so everybody can hear, please?

LCDR DAVID HOOVER: I think we're going to be looking at specific activity. So, on board, if you have passengers for hire, that's going to dictate whether you're in a charter/head boat or charter category, a six-pack for hire or larger that there'll be extra Coast Guard requirements. So, you just have to separate the two activities out. The fishing side may have one requirement, but the Coast Guard requirements will be based on the activities happening on the boat at the time. I don't know -- is that clear enough?

JAMES DONOFRIO: So I guess what you're saying is as long as you're not charging these people on your normal sportfishing recreational type day, then you're covered?

LCDR DAVID HOOVER: That's correct.

JAMES DONOFRIO: On both ends.

LCDR DAVID HOOVER: That's correct.

JAMES DONOFRIO: Okay. Are we going to get that in writing?

LCDR DAVID HOOVER: Well, I think it's already in writing.

JAMES DONOFRIO: Okay, good. Thank you.

MODERATOR CHRISTOPHER ROGERS: All right. Let's break for lunch. Jack's going to make a very brief comment before we break for lunch.

JOHN DUNNIGAN: Yeah, let me just comment on the general tenor of the discussion. I apologize that I missed some of it. I don't want to leave the impression that we're not listening to you. I mean, we've heard this for a couple of rounds of AP meetings now.

We spent a lot of time last spring after your meeting going over all of the different options that we had. We recognized that what we're proposing to do has got a lot of problems. But so does every other alternative. Some of them require funding that we don't have. Some of them would require legal authority that we don't have. Let me just not leave the impression that we're tied to this because we think it's the greatest thing since sliced bread and we don't want to consider anything else. We'd love to have another way of doing this. But for the moment, balancing everything out, our judgement is this is the best thing we've heard so far. It doesn't mean it doesn't have a lot of problems.

And you know, if we can keep working with you and develop something that we've got the money and the authority to do, we're glad and we're willing to be able to do that. And I know there's been a lot of criticism, and I just don't want to leave you the impression that we're not paying attention to it. We are. There were some very difficult discussions last spring after this meeting. But so far, weighing everything out, this is -- and recognizing that we had to do something, on balance this is still in our judgement the best thing that we've got to do.

ELLEN PEEL: Jack, to that point, in terms of agency cost and manpower. On the permitting, is it within the budget for you guys to send two major tournaments at least the first year a staff person with a computer and printer so that you can be there to pop out those permits if someone doesn't have it, to keep a vessel and a tournament director being in an uncomfortable situation of knowing what to do.

But if you can have a NMFS person there who could, you know -- they go through registration or before they get in the tournament registration in the line, they go over, doublecheck, if they don't have their card, and your staff, someone, fills out that card and hands it to them -- or you know, on the Web a number or something so they can proceed through the registration at that event.

And yes, it would take -- you know, probably the first -- you'll see a decline in numbers by the end of the season, certainly because there's overlap in some events. But that might help you process and avoid violations.

JOHN DUNNIGAN: What I found interesting in what you said was -- you know, being able to do something like this, if we can coordinate it with the tournaments over the Internet. The thought of sending people with computers to every tournament is not in the cards. Russell.

RUSSELL NELSON: As I understand it, Jack, you've contracted with an independent contractor to issue the permits, or is the agency doing the issuing themselves?

JOHN DUNNIGAN: The Aqualent (phonetic) contract.

RUSSELL NELSON: Okay. Now, of the $27, how much comes back to the federal government, to the general revenue, and how much are you paying the contractor to issue the permit?

MODERATOR CHRISTOPHER ROGERS: There's a formula that has been developed by the NOAA finance office, the controller. Basically it's a cost-recovery formula. What we do is we calculate the cost of the contract with Aqualent when they maintain the database for us and do fulfillment as well as the live body customer service operators and maintain the toll-free number. Plus the additional cost of -- we do calculations with part of our time, part of Mark's and Brad's time in Gloucester.

So, it basically -- you look at the people involved, you look at the contract cost, you come up with a total of cost conducting this activity. You divide by the number of permits. The average cost is what the cost recovery goal is. So, the $27, yes, in part -- in fact, I would venture to say probably over 90 percent of the calculated cost -- and correct me if I'm wrong, Brad -- is probably going to cover the cost of the contract. The rest of it is just contract oversight on the part of NMFS employees. And that all goes into the general fund. So, there's no collection -- any part of that $27 is coming back to fisheries per se. It's going into the general fund as a cost recovery measure.

RUSSELL NELSON: But 90 percent of the money is going to the contractor?

MODERATOR CHRISTOPHER ROGERS: I would venture to say. I don't know. Brad's done the cost calculation most recently.

RUSSELL NELSON: In the state of Florida, they issue fishing licenses. Then they also have a contractor who provides telephone and Internet Web services so you can get your fishing license that way. The cost is one dollar over the cost of the fishing license. One dollar is what they charge.

MODERATOR CHRISTOPHER ROGERS: Well, I presume that the state is absorbing some of the cost of maintaining the program. I'm not exactly clear what the --

RUSSELL NELSON: The state maintains the cost of issuing the fishing licenses, administering the fishing licenses, all that. What the contractor does simply is take orders for the license and distribute them back, take credit card numbers, send out the license information.

MODERATOR CHRISTOPHER ROGERS: Right. So, the contractor is only doing part of the process. The state is undertaking the rest of it. We had looked at -- most recently this year we had looked at some of the potential cost savings of internalizing some of the services the contractor provides and concluded that it was relatively cost effective --

RUSSELL NELSON: I think, Jack, you should understand, though, that right here the cross-section of the recreational

fishing community that's discussing this with you is the most well-informed, most sympathetic, most understanding cross-section that you're going to get. And when this -- I mean, I think you're going to have a public relations nightmare and I don't think we're going to get the information.

I don't think any of us are going to try to cause you a public relations nightmare. I just think that this was not -- maybe we can start working on a way to fix it.

MODERATOR CHRISTOPHER ROGERS: All right. We'll break for lunch. We were supposed to start up at 1:00, but we'll start up at 1:30.

[LUNCH: 12:36 P.M. to 1:51 P.M.]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic tape taken in the above entitled matter to the best of my knowledge, skill and ability.

In witness whereof, I have set my hand and Notary Seal this 5th, day of May, 2003.

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PAUL T. WALLACE. Notary Public

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October 3, 2008

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