

JOINT MEETING OF THE
ATLANTIC HIGHLY MIGRATORY SPECIES
AND BILL FISH ADVISORY PANELS

JOINT MEETING

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(Afternoon Session)

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1:08 p.m.

GREETINGS AND INTRODUCTIONS

MODERATOR CHRISTOPHER ROGERS: What we'd like to do is present very briefly a little bit of background information on some of the issues that have been identified with respect to bluefin tuna management for the upcoming season and beyond, and then we'll go once quickly around the room to make sure we have all the issues on the table that need to be discussed this afternoon, and then we'll start into them. Whether we decide to do it sequentially or in some sort of amalgamation of bluefin tuna issues remains to be seen. Once we identify the complete list of topics for discussion, I guess I'll make the call as to how we deal with it at that point, whether we can segment certain ones or take them sequentially.

So, what Dianne has done -- Dianne Stephan has done, is amassed a little bit of information on some of the issues that had been identified to us through phone calls or letters to the office in the run-up to this AP meeting.

Okay. What I've heard so far, not only in the materials submitted to us prior to the meeting, but also at this meeting, purse seine start date has been raised as a topic for discussion. The commercial minimum size, currently at 73 inches -- current fork length. Certainly we wanted to discuss the ICCAT quota recommendation, which came out of last year's meeting in Bilbao. Several in the recreational categories have indicated they want to discuss transfer provisions between categories. Harpoon closure date has also been identified, and certainly the North Carolina petition for rulemaking that we had discussed prior to lunch.

With respect to the ICCAT quota, I'll make another plea. I think with swordfish we got into a little bit of discussion

that maybe it was too little, too late, in terms of the U.S. approach to getting what it wants or desires at ICCAT. At this point, the recommendation is the recommendation, and I don't think we need to belabor what happened at ICCAT or did not happen with respect to western bluefin, certainly not eastern bluefin. That can be discussed at much greater length and more appropriately it would be discussed at the ICCAT Advisory Committee meeting that we've heard will be scheduled in April.

So, with respect to the quota, we just wanted to present what the recommendation has in store for the U.S. in terms of a slight quota increase, and the best input for the agency at this point would be how we implement that quota increase through our domestic management process.

So, again, purse seine start date, commercial minimum size, ICCAT quota for the upcoming season, which would involve issuing proposed specifications, harpoon category closure date and then transfers between categories.

So, Dianne has a little bit of information that would shed some light on the purse seine start date issue.

PRESENTATION ON PURSE SEINE START DATE

DIANNE STEPHAN: Hi, folks. My name is Dianne Stephan. I'm the new face at the HMS Gloucester office. I'm pleased to have been able to meet some of you over this last week.

First of all, I'm going to talk about the timing of the bluefin tuna purse seine category fishery. We're looking for your input on how to adjust this issue, so I'll give you some background information on current regs and recent landings, and then I'll launch into another brief discussion, as Chris just mentioned, and we'll get all this information out on the floor so we can have a group discussion.

One of our objectives for managing the domestic bluefin tuna fishery, and also HMS fisheries for that matter, is to maximize optimum yield, which includes consideration of market conditions in the fishery. In the past, the annual opening of the purse seine fishery has been postponed to avoid oversupplying the market. The current start date of August 15th for the purse seine fishery was initially implemented in the early 1980's and then was codified by the regulations which were associated with the HMS fishery management plan in 1999.

The purse seine fishery is scheduled to open later in the season than the general category to avoid concurrently opening both seasons and then glutting the market.

This figure shows the average landings for the last four years in number of fish by biweekly time period for the general category fishery in dark blue and the purse seine fishery in pink. In recent years, you can see that the bulk of the general category landings are coming in later in the season. When you look at the landings from the purse seine fishery, you can see that the seasons are once again overlapping.

During the 2002 fishing year, NMFS provided the opportunity for purse seiners to receive EFP's, which allowed them to begin fishing a month early. The fishery opened for July 15th for purse seiners with EFP's, and you can see by the blip in purse seine landings right around July 13th through July 27th that -- where those landings came in.

So, a number of questions come to mind for considerations, and what we're going to do here, first of all, we need to think about whether a change in start date would benefit the purse seine fishery. How would it affect other sectors? Would it disadvantage any other sectors of the bluefin tuna fishery? Are there other concerns that should be addressed? And if a start date change were implemented, what's the best method? Should we continue to use EFP's or should we implement a regulatory fix? And finally, are there any other considerations that we should take into account?

MODERATOR CHRISTOPHER ROGERS: For those who weren't aware of the exempted fishing permit situation, the interest in getting an early start date was to help ensure that we got some satellite tags put out on some of those early-arriving fish into the Gulf of Maine.

PRESENTATION ON COMMERCIAL MINIMUM SIZE

MODERATOR CHRISTOPHER ROGERS: So, the next item is the commercial minimum size. As I said, that has been established at 73 inches -- current fork length for many years now. There's been a gradual separation of the commercial and recreational fisheries, not only through permit categories and quota categories, but also in the size classes, 72 inches and below reserved for recreational fishing and 73 inches and above in the commercial categories.

DIANNE STEPHAN: As Chris was mentioning, we've heard some interest from the industry about adjustments to tolerance limits, and specifically I'm going to talk about the harpoon and purse seine categories and considering increased access to large mediums. For this presentation and the other, I just wanted to acknowledge Brad McHale for crunching the numbers and putting together the figures.

UNIDENTIFIED: Don't shoot Dianne.

DIANNE STEPHAN: That's not what I meant. The commercial fishing size was designed to limit fishing mortality on bluefin tuna before they had spawned. Of course, in the recreational fishery we allow access to smaller pre-spawning ages. In the past, before 1992, commercial vessels could still sell bluefin tuna as small as 47 inches. But 1992, the size limits for the sale of bluefin tuna for all commercial vessels had been raised to 73 inches.

Currently, the harpoon fishery is not allowed to retain any fish of the size category smaller than a large medium. They're allowed to retain one large medium per vessel per day, and there's no limit on the giants that they can keep. For purse seiners, the size category is less than the large mediums. They're allowed to retain one percent per trip incidentally without sale when they're targeting other regulated tunas. They can keep 15 percent of the weight of the giants per trip that they catch as large mediums, provided that their annual landings are less than ten percent of the annual vessel giant allocation. And for giants there's no daily limit.

This figure shows harpoon category landings over the last four years broken out by size category. The yellow shading indicates giants. The maroon shading indicates the large mediums, and then the blue shading indicates unharvested quota.

You can see that the amount of unharvested quota has increased over the last two years, and also in the last year, in 2002, the harvest of giants was about half of what it has been for the last few years.

This is the same type of a figure for purse seine landings. Again, yellow is giant, maroon's large medium and blue is unharvested quota. Again, for the last two years, unharvested quota has increased. There was about a 30 percent reduction in giants from the years 2000 to 2001, and 2000 to 2002. Another way to look at that is that the average landings for these last four years of giants was about 221 metric tons. You can see for the years 2001 and 2002, landings were about 190 metric tons.

Also, I wanted to note that there's a slight increase in the large mediums for the year 2002, and that's because there was a vessel which had a scientific research permit and was allowed to exceed the regulatory limit.

So, again, there are a number of potential options we can talk about here: Should we maintain the status quo? Should we adjust the minimum size tolerances for the harpoon category or the purse seine category or both? And we're really looking for your input here.

MODERATOR CHRISTOPHER ROGERS: Let's also at this point present the overhead on the quota recommendation from ICCAT, to get that out on the table, as well.

I can't help but notice there's just one corner of the table that seems to be missing. Did they all go in the same direction for lunch?

PRESENTATION ON ICCAT QUOTA RECOMMENDATION

BRAD MCHALE: Again, as Chris had mentioned, I'm just going to give a brief rundown of the results that were mentioned earlier in the meeting in regards to the bluefin tuna allocation for the Western Atlantic, and what that means for us here domestically.

Kind of a brief summary of the recommendation coming out of last year's meeting. The Western Atlantic TAC had increased from 2500 metric tons to 2700 metric tons. And what this meant for the United States was that our share had increased by 102.6 metric tons, altering our overall U.S. quota from 1387 to the 1489.6.

Now, included within this 1489.6 there was 25 metric tons that were earmarked to account for incidental pelagic longline retention for those operations that are operating close to the 45 degree management boundary line. And we'll see that as I break this down into a table here.

So, essentially what this means, as we proceed towards our 2003 fishing year specifications, we have our baseline quota allocation percentages, which were established in the fishery management plan. So, what we've done with this additional Western Atlantic quota here is that we've divvied that up based upon those percentages, but still holding aside that 25 metric ton set-aside, and currently we have that associated with the longline north category. Again, we'll also be coming out with a proposed rule on these specifications, and will be seeking public comment as well as your comment as we proceed to finalize those specifications. But I just threw this very basic table together so we kind of have an understanding of how those baseline quota allocations are going to change on the 102 and change metric tons there.

Again, as Chris had mentioned earlier, we've essentially just implemented the additional quota based upon the recommendation as it's worded, and the quota allocation percentages that are already set up in the FMP. And we will be going forth with a proposed rule and finalizing that here in the near future, prior to the season.

MODERATOR CHRISTOPHER ROGERS: You want to just run down this column?

BRAD MCHALE: Yeah, I guess to run down the numbers as far as what those new baseline allocation percentage numbers are going to -- I know on the handouts it's a pretty small font. I figured if you weren't walking away with a headache just yet, I'd provide one for you.

The general category is going to be increased from 653.3 metric tons to 689.8 metric tons, which would then be broken down on the time period subquota allocations as they stand right now, 60 percent for June through August, 30 for September and 10 for October through December. And again, this is all as things stand right now.

Harpoon, we get a slight increase to 57.1 metric tons. The longline north would increase to 143.6 metric tons. Excuse me, longline in general would increase to 143.6. Longline north would be 50 metric tons. And that is inclusive of that 25 metric ton set-aside. And the south would be increased to 93.6. And again that's underneath the current split north/south that we had discussed earlier prior to lunch. The trap category would get their slight increase. Purse seine category would jump to 272.4 metric tons. And then the angling category would increase to 288.5 metric tons.

And this is again, keep in mind, just our baseline quota allocations. These numbers do not reflect any overage or underage from the previous fishing year. So, as we proceed through the specification proposed rule and finalizing that, these numbers would change based upon what had taken place in that previous fishing year. So, again, our overall take is increased to 1489.6, inclusive of the 25 metric ton set-aside.

MODERATOR CHRISTOPHER ROGERS: Thanks, Brad. Obviously there are several factors that are operating. This is a somewhat static analysis in this table, assuming that what had been codified in the FMP and the regulations would be applied, but certainly we already have a proposed rule on the street with respect to incidental catch by longliners that might alter those -- the north and south allocations and have our petition for rulemaking from North Carolina, which certainly could adjust the seasonal allocations within the general category. But we wanted to put this out, just to demonstrate what would occur under the status quo procedures of applying the increase from ICCAT, according to the percentages already embodied in the FMP and the regulations.

So, the normal process would be to issue proposed specifications that would deal with the carryover provisions that Brad had just mentioned, and following the formulas codified in the regulations. The reason we normally do that as a proposed rather than just issuing them as final specifications is because there is some latitude under the regulations to make some discretionary decisions on how to deal with carryover of underharvest/overharvest, whether it should go in the reserve or directly in one category or another. So, obviously we always want to take comment on that aspect of dealing with carryover, as well as proposing what effort controls might be necessary.

So, the situation we face now would be to have a more comprehensive rulemaking that would deal with all of the issues currently on the table, not only increasing the allocations based on the ICCAT recommendation, but also resolving any ongoing issues with respect to the proposed rule, incidental catch by longliners, any of the issues that we plan to discuss this afternoon on harpoon category closure date, purse seine start date, commercial minimum size, also had been mentioned by Joe McBride and others about concerns about transfers between categories. Right now there's some criteria that is specified in the regulations, but if there is a concern on establishing more formal procedures and more formulaic approach to what could happen in terms of transfers between categories or carryover, that certainly could all be folded into one rulemaking.

Another alternative would be to separate the issues and put several on a fast-track, so to speak, to get them in place for the June 1st start date of the fishery, and deal with others through a longer term rulemaking process.

And certainly the longest term approach would be if we were to conclude that a major overhaul in bluefin tuna management is necessary, that it would require a plan amendment, we would start off that process by a notice of intent to amend the Environmental Impact Statement and amend the plan -- and as we discussed I believe on Monday afternoon, that's at minimum a year and a half process, just to get through the time lines required for public comment and presentation.

So, there's a lot of issues on the table. I'll reiterate them, just to make sure we have them all. So, I'll ask for a first show of hands, just if there are additional issues that we need to get on the table for this afternoon's discussion. The purse seine start date, commercial minimum size, harpoon category closure date, how we deal with the ICCAT quota increase, and transfers between categories. Does that basically run the gamut of everything that needs to be discussed this afternoon? Rich Ruais.

RICHARD RUAIS: That's very close, pretty comprehensive --

MODERATOR CHRISTOPHER ROGERS: Close enough for government work?

RICHARD RUAIS: Well, I can just add a little bit, but I also want to say that the presentations by the Regional staff were entirely on target and are going to be very helpful as we move forward. So, thank you to Dianne, Brad and Mark for anticipating our needs here.

But I would just add -- and it's minor -- you mentioned it, but it was a little bit more comprehensive than you discussed, under specifications we do want to talk about effort controls. And another issue that I had raised via a phone call earlier on was the question of some confusion over a gear type in the general category, an allowed gear in the general category as it relates to how the fishery has been prosecuted down south. And I'm not real familiar, so I hope either you can shed some light on that issue so we can talk about it a little bit, or somebody else more familiar with that fishery can and then we can get that on the record, as well. And those are the -- other than that, you've got the whole list, and you've restated it several times. So, we're ready to go.

MODERATOR CHRISTOPHER ROGERS: Jim Donofrio and then Ray Kane.

JAMES DONOFRIO: Chris, thanks. Are we going to discuss anything regarding the angling category?

MODERATOR CHRISTOPHER ROGERS: The issue as had been stated earlier in the meeting was the concern about transfers between categories at the end of the season. So, that certainly affects the angling category, but obviously can affect and has affected in the past other categories, as well. If it was with respect to recommendations for setting the

limits -- the catch limits in the angling category for the upcoming season, certainly can take comment on that.

In the past, we've issued a separate Federal Register notice on that, not necessarily putting it out for comment, just basically stating what was available, what the agency believes would be appropriate catch limits for the upcoming season, announcing the start and stop dates, that kind of thing. But if major changes are requested that we would want to take public comment on, how to manage the angling category, certainly we could fold that into this rulemaking, and it should be discussed today.

JAMES DONOFRIO: What we want to do, Chris, is at least discuss some of the options that we want to talk about with our committee, that we meet with you after this meeting, what we've been doing for the last five years, and then discuss that more thoroughly, so we don't bore anybody here. But just put it out for -- you know, for the public now what we're thinking about. And also talk about that 165 metric tons that we have out there, and how we'd like to maybe see that utilized, too. Okay?

MODERATOR CHRISTOPHER ROGERS: Okay. That's in reference to the 165 metric tons in the large schooly small medium category that has not been fully utilized in the past by the angling category. Ray Kane.

RAYMOND KANE: Yeah, a question on suballocation. A number of years ago, the user groups in the different tuna organizations got together and was there a rulemaking done on this, because when we had suballocation back then, when we wrote it up, it was June, July and August. It was a quota. There was a September quota. Then there was an October quota. And for years when you came out with your suballocations, it was always June, July, August, it was September, and then it was October. Now I see you're calling it an October through December allocation. Was there a rulemaking change on that, and when?

MODERATOR CHRISTOPHER ROGERS: I believe in our specifications notices for the last two years, at least, it had been identified as an October through December quota. Any other bluefin issues that need to be discussed?

(No response audible.)

MODERATOR CHRISTOPHER ROGERS: Okay. Well, we can try to attack them sequentially -- I should maybe not use the word attack, but discuss them sequentially. Certainly don't attack each other. That's not our hope. Or we can basically -- to the extent that some of them have overlapping -- or potentially could have overlapping results, in terms of how we deal with them through rulemaking or the specifications notice, they could be taken in conjunction.

What's the pleasure? Show of hands. Should we deal with them individually and sequentially, or as people are called upon they can address all the issues of concern to that individual? Show of hands for sequential?

(Response.)

MODERATOR CHRISTOPHER ROGERS: All at once?

(Response.)

MODERATOR CHRISTOPHER ROGERS: A lot of abstentions or people just can't hold their arms that high. Why don't we take them sequentially. So, let's start with the purse seine start date. Rich Ruais.

DISCUSSION OF PURSE SEINE START DATE

RICHARD RUAIS: Yeah, Chris, I was going to suggest that that is -- some of these don't have much overlap in relation to the other issues. So, it does kind of make sense to take them in the order that you had put them together when you put the draft agenda together, which I thought was pretty logical.

And I'll start on the purse seine date, and Dianne did provide some of the background on that, so I don't need to repeat

a lot of what she said. Historically, I think a lot of people are aware that the August 15th was kind of a balance between in the early days -- and the reason why, as Ray points out, the general category gets 60 percent of the quota June through August was because that's when the heaviest general category production historically appeared.

It was also true that the way the purse seine fishery evolved, that the purse seine boats were busy fishing yellowfin tuna and skipjack in the early part of the summer, so they waited to begin their bluefin fishery later on.

And what's happened, as Dianne's graph showed quite clearly, we have seen a flip-flop in the general category where production in the general category is very, very slow. We've been rolling over the bulk of the June through August quota, over into the September period. So, what you have happening is you have the start of the purse seine fishery colliding, if you will, with the peak production of the general category in September and October, basically creating a situation where almost -- at least 1,000 tons of the U.S. commercial quota is being forced into this very tight marketing situation. It's just competing against each other and we're knocking each other's brains out, if you will. Any of the dealers in the fishery who have a lot of expertise with the market will tell you that our best participation in the market is steady production at the lowest rate that you can over a period of time. And the way you achieve that is by having maximum length of fishing seasons for the various categories.

And there's a lot of support in the fishery right now, including in the general category -- there are some -- as I think you'll hear from Ray -- in the general category that would like to see the purse seine fishery start as early as June 1. In my own group, we have people that want to see it start that early.

The downside, as you were asking for some comment on that, is that the harpoon category still has an early season fishery that is very important to them, and they haven't had any competition. So, the earlier you back the purse seine season up, you do create some impact upon the smaller harpoon category, which is a 54-ton category.

My group voted to support a July 15th permanent start date, not another experimental fishery. If we have to have that for another single year till we can get a permanent fix, that's fine, but we want to see the purse seine season start permanently on July 15th, and we think that's an appropriate balance between the marketing interest, if you will, of the harpoon category, and the larger interest of the general category, particularly in September and October when the bulk of the 600 -- almost 700 ton general category is caught. It makes sense to give the purse seiners an extra four weeks prior to the heavy production in the general category to try to get some of their quota onto the market.

The other thing -- and Chris, I think you briefly pointed this out, last year the reason why we went with the experimental fishery permits was we wanted to get out some pop-up satellite tags early in the season. And that was a huge success on the part of the experimental fishery last year. We put out a record number of pop-up satellite tags. I believe the number was 67 tags were put out, and 65 of those were put out on one purse seine boat and two were put out on rod and reel boats. And again, this year there is a plan for early season fishing, which may even take place prior to July 15th, but which would be under a separate permit.

But we want the commercial purse seine season to now start on July 15th, and we believe that's in the best interest of the purse seine fishery and the general category interest. We recognize that there could be some impact in that July 15th to August 15th period on the harpoon category, but their peak season is -- well, I won't say their peak season, but a very important period for them is also June 1 to July 15th, and this gives the marketplace, if you will -- because the general category production is so low at that point in time, that the harpooners have a really unique opportunity to have the market to themselves for that period of time. So, that's why we're supporting July 15th on the purse seine start date. And you want to do them one at a time for now?

MODERATOR CHRISTOPHER ROGERS: Any other comment on the purse seine start date? It's been raised that the season should start early and be permanently codified in the regulatory text as a start date of July 15th as opposed to August 15th. Ray Kane.

RAYMOND KANE: Yeah, as Rich has stated, there's been a number of fishermen in general category who have asked to see it start June 1st; but after a board meeting, we've decided to go with the July 15th start date. We're recommending that.

MODERATOR CHRISTOPHER ROGERS: Jack Devnew, Nelson Beideman.

JACK DEVNEW: Yeah, it certainly doesn't seem to be -- you know, there's no bearing on conservation. You know, it's a neutral proposal. It seems the proposal put forward here by Rich and Ray, you know, contemplates the balance of the interests that are out there, and it certainly seems to be a very reasonable proposal on that basis. So, I would certainly be supportive of it.

MODERATOR CHRISTOPHER ROGERS: Nelson, then Gail.

NELSON BEIDEMAN: It sounds reasonable, practical, and on matters of this nature that aren't conservation, or you don't see a downside there. There's the category that knows best.

GALE JOHNSON: Congratulations and much relief for the involved parties in working it out, and the tags getting out. It sounds like a wonderful idea.

FRANCIS BLOUNT: If I could just make a suggestion here. I don't hear any opposition to this, so if we're going through the list, can we maybe from -- you know, your position as the chair, just say in favor or opposed? Because if we don't have opposition, why discuss things for an hour?

MODERATOR CHRISTOPHER ROGERS: Well, are we at the point where there's no opposing opinion?

(No response audible.)

MODERATOR CHRISTOPHER ROGERS: All right. Well, the agency will take that under advisement in terms of setting up a proposed rule for the upcoming season.

DISCUSSION ON COMMERCIAL MINIMUM SIZE

MODERATOR CHRISTOPHER ROGERS: Why don't we take the commercial minimum size issue next. Again, as Dianne pointed out, the regulations have reserved 73 inches and above for commercial fishing. However, certain categories are restricted in the take of large medium that 73 to 81-inch fish and 81-inch and above are supposed to be the intended target of those fisheries. So, there's a minimal incidental allowance for the large medium. In any given year, the abundance or availability of large medium fish can change, as the year class comes up through the fishery. And that does affect the ability to target giants, and certainly you can affect the discarding of fish. Certainly we want to avoid dead discards at any rate. So, any discussion on the commercial minimum size, and any alterations required? Rich Ruais.

RICHARD RUAIS: Thank you, Chris. I'd like to make a few comments on this, and then I'd like to ask at some point if you'd allow Roger Hillhouse, who's one of the purse seine principals and been involved in this fishery for over 40 years, if he could make a few comments to it at the time you feel is right.

But I think it's clear that the last couple of years, both the harpoon category and the purse seine category have underachieved their quota. And we have some things that are happening in New England outside of this -- having midwater trawl issue, which we think is affecting the behavior of the bluefin. We also have warmer water the last several years, four to six degrees on average, I'm told by Doctor Molly Lutkevich, in the Gulf of Maine. And we have just -- you know, this phenomenon from our perspective of increased availability of smaller fish for a much longer period of time that's usual in New England.

And these tolerances, both in the purse seine and the harpoon category, as you've said, spec'd them out, have been inhibiting quota achievement. And we need to do something about it, because both those categories are being denied a reasonable opportunity to catch their quota.

We're not proposing any reduction in the absolute minimum size. It's currently 73 inches, and we think that's where it

should be. That's where the general category is without any tolerance. There is a letter outside on the table that was distributed ahead of this meeting by George Permont that was recommending that we have a unified, across the board, commercial minimum size of 73 inch with no tolerances for anybody. And we're basically supporting that.

I would point out that the general category -- if anyone has concern about the size of our catch, we don't see this as a real significant biological issue. I was looking at some of the information that Ray brought down with him in the general category last year. We had a 480 pound average size. That's with no tolerance, obviously, for the 73 and above.

Purse seine category has the second largest average size in the U.S. fishery, somewhere between 410 and 430 pounds, the last several years. And the harpoon has the smallest average size at about 325 pounds. So, we're still -- the average size is still substantially above the size at sexual maturity, if you want to stick to the view that in the west we only -- our fish are only sexually mature at 310, where we know in the Mediterranean the fish are spawning at age three and four at 50 pound size.

So, we're not perceiving any negative -- any significant negative biological consideration of this, particularly when you look at what's going on in the angling category and the complete -- the underachievement, the very low catch of the fish between 73 -- between 47, I guess, and 73, the large schooly small medium.

So, the U.S. is really not maximizing, if you will, mortality on undersized fish, compared to what our quota actually would allow. So, for those reasons, we would like to see a standard 73-inch, across the board minimum size, without tolerances for all of the commercial categories. I should have pointed out the longline category is already there, as well, at 73. So, the general and the longline are already there. What we're proposing is that the harpoon and the purse seine join the other two categories. And if you could take some comments from Roger at some point, we'd really appreciate it.

MODERATOR CHRISTOPHER ROGERS: Any other panel members want to speak to this subject? Ray Kane. Okay. Ray Kane and then Roger Hillhouse.

RAYMOND KANE: Yeah. We have a concern about discards, both the seiners and the harpooners. From my experience trawling over the years, I get into the 73-inch fish, which is our minimum, and quite often there are 68 and 66-inch fish traveling with 73-inch fish. I think a 77-inch minimum, maybe we could come back and address this in another year, but you give them a 77-inch minimum for a year and look at that. And if they keep good logs for bycatch -- because if they do make a set on 77-inch fish, the chances of mortality on fish under size I think will be less than if you give them that 73-inch fish.

And as we all know, the history of the harpooners has changed over the years. They have a different procedure for killing these fish. So, it's our position that with the extended season, starting July 15th, for a year you give them 77-inch fish and if they keep good records to see what the bycatch is, how many undersized fish they kill, we can come back and address this for 73-inch fish next year.

MODERATOR CHRISTOPHER ROGERS: With respect to the harpoon category, the 77-inch would apply to that, as well?

RAYMOND KANE: Yeah, that would apply also. You're going to hear from Roger. He's a pilot. He's been doing it forever. But the harpooners are standing up on a pulpit and I just don't understand how they can differentiate between a 73-inch fish and a 72-inch fish. And I'd like to see the harpooners coming in at a 77-inch limit. You know, if you're ten percent below, if you would, as they do now, look at it for a year. You know, address it in this fashion for a year and then come back. If they can keep good records on the mortality of the undersized fish, like I said, -- you know, the seiners are getting an extended season here and they've worked this out with the harpooners, so the harpooners get their month of June and the first two weeks of July.

So, with a 77-inch fish for both harpooners and seiners, they have a much better opportunity of filling their quota.

NELSON BEIDEMAN: I'm getting a little bit confused here. We're talking about 73?

MODERATOR CHRISTOPHER ROGERS: Well, there was a proposal that the -- currently the minimum size would be for the harpoon and the purse seine category, a true giant, 81 inches, with a tolerance on the purse seine of 15 percent per trip or 10 percent per season, at the 73 to 81-inch range. And the harpooners have a tolerance of one per day between 73.

So, the proposal was initially by Rich that it be lowered -- the minimum size for those categories be lowered to 73 inches, thereby eliminating the need for tolerance. I believe a counter-proposal is on the table to only go down so far as 77 inches, as opposed to 73.

NELSON BEIDEMAN: I would -- we would support -- Bluewater would support the 73 for both of these categories. And I think we need to reflect a little bit. We've had this shifting now for a while, and I'm not so sure that we've been a little bit slow in getting this to the table. We'd support it on the basis of reducing unnecessary discards. And I think Ray is right, that -- you know, we're going to have to keep looking at this -- because, you know, if this trend of warming, warming continues, we're either going to have to move New England up to Nova Scotia, or move the anglers up to New England or something. Because I think we're a little bit slow to react to -- you know, these forces of nature and -- you know, I support it very, very strongly.

MODERATOR CHRISTOPHER ROGERS: Roger Hillhouse.

ROGER HILLHOUSE: Well, first, I've been spotting tuna all of my life, about 46 years -- between California and here. And I'm part owner in some seiners. But years ago the National Marine Fisheries made an assumption that 83 inches -- I believe it was -- was the breaking point. And right from the very beginning, after we started fishing and really measuring and taking care of the fish, we started realizing that there was an awful lot of our fish that were one, two, three inches below that size.

And we've had to live with that, and so long as there was always a larger size, we have always worked it. We have a ten percent, I believe it is, incidental that we're allowed to bring in. But I think their intentions were good at 83, but over the period of time it's borne out that they may have picked the high side of the year class that they want to protect. It may be on the upper part, because especially the last few years -- I'd say five years, we've seen an awful lot of fish that are one to two inches, three inches, four inches below and so we have maybe -- generally we'll get a couple of stragglers that will come up in the net, and the first thing we do is we measure them. Everything is swimming alive, and we immediately measure those fish. If they're small or under the line, we open up the end of the net and we let them go.

And we've been doing that for 25 years or whatever it's been, but it just seemed now when we're starting to see that our quota because of the water or whatever -- first we believe -- or I believe, I should say, I make a hobby out of following bluefin all my life. Then we started the regulations ourselves and we believe that maybe this is part of an interchange. It could be only three things: It can be that there's two different spawning times, which we are now aware of; and those fish that come across from the other side are a little bit smaller than our fish are; and/or they're getting less to eat, and so the size has diminished slightly. We're not getting that size that we really want, that 83-inch, 82-inch. So, whether it's intermingling from the other coast, they won't tag so you can't tell, or whether it's food, I don't know. But I really believe it's an interchange of the fish, because we've seen over the years big influxes of fish that show up.

Whatever it is, the reason, it really doesn't matter, I suppose, because -- which it is. But the fact is that we're getting these fish and having to turn them loose. Our pilots have become shell-shocked with setting fish lately. We're almost afraid to even set for fear that they're going to be on the smaller side. Unless they really, really look big, we just have a rule if they look big, set them. If they look small at all, leave them alone.

But a lot of that fish is -- like I say, when we come measure them, it's just unbelievable that they can be that inch short. Our bycatch is usually just an inch short.

So, it would make a lot of difference to us whether you do or whether you don't, but I don't believe it's going to affect the biology of it. I think from the very beginning we had this size differential of just being a few inches short, and all

of our bycatch when they're short they're usually just that much. And when we catch short fish, they're always just a couple of inches. So, I'm almost positive, if you look, you'd find that they are the same year class. Maybe subject to less food or the voids across the ocean has -- from -- they spawn in June and July in the Gulf -- or in the Mediterranean. Our fish spawn in March, April and May. We've had a captain on one of our boats that used to longline 25 years ago, in the month of April, about 2, 300 miles outside of Nantucket. He'd have his deck covered with eggs from fish at that time of the year.

So, there are these different spawning classes. All the same year class, but they are feeding into our fishery for food. And so I don't believe we're upsetting by dropping to 77 inches here. I don't think that we're going to damage the biology of the fish at all. So, I'll let you take it into consideration. Appreciate it, the moment to talk to you. It's been a long time. I don't know most of you, but we spend a lot of time on these panels. So, thank you.

MODERATOR CHRISTOPHER ROGERS: Okay. Thank you, Roger. I was going to say you said 46 years in the business. You don't look a day over 45. Just for a clarification, you had mentioned just at the end there 77 inches. Is that what you're advocating, lower the minimum size to --

ROGER HILLHOUSE (No microphone): (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: 73. Okay. Jim Donofrio, then Nelson Beideman.

JAMES DONOFRIO: Chris, I just got a technical question on this issue here. We put this plan together back in -- I guess it was Santiago, the rebuilding thing. The big concern was spawning stock biomass. So, obviously by lowering it to 73, that means there's going to be the potential of taking more fish out of the spawning stock.

What would be that difference if the scenario was all 73-inch fish? I mean, in numbers of fish? I mean, if this thing is conservation neutral, you know, that's what you guys have to decide. That's -- you know, between them and general category, that's their fishery. But I mean that -- the spawning stock biomass was the big debate at ICCAT that year. So, you know, do you have any answers on that, what that tonnage would be? Because I know it's a tonnage fishery, but it's got to come down to amounts of fish that are out there available.

MODERATOR CHRISTOPHER ROGERS: Right. Well, certainly if more fish -- if the landings are more represented by 73-inch fish than 81-inch fish, you're going to have more fish per ton, slightly, at that range. So, it's going to depend from year to year.

If you look at the general category, where it has been for the most part one per day, possibly two per day on occasion, the percentage of fish in that large medium class, the 73 to 81, can vary from one year to the next, anywhere from 20 percent to some high years closer to 40 percent. So, it really depends on the availability of the fish and the respective size classes, given the timing of the season and the arrival of the fish.

So, it would -- we could make some estimates of what it would be, but again it would depend on the size of the fish when they show up, and as the fisheries are targeting the fish. Obviously a harpooner and a purse seiner are making a conscious decision, so to speak, to either set or strike the fish. And there might be some personal decision that goes in there, on the part of the pilot or the person in the pulpit.

So, we could make some estimates in the sense of looking at averages over the last year, but the bottom line would be what are the size of the fish that show up when they show up, is the season open, and again, some of the personal decisions on the part of the operators.

But we could probably put some bounds on it, that it might be X many fish or X plus, you know, an extra ten percent or something like that. But it would change from year to year. Nelson.

NELSON BEIDEMAN: Yeah, just to let Roger know that 12, 1400 miles to the east of the Gulf of Maine there's been very large bluefin tuna, more bluefin tuna and large bluefin tuna showing up. I don't have any numbers. I know that -- you know, if Tyson was here, he may have the numbers. But the NED fleet interacted with 106 bluefin tuna in 2002, and heard of quite a few fish in the six, seven and above range.

Rich may know more about what Canada is or isn't doing, but from what I hear, there is no shortage of large fish when you go much further east. And it just seems to be what the trend is.

MODERATOR CHRISTOPHER ROGERS: Rom Whitaker, than Rich Ruais.

ROM WHITAKER: Thank you, Chris. I appreciate Roger's presentation there. That's always quite interesting to hear about that industry. But it seem -- and you kind of pointed it out, Chris, that anytime you're going to have more 73-inch fish in a ton than you are 81-inch fish. Of course, though, it does have a biological impact, a very small one, but it's a little bit.

But I like what Ray said about if they -- you know, only need a couple of inches, a 77-inch might be a good medium to work with maybe this year and just see how it turns out.

MODERATOR CHRISTOPHER ROGERS: Rich Ruais.

RICHARD RUAIS: I think one of the ideas that Roger was trying to get across is that what we're seeing here -- and this relates to what Hammer was saying as well, is that there's a lot more mixed schools in New England in recent years, and the mixing is not necessarily 81-inch fish with 73-inch fish, but 81-inch fish with 77-inch fish and 78-inch fish, and they will continue -- for marketing reasons, they will be continuing to target the larger fish. But the ten percent tolerance between 73 and 81 is causing them a problem that they can't set on those mixed schools that are largely 81-inch and above fish, but that there are more than ten percent of the 77 size range. So, we're really not talking an issue of 73-inch.

Now, if what Ray is suggesting -- you know, it sounds like you're moving more into a more complicated minimum size from where we're coming from, we're trying to simplify the minimum size. If you're saying all right, the absolute minimum size is still going to be 73-inch, but the tolerance applies to 73 and 77 and you can have the rest of your quota caught between 77 and above, you're complicating the minimum size. You're adding complexity to it, as opposed to reducing it, which is what we're suggesting we do at this point in time is reduce the complexity and make it more standard.

To Jimmy's concern about the original rebuilding plan, I don't know how to answer that except to say that I would remind everybody that according to the stock assessment, within the next couple of months the largest year class in the Western Atlantic since 1973 is entering the Gulf of Mexico as over 81, sexually mature fish, supposed to be 150,000 plus of those animals that are entering the Gulf of Mexico to spawn this year. So, in terms of spawning stock biomass, it's going to be a huge jump if you believe the whole thing. And I'd suggest that that's some motivation for not being too worried about the spawning stock biomass.

In fact, sometimes you can go either way on this one. If you really want to -- if you believe that there's -- you know, a relationship to the number of spawners in successful recruitment, you might want to back off catching real big fish and catch some of those abundant 71 to 73 to 81-inch fish. I don't know. It's all over the place sometimes.

MODERATOR CHRISTOPHER ROGERS: Shana, Tim Hobbs, and Joe McBride.

SHANA BEEMER: I guess -- do you have data of the discards from purse seines? I assume you do. Because, I mean, I guess that would be really helpful to see. Because the switch from 81 to 73 as an absolute minimum size -- I guess you can keep fish down to 73 at this point, but to switch an absolute minimum size from 81 inches to 77 inches and then have no tolerance down to 73 inches would seem to be easier to deal with for the fishermen while not making such a huge jump down to 73 inches, or alternatively to just increase the tolerance so it's not ten percent, you know, it's whatever the data reflects, 40 percent, you know? Just without such a huge jump of 81 to 73 until we know better.

MODERATOR CHRISTOPHER ROGERS: Tim Hobbs.

TIM HOBBS: Yeah, I just had a question sort of along the lines of what Shana said. I mean, was there any consideration given to increasing the tolerance? Would that accommodate the needs of the industry?

RICHARD RUAIS: Yes, yes, that's an alternative, and it's one that was thought about, but there was a desire -- there's also a desire to create a uniform standard and if there isn't from our perspective a real significant biological issue here then the practicality of a single minimum size for commercial fisheries is attractive.

If there is a -- you know, a big biological issue that somebody wants to make and wants to suggest going to 40 or 50 percent, you know, as an interim measure as you move up, you know, that potentially could be acceptable, as well. But until we hear that there is a substantial biological issue here, we'd prefer to have the harpoon and the purse seine category operating under the same standard as the longline and the general. We think the agency would -- might appreciate that simplicity.

MODERATOR CHRISTOPHER ROGERS: Joe McBride, then Nelson Beideman.

JOSEPH MCBRIDE: Yes, thank you, Chris. Just out of curiosity -- and I'm certainly no scientist, but for years and years you've told us or we've been told -- certainly anecdotally, that the breeding size was over 310 in the giant category. Are you accepting the fact that now we're down to large school almost and certainly small medium breeding as breeder fish now? Is the agency -- I don't mean you, personally.

MODERATOR CHRISTOPHER ROGERS: Well, the ICCAT SCRS I don't know has made any pronouncements that there's a revision in the minimum size. It's a continuum, so to speak, that they look at the age at first maturity. The feeling had been or the weight of scientific evidence had been that you were pretty much nearly fully mature at the 81-inch, that they were maturing up until that point.

Now, in any given year, the more -- a greater percentage may be sexually mature at a lower size than another. A lot of concern about exchange east and west, whether some of the seemingly more earlier maturing fish of eastern origin versus western origin. Some scientists, researchers recently have begun to conclude that perhaps the 81 inches is -- is not as fully mature as had been thought in the past for those fish definitely spawning in the Gulf of Mexico. So, there's a lot of speculation, nothing is definitive on that.

JOSEPH MCBRIDE: Okay. That's the point I'm making. You're saying in essence you don't really know what size they spawn at, and you've changed the hypotheses that only giants spawn, there's a possibility other spawners, et cetera, but no certainty from your agency's point of view. Okay. That's number one.

Now, secondly, and Nelson was pointing out that -- I assume the longline fleet and certainly the experimental fleet in the NED area there had been seeing giants in relatively large numbers, with some catches.

Now, my question would be if that be the case, why would not the purse seine fleet go after those giants, you know, if they were available -- and I'm sure Nelson speaks to Rich -- and just out of curiosity, because the distance isn't a factor because they go up and down the coast purse seining anywhere from South America north depending on the species.

So, that's a curiosity. I mean, have you heard about this? Is there any substance to this particular scenario? The agency, again.

MODERATOR CHRISTOPHER ROGERS: I presume what Nelson was referring to was out in the NED, which may be cost prohibitive for the purse seiners to get out that far and still market them as fresh product.

NELSON BEIDEMAN: I'm not sure they school, because -- you know, that's running 106, 14 boats fishing 900 hooks a day, et cetera, you know, that's not that many fish. Thank God.

JOSEPH MCBRIDE: Okay. Well, that's a little better. I thought maybe the schools were seen by spotter planes, by who -- God knows. I didn't know how far off the coast, you know, east, whatever east means. And if they were within striking range, I'm sure the seiners would rather have the bigger fish than the smaller fish, historically anyhow that's been the case. Okay. And that's all I have for the moment on this issue.

MODERATOR CHRISTOPHER ROGERS: Anybody else before going back to Rich?

(No response audible.)

MODERATOR CHRISTOPHER ROGERS: Rich, Nelson, then Tim.

RICHARD RUAIS: Thank you, Chris. I would point out that if you've been following the latest stock assessment documents and the mixing report, it is -- the scientists also are telling us that in this mixing equation, western fish going east and eastern fish coming west, that we get a greater number of eastern fish coming west. If those eastern fish that are coming west are of eastern origin, then all of them when they're caught at 73 inches and above have made a contribution to the spawning stock. They're sexually mature a lot smaller than 73 inches. So, if that makes you feel any better about the issue.

In terms of Joe, it wouldn't just be are they schooling out there; are they showing themselves, as well, would be another issue. And obviously nobody chooses a distant water fishery over a coastal fishery if you don't have to.

CHAIRMAN CHRISTOPHER ROGERS (No microphone): Nelson (inaudible).

NELSON BEIDEMAN: As I said in my first statement, I'm not sure that we've been slow bringing, you know, this -- lowering the minimal size issue to the table. And I would rather get ahead of the curve a little bit until this trend turns back around. I've listened to -- you know, the general category fishermen for years. We have quite a few fishermen in our fishery that are crossover to the general category. And you know, from what I hear, this is needed and I just feel that the 73 is warranted, not just because of the simplification but because of getting ahead of the curve here. And you know, going to 73 will only -- you know, reduce -- further reduce unnecessary discards. I don't think it's that large of a biological factor when you're talking about a stock that's on the rebuild.

MODERATOR CHRISTOPHER ROGERS: Tim Hobbs. Last word, Bob Pride.

TIM HOBBS: Thanks. It seems like there's room to do something here, it's just kind of hard to sit around and speculate about -- you know, what size increase is going to have for this stock or that. You know, so I think it would help if we had some kind of biological analysis, you know, before going forward. And I would just say that I hope that we can proceed in the most precautionary manner possible, whether it's -- you know, going down to 77 first or what, or maybe increasing the tolerance. But it would be helpful if we had some kind of biological information with which to assess these different scenarios.

And Rich mentioned the year class, that's supposed to be showing up in the Gulf of Mexico, and I certainly hope that year class does show up, because we've based quite a bit on the fact that it does exist and will be showing up. So, again, I think we just need to proceed in a precautionary manner here.

MODERATOR CHRISTOPHER ROGERS: Bob Pride.

ROBERT PRIDE: Yeah, I'd like to really pose a question more than anything else, Chris. It seems to me we've had full recruitment on western bluefin. We've been targeting the larger fish commercially, you know, since the inception of the ICCAT plan. And maybe what's going on is we've just got caught up the standing stock of the larger fish, and maybe we ought to start protecting larger fish instead of catching them. I mean, that's just -- and I wonder if the agency's done any analysis in that regard or if ICCAT has done the analysis in that regard on the western stock.

MODERATOR CHRISTOPHER ROGERS: Well, certainly to evaluate the utility of a slot limit, so to speak, and preserving the large spawners or protecting them would involve all kinds of stock recruitment scenarios. And I don't think we have time to belabor that discussion. There's an ongoing debate about -- for those who follow the ICCAT stock assessment on the stock recruitment relationship for the western stock and how that may or may not be confounded with exchange between the east and west.

So, certainly we've taken the issue to heart, we'll consider it and if we were to propose anything in this regard, to Tim's question, we would have to present an analysis of what we believe the biological implications would be.

The next issue I'd like to take up -- I guess the clean separation issues have been dealt with, and the next list, so to

speaking, sort of has -- the next elements on the list have a greater degree of overlap. But I think the harpoon season closure date is about as clean as we can get. When we get into ICCAT quotas, it certainly overlaps with the North Carolina petition and transfers between categories, as well as effort controls for the coming year. So, let's deal with the harpoon category closure date.

DISCUSSION OF HARPOON CATEGORY CLOSURE DATE

MODERATOR CHRISTOPHER ROGERS: Again, a proposal has been put forth that the harpoon category doesn't have a regulatory end date. Basically when the quota is reached, we put out a closure notice for the fishery. And that has caused a deal of concern to some individuals who have expressed an interest in maintaining the harpoon category as it was intended for a New England fishery, and if the quota is not caught, per se, to close it at some date certain when the fish have basically left the area of operations for that New England fishery for which the category was created back in the '80s.

So, any discussion, concern, on the harpoon category closure date? Rich Ruais.

RICHARD RUAIS: Thank you, Chris. And again, your background is very accurate. When regulations of the hand gear category started in the '70s, a small group of -- there's always been a small group of hand gear traditional fishermen in New England that used harpoon and used harpoon exclusively. There's also another group of fishermen throughout New England that have always used whatever gear works best at the time, that includes harpoon, hand lines and/or rod and reel and other types of gear, as well.

But when we had to do restrictions to one a day or two a day, those fishermen that want to fish with only harpoons, which requires real calm -- basically, calm days, some minimum level of sunlight or light and literally very little wind, especially in the absence of airplanes. They got greater impacted by that one a day, because they found so many days where they couldn't go and continue. So, they weren't getting a fair share of the quota.

So, they went to the Regional Office at the time, which was the -- well, the Northeast Region, which was where the regulations were emanating from, and there wasn't a petition process back there. They simply met with Alan Peterson at the time and asked him to break off a small quota that they would be allowed multiple catches during the traditional harpoon category until their quota was filled, and then those boats that selected that category also would not be eligible to put that boat in the general category, so they could continue at one a day.

And that was agreed to by the agency. It was not intended to be a coastwide commercial category. It was intended to meet the needs of Maine, Massachusetts primarily, New Hampshire, the select group of harpooners -- the families, basically, that had been doing it for hundreds of years, as it was passed down.

So, obviously what we've seen now is with the advent of fishing later in the year, and the possibility with the harpoon category, if they do underachieve their quota and the fishery remains open, there is the potential for games to be played and the harpoon category fishermen are obviously desirous of being protective of their category and their historical fishery, so they're looking for some way of protecting that fishery from abuse.

And initially the thought was November 1 -- have a closing date, November 1, which is pretty much the end of the season. You could pick a date sometime a little bit sooner than that, sometime a little later than that, in certain years you might get a few bluebird days later on where you could actually harpoon, but they'd be willing to settle for a date like November 1 that would be -- that automatically would shut the fishery down and not allow any more landings until the season started up again the following June 1.

It's also been suggested that a date might not be the best thing. So, I'd like to amend the suggestion that we gave to you and say let's look at -- in the proposed rulemaking let's look at a date and a southern boundary and see after public comment what might be the best way of protecting what we believe was the intent when NMFS created that category back in 1979, 1980. So, that's our proposal for that.

MODERATOR CHRISTOPHER ROGERS: So, again to clarify, the amended proposal, it's either a date certain codified in the regulations for closing the harpoon category or a southern boundary beyond which harpoon landings would not be authorized.

That southern boundary proposal does give me a little bit of heartburn, so to speak, because harpoon is an authorized gear in the general category, and you wouldn't have the same boundary for the general category. So, everything gets complicated with bluefin tuna. To that point, Rich?

RICHARD RUAIS: To that point, yeah, we also thought about could we create a definition of a harpoon vessel that would achieve the same thing, recognizing that a lot of general category boats use the harpoon in the cockpit to make sure they don't lose the fish. But that gets even messier than your boundary in terms of the pulpit and things like that are mandating that the harpoon has to be thrown off the pulpit on a traditional harpoon boat.

So, how dare I give you heartburn, but I think we should probably move forward with both for the time being and see what the public thinks is an appropriate solution.

MODERATOR CHRISTOPHER ROGERS: No, it's certainly your prerogative to give me heartburn. I do recall a discussion at the Maine Fishermen's Forum with respect to limited access in the harpoon category and a definition of a harpoon vessel. So, that had its own difficulties. Ray Kane.

RAYMOND KANE: Yeah, once again, general category supports a November 1st closure date, but I'd like to clarify the record here. We are still in litigation as far as the airplane issue is concerned. That has not gone away. I don't want to belabor you people with that, but that's still in litigation. General category supports November 1st closure.

MODERATOR CHRISTOPHER ROGERS: Rom Whitaker.

ROM WHITAKER: Rich said something about some playing games going on. I'm not sure, but I think from our -- my perspective, that we would support the November 1st and I feel like that might be the easy way to do it, with hopes that maybe the South Atlantic, if some of that was left over, could maybe have some of that if there was a way to find it.

MODERATOR CHRISTOPHER ROGERS: Nelson Beideman.

NELSON BEIDEMAN (No microphone): (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: Any opposition to a defined end date of November 1st for the harpoon category?

(No response audible.)

MODERATOR CHRISTOPHER ROGERS: Any preference for a southern boundary? Just to give me heartburn.

(No response audible.)

MODERATOR CHRISTOPHER ROGERS: Okay. Well then we'll get onto the next issue.

DISCUSSION OF ALLOCATION OF ICCAT QUOTA

RECOMMENDATION AND NORTH CAROLINA PROPOSAL

MODERATOR CHRISTOPHER ROGERS: Brad, if you could pull up that chart that indicated how the new recommendation from ICCAT for the U.S. national quota would be allocated under the current rules. The current rules stipulate the percentages by category, and subcategory as the case may be, and also with respect to the general category stipulate the seasonal allocation or subquotas for the time periods identified.

That's how things would work, how the agency would propose the ICCAT recommendation be implemented, absent any other rulemaking that would alter the rules of engagement, so to speak. So, that does come into play with several issues that have been expressed and are on the table for consideration at this point.

And certainly we want a free and open discussion dealing with the North Carolina petition that would certainly affect the general category and potentially others if it is -- if it would involve a transfer between categories in order to accomplish the aims of that petition for rulemaking.

Transfers between categories -- I know there's a lot of concerns about how we set up these initial quota specifications, finalize them and then do in-season transfers later on, that obviously would affect the ability to carry over between -- or within a category from one year to the next as opposed to transferring between categories at the end of the fishing year.

So, a lot of things come into play. Effort controls, as well. Obviously effort controls is part of the game with respect to restrictive fishing days and the apportionment of that general category quota.

So, at this point it's somewhat free-ranging discussion that we should have on not only the North Carolina petition, but the ICCAT quota recommendation apportionment between categories, among categories, transfers between categories at the end of the fishing season, and carryover provisions.

I'd just make one note on carryover. There has been some concern in the past and this affects the reference to the 165 tons that Jim Donofrio had made before, that if a substantial portion of a quota is not reached or not harvested in any one year, and carried over to the next, resulting in more quota than can be reasonably be expected to be harvested by that category in a subsequent year, is it wise to continue to carry it over and build up a surplus in the category as opposed to transferring it among categories. So, a lot at play here.

Bluefin tuna is complicated, as you all know, and I suspect we'll have a lot more folks engaged in this discussion than in some of the prior issues. Why don't I start on this side and we'll go around. Rom, you want to --

ROM WHITAKER: I'll hear some comments first.

MODERATOR CHRISTOPHER ROGERS: Okay. Willie Etheridge.

WILLIAM ETHERIDGE: Is this the time to bring up the green stick?

MODERATOR CHRISTOPHER ROGERS: Well, that is certainly an issue, but that's primarily affecting yellowfin tuna, as I understand it, that it is a gear type that is being used currently to target yellowfin more so than bluefin.

WILLIAM ETHERIDGE: But if I understood you right Monday, you told me that green stick would not be an acceptable gear under the general category?

MODERATOR CHRISTOPHER ROGERS: Well, for those who are not familiar with green stick, can you give a brief explanation of the gear and fishing technique? I know it involves a pole and line and it doesn't quite fit the definition of longline, doesn't quite fit the definition of hand gear under our regulations.

WILLIAM ETHERIDGE: I would like to yield that to Glen Hopkins, because he uses one, and he could explain it a little better.

MODERATOR CHRISTOPHER ROGERS: Okay. Glen, if you would do the honors of just explaining to the panel what the green stick fishing method is, for those who are not familiar with it.

UNIDENTIFIED: It's an outrigger that's straight up.

GLEN HOPKINS: Yeah, thanks a lot, Willie. Basically I think just about everybody in here probably knows a little bit about them. To me, it's more of a vertical lure than a horizontal lure as far as traditionally trolling, your lure pulls

through the water with outriggers and -- you know, maybe skips more, whereas this instead of having four -- six or eight different poles that you're dragging, this is just one pole and all the baits are attached to this one.

And what it is, you have from the top of that pole to a bird that creates drag in the water and you've got these baits that come down and pretty much dance on top of the water instead of drag through the water. And the action of the stick causes them to jig and everything else, and so that's pretty much it. It's fairly effective at different times. Sometimes you're better trolling, sometimes it's more effective with a green stick.

MODERATOR CHRISTOPHER ROGERS: Well, the crux of the matter with respect to the authorized gear sections of the Atlantic tuna regulations is where does it fit in the definitions that we do provide in the regulations. Currently, hand lines are limited to two hooks. Anything above two hooks is considered a longline. And I've heard various descriptions of the gear and fishing methods. Sometimes I believe what I'm hearing is a vertical pole that is towing a mini-longline through the water, as opposed to a hand line.

GLEN HOPKINS: Not necessarily, Chris. You put as many baits on that thing as you want, but most of the time it's -- there can be one, it can be two, it could be maybe six.

GLENN DELANEY (No microphone): Glen, aren't they (inaudible).

GLEN HOPKINS: No, not --

GLENN DELANEY (No microphone): (Inaudible.)

GLEN HOPKINS: It all comes down to one rod.

MODERATOR CHRISTOPHER ROGERS: And that is the crux of the matter, in that we have a clear separation of two hooks or less and more than -- three or more in terms of authorized gear, and this sort of is a gray area. It's not clearly defined in the regulations. Therefore, it does not fall in our authorized gear.

I would suggest that we defer this discussion till after we finish the bluefin matters, because my understanding, it is primarily a gear used to target yellowfin.

UNIDENTIFIED: (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: That's my concern, is that I don't think we're halfway through it. I'll make an executive decision, if I can survive it, and say let's get back onto bluefin and we'll take up the green stick -- in a few moments, as soon as we dispense with all the bluefin matters.

All right. Bluefin. Again, the issues of the North Carolina petition, how that would affect the general category or other categories, how it would cause us to think about proposing implementing the ICCAT recommendation, and transfers between and among categories, carryover provisions, and the like. Jim Donofrio.

JAMES DONOFRIO: Thanks, Chris. I want to comment on the bluefin, but just an aside, if you don't know much about green sticks, Sea Grant's got a paper on it that's available through Sea Grant. It explains the whole gear, how it works.

MODERATOR CHRISTOPHER ROGERS: I'm aware of that paper. Russ Dunn had a copy, faxed it up to me, but unfortunately on the fax copy all the pictures were just black boxes, so I couldn't get a real visual of what it is. We're ordering the full resolution copy from North Carolina Sea Grant.

JAMES DONOFRIO: I got ya. Regarding North Carolina, there's a couple issues. You know, general category fishing as far as we're concerned from a -- representing some industry members, as long as they're using -- you know, boats and buying gear and tackle that is recreational -- traditional recreational, that's fine. They deserve whatever they can get through the process. And those are general category fish.

But I want to be clear that we have a consensus amongst our groups here, charter boat associations and marina owners, et cetera, and people back home, that we do not want to transfer any of that 165 metric tons over to a sale category. Those are fish that we need, and if we need to increase opportunity -- and that's what we're hoping to do, we want to propose to you that if a scenario comes again like the Bacardi or some other area off south of Block Island, or off of Ocean City or anyplace, where those fish are available, to increase the bag limit, in-season adjustment from two fish to four fish per vessel. And let us catch those fish with the additional schoolfish as we come out of our scenario with the school, you know, every year as we work that.

But we want to utilize our quota, just as everyone else here wants to utilize their quota. And I think the agency needs to give us that opportunity rather than transfer it over.

Now, you know, what we will agree to is that we have that 50-ton set-aside for the North Carolina charter boats for the sport fishing end, and they should continue to have that availability of fish. And if any of that 165 metric tons needs to be used to enhance their chartering, you know, for sport fishing, you know, that's fine, that's sport fishing used fish. That's how we view that. Thanks.

MODERATOR CHRISTOPHER ROGERS: Rich Ruais, then Rom Whitaker.

RICHARD RUAIS: I'm not -- I wasn't ready to make the leap to the North Carolina issue. I think that's still coming up a little later on. I wanted to suggest on what to do with the ICCAT increased quota, respectfully submit that you not cause yourself some heartburn on this one and we kind of have already done this debate quite comprehensively back in 1997 and 1998 over an incredible number of meetings and public hearings in the development of the fishery management plan, and there was -- I think there was a pretty strong consensus that the agency implemented that the U.S. ICCAT quota would be divided into percentage shares for all of the major users. And I see no reason for suggesting that there's a possibility of doing something different at this point in time with the ICCAT quota.

The plan anticipated that there would be fluctuations in the ICCAT quota, and that was the purpose of getting percentage shares for all of the user groups, so we could have some reasonable expectation of what our quota shares would be as there might be some fluctuation in the quota. And I think that's what you have right now is the need to do that.

So, I fully support what you've presented as a means of dividing up the quota, and in terms of in-season transfers, that's -- you know, I think you've -- it's an area that requires an awful lot of discretion on the part of the agency. The criteria that were established, the five criteria or six criteria, whatever it is, that were established were all very important criteria, and well-aired at public hearings. The process is established.

There are some areas where we want to suggest that occasionally -- and that's why I put out a document for a conceptual document about the possibility of a new category, where we might want to consider where there seems to be a chronic fundamental problem with the allocation system not addressing today's fisheries needs that we might want to consider a fundamental change to the plan, but that's not intended to say that there's anything wrong with the routine in-season transfer system that you have in place right now.

And I'm going to hold off on North Carolina till we get to that, because I don't think it comes -- I don't think this is the right place to talk about that -- I don't think.

MODERATOR CHRISTOPHER ROGERS: Rom Whitaker, Joe McBride, Bob Pride, Nelson Beideman.

ROM WHITAKER: Thank you. I'm not sure when we bring the North Carolina issue up. I do think that NMFS has done a very good job of doing the in-season transfers, but sometimes -- this year was not the case, but in past years, where at a last minute -- we don't know from Friday to Monday whether we can catch anything or not, and I'm sure our stakeholders in our area would like to have something a lot more consistent, or at least something that they can make plans about.

I do think -- I mean, it would be nice to have the big pie and we could slice everybody a piece just like they wanted, but I do think the fishery has changed, or has got -- has taken some different direction since it was originally set up.

And I think that we have to consider that when we've all of a sudden got a little bit of new stuff. Thank you. I'll save the North Carolina comments. I guess we aren't started on that yet.

MODERATOR CHRISTOPHER ROGERS: Well, to my mind, we have. I think what I heard from Rich is that it is his position that we do not need at this point to revisit the allocations among the categories. We have an ICCAT quota. The regulations in the plan had anticipated percentage shares by category. And that the North Carolina issue is a contained issue within the general category, and we don't need to discuss it with respect to how we allocate the ICCAT quota among categories.

The only point I was raising as a nexus is that if the committee was to have any thoughts on how to address the North Carolina petition, to the extent if there are any views that it was something that could not be handled entirely within the context of the general category, it automatically requires us to revisit the allocations among the categories with the ICCAT quota.

And again, that would be an FMP amendment process, which is a much longer term process, but we did want to get some views as to whether it was time, that the fishery has changed to some degree since the mid '90s and whether or not the allocations between categories, as Rich said, inviting heartburn upon myself and everybody else in the agency, but it certainly is appropriate at this point if you want to discuss the North Carolina petition for rulemaking. Whether the folks from North Carolina had any views on how their petition could be best addressed, entirely within the context of the general category management -- in other words, this box right up here, this is general category, and deal with it entirely within the framework, or a larger context. And again, it does affect the time line of how we deal with it, as to exactly what approach we take.

So, why don't I go through the list as I call them. Unless you wanted any follow-up at this point, Rom. We can always put you back on the list later.

ROM WHITAKER: Well, my only follow-up would be that some of the categories aren't being utilized at this time.

MODERATOR CHRISTOPHER ROGERS: Joe McBride, Bob Pride, Louis Daniels -- or Nelson Beideman, Louis Daniels and then Rich Ruais.

JOSEPH MCBRIDE: Yes. I'm trying to approach this moderately, psychologically anyhow for myself. One of the easiest ways to see that a category of ICCAT allocations or U.S. allocations -- the U.S. distribution of the ICCAT allocations is to restrict the fishery to a point where the alleged user group -- in this case I'm speaking specifically about the angling category -- cannot afford to fish on them anymore.

And you've managed to do that in a number of ways historically, meaning the agency. By acquiescing to such things as the eight percent mortality on the schoolfish. Even though you're getting an extra surplus this year, there seems to be some rebuilding. Reducing the bag limits in the angling category to -- historically up until the last couple of years, to one fish per boat per day, ten metric tons in September and October for the northeast, which makes it impractical for us to fish upon them because our clients certainly in our industry will not go out, and even a private boat won't go out.

Now, this is an area -- and again I'm not going to get into what is the best biology of how to manage fish -- when you didn't have the directed fishing or the general category history in the Montauk area, which I can speak of certainly on my own behalf and the behalf of my colleagues there. We had bluefin tuna all over the ocean. They were a pest.

Now, for whatever reason we began to harvest the breeding fish, and this is why I was asking you about the size categories and so forth. And whatever the biology shows, we don't have as many of those fish anymore, but we do have more. But there's no effort put on to restore some of this angling category bag limits to make it worthwhile for those people who historically fished on there anywhere from Massachusetts down to probably Virginia along the coast for this type of fishery. So -- particularly in the fall.

Now, the last couple years you've helped us somewhat and we appreciate that. And you know, we hope that -- and the first time you took 50 metric tons of our unused category and gave it to the giants -- I think two years ago -- I had asked you in fairness why didn't you give us instead of three fish at that time, I think it was, more fish, let's say one a

man and see if we could utilize our own category. And you shrugged your shoulders.

And it happened again this year. And when I had called your office -- and that's what I was complaining about initially -- it was supposed to be on this particular -- I had asked -- or respectfully asked that it be on the agenda. It wasn't.

And I'm going to ask specifically, in fairness, that you give the angling category a bag limit, which is attainable, and we specifically -- I don't know if it's the appropriate time to get into this or you want to wait till we meet later on with Jim and what have you -- or Jimmy's going to bring it up later on -- we have some requests.

If you can give us back instead of four fish that we had many years ago -- and I don't mean that many years ago -- one fish a man on the boat up to six, exclusive of the captain and mate, and you would restore that fishery in our area geographically in late September and early October. And maybe we'd utilize -- there'd be more pressure on those larger schoolfish instead of on the small schools and so forth and so on.

And I don't think that's unreasonable. And the same scenario on the head boats. I mean, there is no one going to go out on a head boat when you limit it to -- right now the 20 fish is better than none, but if we have a surplus -- if we're giving away 50 metric tons and still underachieving with 20 -- maybe one a man on a head boat might be apropos -- and see how we do for a period then, because you can always readjust it. It's not -- you know, it's not written in gold, so to speak.

So, that's my request in the spirit of fairness to our industry. And again, you know, keep in mind our industry includes more than the charter and party boats. It's the marina owners and the restaurants and what have you in our geographic areas who make their living off these fisheries and need the support of the agency to continue to take care of their needs, just like any other user group. Thank you.

MODERATOR CHRISTOPHER ROGERS: Thank you, Joe. Bob Pride.

ROBERT PRIDE: Joe pretty much made one of my points, the higher bag limit for utilization of the recreational quota. So, I'd encourage the agency to put that in rulemaking this year.

The second thing I'd like to just make a statement about the North Carolina proposal. It seems to me to do any long-term change that we have to do a plan amendment, you know, based on the fact that we have a plan now.

So, I mean, we need to talk about this in two ways. We need to talk about it first of all how we institutionalize the leftovers, until we can do a plan amendment. And then we should talk about how we can -- what the elements of the plan amendment should be, what the issues and options are there.

I really think that's where we are. I don't think we can take from another category or even change the general category allocation without a plan amendment, as I understand it. Now, if you have a different opinion, I'd like to hear that. But that was my two comments. Thank you.

MODERATOR CHRISTOPHER ROGERS: Well, you're familiar enough with the Council system. So, the terms are regulatory framework amendment versus a plan amendment. There are certain things that could be accomplished with a regulatory framework amendment, but the concern would be you can't do a series of piecemeal regulatory amendments to get to the point where certainly your regulations are so misaligned with the original FMP that you've misused in a sense the provisions for framework amendments.

In other words, you want your regulations to reflect the plan. If the objectives of the management program or the circumstances of the fishery have changed to such a dramatic extent that it requires a plan amendment, you should do a plan amendment. And again, that would be our concern is --

ROBERT PRIDE: Let me interrupt you just a second, Chris. I may have misspoken, from a time perspective, an amendment and a framework adjustment aren't too terribly different, and that's what I'm worried about, the elapsed time.

MODERATOR CHRISTOPHER ROGERS: Well, a framework amendment can be accomplished quicker than a plan amendment. Arguably, I would say in a best case scenario you could do a regulatory framework in about a six months time frame. The incidental catch rule aside. But the plan amendment, as we discussed previously, would be about a year and a half process, so -- we had Nelson next.

NELSON BEIDEMAN: Yeah, Chris, I'd strongly support the no-heartburn approach as far as -- you know, we've already had all the knock-em-out, you know, drag-em-out, whatever, arguments about the percentages between the categories. Plus, I might be naive, but I think some of the conversations that I've heard indicate a willingness of the general category to discuss the North Carolina issue and a willingness of the angling category to discuss the North Carolina issue. You know, I don't think I'm naive in thinking that I've heard some of that.

Concerning the overages and underages, things of that nature, you know, we've always let everyone know how we feel about that, and how we feel about taking already discarded fish and transferring them to be killed a second time. We're hoping that the two percent revision will have our category taking the full quota without exceeding it. It's going to take adjustment, of course. We've asked for that adjustment to be built in. But we firmly feel that unless we get to a point where each category is being held -- you know, responsible for its allocated share, et cetera, that we're going to continue to have major, major problems.

As far as the flexibility that Joe and Bob are speaking of in the angling category, you know, again it's that category that knows how best to utilize within its allocated share. And I would certainly support the flexibility they need in order to utilize their share.

I'm hoping that there will be a solution for the North Carolina fishery. I know no matter what it is, it's going to be not enough, because every category in this fishery has not enough fish, but at least this year we come home with a little more.

So, we're now just starting to get some of the benefits of rebuilding and I -- you know, I could be wrong, but I think that the feeling around the table is that we're really here to find a solution to the North Carolina -- that, you know, would be a good start.

MODERATOR CHRISTOPHER ROGERS: Louis Daniels.

LOUIS DANIELS: And I think everybody recognizes that the fishery's changed over time and that there's a lot of differences in the fishery now to the way it used to be, and that's being reflected in a lot of the in-season transfers that we've seen over the last two years.

And what's difficult to watch is for the general category quota, for example, to be through season adjustments increased couple of hundred metric tons and North Carolina still be sitting in a position where we're waiting from day to day to find out whether or not any quota or a little bit of quota may be available to our fishery in December.

You know, we've got a lot of -- we can address the North Carolina petition in any number of ways. I think the agency has that flexibility. But certainly reexamining how all these various quotas have been put -- all the various subcategories have been put together is an important thing. Certainly harpoon's been under category, longline's been under category. We don't know how the new modifications to the rule are going to affect the longline catches. Hopefully it will improve those and they will come closer to catching their quota.

But what I'm looking at in a lot of these scenarios is increasing the harvest rates, doing everything we can to catch up these quotas; meanwhile, the landings are all scrunched up into one short time frame and we're talking about how that's causing economic hardship and economic consequences because all the fish are being caught at the same time.

Well, we can solve that problem by spreading it out a little bit and operating under the National Standards to reflect today's needs. And I think Mr. Ruais has put together a nice information paper reflecting the need to take care of some of these problems, and let's spread it out and let's take advantage of the maximum economic use of this fish, which is an extraordinarily valuable animal, and at least from our perspective, a tremendous value can be gained in the South Atlantic -- and I think it needs to be thought of as a South Atlantic issue, not a North Carolina issue, because the

southern states are supportive of this issue to try to extend this fishery into December and January and take advantage of these markets.

So, I don't want this part of the discussion to get away and just think that the only solution is to take fish away from the general category. That's not the case. I think some of Rich's stuff is very interesting in that where some of that angling category -- where some of those angling category fish came from.

I think it's also very interesting to look at the most recent quota specs and look at the underages. I mean, currently we're 200 metric tons under. So, what we're looking at is we're looking at a fishery like the general category that's taken 2 to 250 metric tons over its quota for the last several years, still having 200 to 300 metric tons of fish left over -- we just talked about this morning, swordfish, concern about leaving fish on the table. Well, we're leaving a lot of bluefin tuna on the table. You know? And we need to go in and readjust these angling categories to where we can accommodate all the fisheries, make sure that all the states are treated fairly in this allocation scheme, and that nobody takes any serious cut and any serious hit. And I think it can be done.

I mean, there seems to be general agreement around the table that we need to take some type of action here. We need to address the schooly problem. We need to address the angling problem. We need to address the North Carolina problem. And I think that the agency has enough information from all of the discussions that we had last year, all the information that you have in these packets, to make an informed decision on how to readjust this and how to accommodate this request.

MODERATOR CHRISTOPHER ROGERS: I had Rich Ruais, Pete Manuel, Jim Donofrio.

RICHARD RUAIS: Thank you, Chris. Louis makes very good points. And Joe McBride does, as well. I think I've been well aware for many years that the angling category -- the problem in the angling category, at least the way it's been relayed to me from what I've become familiar with are the leaders of the angling category, the primary problem has been that there's been a shortage of the schoolfish fishery quota and that the bag limits have been overly restrictive, impinging upon that category's success. And I've tried to work with those leaders and suggest several ways that we can fix that, including getting relief at ICCAT as it may be. Without in the long term impacting upon the rebuilding plan, if you will.

We have a commitment to ICCAT about a certain size selectivity, in terms of the major categories, and you've all heard this before in terms of how we can provide more fish to what seems to be -- at least today, the most important aspect of the angling category, which is the schoolfish, charter boat, private boat, party boat fishery across the board. And we want to help that.

What I have suggested also is that there are other elements of the recreational angling fishery, if you will, that are coming to the floor in North Carolina, at least to the extent that there is a charter boat fishery in North Carolina that wants to be involved in servicing the recreational public in North Carolina, but in a general category type of environment. And that's why we've tried to draw attention to the unused angling category -- the portion of the angling category quota that's unused, 165 large schooly small medium quota.

And I've been educated today by Rom and others about there's also a real commercial aspect to that North Carolina fishery. And I fully respect that. That's fine.

But to the extent that there is charter boats responsible for a substantial portion of the commercial landings, we see the potential to address that issue by using angling category quota to meet that recreational service, which we believe the North Carolina charter boats are doing.

It's only one part of the solution. We've also offered another alternative, because one thing we can't be held at fault for is trying to block or not deal with North Carolina. We've put it right up front as one of the major issues that we want to address. And I've been working as hard on this issue as I have on any other issue.

That's why we also put on the table -- we've asked the agency to come back and tell us what they think -- or their vision for how you would take the purse seine quota and turn it into a true -- controversial as it may be -- individually

transferrable quota.

Right now their quota is transferrable within the category, but there is interest elsewhere and it is known that the value of that fish sometimes is less than other categories, that it could be used in a market way to help where there are allocation issues.

We've got a shortage of quota upon us. We're going to have it for an extended period of time. So, that is another alternative in addition to looking at -- you know, that angling category quota.

And I heard from Frank. Frank educated me today that one of the reasons -- and Joe touches upon the same thing, that one of the reasons why that portion of that quota is not being caught is because the rules are too strict to encourage that recreational fishery to take place. And I respect that.

And somebody has to make a decision -- preferably within the angling category -- about which recreational fishery you want to serve. You've got one in North Carolina right now that is crying out for quota, quite loud. You have one that has since gone by the wayside for a period of years that wants to come back to some extent.

So, somebody needs to balance that off. How much more -- how more flexible do you want to be on a bag limit for 90 pound to 120 pound bluefin to encourage an offshore fishery and bring that back versus provide some of that angling category quota to serve a recreational charter boat fishery in North Carolina. That's a decision that -- you know, you guys have to make.

What we're trying to do is show you that you have the option of making that decision amongst yourselves. And we want to help in that area, but I can also tell you that Ray Kane, myself and others who represent the traditional general category, cannot stand by and watch the general category bleed to the extent of 69.2 tons or more over a period of time to support a new fishery.

I mean, we know we probably have to make some contribution to that, and we're ready to talk about that. We're -- that's why we have put controversial things on the table, to talk about them and see if we can -- if the time is right to make some changes structurally to our fishery to reflect where we are going in the future. But we ought to put it all on the table, and if this isn't the appropriate meeting, and if this is just a building block, that's fine, we're happy to do it. I thought when we had a little meeting amongst ourselves for breakfast the other day that there was some -- that there was some things to build on, clearly, when we left that meeting, and then it quickly changed after the fact. And that's fine. We can live with -- you know, stutter steps here as we move along.

But I think there needs to be serious consideration for North Carolina about all of the alternatives for resolving that issue, and I can't go back home and tell people that are dependent upon this traditional general category fishery, both shore-based and at-sea, people that are living with groundfish restrictions to a good extent that's impact upon their life, to tell them we are finally getting a little reward, but we can't have it, that we've got to have somebody else -- somebody else has to come in and take that up right now. That's not a tenable position, but we want to work, and we're here putting concepts on the table to be talked about.

If we're just going to -- hopefully we won't just continue to hit a brick wall on it, that other people will be flexible, as well. Thank you.

MODERATOR CHRISTOPHER ROGERS: Okay. It's time for a coffee break. Do you want to take a break and we'll pick up the discussion? All right. Jim, respond to that point, then we'll take a ten-minute break and then move on with the discussion.

JAMES DONOFRIO: Chris, I mean really -- in all due respect, Rich, you're confusing people, because you're talking about North Carolina charter boat and recreational fishing and angling, and what they're asking for is a commercial general category sale fishery. Am I correct over there? Exactly.

So, let's not confuse the two. We were very clear here that we would support giving them some more tonnage if they need it for their sport fishing interests out of the 165. Why should a commercial category, a sale category, be taken out

of those 165 metric ton when in all fairness there's five families that own 18 percent of the U.S. giant quota, okay? And you want to talk about bleeding. Look at our numbers in the '60s, in the '50s, in the '40s, and you've got the documentation of the amount of schoolfish that were dependent on these families in our areas.

And we're just starting to get back now to rebuilding our charter boat business, thanks to you, Chris, and your team, where we're getting a reasonable bag limit and reasonable access to this fishery. And now we're considering taking that 165 metric ton? No way. No way. We'll help them out with swordfish, you know, we'll give them overages. You know, anything we have underage, we'll give them that stuff. That's fair. But you know, we're bleeding, too. Our bluefin industry is bleeding. It's just starting to come back, thanks to your hard work with your team trying to put a solution together with our ad hoc tuna committee. And there's no way we're going to give up that 165 metric tons without some kind of a real legal or legislative battle on Capitol Hill. No way.

MODERATOR CHRISTOPHER ROGERS: We'll take a response to Rich's discussion by Rom Whitaker, then we'll take a break.

ROM WHITAKER: Just to respond, and to bring everybody up to date. Of course, we've been through this several years before, but back in 1996 -- and first of all, before that I would like to thank you and Brad and the National Marine Fisheries Service for providing us with some fish this year. It certainly made a lot of commercial fishermen happy, and as a charter boater I participated and I made my kids Christmas. But especially Doctor Hogarth, who came down and was -- took a beating in North Carolina -- one meeting, anyway, but he was very instrumental and I commend him for that.

But to respond to Rich, back in 1996, we worked real hard as -- when the bluefin fishery kind of ballooned in North Carolina, at getting some angling set-aside then. Used to be the season opened January 1st and that's mainly when our recreational fishery is, January through March. And so we were pretty much covered. They had -- the season started at that time on January 1st, and so they had to shut us down after 50 metric tons so that the northeast would be provided with some fish, which we instigated our own program, found out that there was some miscounting by NMFS and that when they were shutting us off, actually we were only catching about 40 or 35 to 40.

And we felt like we fought that battle. We feel like that in working with Jim and Bob and others that we have kind of maintained this category all along for all of a sudden you tell me I got to go back in and fight that battle again. Well, that's a different battle.

Well, we can't help where the bluefin swim. They swim down to Virginia and North Carolina and even South Carolina. So, we're here I think -- Pete Manuel, who heads up winter bluefin, just asking for some of our fishermen in that area who are taxpaying citizens like everybody in the northeast and they've been shut out of fisheries down there, too. We just want to participate in the fishery, too. The fish are there. As Louis pointed out, there's more economic advantage to catching them over a longer period of time, and certainly more scientific advantage. So, that's where we're coming from. Thank you.

MODERATOR CHRISTOPHER ROGERS: All right. Thank you, Rom. Let's take a break and we'll resume this discussion in 15 minutes.

[BREAK: 3:05 P.M. to 3:30 P.M.]

MODERATOR CHRISTOPHER ROGERS: We're going on 25 minutes of our 15-minute break. Please get back to the table. All right, folks. Jack Dunnigan has a few words of advice. Wisdom.

JOHN DUNNIGAN: As with earlier today, I'd just like to make a comment on process. And I appreciate your consideration this morning when I made my comment, and I hope you'll take these comments in the same vein.

I'm a little concerned that as I've seen the conversation developing over the last 20 minutes -- and I'm not commenting on the substance of anybody's position, but I'm a little concerned is we're not anywhere different than where you all were when we met in April last year. And what I'm afraid of is that we're going to go through the next 45 minutes to an hour with everybody restating all of the things that you've said to us already, and there's not going to be any

progress. I would encourage you not to do that. It's not a useful way for you to use the limited time that you have with us today.

The other thing I would say about this issue is that -- were we talking about making life easy for the government -- it would really be great if there was some way for the different groups to solve this problem, and to address this issue. Because frankly, I got to tell you that I find a lot of good arguments and equity on everybody's part. But if you can't come to a resolution of this issue, then one way or the other we will have to. And if history is any indicator, we will probably do something that nobody likes. And it would be much better -- it would be a much better way for public policy to be made if the stakeholders could sit down and mutually figure out -- recognize the positions that you're in and figure out an equitable way to deal with the problem.

Now, if we can help that by some creative approach to making government policy -- we've talked over the years about things like facilitated rulemaking or having some other kind of creative approach -- Bill Hogarth has sponsored a couple of those in the last couple years -- we'd be glad to do that and be in that position. We'd rather be in that position than have to be in the position of dividing up the baby.

So, I would encourage you to -- you know, use your time here to be productive and not to just go back over old ground. And secondly, to figure out ways where everybody can be parts of the solution, rather than ultimately just throwing it back at us. And I thank you.

MODERATOR CHRISTOPHER ROGERS: Thank you, Jack. On the running list I had, we had Pete Manuel, Jim Donofrio, Ray Kane, Wayne Lee and Maumus Claverie. I see also --

ROBERT ZALES, II (No microphone): (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: Can you get the mike, please?

ROBERT ZALES, II: Jack, I appreciate what you just said and I would agree with you, that's the way that I envisioned this process to work. But it's like I stated yesterday. It's been two years since I've been on this panel. But what I heard yesterday that went on with the permit that's out there that we're all going to have to buy on March 1st, it appeared to me from the conversation that I heard around this table that nobody here had any clear idea as to what -- how that permit developed, and they all kind of disagreed with what was going onto it.

So, I guess I have to ask, what happened to what you just described as a process to that particular issue?

JOHN DUNNIGAN: Well, I'd really like to talk about North Carolina rather than talk about the permits, but this issue -- the North Carolina issue, or the question of allocations is different because it's one that involves you folks relative to each other, whereas the permit issue I think involved a lot of you relative to our reactions as to what we felt we had to do to manage the fishery. And that's the essential difference between them.

MODERATOR CHRISTOPHER ROGERS: Pete Manuel.

PETER MANUEL: Thank you. First I'd like to thank the organization and Mr. Hogarth and Chris and Brad for all the people that had the opportunity to fish this year on the 69.1 metric tons. It was a very good Christmas for a lot of good watermen that would have never had a good Christmas. I know there's people that kids got clothes, kids got education, a motorcycle here or there, and boat parts. I mean, it was a wonderful thing and we thank you very much.

And as far as my comments, I hope what I say is new and doesn't drag on. I've looked at the comments that were received back, both negative and positive to the agency on the petition that was filed by North Carolina Marine Fisheries, and you know, the two big hang-ups I see there -- the first two, which came from the IGFA and the other one came from the Massachusetts Division of Fisheries, was about the economic impact that the recreational fishery of 3.7 million dollars was worth back in 1997 when an economic impact study was done by an independent agency.

Well, just like the fishery in New England and other areas, the fishing has evolved today to where there's still a recreational fishery there, and a good recreational fishery. But on top of that we've developed a commercial fishery.

And in December of this past year, which the records were compiled by myself and a bookkeeper from another corporation that I own, of the 69.1 metric tons we had an ex-vessel price average per pound of \$8.73, which equated into \$997,315.20 to ex-vessel sold tunas. And based on the people that did the economic study for the Hatteras and Morehead area when the fishery was back in '97, that equates into an excess of five million dollars economic impact.

So, those two statements made by the IGFA and the Massachusetts Division of Marine Fisheries were based on old data that was no good. And if they would like the new data, I'd be glad to send it to them.

Second of all, the other negatives that I see, it says that the in-season transfers that were done in November by the agency, which -- to give us the December 1 allocation, the other letters that are negative -- the majority of them talk about that we should not get a fishery due to the fact it came from the angling category. You know, I'm not sure that all of it came from the angling category. If you go back and look at your data, it came from different categories. And that would be my response to that.

And then the new allocation that came from ICCAT this year, I mean, I understand how the northeast fishermen feels in their fishing groups, people like Ruais' organization has worked real hard to get the fishery where it is. But as his own comments state in his proposed other categories that were issued around here, the fishing has evolved to a different area. The fish have moved. I mean -- and they may leave where we catch them one day, but they've been there for the last ten years. And I would suggest that you take the additional tonnage that was received at ICCAT this year and give it to a December/January allocation and see how that works, if we can work that out. And then nobody really gets hurt. I mean, they have what they had before and we have a permanent fishery.

I know that -- I thought that maybe what you were insinuating to earlier today and nobody would speak up to that, and that's what I feel would be the easiest way to resolve that. Thank you.

MODERATOR CHRISTOPHER ROGERS: Jim Donofrio.

JAMES DONOFRIO: Thanks, Chris. I'm going to look at this in the spirit of how we're looking at ICCAT now, regarding the North Carolina issue. When we went to ICCAT this year -- and it was said yesterday at the meeting that we have to have open eyes and approach. We have new people or new countries coming in and we have to accept that -- you know, we're going to have to give quota, okay? And we've been doing things like that.

So, regarding the gain we made this year at ICCAT, and recognizing that North Carolina's got a fishery -- now, I'm not saying it's a new fishery, but let's look at it as a new fishery as we look at the ICCAT perspective; right? As far as we're concerned -- I mean, status quo would be great, you know, if we could get our increase and the opportunity to catch our bag limits and general category goes on with what they've got. Why don't we consider anyway -- consider the idea of giving that gain -- that 70 metric tons to their hand gear fishery down there, their general category fishery as a starting fishery. It's a fishery you gained. You gained 70 metric tons for the United States. And you give it to a new region, let them start their new fishery right there with that. And any gains we get in the future, then we divvy it up amongst, you know, the categories fairly. But we should give them a start with that. I mean, that would be something that needs to be discussed, as maybe another alternative, in fairness to everyone. Thanks.

MODERATOR CHRISTOPHER ROGERS: Ray Kane.

RAYMOND KANE: Here we go, Chris. Heartburn. I have to direct this to your table. I fish bluefin tuna from Jersey, the New York Bight, to Maine. I've caught fish in state waters. I've bought state licenses. And of course I buy the federal permit. I've landed fish in those states. But as we sit here today, general category doesn't want to see any allocation to North Carolina and Jack, maybe you can resolve this right now at the table. This is a federally managed fish. I have my federal permit, and yet I cannot fish in North Carolina state waters for bluefin tuna. I have to sit outside the three-mile limit and watch North Carolina residents land fish. I can buy a permit to sell in that state, but I cannot fish in state waters.

Now, in every other region of the country, there is reciprocity. I had to go on record. I've spoken with the gentleman from North Carolina. They said they're going to do what they can to resolve that problem. But until -- I mean, I spoke to fishermen from North Carolina in '96 about this in Washington and I said you gentleman want federally allocated

fish, federally managed fish, and yet out-of-staters can't fish these fish in North Carolina. And back then they told me they'd do something about it.

Now, I've got -- I've spoken to Ron, I've spoken to Pete, I've spoken to Pres, and at least from the fishermen's side, they're saying they're going to get something done about it. But until something is done about it, how can the federal government allocate a quota to a state?

MODERATOR CHRISTOPHER ROGERS: Wayne Lee.

WAYNE LEE: Thank you, Chris. Just a few comments. One, things are different today than they were in April of last year, to address Jack's comment, and that is after we had the discussion last April, we were told later in the year that if we wanted to have anything done, we had to submit a petition. That petition has been submitted. So, things are different.

As a result of that petition, we have also gotten other states -- and I want to go back to the point that Louis Daniels made, even though we're all around this table saying this is a North Carolina issue, it's more than a North Carolina issue. The South Atlantic Council is on record supporting this. Georgia, South Carolina, Florida and North Carolina are all on board supporting this. It's a southern region issue, because we have boats from all the states that come and fish in this if the fish are available.

At no time has the angling quota that we have in North Carolina been part of this problem with regards to using that in any way for solving the commercial quota. That's never been on the table in North Carolina, and it really concerns me when I hear other people say well, we should use part of this angling quota to resolve this issue. This is a different issue. This is a general category or commercial issue.

We have fought hard to maintain our 50 metric tons for our angling category, and that's going to have to remain in place, because that supports our charter boat and our recreational fishery in North Carolina.

We're going to have to resolve this issue through either framework or a plan, because we can no longer not know when we're going to get fish, when the fish are going to be available. We've got to have both our charter industry and our general category industry be able to know what they're getting, when they're getting it, when the season's open, when the season's going to close, so they can plan accordingly. And this also supports any boats coming from any other states -- and we have them from a number of different states that come and fish in our area. So, we're going to have to get that part of this thing resolved.

With regards to how we address the issue now, when we set around this table last spring, one of the big issues was the potential for an increase in quota at ICCAT. If we got that -- at least I remember part of the discussion was that potentially we could use that to satisfy the North Carolina problem. We now have the 77 metric tons. If you take that and add to it the 60 metric tons that we got this past fishing season, you'd be talking about 137 metric tons and we'd -- and no one else has lost anything.

And finally, the issue of a new fishery, that term also concerns me. If you go back to '96, the public hearing in North Carolina, we specifically asked for an allocation for this fishery. We've been regulated out of the fishery. You can't fish when you're regulated out of it.

So, this is not a new fishery. It's not a new requirement and we documented last year when we were at this table that these fish have been available in our water for many, many years. Thank you.

MODERATOR CHRISTOPHER ROGERS: Mau Claverie.

MAUMUS CLAVERIE: Yeah, thank you. The Gulf Council hadn't taken any official position on this, because we don't even like to think about tunas, since you all are doing all the thinking for us, thank you. But I do know -- we do know from experience that in the angling category, the trophy category, we accidentally come across a couple every year -- well, not every year, but often. We go years without any.

And our problem is that the tuna fish -- the fishing season in the Gulf of Mexico spans the beginning of your season and the end of the last season. And so the only thing we would ask is please keep it so that maybe one trophy could be caught in the Gulf at the end of your season, which would be the beginning of our bluefins coming into the Gulf season.

And the other thing is we are fishing for science. I thought I'd had this discussion with Miriam. I didn't remember whether it was before or after '99. But the rebuilding plan says recalling that in 1966 there was this science-based quota; therefore, ICCAT recommends that all parties and entities shall provide the best available data for the assessment of the stock by the SCRS, including information on the catches of the broadest range of age classes possible, consistent with the minimum size restrictions.

So, we're still fishing for science, and one of the things that was not discussed in the small fish is that maybe that would increase the spectrum of age classes, which is what ICCAT SCRS is looking for.

MODERATOR CHRISTOPHER ROGERS: Frank Blount.

FRANCIS BLOUNT: Yeah, thank you. I'd like to echo something that was said earlier, too, about -- you know, the new allocation of the quota going up and giving something up. The angling category hasn't reached its quota in the last few years. The purse seiners haven't reached it in the last few years. I don't think the harpooners have. So, the additional 70 tons is not like somebody's giving something up.

I think for the upcoming year I think the simplest solution is it comes across the board, so rather than increase for everybody, they get theirs. If we have to work it out in the future, we work it out in the future, and see how it works out.

MODERATOR CHRISTOPHER ROGERS: Bill Gerencer.

WILLIAM GERENCER: Yes, I also remember or at least have the impression that last April we talked about the fact that if there was an increase in quota, that would allow the opportunity to get something started with North Carolina, and I understand there's good reasons for splitting up everything according to the percentages listed behind you. But this gives you the opportunity for some fairness for North Carolina, and I don't think anybody at this table would disagree that they deserve some fairness.

MODERATOR CHRISTOPHER ROGERS: Russ Nelson.

RUSSELL NELSON: You've got to feel like you're back home in the old job with this argument, Jack.

I think clearly there's ample reason for some change and some effort here to make some fish available to North Carolina. But as I listen to this discussion, it seems to me the underlying assumption isn't we're dealing with just one big homogenous glob of fish, which we like to call a stock, and that we pull them out of here, we pull them out of there, we're going to have the same consequences. In reality, things in nature are often unpredictable, and this fish that show up off Hatteras and the fish that are in North Carolina now at one time were fairly unpredictable.

The tagging information that's been gained from tagging fish in this area also indicate that they're somewhat unique, a somewhat distinct subgroup or substock or whatever we want to call the fish. So, I would just urge caution that the extraction of fish from North Carolina over the last eight, ten years, has been fairly modest, mostly because it's been coming out of the angling category under those limits. The idea of maybe expanding it to pull out 150 metric tons of winter from that group of fish, I would just suggest as a fisheries scientist that one might want to be somewhat cautious and maybe proceed incrementally to take a little bit more out of that stock and a little bit more.

You could find -- and I'm -- you could well find that you might be able to take too many fish out of that stock and after a few years it wouldn't be there anymore. I don't know if they go somewhere else or not, but I think certainly this group is capable of coming up with a compromise to deliver a significant harvest in the general category to North Carolina, but I would proceed somewhat cautiously, because it's a valuable fishery there right now, and I think the people of North Carolina would like to make sure that they retain it for a long time in the future.

MODERATOR CHRISTOPHER ROGERS: Thank you, Russ. Any others on this point? Pete Manuel.

PETER MANUEL: Yeah, thank you again. In comment back to the comment that was just made, if you look at the Tag-a-Giant Program's tagging program that has been implemented through Barbara Block and Stanford University and now in conjunction with Duke University, if you look at the history of the archival pop-up tags and the tracking of those tags, the stock of fish that we're fishing on is pretty much relative -- the same stock of fish that are fished on New England.

You can see that the tracking patterns -- that the fish are tagged here, they go down to the Gulf of Mexico, they go out and around Bahamas, up the middle of the Atlantic Ocean, over to the Flemish Cap and then right back down to the New England fishery. And there have been some archival tags recently that have been tagged in North Carolina that have swim straight back across to the Mediterranean. So, essentially the same stock of fish and I feel like it can well sustain a 150 metric tons. Thank you.

MODERATOR CHRISTOPHER ROGERS: Shana and then Nelson.

SHANA BEEMER: I just wanted to add something to those two previous comments. There have only actually been a few of the fish that have gone to the Gulf of Mexico. Most of those North Carolina fish are immature. And so I'd agree with Russ, that you really need to proceed with caution. Thanks.

MODERATOR CHRISTOPHER ROGERS: Nelson Beideman.

NELSON BEIDEMAN: Yeah, I think what Jim Donofrio suggested makes very logical and reasonable sense. The beauty of it is that everyone shares equitably in resolving this problem; and the problem gets resolved and then we go to ICCAT and we get more quota, we all have that slightly adjusted base to add to.

MODERATOR CHRISTOPHER ROGERS: Joe McBride, Bob Pride, Rich Ruais.

JOSEPH MCBRIDE: Yeah, just for the record, again I'd like to concur with both Frank and Jimmy and Nelson's just last statement that -- and also in answer to Jack, if there's solutions for dilemmas such as has been confronting us with the North Carolina issue for a number of years, couldn't be better this year with the extra tonnage, at least to start the program over, and whatever else they can put together there. You reach the total you want or not, I'm no expert -- you guys know better than I do. But it gets your foot in the door big time and it's a start. And everything in most of these meetings are compromises, anyhow. Thank you.

WILLIAM HOGARTH: In spirit of trying to move this on, we've been, as you noticed, a bunch of talking going around the outside of the room, and I would like to propose after talking to most of the people that what we will do is to look at using the portion of the increase, such as 77 metric tons, to be used for North Carolina, to be determined -- December or January.

North Carolina needs to look at one issue, too, that Pres has agreed to look at, which is not under his control, about other states fishing in state waters. That's a legislative issue in North Carolina.

And but some others need to go back and talk to their membership. And so we could talk around this table all day today and I don't think we're going to get it any further resolved than that. So, what I've proposed is to go back, we give them a couple weeks to go back and talk among the principals and then we will facilitate another meeting to discuss this further and see if we can refine it down to where people are comfortable. If not, then of course we have to look at this issue ourself, but I think we are close enough that if people would go home and think a while and look at the issues and we can deal with this.

And I would propose that rather than spending a lot more time here, that you go home, talk to your membership. And I appreciate the spirit of cooperation that everybody has mentioned.

I did have one person who I'll mention who's standing to the wall over there told me he thought I came here to look after North Carolina, but I didn't do that. In fact, I don't know why I'm looking after North Carolina -- another state

folks.

But no, I just think that there's a fishery there that is economically important. I think we have some increased quota and I'd just like to see us work this out. Bluefin tuna is the most contentious issue -- the highest totals I think that we deal with in this agency. And people seem to be willing to work with it, so let's let the principals go home, talk to your membership. We will facilitate another meeting to try to refine this with you at a later date when we know everybody feels like they've had time to address the issue.

But I think that is as best as we can do with this issue this year. I'll be honest with you. And I'm a little surprised, because I've been to Rich Ruais' meetings, I know how contentious they can be, also, and Hammer's and all, and Jim Donofrio's. So, I think everybody's trying to work this out and I think we could, like I say, sit here and spend the rest of the day and tonight. We can't do it till people talk to their membership and we refine some of the issues. But I think we have a solution, which I think should be satisfactory to everybody. So, that is my recommendation and I encourage you to do that. And I promise you that we will facilitate another meeting to see if we can resolve this among the parties rather than having to do something else. So, with that, thank you, and let's see if we can do that.

MODERATOR CHRISTOPHER ROGERS: I had Bob Pride, Rich Ruais and Nelson.

ROBERT PRIDE: I think the anglers and our commercial fishermen in Virginia would support the proposal to build this outline and summary of what everyone's been saying around the table.

The other thing I would suggest, that if North Carolina has this issue about the fish being caught in state waters and sold, then all they could -- it would be fairly simple for them to issue a proclamation to say that these general category fish can't come from state waters. In other words, any fish that are sold can't be caught in state waters. That might be an easy way around the problem in the short term.

MODERATOR CHRISTOPHER ROGERS: Rich Ruais, Nelson Beideman.

RICHARD RUAIS: Yeah, I don't know where Bill -- Bill's going out the door, but I did want to say that I appreciate his efforts to try to come to some kind of at least temporary reconciliation on the issue today, and we can support that. It's a good idea to go off and talk about it. Ray and I have talked about it, and we can go back to our memberships and talk about the principal of taking some portion of the increased quota, some portion of the increased quota and looking at -- you know, a month period quota. And the other important consideration that Bill mentioned -- very important consideration to us is that if it is to be a part of the general category coastwide quota, that the same access conditions to that -- to the general category coastwide quota be intact for that new fishery, as well, that it not be special and different from the access -- free access to the remainder of the fishery, as well.

The other area that's of interest to us is if North Carolina or as North Carolina comes into the fishery, you know, as an industry, the northern industries have been organized for some period of time, and we've been participating in research as North Carolina has as well. And we've been funding a lot of research and working to protect the overall U.S. fishery and we would like to have some help from the new fishery as it develops, as well. But we're fully supportive of the process that Doctor Hogarth has spelled out and anxious to proceed with it.

MODERATOR CHRISTOPHER ROGERS: Nelson Beideman, then Glenn Delaney.

NELSON BEIDEMAN: Yeah, I'd like to echo everything that Rich has had to say, including participation in the ICCAT process. My guys have had a question that I'd like to ask of the petitioners, and that's why December/January? Bluefin tuna are so fluctuating, and the end of the season is -- you know, the end of May. Why were you limiting, you know, that to December/January? It's a question that we've had. You don't have to answer it now, but --

ROM WHITAKER: Do you want to answer that, Pete?

PETER MANUEL: Yeah. The original general category season closed December 31st, and our experience over the last five or six years is the larger fish like the fish I caught four fish Saturday and all of them were well over 85 inches. One of them was about 96 on release charter boat fishery.

There is no wild animals on the market in the month of January, and if you go back and you look at -- in 1999 there was a longline incidental fish that sold for I think 34 plus dollars a pound, and we felt like that January would bring the highest yield for us, and the larger fish are in our area, and also there was some pen-raised animals that went in the market this past January that I've got some records on that sold for \$28 a pound. We were looking to be more in line with the Magnuson-Stevens Act for optimum yield.

NELSON BEIDEMAN (No microphone): (Inaudible.)

MODERATOR CHRISTOPHER ROGERS: Microphone.

NELSON BEIDEMAN: I'll pass that along and you know, that helps us better understand it. We did put that question in our comments.

MODERATOR CHRISTOPHER ROGERS: Glenn Delaney and Preston Pate.

GLENN DELANEY: I was just going to thank Doctor Hogarth, who usually I agree with his good proposals for solving a problem, and I appreciate that. But I also wanted to stress something that I think Nelson and Rich probably just made, is -- you know, for more than 20 years, the U.S. tuna interests that both commercial and recreational have been fighting at ICCAT to get themselves out from under what many of us felt was a management regime and a conservation regime that didn't make much sense and was inequitable to U.S. interests. And eight of those years -- 20 years, you know, I served as their commissioner trying to get it, and it's been a long, hard, bloody battle to squeeze, you know, 77 tons out of ICCAT. I know that sounds incredible, but it's true.

And I just would ask you that -- you know, help us in the future. Help me help the future commissioners and the ICCAT process -- you've got to be part of it and support it and we could really use the help and expertise to make both the ICCAT Advisory Committee process work and the ICCAT -- you know, delegation process that we have over there.

So, I just would hope that you would -- you know, a lot of people worked real hard to get that in. Appreciate that. And that you'll be part of that process in a strong way in the future. That's all.

MODERATOR CHRISTOPHER ROGERS: Thank you, Glenn. Preston Pate.

PRESTON PATE: Thank you, Chris. Just a note of thanks to you and your staff and Bill for the guidance that you've given us through this process. We submitted this petition in a spirit of hope that sound minds and rationale would prevail and view what we propose as being rational and fair and allowed under the law.

And although there have been periods of acrimony along the way, I'm pleased with the cooperation and the support that we've received here today, and I'm very confident that we'll be able to arrive at a solution that is agreeable for everyone, and look forward to working with Glenn and others at the ICCAT more aggressively in the future than we have in the past.

I think the more united and the more support we can throw behind this at a national level, then the better off we're going to be. Again, thanks and this country boy has felt like he's been sitting in the ten ring around a bull's-eye for the last three days, he's going home.

MODERATOR CHRISTOPHER ROGERS: Okay. Looks like the majority of folks, if not all folks, have spoken on this issue and we will revisit, as Doctor Hogarth said, after individual parties can consult with their respective constituencies.

Certainly if you have any questions in the intervening period, before any meeting can be convened, give us a call at the office and we can sort of explain procedural things to you, at least, as to how various accommodations could be made through a framework amendment or a plan amendment or anything like that.

To my mind, discussion on the North Carolina petition has now come to a close. I'm not exactly sure if we want to

proceed on any discussion of effort controls for the general category and/or this concept of late-season transfers between categories to avoid excessive carryovers, whether that is something that warrants further discussion. Certainly the regulations are in place to deal with it. There are criteria specific to transfers between categories, but again, every time we exercise the option, there is a voicing of concern as to whether or not the decision of the agency has been appropriate with respect to in-season transfers. So, effort controls and in-season transfers between categories are still items up for discussion, if it's the pleasure of the panel. Rich Ruais, Bob Pride.

DISCUSSION ON EFFORT CONTROLS
AND IN-SEASON TRANSFERS

RICHARD RUAIS: Thank you, Chris. On the effort controls, we're very anxious to see in the general category that there not be any restricted days put in place -- proposed in advance of the fishing season.

The experience of the last several years is that those cause you more heartburn ultimately than they're worth. You have the capability, you have the control over the fishery, you have the awareness of the catch rate, you have a talented team that has their pulse -- that has the pulse of the fishery, that has relationships with dealers that know exactly what's going on. We suggest that you're much better off leaving the fishery open and responding to any developments in the fishery knowing that it only takes you three days or so to get controls on, whereas it makes a lot more work for you to take the controls off, as you've had to do the last several years. And as it stands now, it makes sense to assume that the conditions of the last several years are going to prevail again this year and not go forward with putting in place planned days off that you're not going to need.

Also, the experience the last several years is that the early season participants in the general category are not getting a fair share because production is so low for the variety of reasons that we've already talked about. So, we think it's absolutely imperative that the season start at two a day in the general category, so that more -- a better share of that initial 60 percent of the quota can be had. And as we've seen in the last few years, that has not been a deterrent or a problem affecting North Carolina's participation in the fishery. We clearly have seen that, and it shouldn't be viewed as a threat to that. It just hasn't materialized, despite some people's fears. So, we want to see the general category start off at two a day and we don't want to see any days off proposed in the fishery initially.

And there's another point that I'm struggling to think -- of what I wanted to say, but I've lost it. Oh, I know what it is. In terms of your earlier questions about packaging priorities for regulatory change versus plan amendment. I think that from our perspective, the priorities are the tolerances -- the adjustments to the tolerances for the minimum size, the harpoon closure date, and the start date for the purse seine season. Those are priorities that affect the three commercial categories in the northeast the most directly this season. Those are the priorities that we hope are in the regulatory specifications package or related to that, so that they can come on-line on June 1. That's my suggestion.

MODERATOR CHRISTOPHER ROGERS: Okay. Thank you, Rich. Bob Pride.

ROBERT PRIDE: Thanks, Chris. I'd like to address the in-season transfer just for a moment. I think that -- you know, what we're seeing is that the agency has been overcautious about controlling the quota and -- you know, the bluefin initial catches in the longline fishery as an example, the recreational catch as an example, and we're seeing that happen.

And I realize that your fear has always been we're going to go over the quota and we'll be in trouble with ICCAT, but with this three-year quota -- you know, we can roll them over between multiple years, I think that kind of goes away, at least until the last year. So, I'd like to see you afford the individual categories every opportunity to catch their fish before you transfer them. And I don't think the agency has been doing that. So, that's the only comment I'd like to make, and I think that applies to all categories. I'm not just speaking for angling. Thank you.

MODERATOR CHRISTOPHER ROGERS: Okay. Any other comments on effort controls, in-season transfers? Mark Sampson.

MARK SAMPSON: Yeah, I would just like to reiterate what he said, that we too would like to have the opportunity to catch our quota, rather than having it transferred.

Also, you know, typically our bluefin season has been closing -- or reverting back to one fish. Normally your recent -- I think in September, early October, sometime around there -- it's delayed.

UNIDENTIFIED: (Inaudible.)

MARK SAMPSON: Okay. And yet, you know, as I know you're aware, we also are seeing some fish there in late November and December, and some of our anglers would like the opportunity to be able to take more than one fish then. So, just keep in mind that although it's just a handful of fishermen and boats that would like the opportunity to be able to go for them, rather than give those extra fish away, there'll be all the more reason to consider opening it up in the southern area there to allow that. I think that probably would be -- you know, advantageous to -- of course, that's what the North Carolina guys are asking for, too, I believe. So, that would fall in line. So, we would support them on that, too.

MODERATOR CHRISTOPHER ROGERS: Any other comments on bluefin tuna?

(No response audible.)

MODERATOR CHRISTOPHER ROGERS: Okay. Looks like we've worn you out after two and a half days. Nelson Beideman.

NELSON BEIDEMAN: Did you ever finish the discussion on green stick-it?

MODERATOR CHRISTOPHER ROGERS: No, what we had deferred from 10:15 this morning was a discussion on HMS authorized gear and permitting, and we feel that would be an appropriate segue into that subject of the green sticks. So, what we will do is now have that presentation on authorized gear, as soon as we hear from Rom Whitaker.

ROM WHITAKER: Well, I'm not an artist, but I did draw a little sketch I'll pass around so people can maybe get familiar with it.

MODERATOR CHRISTOPHER ROGERS: Nelson.

NELSON BEIDEMAN: I'd just like to say that green sticking is about as much like longline as daisy chaining is.

UNIDENTIFIED: I'll agree.

NELSON BEIDEMAN: The same thing. That's a pretty good analogy?

UNIDENTIFIED: (Inaudible.)

HMS AUTHORIZED GEAR AND PERMITTING

MODERATOR CHRISTOPHER ROGERS: Okay. Just a little history while we get set up for the presentation on authorized gear and permitting. The reason we've lumped permitting with it, because obviously as you are well aware we've had some discussions already with respect to some of the new permit categories, is that for the most part we tie gear authorizations with respect to certain permit categories. So, they are linked to some extent -- to a great extent. And we wanted to look at some of the issues where permitting is affected by authorized gear and vice versa. A lot of concerns, also, about the limited access permits. We've heard comment about opening up the hand gear category for swordfish and trying to accommodate some of the South Atlantic and Caribbean fishermen in that category.

A historical note, for those who are following closely the reauthorization of the Magnuson Act back in 1996, the

Sustainable Fisheries Act that amended Magnuson, there was a requirement for the councils or the Secretary -- for plans under the Secretary's authority, to identify authorized gear. There was a lot of concern I presume for many years, but it probably came to a point where folks felt that it needed to be addressed during that Magnuson reauthorization process that new gear -- supposedly new gear or -- whether or not that's a term that is subject to debate -- you know, some people say it's not a new gear, in some instances, others say well, I've never heard of it, so therefore it's new to me. But there have been instances where management plans had been developed -- whether they be by quota categories or what have you, or permitting issues with respect to gear, and certainly a new gear comes on the scene -- or at least in somebody's eyes it has been deemed to be a new gear, and it doesn't quite fit in the management framework or it causes concern about reallocation between traditional user groups and the like.

So, there was a requirement in those SFA amendments for the councils and the secretary to print a list of gear authorized under each FMP, and that no new gear -- or that would not be identified on this authorized list, would be allowed in the fisheries except through -- I guess you could say an exempted fishing or an experimental fishing process, where the new gear would be evaluated with respect to impacts on traditional user groups in the fishery, bycatch issues and the like.

So, a table was produced back in 1999 that appears in Part 600 of the Code of Federal Regulations. That's the general Magnuson Act provisions, not necessarily specific to any fishery management plan, sort of overarching Magnuson Act regulations deal with the National Standard Guidelines and the like.

There's a table that lists for each fishery management council and each plan what the authorized gear types are. That's what Chris Rilling has before us, the table that was produced to reflect the table that was required to be produced by Magnuson. And again, with the requirement that any gear not authorized would have to go through some sort of demonstration or trial period prior to being authorized for that -- the fishery or under the fishery management plan.

We had identified some potential disconnect, so to speak. Since this was an agency-wide effort in developing that table, there was a format that was adopted. And we felt that the format didn't necessarily conform to the way we had developed things in the HMS fisheries.

So, Chris has both the tabular format in the Part 600, but also in gleaning the authorized gear information in our own Part 635 for Atlantic Highly Migratory Species, it's a little bit more specific about what is or is not authorized. And we've had some situations over the last several years of evaluating different gear types through an exempted fishing permit process. Some of you may recall the basically three-year situation we had with an exempted fishing authorization for pair trawling for yellowfin tuna in the Mid-Atlantic, Hudson Canyon area. In the end, the agency opted not to authorize that gear in the Atlantic HMS fishery -- Atlantic tuna fisheries specifically.

So, again we wanted to have a presentation here of the situation as it exists, some of the issues that have been raised with with respect to authorized gear. Certainly this green stick situation as it doesn't appear in the table, doesn't necessarily have any direct reference in our regulations. It's a gray area that needs to be resolved. And I'll let Chris have it -- having stolen most of your thunder, I hope not.

CHRIS RILLING: Well, actually, the focus of my talk was going to be on the permits -- for HMS permits.

MODERATOR CHRISTOPHER ROGERS: I didn't steal any thunder.

CHRIS RILLING: No, you didn't. So, the only last slide that Chris didn't get to was discussing other gear types. I know we've discussed green stick fishing here already.

Some of the other issues that we would hope to address are squid trawls, where we have swordfish and tuna bycatch issues, and that aren't currently authorized for HMS. And then spearfishing is also one of the not currently authorized fishing activities for HMS.

And I guess we would want to be thinking about this in the larger context of permitting, which I'll get to now. What I wanted to do is go through and just give you a brief update for the numbers that we have for this year's HMS permits. And also to have you keep in mind that we're thinking about going to the scoping process this fall, possibly going to

the scoping process for an FMP amendment on HMS permits. So, I'd like you to keep that in the back of your mind as we're giving the presentation and showing some of the numbers for the different permits for HMS.

Just to give you a brief history, in 1982 we initiated the individual vessel quotas for bluefin tuna purse seiners. In July of '99, the limited access program for Atlantic sharks, swordfish, tuna longline category fisheries were initiated. And then in December of last year, the HMS angling permit category was initiated. Just a very brief overview of the highlights or milestones in permitting for HMS.

In terms of limited access, we've had some primary objectives. First was to minimize economic displacement on fishing communities during a transition from overfished fisheries to healthy ones. We also wanted to manage Atlantic HMS fishery to continue optimum yield, reduce latent effort and overcapitalization, and to create a management system to make fleet capacity commensurate with resource status.

And in regards to the latent effort and overcapitalization, NOAA's involved in a process right now that was initiated through the FAO to look at excess capacity in all domestic fisheries, but they're also going to be looking at HMS. And that report is due sometime this year. What they're going to be doing is actually developing some metrics on how to gauge or measure excess capacity in fishing fleets.

So, here are the numbers for the last three years for limited access permits for HMS, by species and gear along the left. And you can see that in 2002 we issued 1262 permits to a total of 713 permit holders. The disparity there in the numbers is obviously because you're required to hold both a shark directed or incidental and a swordfish directed or incidental if you have a tuna longline permit. So, an individual permit holder will have to have up to three permits. So, that's why the number of permit holders is much smaller than the number of permits.

The general trend is still a decline from 2000, although we notice that the rate of decline from 2002 -- from 2001 to 2002 has slowed somewhat. So, you don't see as many permits going out of the fishery in the last year as you did the first year. The only category that we saw an increase in was the tuna longline category.

So, just to encapsulate what's in that table in terms of number of changes and amount of those changes, the number of limited access permits declined 27 percent from 2000 to 2002. The number declined from 1732 to 1262. The number of permit holders also declined 27 percent. And the only category that showed an increase was tuna longline, which increased six percent from 213 permits to 226. And as I mentioned, the decline slowed from 2001 to 2002.

So, what are some of the causes that we think for the change or the decline in the number of permits? Well, one is that the number of vessel owners who didn't renew their permits within a year and have lost their permit through attrition. Another may be that permit holders chose to exit the fishery due to regulations that might have been imposed, like for instance the time/area closures. Permit holders may have tried to sell their permits when they left the fishery but couldn't find a buyer. And incidental permit holders may have wanted to change gear types of use different gear in the tuna fishery. For example, they perhaps would want a charter/head boat permit rather than a tuna longline. I'm sure there are others that we haven't captured in these four bullets.

We looked at a number of permit transfers. In 2002, there were 184 shark and swordfish permit transfers, which was up 42 percent over 2001, in which 130 were transferred. Based on a very limited analysis of permit prices, we showed that they ranged anywhere from zero to \$7500. Again, this was a very small subsample. This is not one of the easy things to determine in these permit transfers. We have to actually go through them by hand. And I believe a lot of them don't even include numbers or values during the transfer.

And then with regard to permit transfers, there are upgrading restrictions which allow one vessel upgrade, provided the upgrade does not exceed 20 percent of horsepower and ten percent of length overall, gross registered tonnage and net tonnage of the vessel's baseline.

I spoke with an individual just the other day who had upgraded from a 33-foot boat to a 45-foot boat, from 130 horsepower to 250 horsepower, and he was wondering whether he was still eligible to fish with that permit. Unfortunately, he wasn't, because he exceeded the ten percent length overall restriction.

I know this is something that's been discussed in previous AP meetings, and of course it's something we'll need to think about as we go into the scoping process for any changes to the permitting system.

Here you see the table of Atlantic tunas permits. In 2002 we issued \$23,646 permits, but that includes in the box right above it on the bottom right-hand corner the charter/head boat permit category, which is actually an HMS permit category as of 2001.

In general, just looking at this table, you can see that there was a slight decline from 2000 to 2001, but that there seems to have been an increase -- or there has been an increase from 2001 to 2002.

Dealer permits. Dealer permits are required for the commercial receipt of Atlantic tunas, swordfish, sharks and additionally the appropriate dealer permit is necessary for importing bluefin tuna and swordfish from the ocean. And in 2002, we saw a total of -- or issued a total of 1,067 permits and that was a nominal decline over what we had in 2001. And essentially those numbers seem to be staying level.

For the EFP's, exempted fishing permits, they authorize the collection of a limited number of tuna, swordfish, billfish and sharks from federal waters for purposes of scientific data collection and public display. In 2002, 29 of these permits were issued. Eight of them were for display purposes and the remainder for either research on non-scientific vessels or for the observer programs. And the tunas for display permit changed actually in 2002, also. It's no longer simply for tunas and includes all Highly Migratory Species.

The scientific research permits, sort of a subgroup, I guess, of the exempted fishing permits, and these are for research aboard research vessels. And in 2002, we issued four of those permits.

So, in summary, in overall numbers, the limited access permits declined in 2002. Tuna longline was the only limited access category that increased. The combined total of Atlantic tuna permits increased, and as I mentioned at the outset, we'll be examining options for streamlining the limited access permit system and you can expect scoping by the end of 2003. And we'd appreciate any comments you might have. Thank you.

MODERATOR CHRISTOPHER ROGERS: Okay. So, any questions with respect to either permitting or authorized gear, we can answer questions. Any comments as to directions we need to take, problems we need to solve. Let me try this side, since we've been going around this one for a start. We'll get Bob and Gail.

ROBERT PRIDE: I just had a question. You mentioned that there's a limited access permit for longline fisheries, yet the number of permits increased. How does that happen in a limited access fishery?

MODERATOR CHRISTOPHER ROGERS: Do you want to handle it?

CHRIS RILLING: Well, yeah. I looked into that a little bit and I think part of it has to do with the renewal time, that they don't all renew at the same exact time every year. There are people that perhaps when we captured the numbers from that database, there were a certain number that hadn't renewed at that point.

MODERATOR CHRISTOPHER ROGERS: Gail.

GAIL JOHNSON: The dealer permits. You mentioned about import permits, and I don't know whether a dealer needs an additional permit for importing or if any swordfish dealer permitted can import.

MODERATOR CHRISTOPHER ROGERS: It's a single permit, but that is one issue that we're looking to address, because of the documentation requirements. Initially, the permits were required as a receiver -- first receiver, so to speak, from a U.S. vessel, landing in Atlantic coast port. When we came into the documentation schemes for the International Commission, there was a requirement to collect documents upon import and also to make sure we had copies of documents upon export for bluefin, as well as the swordfish and soon to be the bigeye program.

The problem is that when you get into the import/export arena, you involve folks on the west coast. And if it's all one permit, then they end up getting a whole bunch of mailings that are really specific to Atlantic coast dealers that tend to

upset them. You know, what does this mean? Why am I getting this stuff in the mail?

So, one of the things that we had been looking into was whether or not it shouldn't be. Obviously, one permit is much simpler. You only need one permit. You get the permit, all your activities are covered. Alternatively, we could have a separation of the permits as a first receiver from U.S. vessels in Atlantic coast ports, so the person's buying tuna, swordfish and shark along the Atlantic seaboard would get one class of permit, and then an importer/exporter would be a separate permit.

I don't know which is less burdensome, which is less complicated, but currently the way it works now, your tuna permit covers you in terms of purchase from U.S. vessels as well as import/export, likewise for the swordfish permit.

GAIL JOHNSON: Would it be any easier to just have like -- well, like a driver's license, you have additional caveats. And would that be any easier to have an addition onto the dealer's permit for importing?

MODERATOR CHRISTOPHER ROGERS: That may be one way to handle it. We actually have a proposed rule in preparation to implement the bigeye and swordfish statistical document programs and we'll be taking comment on how to improve the dealer permitting situation, as well as consolidating reporting. Whether or not the reports on purchases from U.S. vessels should be consolidated with reports on imports and export activities, that same biweekly period, or the import/export reports could be completely separate.

Again, there are individuals who are well-entrenched in the industry in terms of importing/exporting, purchasing from vessels, and they tend to like consolidation. Others are more specialized in terms of either doing imports/exports or first receivers from U.S. vessels. And we will be taking comment on the approaches that are least burdensome, most efficient, for getting the information we need to comply with the ICCAT recommendations in terms of both quota monitoring domestically and being able to assess and enforce any import restrictions. Nelson.

NELSON BEIDEMAN: When you're talking about a new rulemaking, I hope that you're talking about fine-tuning, because -- you know, we've come quite an evolution to get to where we are. Such things as -- you know, a calendar date rather than the company date, which I think would be very helpful to you guys and very helpful from our perspective, because then we could remind folks that hey, you know, this month or whatever month it is, whatever period of time it is, it's time to renew your permit. Things of that nature.

But to do a major overhaul on permits that have taken -- you know, this much work to get to where they're at, and to even think about opening up limited access permits that would set a precedent that would -- you know, break fisheries across the nation wide open, you know, I'd be -- I'd go about things a little bit cautiously.

MODERATOR CHRISTOPHER ROGERS: Bob Hueter.

ROBERT HUETER: Thanks, Chris. Could you guys comment on the application procedures for the scientific research permits? I am unaware of what the timing is on that and in the State of Florida in our permit for research in state waters, it's on an annual cycle. It depends on when you start the permit and it's pretty inflexible and we have to predict a year ahead of time what we need to collect.

On the other hand, at least it's predictable. We know when we need to submit the paperwork for a new permit. I am not aware of what the cycling is. And I know that I have tried to get a permit kind of at the eleventh hour, and my own fault, and have not been successful, and we had to limit our operations into state waters. What is it that you want us to do in applying?

MODERATOR CHRISTOPHER ROGERS: Information, information, information. That's the biggest problem for us is that people send us an e-mail saying I want to collect this prohibited species. Can you send me a permit? And we don't know exactly where, what the platform is, what the size classes may be. We need information to determine what regulations would be violated by the conduct of this activity, so we can write an exemption specific to that situation.

If we write an overly general exemption, then it can cause all kinds of problems with respect to enforcement. And this is particularly true in cases where it's not a bona fide, dedicated, scientific research vessel that's being used as the

platform, but piggybacking on a commercial trip, piggybacking on a recreational trip. So, it's, as we say, a term of art - a vessel of opportunity for the researcher.

We do make distinctions between scientific research permits and exempted fishing permits. Typically we issue the scientific research permit when it is a bona fide research vessel, either state, federal or academic institution owned research vessel. We can also make the call on a scientific research permit if it's a chartered -- otherwise commercial or recreational vessel, but it is chartered specifically for research and is at the direction and control of the researcher, as opposed to I'm going to put a graduate student on board the vessel during a normal trip and see what happens, and see what we can collect.

The latter situation would always be an exempted fishing permit, to allow some activity to occur on board that vessel for that trip, that otherwise would not be authorized by the regulations. So, there's no timing in terms of a calendar basis.

We do put expiration dates on the permits. Typically they would be on a calendar-year basis, December 31st. If there were specific circumstances that warrant -- that should be specified in the requests, if you're going to get started in December and have a vessel chartered for December and January, so you wanted to overlap the calendar year, stipulate that in the request.

The overarching regulations on exempted fishing permits I believe have a 60-day lead time. We try to deliver much quicker than that, but again if it's the e-mail on a Friday afternoon that says I can get on this boat Saturday morning, can you get me an exempted fishing permit, we have to get clearance from General Counsel, we have to alert enforcement as to what we would be authorizing somebody to do, it's very difficult. So, we try to get it out the door as quickly as possible, but we do need specific information so we can characterize the situation appropriately and write it up.

There are some circumstances that would warrant public review. If it was a major operation involving a significant level of effort, catch or bycatch of a significant number of animals that could be of concern, perhaps interaction with Protected Species that we feel might not be covered under existing Section 7 consultations or something like that. We might want to stipulate through a Federal Register Notice that we received an application for such and such an activity and have a two-week comment period. So, that could delay obviously the issuance. So, it's a pretty arduous process, but we do try to deliver as quickly as we can.

ROBERT HUETER: Thank you. I appreciate that. And for the record, I want to state that I sent you that e-mail on a Thursday afternoon, not a Friday afternoon.

I would just like to add that -- I'd like to just an appeal for flexibility. I know you do have to go through the process. We're not asking for special favors or anything like that. But when we have all the other things like waiting for funding to come in, and it finally comes and then it's a matter of the permit not being issued to catch the season that you need to be out there to do the work, it's -- it's difficult to rationalize that.

So, yes, we need to communicate better, but when you're dealing with only four permits, I'd hope that -- you know, we could expedite the process.

MODERATOR CHRISTOPHER ROGERS: Tim Hobbs.

TIM HOBBS: Yeah, thanks, Chris. You mentioned that the scoping process was going to get underway on this sometime by the end of the year. And this would be a framework amendment.

MODERATOR CHRISTOPHER ROGERS: A framework amendment or a plan amendment, depending on the scope of the changes.

TIM HOBBS: Okay.

MODERATOR CHRISTOPHER ROGERS: We've heard some requests for perhaps a limited reopening of the hand

gear category to accommodate the Caribbean -- you know, we might be able to accommodate that through a framework amendment somehow, but if there was a consensus that the issue needed to be resolved by restructuring the permits in some way -- right now, as Chris indicated, to be authorized to fish with pelagic longline gear in the Atlantic you need to have the Atlantic sharks directed or incidental, Atlantic swordfish directed or incidental, and the Atlantic tunas longline permit.

Arguably, we could consolidate that, again, within the existing framework of limited access, to having one HMS longline permit or something to that effect. So, again, it would really depend on the number of the issues and the scope of the issues that we would address whether or not we felt a framework amendment or a plan amendment would be necessary.

Vessel upgrading restrictions is another matter. A lot of folks have commented that the upgrading restrictions that we implemented were primarily -- what we strived to do was be consistent with upgrading restrictions in existing limited access plans in both the northeast and southeast region's council plans. And consistency, I guess, could be construed as great for consistency's purposes, but it may not fit the bill in these fisheries. And it has caused some problems.

Obviously, we received comment that some of the attrition in permits may be related to the fact that upgrading restrictions are limiting the marketability of permits. So, what we would do is further refine the list of issues, and certainly based on any discussion or input we have here or after the meeting, and figure out exactly how far and how wide we want to go with some of the permitting and gear-based issues.

TIM HOBBS: Another question. I've been trying to figure this out for some time, and there seems to be some conflicting information, but if a vessel has the permits required to longline, let's say for swordfish, is that vessel also authorized to use hand gear, as well?

MODERATOR CHRISTOPHER ROGERS: People always ask the most complicated questions. For the most part, yes, except with respect to bluefin tuna, because we are very specific in bluefin tuna that you fish certain gears in certain categories of permits.

If somebody aboard a longliner was throwing out a hand line to pick up a yellowfin tuna or for a purse seiner to throw out a hand line to pick up a bigeye, that would not be a problem under the existing regulations. But to fish bluefin tuna with a gear other than that authorized for the category, those regulations are very specific.

TIM HOBBS: Okay. More specifically, what about to fish for swordfish with hand gear in an area that's closed to longlining?

MODERATOR CHRISTOPHER ROGERS: As long as the pelagic longline gear is not aboard the vessel, that would be okay, because it's --

TIM HOBBS: Okay, great.

MODERATOR CHRISTOPHER ROGERS: -- a directed swordfish permit.

TIM HOBBS: Okay, great. And finally, as far as the scoping process goes, I mean, again I would recommend that NMFS seriously consider taking a look at opening up the hand gear sectors. I think -- we didn't agree with limiting the access to those sectors under the HMS FMP, and we think that the rationale that was used to do that no longer applies, given the rebuilding nature of the fishery and where we are.

So, I think, you know, the time -- we said for a long time that we need to make the transition to a swordfishery that includes a larger number of gear types, and I think that the time is now as the fishery is expanding and rebuilding, that we need to be making that transition. So, that's one issue that I want to highly encourage NMFS to take a look at when considering this scoping process. Thanks.

MODERATOR CHRISTOPHER ROGERS: Willie.

WILLIAM ETHERIDGE: Willie Etheridge. There's several hundred green sticks in operation, and I see that it's not an acceptable gear for HMS, and there's hundreds of people out there that's breaking the law. And I think you ought to really consider making it an acceptable gear, and it is not in any way compared with a longline. It absolutely will not work. You use artificial baits. And it has to be towed to work.

It originated in this country -- it was introduced into this country in North Carolina in a company that I was a part-owner in named Etheridge Fishing Supply, got a contract -- and I think it's probably the only distributor of this. I no longer have anything to do with Etheridge Fishing Supply and I'm not here speaking on their behalf as a beneficiary of it, other than the fact I know that Etheridge Fishing Supply has sold several hundred of these. It's sold them to South America, Central America, Canada, and it's sold hundreds in the United States. And it's just -- you know, you need to address it and you need to make it an acceptable fishing gear. And don't classify it as a longline gear, because if you do, there's several hundred people out there that are longlining that don't have a longline permit and they can't get one. That might help some of us that's got some longline permits be able to sell them for more than \$5,000. I don't know, but --

MODERATOR CHRISTOPHER ROGERS: Probably the quickest interim solution would be to -- we'll try to put out a general notice and contact these people, and certainly we would hope that you could help us contact these folks and we'll get exempted fishing permits in their hands until we can get some more information so that we can accurately describe the gear in a regulatory text-type definition and figure out where it fits in the various permit categories. But in the meantime, we could recognize its use through exempted fishing permits.

RICK WEBER: Chris, may I hop in just one second? I just got a quick education on green stick from these folks, and I'd appreciate hearing more from Willie to see if my education was correct. But if it is, it is extremely similar to bandit gear and should perhaps be just conceived as bandit gear that is run through the green stick, because the stick is not relevant in the fight. It is a heavy line that goes back to a hydraulic or electric reel, which would be similar to bandit gear, which is already an approved type. And then we don't have all this confusion, you already have something to deal with it in.

MODERATOR CHRISTOPHER ROGERS: Just the introduction of the bandit gear as an authorized gear and defining it had a whole bunch of problems in its own right, because I guess folks in the Gulf of Maine were calling it downriggers and I think we had originally proposed it as authorizing downriggers and other people elsewhere said well, that's not the correct term, and we adopted -- because of the South Atlantic plans that had authorized bandit gear, we used that term and of course that met with some opposition because some northern folks felt that we were authorizing illegal activity by calling it bandit gear. So, I think the bandit gear definition would take some adjustments to accommodate a green stick, but we'll look into it, certainly.

RICK WEBER: However you got there, your terminology is already here, so it's at least something that you can go to and work with.

MODERATOR CHRISTOPHER ROGERS: Right. Bob Zales. We'll just go around the table.

ROBERT ZALES, II: Yeah, and talking about that bandit gear -- I mean, traditional bandit gear in the Gulf is used bottom fishing. So, I mean, this appears to me that this would be like a surface bandit. I mean, I understand what they're saying essentially is the same operation. You're just -- it's a trolling bandit gear rather than a bottom-fishing bandit gear, so I don't know how you can play with that.

But anyway, on the HMS charter/head boat permits, am I correct -- because I really can't remember, I've got to check when I get to the house the regulations, but that only allows me one bag limit regardless if I'm on a multi-day trip, when I'm under charter; correct?

MODERATOR CHRISTOPHER ROGERS: That's correct.

ROBERT ZALES, II: Because the --

MODERATOR CHRISTOPHER ROGERS: Under the recreational limits. But if you're not under charter and

conducting a commercial trip, which you are authorized to do on that vessel, there's no trip limit.

ROBERT ZALES, II: Well, I'm talking about the charter operation at the moment.

MODERATOR CHRISTOPHER ROGERS: Okay.

ROBERT ZALES, II: Because under the other federal permits that we have in the Gulf of Mexico -- and I believe they're the same on the South Atlantic side for reef fish and also coastal pelagics, we have provisions for multi-day -- in other words, you can have two bag limits, provided that you've complied with all Coast Guard regulations for two crews and for more than 24 hour operation. So, I would suggest in your scoping that that be added to that.

The other thing would be that due to the fact that in just about every region of the country, I guess, we have existing federal permits, it would be real nice if we could get the Fisheries Service to kind of coordinate from you all's division to the permitting division in the Southeast, Northeast and the other regions, that when my permits come due for my normal stuff in the Gulf of Mexico, that I'm notified for these too, so I've kind of got everything on one page, so to speak, to kind of simplify the operation. Thank you.

MODERATOR CHRISTOPHER ROGERS: Okay. With respect to the Atlantic Highly Migratory Species permits, we are looking into consolidating all of them, including sharks and swordfish, vessel permits as well as dealer permits through that one NMFS permits Web site.

If we're successful in making that migration, maybe we can attract the entire agency's permit system. But I believe there are some other automated efforts that have already been undertaken in some of the west coast fisheries through the regional Web sites.

And of course consolidation is good, except when you get into very complicated situations with limited access and transfers, where you don't want to leave it up to a computer as to whether a transfer is authorized. You're going to have to put some brakes in the system so that somebody doesn't end up with a permit that you later have to rescind. That's probably the worst situation to have to deal with, issuing a permit and then telling a person that it was issued in error after they've made some investments.

So, we are looking towards consolidation. It may be some time yet to be fully consolidated and fully automated, but I know Bill Hogarth has been a fan of the one-stop shopping concept. Glen.

GLEN HOPKINS: I just want to say I'm glad to hear that you're going to try to streamline the permits a little bit. We have a pretty unique situation in our area with the bluefin incidental longline. Most of us are very versatile. You know, we may longline sometime and not.

And with this general category thing going on, I think -- well, to give you an example, what my situation is I have a next-door neighbor who's a plumber. He does some sport fishing and everything else. And during this opening we had on general category, he can jump on the Internet the day before he goes fishing, get a general category permit, go down there and catch a fish, make him a little bit of money, have a good day.

And I as a full-time commercial fisherman have no way to transfer my permit to a different category, even though I may not be longline fishing for the next six months, because it is limited access -- which I think it should be, but there should be some way to roll maybe perhaps once a year or something of that nature. Because there's probably six or eight people in my same situation, where while that was going on down there, full-time commercial fishermen, nothing else to fish for, just sit around and watch people work. And me be wanting to work, but can't, just -- you know, limited by that. So, I just wanted to bring that to your attention.

The green stick issue is kind of scary. I mean, you nonchalantly said well, maybe we need to get some EFP's to these guys, but -- you know, that's -- we really need to know what to do on that, because nobody wants to be in violation. And I know you all know that fishery existed -- or that technique, whatever you want to call it. So, I hope you're not going to be sending Radonski down there or something to check us all out. We need to get that immediately taken care of.

And the other thing is to the vessel improvements or upgrades. I think there needs to be some serious consideration given to that, given that it's a limited access and especially in the shark business, where it's a limited capacity anyway that you're allowed to bring in. Just basically safety reasons and anybody that did want to buy -- perhaps buy a new boat, you know, you're not going to want to buy a smaller boat or the same size. You might want to get just a little bit bigger, more comfortable boat to make your job a little more safer and easier. Thank you.

MODERATOR CHRISTOPHER ROGERS: Thank you. Rom Whitaker.

ROM WHITAKER: Thank you. Yeah, I had three things. And the first one was exactly what Glen just said. I think that in a fishery where most of these guys are limited by quotas and trip limits and all this stuff, that a ten percent length increase and especially a 20 percent horsepower increase is really -- I mean, gosh, if the guy can make it and buy a bigger motor and get there quicker, I think that needs to be looked at, addressed and increased, so these guys -- even what Glen says, from a safety factor, if they're got to go a long ways, one or two knots makes a big difference.

The second thing was on the HMS permits. I know there's a lot of boats, especially in the Mid-Atlantic, that are going to -- that are going -- if they want to participate in the general category and they want to fish offshore and might have occurrence with HMS, then they are going to probably be switching to charter/head boat category, so I think you're going to see that number go from -- I can't hardly read that now, but anyway, 3,659 -- I think you're going to see it go up considerably. And I don't think it's a reflection of the industry. It's just a reflection of the permit requirements.

And the third thing was in respect to green stick, it's a very clean fishery. It certainly has no dead discards. And much -- I mean, I would just compare it -- you're pulling a rubber squid and as Glen said, you're pulling it vertically instead of horizontally. And effectiveness comes in that you're getting a leader out of the water, that's why the tunas bite it sometimes when they don't bite a troll bait. So, I think you need to make immediate plans to somehow get this gear approved and I think it's good gear and it's a clean fishery and it needs to be approved. Thank you.

MODERATOR CHRISTOPHER ROGERS: Well, Jack Dunnigan signs all the exempted fishing permits, so we'll get him a pen and some paper for tomorrow. Pete Manuel. Or Wayne, did you have some --

WAYNE LEE: No, thank you.

MODERATOR CHRISTOPHER ROGERS: Pete.

PETER MANUEL: Yeah, to the green stick thing, you know, green sticking for the yellowfin a lot of times they do use a hydraulic reel without a rod on it, because they hook more than one or two fish, a dozen fish, whatever size fish they're catching. And I've got -- the association -- Winter Bluefin Association has I think six green stick members. And what they're doing, especially the main line for that fishery going back to the bird is nothing more than a means to keep their squid and leader out of the water bouncing, and they're either tied off to a similar type Miami hydraulic electric reel or some of them are actually using hand line 130's so that they don't burn the fish up.

So, I mean, I don't see -- I mean, that's a gray area, but I think that's a rod and reel fishery any way you look at it, for that particular one, because each line that leaves the rod only has one squid or maybe two hooks, but no more than two hooks.

So, I think that as many people that are out there doing that, it's a very effective tuna fishery, it needs to be looked hard and so you don't put these people out of making an income. Thank you.

MODERATOR CHRISTOPHER ROGERS: Bob McAuliffe.

ROBERT MCAULIFFE: Yeah. That permit that I've been looking for for so long, I would call it a Caribbean commercial HMS hand gear permit, to include sword, BAYS and shark. Now, whether or not you would want to open it up for the entire coast is not my concern. I've heard a lot against it that said that it would put too many people onto the commercial HMS, but for the Caribbean region, if we could get that, that would solve our problem.

MODERATOR CHRISTOPHER ROGERS: Mau Claverie.

MAUMUS CLAVERIE: I'm glad Zales was awake. I didn't have to say what I've always said for him about coordinating with the councils. But anyhow, I had two quickies on the gear thing. Looking at the authorized gear for billfish in 50 CFR 635.21 -- I can't see from here which slide it is -- but it says Atlantic tunas, every time it says rod and reel, it says paren including downriggers. But when you get to billfish, it doesn't have that paren including downriggers.

Now, we use sometimes -- some people use what we call downriggers in the Gulf for billfish fishing. This would intimate that that's not allowed, but I don't know what a downrigger is in respect to Atlantic tunas. Is it a planer or a ball or weight that brings --

UNIDENTIFIED: (Inaudible.)

MAUMUS CLAVERIE: Well, yeah, we use that. It ought to be included. And we were told at the beginning that that's included in rod and reel, but if a Coast Guard young shaved-tail comes aboard with this in hand, we've got a problem.

The other thing is you say spearfishing is not currently authorized for HMS, but one of the things I clearly remember is the show that those guys put on for this group when the plan was being developed with the spearfish for giant bluefin tuna and we all said well, we know you're crazy, but if you want to do it, go do it, you know?

And I don't know why that didn't get included in the list. They showed us the gear, they had it in the room, and we all said -- you know, don't ask me to come with you, but go do it if you want to do it.

MODERATOR CHRISTOPHER ROGERS: If I recall, that meeting was in Providence, Rhode Island. I didn't attend that meeting, but I had asked some of the staffers who had been there and I didn't get the same impression that there was a consensus. I got the impression that everybody said that's well and good, but all the HMS fisheries are oversubscribed, we don't have enough information on catch and bycatch, the last thing we want is a whole bunch of speared yellowfin and bluefin getting away and dying somewhere. So, although it was deemed to be --

MAUMUS CLAVERIE: I thought the angling category or somebody said man, you can have one of ours a year at least for that crazy thing.

MODERATOR CHRISTOPHER ROGERS: I got the impression that the time was not right for opening up the door to spearfishing. So, we did not authorize it in the plan, although we do get several folks who call us on an annual basis looking for spearfishing records.

NELSON BEIDEMAN (No microphone): I think Chris is remembering much more accurately.

MODERATOR CHRISTOPHER ROGERS: And I wasn't even there.

ROBERT ZALES, II (No microphone): I was awake when they were making the presentation. Maybe it was the Gulf of Mexico, but I remember what Mau's saying, we all thought --

MODERATOR CHRISTOPHER ROGERS: Turn the microphone on, please.

ROBERT ZALES, II: I said maybe it's coming from the Gulf of Mexico, the water there or something, but I remember what Mau's remembering. I mean, we all thought they were all crazy, but there wasn't enough of them to be a significant impact. It was just a handful of guys just wanting to get out here and do crazy things with spearing anything they could come up with, I guess.

MODERATOR CHRISTOPHER ROGERS: I'll defer to those who were at the meeting then, to decide what the consensus was. Gail.

GAIL JOHNSON: As I recall, we got into a long, complicated digression about the dangers of spearfishing and what would happen with divers and how divers might react with a spear in the water and all kinds of things like that. It was

quite lively.

MODERATOR CHRISTOPHER ROGERS: Mark, anything?

MARK SAMPSON: Well, I wasn't, but I will. Rusty's been patiently waiting, but I'm just going to hold him up one more second. On the spearfishing issue, too, I remember -- I think the first presentation they made was a couple years ago here in Silver Spring. It wasn't a big presentation, but at a public meeting one of the spearfishing groups. And I actually was -- had a conversation with a fellow out of Maryland from one of these spearfishing outfits who did mention that they wanted to bring that issue up again. And I was hoping I wouldn't see it on here, because I was hoping they wouldn't pursue that.

But again, I think -- as I had mentioned back then, I'll restate, that I don't think the problem would be letting some of these individuals who are making these requests into the fishery, because they are experienced, they have the equipment and the know-how and the guts, I guess, or the lack of brains to do it. But the problem would be the huge segment of the rest of the recreational spearfishermen who do not have the equipment. They're the ones who would -- if this was made a legal gear, they would go out there unequipped and then that's where you'd see the mortality on these fish that would be unrecovered and possible -- you know, safety issues and all that being addressed. So, I would definitely not recommend even considering that.

RUSSELL HUDSON: Rusty Hudson, Directed Shark. Table 9.3, page 230 of the 2003 SAFE Report, has the list of dealer permits, and what concerns me with the Atlantic sharks dealer permits, since I used to possess one, and I was required every two weeks to submit a report, even if it was a negative report, all year long, and the problem that I'm seeing is that people that have to concern themselves with that dealer's permit are the first receivers of an Atlantic shark fishermen's limited access permit.

So, that boat literally has to deal with somebody either from -- that owns that permit once they come to the dock. I think it's the point of first landing.

Okay. What's bothering me is the fact that out of the 267 total dealer permits, which is an increase over the previous two years, we have 42 permits, of which 36 come from the U.S. but they come from the whole west coast, Hawaii, Illinois, Ohio, Missouri, places like that. I don't know too many of our boats can, you know, go over there, but I can assume the dealers may come over here.

And then you have five Canadians and one Ecuadorian that have these permits and have to submit their reports. And I was interested in any analysis that may have been generated by these 42 different dealers.

And furthermore, and this is -- this is back to the Caribbean issues, which has bothered Bob and several of us for many years, the fact that you have one dealer between Virgin Islands and Puerto Rico that can legally buy federally caught Atlantic sharks. Unfortunately, there's over on page 225, Table 9.1, in the Virgin Islands there's only one boat registered that can have incidental shark, no directeds, and in Puerto Rico there's absolutely no directeds or incidentals.

And so that's a whole pile of knowledge that's been slipping away for years. And so to me it seems -- unless these Ecuadorians and Canadians and Californians and everything else, Hawaiians and stuff, are coming here to buy off of somebody's dock, you know, and become quote, the first receiver, I'd like to just see what the breakout of all that is, because that kind of looks strange.

MODERATOR CHRISTOPHER ROGERS: Exactly what analysis would you be interested in looking at? In other words, the number of purchases and the locations of purchases by persons who seem to be somewhat removed from the Atlantic coast?

RUSSELL HUDSON: It's a good start.

MODERATOR CHRISTOPHER ROGERS: Well, we could look at -- of course, we'd need to aggregate that information. We couldn't give you confidential business information, but we could see to what extent we can aggregate it and look into the question you have. We had Bob McAuliffe, and I think Bob Hueter had another comment? No.

ROBERT MCAULIFFE: Yeah, Rusty, I think you'll find that both the dealer permit and the boat are registered in my corporate name. On that spearfishing of bluefin, I was very involved in spearfishing in the islands, too, and we had contact with some of those people. And the leading -- the one that was supposedly the best in the business went down and speared one and was never seen again. And that kind of put a stop to it.

MODERATOR CHRISTOPHER ROGERS: Rick Weber. Gives a new meaning to an archival tag. That guy could tell quite a story when he comes back in the Mediterranean.

RICK WEBER: Still one more comment on green sticks. The stick itself -- as Nelson originally said when we first mentioned them -- is really nothing more than an outrigger that goes straight up, rather than out. And so in -- when you start working on that definition, if as Wayne describes, you know, it's one rod up to one or two hooks, whether that line goes up or out, it's sounding very rod and reel.

I'm more interested in whether it's a mechanical reel or not, because the recreational shouldn't be prohibited from running that line up rather than out.

MODERATOR CHRISTOPHER ROGERS: Okay. Tim Hobbs, last comment -- or Bob.

TIM HOBBS: Yeah, just a quick comment. I just want to echo what people have said about the green stick. I've seen it in operation, seems like a pretty clean fishery. It really should be an authorized gear for HMS. I think -- I have read the North Carolina Sea Grant paper on it, and they describe both a commercial and recreational use for it, and it seems to be a little bit different. So, it should be authorized for both.

MODERATOR CHRISTOPHER ROGERS: Okay. Bob Hueter, last comment, and then we'll talk about the next meeting.

ROBERT HUETER: Just quickly back to the spearfishing. I just want -- my recollection of the Rhode Island meeting was precisely the way you described it, Chris, that we sympathized with these guys, we all thought they were crazy, we said let them do it if they want to do it, but as the discussion wound down, the group consensus was this is an overtaxed fishery, let's not open up a new gear type. So, I remember it the way you described it, so --

MODERATOR CHRISTOPHER ROGERS: Well, now I know I don't need to come to AP meetings to figure out what goes on there.

TOPICS FOR SECOND 2003 AP MEETING

MODERATOR CHRISTOPHER ROGERS: Well, I'm amazed that we got through the agenda. We may not have discussed everything as fully as folks wanted, but there was one remaining item, topics for the second 2003 AP meeting, and a discussion of the location and time.

In the past several years, we've only had one meeting per year, but those that have been involved in this panel process from the beginning -- I think we did have up to four meetings in one of those first years and three in the next during the FMP development process. So, there's no prohibition on meeting more frequently than once a year. And particularly in situations where we have plan amendments underway. So, we did envision the need for, desire for another meeting in the fall when we're a little bit further along in the FMP amendment process, particularly for the sharks and anything else that might ensue in the meantime.

What we normally do is -- in planning a meeting is just go right to the NMFS calendar off our Web site and see what conflicts there are with all the council meetings, because we learned from experience that the councils can trump us. I think there was what -- two years ago the emergency meeting in the Caribbean with the three councils over the dolphin/wahoo plan and there's no way you can get folks to come into Silver Spring -- there were five councils involved in that? And you know, certainly with five councils involved and a venue like St. Croix or wherever it was -- St. Thomas, we weren't able to compete and we had to cancel and postpone the AP meeting.

So, we were thinking about another meeting sometime in the fall. If anybody had any thoughts. For the most part, we feel that Silver Spring works out as a pretty decent location, because it's easy to get here with three airports for most people, and certainly cuts down on our staff travel time and things like that. And we can run back and forth to the office if we need to get reference materials and photocopies and things like that.

But we're sort of open to discussion in terms of timing and location. I don't know if Karyl had any further thoughts on it. She's the one who's most concerned with getting that FMP amendment out the door and effective by January 1st, 2004. So, any thoughts on a meeting or venue or time?

KARYL BREWSTER-GEISZ: I just wanted to clarify that according to the HMS process, which hopefully will be finalized by the time we get to this point, we are supposed to have an AP meeting during the proposed rule stage of any amendment. So, right now we're thinking of having the proposed rule out sometime in June, the end of comments sometime in August. So, it is more summer than fall, but with hiccups in the road it might end up being fall, but that's cutting it close to get the shark amendment done by January 1. So, please keep that in mind.

MODERATOR CHRISTOPHER ROGERS: Any comments on timing or location for another meeting this year?

MARK SAMPSON: St. Thomas sounds good.

MODERATOR CHRISTOPHER ROGERS: St. Thomas sounds good. Wayne and then Rusty.

WAYNE LEE: Thank you, Chris. I think if you're going to use us in the plan amendment process, which I think you probably should, that we should come in after the comments are in from the public hearings, so that we have those available to us and then we can make our comments on that. So, whatever that schedule you could accommodate that, I think that might be an appropriate time for us to come forward.

MODERATOR CHRISTOPHER ROGERS: Rusty.

RUSSELL HUDSON: Rusty, Directed Shark. I agree with what Karyl just portrayed as a time line, and with the fact that then we're going to get into potential further conflicts with emergency rules, I would say that the July period would probably work out, if not even into August a little bit, just depending on when you're going to end that comment period. So, maybe perhaps this venue or wherever you're going to have it at would serve as maybe the last public hearing on those proposed rules. And that way at least you may be able to stay with your advertised time line.

MODERATOR CHRISTOPHER ROGERS: Sonja.

SONJA FORDHAM: Sonja Fordham, the Ocean Conservancy. I think that you've heard me, but I just want to second what Rusty said, and make it clear that we don't want to cut it close for sharks any more and we want to have normal prior public notice and comments. So, I would urge you to put it on the agenda and commit to getting it done in a timely manner. Thank you.

MODERATOR CHRISTOPHER ROGERS: Any nominations for a venue other than St. Thomas? Here. Well, if it's August, it will be nice and warm here. All right.

Well, I'm amazed that we have as full a table as we do at this late hour, and after several days. I appreciate all of the folks who stayed as long as you have for staying, the discussion was great. Oh, sorry about that. Discussion was great, and informative.

I think we have a lot of work to do. What we as a staff will do tomorrow is convene and make a list of all the items we need to address, whether they be EFP's for green stickers, to plan amendments, regulatory amendments and getting information requests together.

So, those on the fax network, which I hope you all are, should be seeing a lot of material coming out from us in the next month or so, as to what we plan to do and how we plan to accomplish it and where hearings will be and all that

good stuff. So, thank you very much for your attentiveness and participation.

WHEREUPON:

THE MEETING WAS CONCLUDED AT 5:15 P.M.

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic 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.

PAUL T. WALLACE. Notary Public

My Commission Expires

October 3, 2008

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