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ADVISORY PANEL

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9:38 a.m.

GREETINGS AND INTRODUCTIONS

MODERATOR CHRISTOPHER ROGERS: Good morning all. There are a few places still here at the table. I know it's a little bit cozier over here than the big room, but because we were -- I guess for the first time in several years, at least three or four, meeting separately as the HMS Panel, without joint session with the Bill Fish Panel. We thought we could get away with a little bit smaller room and use some of the extra funds for better snacks over there. So, help yourselves. We have a rather restricted agenda today. We tried to alert folks to that. So, that they -- they realized that it was going to a -- a shark's oriented, sharks only meeting today. And, we'll be going through a -- a presentation of the Amendment 1 that had been circulated to everybody. Summary of comments received to date and then we'll -- we'll break for lunch and then go on to the AP Discussion. And then, have some public comment at the end.

We had originally envisioned that today would be the close of the comment period, but due to our visitation from Isabel, we had to reschedule two of the public hearings. I'll be in Manteo tomorrow night with Chris Rilling, and then, Pawleys Island on Thursday night. So, the comment

period has been extended through Friday of five p.m. I've been asked by one of the panel members here, just to have a brief moment of reflection for Wayne Lee, who was with us at our last meeting, and always was a -- a very insightful and helpful person at these meetings. And, I tend to think he's probably watching our deliberations right now. So, we'll take a -- a moment here and -- and see if he can give us some inspiration.

(Brief pause.)

MODERATOR CHRISTOPHER ROGERS: Okay.

Thanks for your concern there, and as I said, we'll -- we'll miss him at these deliberations. I was enjoyed, not only speaking with him, not only from the table, but in the sidebars. He always seemed to have a -- an issue to yank my arm away into the -- the side room and -- and talk about something.

As I said, we have a -- a pretty structured agenda. I -- I guess I'll entertain any comments on the agenda, but again we want it to be focused. It is a one-day meeting, and I wanted to get everybody in and out, and back to their -- their day job, so to speak. But, are there any comments or concerns about the agenda, the way we've set it up?

Hearing no objections, we'll -- we'll right into the business. I guess there are still a few places around the table if there's any AP members who are in the gallery in the back, want to come up, but you might get just as good a view of the presentation from the back there.

So, Jack Dunnigan said he might stop by. Everybody was really kind of busy. I know Bill Hogarth has been traveling a lot. He did say that if he had the occasion, he would stop by as well. And, Rebecca did send her -- her best wishes for our deliberations. But, I think both Rebecca and Bill have been traveling quite a bit, and Jack, himself had come back from a NAFFO meeting last week. So, they're, all three of those are individuals are trying to catch up -- catch up on some -- some business. And, if they do have the occasion to stop by, we'll let them say a few words of -- of inspiration to us all.

But, with that adoption of the agenda, we'll go into a presentation of the Amendment 1, by Karyl Brewster-Geisz You have a handout with all the overheads that Karyl will be going through. Some of you may have already attended this presentation at some of the hearings, and for those who will be in Manteo tomorrow night, you'll get to see again there. But, we'll go through it now. Thanks Karly.

KARYL BREWSTER-GEISZ: Thanks Chris.

And, thank you every one for coming. For those of you who don't know me; my name's Karyl Brewster-Geisz. I'm going to remain seated so you can all see the -- the screen and I can make sure everything gets recorded. If you have trouble hearing me let me know and I will speak louder.

We have several other members, who worked on this amendment, here in the office. They are new to HSM, so, if you haven't met them, feel

free to introduce yourself. They are Chris Rilling, sitting over there, and Joe DeFausie, will be helping out with the final. So, please feel free to talk to them. We also have copies of all the comments we've received so far. The -- the written comments for everybody to look at. They're over on the table along with extra documents in case you forgot your EIS or the rule. So, feel free to get up at anytime to look at through them.

Regarding this presentation, this is the presentation we've given to all the councils and at all -- all the public hearings. It takes me 30 to 45 minutes to get through it. I would like to ask that you restrict any comments to questions and clarifications about the alternatives. We do have the whole afternoon for -- for comments on what we're doing. So, if you need clarification, please speak up.

Given that, I will move on. We're talking about Amendment 1 to the HMS FMP and the purpose of this amendment is to revise the Shark Management Measures based on two new stock assessments for Large Coastal Sharks or LCS and Small Coastal Sharks, SCS. We are trying to be consistent with Magnuson-Stevens Act, rebuild and prevent over fishing of Atlantic Sharks.

We are also hoping to clarify the issuance of Exempted Fishing Permits or EFPs, for public display purposes. That's for people to go out and collect sharks and a few of them collect tunas for aquariums.

There are no measures specifically proposed to address Pelagic Sharks in this proposed rule in Amendment 1, but because all shark management is interrelated, some of these management measures will effect what happens in the Pelagic Shark fishery.

We're hoping to get any comments we can on Amendment 1 and the proposed rule. And, we'll take all of the comments back. Look at them. See what we can come up with and develop the final rule.

This is sort of a draft outline of what the process is. Last November, we issued the notice of intent. That we were going to do the environmental impact statement for Amendment 1. In January, we released an issues options paper and we held, I think, seven different scoping meetings and an advisory panel meeting through January, February, and March. We then released the draft environmental impact statement for Amendment 1 and the proposed rule. That happened on August 1st. The comment period on the DEIS is actually -- the DEIS itself closed last week, but the comment period on Amendment 1 and the proposed rule closes on Friday. The DEIS is actually handled through EPI -- EPA. We hope to have the final EIS out in mid November. The final rule published by the end of the year, and some of the measures effective beginning January 1. So, we are on a very tight time line to get this done.

As all of you know, we issued the final HMS FMP back in 1999, for sharks. That included a limited access system. We had -- we

split the Large Coastal group and the Ridgeback and the Non-ridgeback, and reduced the commercial quota. We set-up new recreational bag limits, with a minimum size for that.

We were sued numerous times on the HMS FMP for sharks specifically. We were sued by two commercial groups. One related to large coastal and small coastal, one related to the Pelagic Shark quotas. We were also sued by the recreational fishing community on the minimum size and bag limits.

We had the courts issued in favor of us for the Pelagic Sharks and the recreational fishery, and we settled the commercial lawsuit with SOFA regarding the large coastals and the small coastals.

As part of that settlement agreement, we agreed to maintain the 1997 quota levels pending a peer review of the 1998 Stock Assessment. Based on that settlement agreement, we issued an emergency rule. And in November of 2001, we got the results of the peer review of the 1998 Large Coastal Stock Assessment.

The results were not positive and based on the peer review, we determined that we could not use the 1998 stock assessment as a basis for management.

Needless to say, since the entire FMP was based on the 1998 Stock Assessment for Large Coastal Sharks, we had to go back to the drawing board. We maintained the 1997 quota levels under another emergency rule in 2002 while we developed and conducted stock assessments.

We had the first stock, small coastal stock assessment in March of 2002. That's the first one since 1992. And then we had a new large coastal stock assessment, that was released in October of 2002. Based on those stock assessments, we went forward with a third emergency rule pending completion of this amendment.

So, this emergency rule is what their -- what the fishery is being managed under right now. It established the quotas based on average landing over the past couple of years. Added -- added to a reduced, according to the results of the stock assessments. It established a small coastal quota. It continued to suspend the large coastal commercial minimum size. And, it implemented quota accounting for dead discards and State landings after Federal closure.

So, we've had a lot going on. We're now in the final steps, we hope, with this amendment. So, what did the Large Coastal and Small Coastal Stock Assessments say?

They are actually pretty positive. I think. For large coastals, we found out that the complex is still overfished and over fishing is still occurring. But, we had some good news in the fact that, Sandbar Sharks are not overfished although overfishing is occurring. And, Black-tipped Sharks are completely rebuilt and overfishing is not occurring. So, that's some positive news in amongst the -- the bad, that we're still over fished.

This stock assessment was peer reviewed. The peer review results came back in December of 2002, and they were -- they were pretty positive, saying that the stock assessment and the models were based on sound science.

The Small Coastal Stock Assessment was also fairly positive, that the complex as a whole, Bonnet Head, Sharp Nose and Black Nose are all not overfished. And, overfishing is not occurring. But we did have some bad news in that, in the fact that, Fine Tooth Sharks overfishing is occurring.

And for those of you who are unclear, overfished is when the biomass is too low. There aren't enough sharks. Overfishing is when the fishing mortality is too high and that could reduce the biomass. So, if overfishing is occurring, we do need to reduce that fishing mortality.

Taking a look at the results of the stock assessment, the results of the 1998 Stock Assessment Peer Review, we decided we needed to go back and take a look at the rebuilding timeframe. This is -- it seems easy enough but it is an important concept, because this is what sets the timeframe on all the other management measures that we chose. We needed to make sure that we could rebuild sharks within this timeframe.

The 1999 HMS FMP, we established a Ridgeback Large Coastal rebuilding timeframe of 39 years and a Non-ridgeback Large Coastal rebuilding timeframe at 30 years. These were based on the results of the Sandbar and Black Tip Stock Assessment portions of the 1998 Stock Assessment. And as I said before, we determined that we can't use that stock assessment.

So, we needed the change. And, we also decided based on the new results of the stock assessment for Sandbar and Black Tip, that they are no longer overfished. That they were no longer appropriate to use as proxies for the rest of the complex. Because the rest of the complex is considered overfished and these species are not.

Based on the guidelines in National Standard 1, that says, we can go from the time that it would take for no fishing, for the time that it would take for the fishery to rebuild under no fishing plus the mean generation time. We came up with a rebuilding time frame of 27 year. And, we think we have approximately a 70% chance of rebuilding Large Coastal Sharks within that 27 years.

So, based on that we came up with all these management measures and that's where I'm starting to head into now. For there are a whole bunch of these so, bare with me.

Large Coastal Sharks. We decided to take a look at the classification of them. From 1993 through 2002, we basically had one aggregate, Large Coastal Sharks.

In the 1999 FMP, we tried to split them into Ridgeback, which were Sandbar Sharks, and Non-ridgeback, based on Black Tipped Sharks. That action, actually, didn't go -- wasn't implemented until this current year, under the current emergency

rule. So, we -- we looked at several different possibilities. Keeping the no action, which was separating between the Ridgeback and Non-Ridgeback, but different closure dates. Keeping those groupings but having the same closure date. Reaggregating the Large Coastal Sharks or looking at a more species specific grouping. One for Black Tip, one for Sandbar, and one for the -- the rest of the -- the species.

We decided to go forward with the aggregate large coastal group for several different reasons. When we went forward with the groupings, this past year in the emergency rule. We got complaints from pretty much everyone. The fishermen, the recreational fishermen, the environmentalists, all basically saying, are you crazy? What are you doing having different closure dates for these species? We catch them all at the same time. We're going to be discarding sharks dead. Which is why we looked at A2, which was having the same closure date. But, we decided under that classification, you basically would have a situation where fishermen were not allowed the opportunity to catch a particular quota. And that quota would keep increasing. And, we would have the same possibility under A4 as we would under the no action alternative.

Quota Administration. Basically at the moment, we have semi-annual seasons. January through June, and July through December. And we have no regional quotas. So, once the fishery is closed, it closes for everyone on the same date. Since the original FMP, people have wanted to look at some sort of rolling closure, or trimester seasons, or quarterly seasons, in order to account for different pupping seasons throughout the coast. So, we looked at this, and we decided on regional quotas and trimester seasons.

And this next slide shows what we'd be looking at for the regions. For GOM, stands for Gulf of Mexico, that includes the western part of Florida. South Atlantic is East Florida, Caribbean, up through North Carolina. And, North Atlantic, or NA, is Virginia up.

And, these percent estimates are based on the average landings from the past few years. So, the -- the Large Coastal Shark would be mainly in the Gulf of Mexico, and South Atlantic. Whereas, the Small Coastal Sharks most of the quota goes to the South Atlantic region.

We also needed some way of looking at how we calculate what the quotas are. In the 1999 HMS FMP, the quotas were set in stone. Basically proposed certain limits and that's what they are.

We then went and looked at two different ways of calculating the quota, where if we get a new stock assessment, we can go back to this method, every time. We don't have to go through an amendment to change the quota. We would go through normal rule making process.

We decided to go with maximum sustainable yield basis. Basically what this is, is a stock assessment gives us an estimate of maximum sustainable yield. Based on the results of the

stock assessment, we either reduce that by 25% to come up with optimum yield, or we reduce it by the amount suggested in the stock assessment to come up with optimum yield. For example, Large Coastal Sharks, they suggested we reduce it by 50% to come up with optimum yield. We didn't actually do that, because we were doing all the other measures. But, we -- we reduced it by 40%. But, that's the main idea of how we come up with what we would consider a totally allowable catch.

We then partition that total allowable catch into three pieces of the pie, if you will. Commercial landings, which include the State landings; recreational landings, and dead discards. So, the commercial quota would be that commercial landings piece of the pie.

We also looked at a landings basis. Which are similar to what we did in the current emergency rule. Where we had used the average landings over the past few years, and then based on the results of the stock assessment, either reduced those average landings to come up with the quota or increase the average landings. In this case, the dead discards for the landings basis would continue to come off of that -- that quota level. Whereas then under MSY, the dead discards has already been taken out before we get the quota level.

And this table, I will stand up for this. Shows the combination of the classification and the classification going across and the -- the basis for the quota coming along. And, as you can see, we come up with a low level of 816, based on the HMS FMP, up to a high of 3200 metric tons. Based on species specific and an MSY basis. And, this is the one that we chose, right in the middle of the table. The two combinations of 1109 for large coastals and small coastals of 454.

Moving on, we also needed -- decided we needed to look at the minimum size issue. In the '99 FMP, we implemented a minimum size of four and a half feet for Ridgeback or Sandbar, Large Coastal Sharks. That was never implemented due to litigation and then in the emergency rules.

We also looked at different alternatives, including five feet for Large Coastal Sharks, which is based on the full size and maturity for Sandbars. That's the size at which all Sandbars are mature. Five feet for Ridgeback and four and a half for Non-ridgeback. The four and a half being the size of maturity for Black Tip Sharks. Looking at four and a half for Non-ridgeback in the Atlantic and four feet for Non-ridgeback in the Gulf of Mexico, because some scientists have found that the -- the size of maturity changes between those two regions for Black Tip Sharks, or a minimum size for over fished species only.

We went forward with no minimum size, because we felt that that -- that a minimum size can increase discards. And, we were going forward with a proposed time area. The time area I will get to later on. We were hoping that the timed area would take care of a lot of the protection of the juveniles, which is just what the stock assessment asked us to do.

We also went back and looked at the recreational management measures we had in place. Currently, we have one shark any species, per vessel, per trip. With the exception of one Atlantic Sharp Nose per person, per trip. We are proposing those limitations with -- with the addition of one Bonnet Head per person, per trip. And that's because this -- the Small Coastal Sharks, the Bonnet Heads, are not overfished and we feel that they are relatively easy to identify. We also considered adding in one Pelagic Shark per person, per trip, and adding an allowance for angling people in tournaments, or people who have charter head boat permits.

We decided against the -- the Pelagic and the angling, just because we do not have a current Pelagic Shark stock assessment. So, we don't know what exactly that would do at this point. ICCAT is conducting a Pelagic Shark stock assessment next year, for several different species. So, we may be able to do something at that point.

We considered trying to come up with a recreational limit that's consistent with all the State measures. But as -- if you take a look at Appendix 3, you'll quickly realize that all the States have different recreational limits. We looked at catch and release only, which would mean recreational fishermen could not keep any sharks. And decided that wasn't really consistent with the stock assessments. And we also looked at no retention limit, which would mean they could keep whatever sharks they caught. Also not consistent with the stock assessments. So, we proposed the -- the current limit with one Bonnet Head.

Similarly, we have a size limit of four and a half feet for all sharks, with the exception of Atlantic Sharp Nose. And, we are proposing having no size limit for Bonnet Heads as well. Bonnet Heads are not usually caught at four and a half feet, which is why we would have no size limit. The other size limits we looked at were similar to the ones we looked at for the commercial fishing.

Currently, we -- any authorized gear type can be used to go out recreational fishing for sharks. This is not true of other HMS fisheries, such as the Tuna fishery or Billfish, where you can use only hand line, and rod and reel. So, basically anyone who goes out with a gillnet, who has a recreational angling permit could land sharks. And, we were thinking that may be we should be consistent, so we were proposing allowing only hand line, and rod and reel in the recreational fishery. Deep water and other sharks. These sharks are the Lantern Sharks, Cat Sharks. Their not normally caught in HMS fisheries. They were added into the management unit in 1999 only to protect them from finning. To close that finning loop hole. In 2002, the National No Finning Prohibition Act went into effect. So, we don't think that we need to have them in our management unit to protect them from finning. There are no other management measures on these species. They're not generally caught in our fisheries. It's usually

bycatch and some other fisheries such as the troll fisheries and it's -- they're rare event species. We would continue to collect data on them if we need to, but we are proposing to remove them from the management unit.

Prohibited species. This has been a big issue since we first put five species on the list in 1997. The original five species were White, Basking, Big Eye Sand Tiger, Sand Tiger, and Whale. In 1999, we added 14 more species to that group. Including Duskie, Long Fin Mako, -- I'm drawing a blank, but I know -- I know the other ones as well. We looked at adding Fine Toothed Sharks, because we did have some requests, because of their overfishing status. We looked at removing Dusky Sharks, which a lot of the -- the fishermen have asked us to do, because they do continue to catch Dusky Sharks. We looked at including deep water and other species. And basically after looking at all of these, we decided the best thing for us to do is to sit down and come up with some sort of mechanism to add or remove species from this list.

So, we're proposing a mechanism where if species meet two of four criteria, they could be added to the list and if they only meet one of the criteria, we could take them off the list. The criteria having sufficient biological information that indicates a decline in the species. For example, some of the species are listed as candidates under ESA including Dusky, Night, and Sand Tiger.

Also looked at whether or not they are rarely caught in HMS fisheries, or if they are often caught as bycatch in other species -- other fisheries, excuse me. And for some reason I always run with the fourth one.

The fourth one is the look alike issue. If the species happens to look like another species on the prohibited species list, we could consider putting them on. Once again they would have to meet two of those criteria, for this -- this mechanism that we're proposing.

Bycatch. Under both Magnuson-Stevens National Standard 9, and under ESA, we do need to reduce bycatch. Not only bycatch of sharks but also bycatch of protected species and other species.

Currently we have in the gillnet fishery, gillnet checks, where the fishermen have to check their net every two hours and release any protected species. They have the Large Whale Take Reduction Team measures, such as the closed area off of the East Coast of Florida. They need to have observers 100% of the time during Right Whale caving season, and 50% of the time during the rest of the year.

For the bottom longline fishermen, all they have to do is post the Sea Turtle handling and release guidelines in their wheelhouse. You can get those guidelines off the web. We have laminated copies that we've mailed out numerous times to bottom longline and Pelagic longline fishermen.

We looked at closing the shark gillnet fishery. And, this fishery is acting in the

-- the large whale closed area occasionally with 100% observer coverage. It also has Sea Turtle and marine mammal bycatch. Instead of closing the fishery, we are proposing to allow strike net only. Strike net is basically a gillnet, that instead of letting it drift attached to the vessel, they try to go around a school of sharks, like a purse seine; only there's no purse at the bottom. This method has almost no bycatch at all and is over 90% of the targeted shark species.

We are also proposing a VMS requirement for those gillnet vessels that use strike net during the -- the Right Whale calving season. I say who use strike net because if we go forward with the strike net only method, they would not be allowed to use drift net. And VMS 4 vessels near the proposed time area of closure. Which I believe is coming up on the next slide. And I say near, it would be between 32 and 38 degrees, which is a big border area around the time area closure. We are proposing that the bottom longline fishermen have the same requirements as the Pelagic longline fishermen of the non-stainless steel corrodible hooks, release equipment, and moving one nautical mile after an interaction with a marine mammal or Sea Turtle. The only difference is, we are also proposing dehooking devices, which are not currently required on the Pelagic longline fishery. But, are being tested in the Northeast Distant Experiment.

We looked at limiting the length of the bottom longline and limiting the soak time, and using corrodible circle hooks for both the main line and the -- the soak time length. We decided that that, (A) Is hard to enforce, and (B) Would have sever safety implications for fishermen out there. These stainless steel circle hooks, we felt we didn't really have enough data, but thought that a lot of the fishermen already are using circle hooks. So, we would keep looking into that one.

We also thought about what we're calling, No Discards rule. This would mean any shark that a commercial fisherman caught would have to be kept. This made elimination on the permanent species list as Rusty pointed out in one of his comments. That would mean we would have to change the No Fillet Sea rule, because some of the sharks are just too big to fit into the hold. We did not go forward with that at this time.

We also looked at a workshop, a required workshops for commercial and recreational fishermen. That they would need to go to in order to learn how to release Sea turtles and marine mammals, learn more about the regulations. Hear -- we could hear from the commercial fishermen what's going on. We did not go forward at this time with that, just because we felt this would be an added economic expense, particularly for commercial fishermen with everything else we were adding and proposing in this rule.

The Time Area Closure. I know this is dear to a lot of people's hearts. We looked at several different options. No closure, which is

what we have right now. A time area closure for, mainly for Sandbar and Dusky Sharks off of South Carolina, North Carolina, and Virginia, from January through July. And that would be for bottom longline fishermen only. And we looked at -- potential of time area closures for all shark nursery and pupping areas based on essential fish habitat identifications.

This is a map showing where the current closures are and what we're proposing. All of these are closures for Pelagic longline fishermen. And, the -- the marked off area in red is what we're proposing for bottom longline fishermen. And once again, that's January through July.

It's about -- it's over 28,000 square nautical miles. So, there's a -- a large area. That area off of North Carolina, happens to include essential fish habitat for Dusky and Sandbar Sharks, and is one of the only habitat areas of particular concerns, for Sandbar Sharks or for any sharks in Federal waters. Basically, sharks go to that area as a wintering ground. The juveniles that were born in the summer before, or several summers before, go to that area during the winter season.

Looking at observer data, 85% of the Dusky Sharks that have been observed caught, have been caught in that area. 92% have been neonates or juveniles. And, as I'm sure any commercial fisherman can tell you, most Dusky Sharks once caught are dead. 80% of them are dead when caught. And, Dusky Sharks are also candidate for ESA.

66% of observed Sandbar catches are in that area. Of those 66%, 54% are neonates and juveniles. Outside the closed area only 7% of the catch is juveniles. There have been no neonates caught. So, that's why we're proposing that -- that particular closed area.

Essential Fish Habitat. Every five years, we are required to go back and look at essential fish habitat. Our big five-year review will actually be happening next year in Amendment 2. Which we've already announced that we're doing. But, in addition to that, if we get new information on the status of the stocks or new information in general, we're supposed to update our essential fish habitat. So, we are doing that for five species of sharks, Fine Tooth, Dusky, Sandbar, Black Tip, and Nurse Sharks, because we have new information or new -- or changes in the status of those stocks.

We looked at maintaining the current essential fish habitat identifications. We looked at identifying EFH based on the entire range of the species. Which would be hard to do and for the most part would mean the entire EEZ for some of these species. We looked at identifying EFH based on those habitats necessary for spawning, feeding, breeding, and growth to maturity. And, looked at identifying EFH based on the status of the stock. If it's a rebuilt stock, it may not need all of the essential fish habitat, all of that -- that area so we could decrease some of the essential fish habitat. Whereas if it was an -- overfished stock, we would want to increase it to

make sure that it has as much area as possible in order to -- to rebuild. Basically, we looked a combination of L3 and L4, to identify them. The maps are in Chapter 10 for the -- the draft EIS. If you want to see what -- what changed and what we're actually proposing.

Exempted Fishing Permits. Some of you know that we do have a 60 metric ton whole weight quota for exempted fishing permits, mainly for display. And basically, the only thing that we are proposing to do is change the name from Exempted Fishing Permit For Display Purposes to a Display Purpose. There's Display Permit. That's all we're doing. So, if somebody wanted to collect sharks instead of getting Exempted Fishing Permit, they would get a Display Permit. And this facilitates their ability to collect some of the species of sharks for aquariums. A lot of them like Sand Tiger Sharks are prohibited, but do really well in aquariums. So, that's why we allow them to continue to collect.

Those are all the measures we're proposing. There are a lot of them, as I said. I changed it on this slide, the comment period ends on October 3rd. I think in the handout it still says September 30th. We are accepting comments still on the proposed rule and Amendment 1.

As I said, the DEIS, itself, if you have any comments on the -- the document, not what it contains, that comment period is closed. That closed last week. And the PRA comment period is also closed already.

And any comments on the rule, itself, or any comments if you know a council, commission, anybody is doing a rule that you think might have impacts on what we're doing, please let us know. And send comments to Chris. And as I said before, Chris Rillings and Joe DeFausie are here. They will be helping out on the final, or you can talk to me. Thanks.

MODERATOR CHRISTOPHER ROGERS: Okay.

Thank you Carol. On our agenda, we had scheduled a break at 10:45. If there are any questions at this point with respect to clarification of the measures that were presented, I know it was quite a presentation.

It's a -- a very intricate -- the proposal in dealing with all the aspects of shark management from quotas, and allocations, and commercial, recreational, essential fish habitat. It's -- it's all in there. It's a obviously a plan amendment trying to be a very comprehensive approach toward shark management.

I guess for those who haven't been following shark management for the last several years, well since the first plan was issued under the secretarial authority in 1993, it -- it has had a -- a history of emergency rules. Particularly in the last three to four years. And I know that's been confusing for some folks to try to follow and keep up with what the agency's doing. Obviously that was driven largely by litigation concerns. But, this is our first attempt in many years to kind of pull it all together, take a comprehensive look

at shark management based on new improved and peer reviewed shark stock assessments.

So, we can take a few minutes now, if there's any questions from a -- a clarification prospective on the -- on the matters presented. But, we'd like to have a discussion after lunch with respect to your reaction to the proposals, any suggestions for alternatives, or any feedback or insight as to impact. These are positive or negative of the proposals.

So, how about we'll just go for another 15 or 20 minutes for clarification purposes and then we'll take a break. And then, we'll go over the comments received to date. So, you can get a flavor for what feed back we've already gotten at several public hearings and -- and council meetings. I did see at least one hand for clarification. We have Bob Pride and then Bob McAuliffe.

BOB PRIDE: I had to wait for Carol to take a bite of her bagel before I started asking her questions. All right, you mentioned the criteria for adding and removing species from the prohibited list. I wrote down sufficient biological information, look alike, and then I got confused about the rare and infrequent. Are they separate?

KARYL BREWSTER-GEISZ: Yes. They are separate.

BOB PRIDE: Okay.

KARYL BREWSTER-GEISZ: One is, it's rarely caught in HMS fisheries. And the other is, bycatch and other fisheries.

BOB PRIDE: Oh, good. Thank you kindly.

KARYL BREWSTER-GEISZ: Uh-huh.

MODERATOR CHRISTOPHER ROGERS: Bob McAuliffe.

BOB MCAULIFFE: Oh. I need to -- for -- for my own clarification to know how -- what NFMS is doing relates to what the States are doing? Are they together, or are the separate? Do you have a State's permitting the take of shark commercially during Federal closed seasons and vice a versa? I don't have that clear in my own mind.

KARYL BREWSTER-GEISZ: Our regulations apply to anyone with a Federal permit wherever they're fishing. If they're fishing in Federal waters or if they're fishing in State waters. They have to comply with it. Then the States can do what ever they want. We do not tell them what to do. A lot of them have tried to close at the same time we do. Some States have discovered loopholes in their regulations after looking at our amendment, where fishermen have been fishing right outside State waters and landing in State waters. So, we are working with them to try to figure out any loopholes and whether it's something that we have to address or whether the State needs to address it. So --

BOB MCAULIFFE: Those -- those major loopholes do exist.

KARYL BREWSTER-GEISZ: Some of them do exist.

MODERATOR CHRISTOPHER ROGERS: Just a

-- a follow-up on that. What we have tried to do in our -- in our comprehensive approach would be, take account, of course we do recognize State's rights and if a State wishes to pursue the fishery in a different way from -- from the Federal management program, we'll try to take account for that. In setting the quota, and -- and deducting State landings, as we have proposed. And actually have done in the latest emergency rules. Is deducting State landings against that -- that Federal quota to compensate for it. So, we do try to work collaboratively, cooperatively with the States, but to take account of any discrepancies.

So, I wouldn't like to leave the impression that we recognize that there is loopholes, so to speak, in the Federal management program and that we're -- we're -- we're oblivious to them. You know we -- we do examine the situation. We do try to work with the States and if we feel that -- that it warrants some corrections, so to speak, to the Federal program to compensate. We -- we will take that step.

KARYL BREWSTER-GEISZ: I also want to point out that, I think it's Appendix 3 in the EIS, has the table with all the State regulations in there, and for the most part, the wording was taken straight out of the -- the State's regulations. So, if you're confused about the wording, that's -- we could be too.

BOB MCAULIFFE: (No microphone, inaudible) -- (VI doesn't abide by what HMS says)

MERRY CAMHI: I don't know if this is the time, but Carol, is it -- is there an opportunity to at some point today, to talk about what you mean by trying to coordinate with the States. How far have you gone? How are you working with FNCS? What exactly is being done in terms of looking at, like essential fish habit and protecting nursing -- nursery habitat within State waters? Something that, I know -- I know you guys are constantly do -- talking to them, but where is the plan of action to actually coordinate the current regulations that are being proposed, with what the States are doing? To make sure that there are no new loopholes will develop.

MODERATOR CHRISTOPHER ROGERS: I think we should probably reserve that discussion for this afternoon. We do have several representatives of -- of various States with us and I think we can have a -- a more informed discussion of that after lunch.

JOHN DEAN: Chris, this is something -- along those same lines, and I can't be here for the full afternoon. But, I was -- I would be interested in light of that comment, when you look at the proposed time area closures, and -- and you split South Carolina, and I assume that's for technical reasons. We're constantly have the issue raised about enforcement. And, this certainly could create an enforcement issue for South Carolina. And, I really apologize; I'm not as tight on the -- the plan as possible.

But, what kind of review? How is the review for enforcement issues relative to these

proposals? How is that review conducted and what's the feedback from enforcement agencies, that is not just a NMFS, but also Coast Guard and State agencies? And I -- if that's something for this afternoon, you know, I'd like to have it on the table.

KARYL BREWSTER-GEISZ: Enforcement, NMFS enforcement does review our rules, our proposed rules and works closely with us for the final rules to make sure what we put in there is enforceable. As far as the time area closure, we are proposing VMS on those -- those vessels. And that's our main reason of -- or main ability of how we're going to enforce the closure.

It will not -- and by including VMS, vessels that are -- are fishing outside the closed area would be able to transit the closed area and actually land within North Carolina, if they wanted to. They would just have to show that their fishing signatures on VMS were outside that closed area. So, the Coast Guard and States are always welcome to comment during the public comment period on the enforceability of the regulations. I don't know if that answers your question.

IRBY BASCO: Now, thank you Chris.

All right just one quick question. Define, may be KARYL can define the handline, and when it's recreational measures, where it says allow only hand line, and rod and reel. Define hand line.

MODERATOR CHRISTOPHER ROGERS: Well, typically what we've defined it as -- in the Tuna fishery, as well as the Swordfish fishery, and we would be hereby extending it to the Shark fisheries as -- as a line retrieved by hand, not rod and reel. That is limited to no more than two hooks. So, it's not a -- we had a discussion with Nelson yesterday about a so-called mini longline. It's definitely not intended to be a mini longline. It is again, a line of a certain length retrieved by hand and -- and no more than two hooks.

So, it is common in -- in several fisheries as a, I don't know, it's probably not the best term to use, but I've heard it referred to on occasion at public hearings as -- as a poor man's Rod and Reel, so to speak. But, you know, low investment in the -- but still effective as -- as a fishing gear.

IRBY BASCO: Okay, but no other gear other than that, you're talking about is what's you're proposing. Okay, thank you.

BOB HUETER: Just a clarification on the prohibited species criteria. I understand the four criteria. Looking at the Federal register notice, which I think reflects what's in the amendment; it says that, based on these criteria, species could be added to the list, or could be removed from the list.

And, I think what concerns me is that word could. Where does -- where does could become must, or -- I mean, I -- it seems -- explain to me how these criteria then, are going to be used to objectively make these -- make these decisions. If you have that amount of wiggle room in the -- in the guidelines.

KARYL BREWSTER-GEISZ: That is a -- a question we've gotten at a -- a number of the public hearings, and some of the written comments. How exactly would we be implementing it? And, how exactly would it happen? Would we go through the list every year, all the shark species? It is open for ideas. The way I think most of us envision it is, people would petition us to add or remove species. And, we would then look at -- at their request and go through a formal rule making process, proposed and final rule to see if we've added them. That's why it's a -- a could and not a must.

KEN HINMAN: Carol, at the beginning you set out a timetable for implementation or a proposed timetable. And I want to make sure I heard right. Did you say that you hope to have at least some of the regulations in effect by January? Is that what I heard?

KARYL BREWSTER-GEISZ: Yes. We would have -- our plan is to have the rule, final and effective by January 1. But, not all the regulations would be implemented right away. And some things, like if we went final with the time area closure, that's a big deal. And, that would start January 1, if we had that effective January 1. We -- we would not do that to the fishermen. There are some regulations that we have to have in place under the settlement agreement. And, that would include the commercial quota. So, that would be something that we would start right away.

MODERATOR CHRISTOPHER ROGERS: Yes. Normally under Administrative Procedures Act, we would have a 30 day delay in effectiveness. But, we try to be mindful of what it takes for folks to come to compliance, and on occasion, if it relieves a restriction, sometimes we waive that -- or we seek waiver for that delayed effectiveness. On other occasions, as we had done with the time area closure rule off the East Coast of Florida, would be to give sufficient lead -- lead time for folks to adjust to the -- the new regulation, before it becomes effective.

Any other questions or comments?
Henry, anything?

HENRY ANSLEY: Karyl, I just wonder, you said something about Federally permitted vessels in State waters, if there's a closure, they're covered by -- they'd still have to adhere to that closure?

KARYL BREWSTER-GEISZ: Anyone who has a Federal Shark Permit, has to adhere by Federal regulations, even if they're fishing in State waters. So, if the Federal fishery is closed, and they have a Federal permit, they have to stop fishing for sharks.

HENRY ANSLEY: Okay. And, one more. Could you -- you said something about Display Permitted System. You said it's basically just to change name to facilitate it?

KARYL BREWSTER-GEISZ: It -- it would clarify for us and anyone who asked the question, of why we issue an Exempted Fishing Permit. Instead of

just saying, we issued 12 Exempted Fishing Permits, some of them were for scientific research and some of them were for display. We could say we issued nine Display Permits and three Exempted Fishing Permits for research. That's --

HENRY ANSLEY: Would the -- would the procedures be --

KARYL BREWSTER-GEISZ: The procedure would not change.

HENRY ANSLEY: Okay. Thank you.

MODERATOR CHRISTOPHER ROGERS: And --

and that's basically a -- a way to try to turn the tables. Particularly because of the requirements of the aquaria and the collectors, with respect to the species that might otherwise be prohibited, or during a closed season, collections that would take place during a closed season. We have managed it, sort of by exemption, over the last several years, in that we would authorize through an Exempted Fishing Permits.

And, given the continuing nature of that public display sector, we thought that perhaps a more affirmative way of -- of dealing with this, in terms of rules, regulations and -- and you know, essentially nomenclature. That it is an -- an affirmative action that we are taking on a continuing basis. So, rather than calling it an exemption that we would continue to do, we'll just sort of change the name and -- and classify it as a Display Permit.

But, largely the same procedures would apply as a request for certain species during certain times. Some indication of how they would be collected, and -- and reporting and record keeping.

Merry Camhi.

MERRY CAMHI: I just want to get some clarification on what you're doing for protected species. Other than what you're doing on -- with the gillnets, to reduce some of the bycatch interactions with protected species. Is there anything else being done for sea turtles, sea birds, marine mammals?

I -- I didn't see anything. I saw a brief discussion of it, but I didn't know if you -- if there were any particular regulations that would address that being proposed.

KARYL BREWSTER-GEISZ: Well, I -- you bought up the gillnets. We'd be going for strike net. We also have the proposal of the release equipment and moving one nautical mile. Those have been pretty effective in reducing mortality, and interactions if you take the -- the one nautical mile.

And, sea birds has -- there've been one -- one pelican observed in both the gillnet and the bottom longline fisheries since they've started. So, sea birds is not a problem that we see in our fishery.

MODERATOR CHRISTOPHER ROGERS: Okay.

Any more questions for clarification? Then we'll move to a -- a -- up, we've got Rusty and then Bob McAuliffe.

RUSTY HUDSON: From my clarification on -- in the telephone book on Chapter 4, Page 85.

You have a picture of the Dusky Shark catches from '94 through 2003, and it appears that a lot of these Dusky catches are outside of what we would call 100 fathom curve. As well as, you know, the predominates are inside. So, does that mean you are combining observer programs results to tally this? Because, you know, I just don't see a whole lot of guys at bottom longline out there in seven, eight hundred foot fishing on the bottom.

KARYL BREWSTER-GEISZ: For the proposed time area closure. That is looking at observer data.

RUSTY HUDSON: (Inaudible.)

KARYL BREWSTER-GEISZ: It's looking at the bottom longline observer data.

BOB MCAULIFFE: Still working on this State/Federal thing. If our fishermen choose to just fish under State regulations, they would have to be actually apprehended in Federal waters in order to be in violation or prosecuted in violation of taking sharks in a closed season or closed area? What I'm looking at is it, most of our fishermen do not have Federal license, but they are in Federal waters.

KARYL BREWSTER-GEISZ: As far as I know, yes.

BOB MCAULIFFE: And we have no closed seasons, so basically. We're saying in the Caribbean, you can take them all year round with no restriction. Unless there's something in that you've figured out how to get around that?

In other words, if -- if a Federal agent comes in and finds fishermen selling prohibited shark, --

KARYL BREWSTER-GEISZ: And they don't

--

BOB MCAULIFFE: -- there's no way he can -- he can apprehend or prosecute. Which is a situation that we have run into.

KARYL BREWSTER-GEISZ: Uh-huh.

BOB MCAULIFFE: Again, to me that looks like a big loophole, and it shouldn't be there.

MODERATOR CHRISTOPHER ROGERS: Well, certainly -- certainly if the -- fishing in Federal waters without a permit, that would be a violation. To the extent that the State regulations are more lenient, or -- or less -- less restrictive, then it would become an enforcement issue dockside, if there was no evidence that the -- the sharks were taken in -- Federal waters.

But if -- if they are Federally permitted, there is the permit condition as Karyl spoke of, that requires that the Federal rules be observed regardless of whether they are fishing in State of Federal waters.

BOB MCAULIFFE: So, they would be better off not having a Federal permit.

MODERATOR CHRISTOPHER ROGERS:

Depends on the -- where they can conduct the majority of that activities. If they're entirely within the State jurisdiction, then that's -- that's fine. And, we can continue to work with the State. And, as I said, if -- if it does present a problem

for the shark -- Federal Shark Management Program we would try to compensate for it in our Federal rules. BOB MCAULIFFE: Well, what I'm trying to say is, you need to put more effort into that portion of it.

MODERATOR CHRISTOPHER ROGERS: Uh-huh Well, we do have some of our enforcement agents and Coast Guard here. So, maybe during the break, you can discuss some -- some methods. I -- I know they've worked over the last several years on several joint enforcement agreements with the various States and that -- that is facilitated a lot getting -- getting some enforcement presence out. Viridin Brown.

VIRDIN BROWN: Just one quick follow-up comment, I guess. Your last comment took care of part of it, but it should be noted that for Puerto Rico, the State waters or territorial waters is much greater than most States. It goes out to 10 miles and most of their fishing is done within that territorial limit. And, you know, while the State or territorial laws may be different, I think there's a need for coordination to ensure that we don't have people fishing outside of what you really intend to do in the management measure.

MODERATOR CHRISTOPHER ROGERS: Gail Johnson, welcome. We -- we saw you arrive. Thanks for finding a place at the table.

GAIL JOHNSON: We had bird problems with our plane, but anyway, real quick question. I should know, a shore based fishing trip seems like a contradiction in terms, but is that somebody on a wharf? What -- what is that? It's in -- in here somewhere. Page 322.

KARYL BREWSTER-GEISZ: I don't have it right in front of me, but shore based would -- would probably be somebody, yeah, on a -- on a dock.

MODERATOR CHRISTOPHER ROGERS: Normally that would be a situation where State rules would apply. If it was somebody with a commercial permit, however, they would have to observe the Federal rules, even if they were fishing from shore. We don't have that same permit

condition that would apply to the new HMS recreational permit. So, it doesn't present the same -- the same conundrum for the fisherman. But basically, a -- a Federally limited access permitted individual would have to observe the State or the Federal rules regardless of -- of where they fish. But normally, if it's a recreational situation, shore based, the State regulations would apply.

Okay. How about we take a 15, 20-minute break. And then, we'll come back and we'll summarize the comments that we received to date.

KARYL BREWSTER-GEISZ: And remember that there are the written comments are over on the table if you want to take a look.

(Break.)

MODERATOR CHRISTOPHER ROGERS: Okay. Folks, we'll get started so we can break on -- on time for lunch. Normally what we try to do is schedule the Advisory Panel Meetings at the very end of the comment period. So, the panel members, themselves will have the -- the full benefit of --

of all the comments received. We have summarized, as Karyl said, and have made available to you folks, all the -- the comments, written comments, and -- and summaries of public hearings to this point. But, because of Isabel, we -- we still have two public hearings to go and we'll -- we'll be taking comments through Friday. If history is our guide, we can expect to load a lot of paper in the fax machine on Friday, because a lot of stuff does tend to come in on -- on the -- on final day of -- of a comment period.

But, just for the benefit of -- of the panel, Karyl will review. She has distributed a -- a brief summary of comments received, again the more detailed binders are over here on the table. We'll review these prior to our lunch break, and then after lunch break, we'll take comments and observations from the panel of a more substantive nature than we've been able to get into this morning.

KARYL BREWSTER-GEISZ: Hi again.

We're here to -- to go through just a brief summary of what we've seen from the public comments. What you have in front of you is a draft. Not all the -- the team members have gone through the comments. So, there may have been comments that have been missed in the written ones. So, if you happen to notice that, and you can't find it, you know, feel free to give us a call and say, hey, it looks like you didn't remember this paragraph on this particular comment. And, we will be sure to include it if it was forgotten.

The document in front of you, I tried to keep the same format as the proposed rule. In terms of the -- the issues that people were commenting on. And, then there's the addition of the shark quota general comments, because a lot of people have commented just on the level of the sharks quota, not necessarily on the two alternatives that arrived at the -- at the quota. As section on the stock assessment, and the status of the stocks. A section on just the economic impacts, because we do get a lot of comments. This will put me out of business. This would be great. This would cause much of an economic impact. And, those are all in that Economic Impact Section. And, the just general comments on whether or not we're doing a great job or an awful job. So, I will just go through it. I thought about doing a Power Point presentation and decided a summary of a summary just seemed awful silly. So, I -- I tried to go through and I'll try to highlight some of the ones that really stood out for me, but feel free to jump in if you don't understand one of the comments. Or if you have a comment to add to it, but for the most part, let's try to restrict the comments to the afternoon session.

Rebuilding timeframe, we haven't gotten too many comments on the timeframe so far. The comments we received were, you know, we should prohibit fishing for 20 years. Confidence in the rebuilding figure is low. And, we should have had

another set of management options with a higher probability of success.

I wonder if there's a page down.

It's not going. I'll just work on the -- the WordPerfect on the screen, if you have a specific question, I'll go to that -- that comment.

Otherwise, we'll just work from the -- the paper version if that's all right.

Classification. We haven't received too many comments other than, it's great that you're reaggregating them, or it's not so great that you're reaggregating them.

Quota Administration. For the most part, we got a lot of economic comments. As particularly on the trimester proposal. We did get some comments that we shouldn't do the regional, because of the administration regions. A lot of people were concerned about how we're going enforce the regional approach. And, a lot of people felt that the percentages were incorrect due to improper identification and reporting for the regional quotas.

Shark Quota Basis. We've actually only gotten one comment that addresses the shark quota basis. Whether that's because nobody understands it or because we did a great job coming up with something. I'm not quite certain.

Minimum Size Restrictions. We got a range of comments on those. Saying we shouldn't have a minimum size all the way up to the minimum size should be 15 feet. We had a comment that they would support a no minimum size for commercial fishery if we had a time area closure that protects juveniles of all species, not just the -- the Sandbar and Dusky, that we're looking at for the proposal.

The Quota. We received a large range, once again. Saying that we should be reduce or eliminate the commercial quota. We should reduce it by 700%. Lowest overall quotas to ensure sustainable levels for all species and protect juveniles.

(Brief comments - no microphone.)

KARYL BREWSTER-GEISZ: There -- there are some people who are concerned about why U.S. fishermen are limited to their shark catches as opposed to Mexican -- Mexican fishermen, who can catch any amount. Recreational Retention Limit. The same thing. We've received a range. One shark of any species per trip. And that any additional catch reductions should come from the commercial end, not from the recreational end, because the recreational fishermen have been complying with the 1999 FMP regulations. Whereas the commercial fishermen have not been.

Minimum Size Restrictions. Concern that there's so many recreational fishermen that there's -- that the magnitude of mortality from them is probably pretty high, and that we should maintain the -- the current minimum size. And, encourage proper release techniques for the recreational sector.

Authorized Gear Types for the Recreational Fishery. We had support for that. We

also had a comment, that we need to have a provision that would allow disabled anglers, who cannot hold the rod and reel to be able to fish and that, I guess, some of the Atlantic States have a recreational gillnet fishery. And, they're worried that limiting it to rod and reel, and hand line would have an impact on that recreational gillnet fishery.

(Brief comment -- not audible.)

KARYL BREWSTER-GEISZ: What States?

UNIDENTIFIED: (Inaudible.)

KARYL BREWSTER-GEISZ: That -- we got that comment from the Mid-Atlantic Council. And, I know we've done some research into what States, but I can't remember off the top of my head.

UNIDENTIFIED: (Inaudible.)

KARYL BREWSTER-GEISZ: Right.

UNIDENTIFIED: (Inaudible.)

KARYL BREWSTER-GEISZ: The Gear Restrictions is another section where we've gotten a lot of comments that are under the economic section. But going in we did have some comments on banning the drift gillnet and allowing strike net. Some of the interesting ones are: No observations if the gear type is accurate.

And also, comments that we should not eliminate a viable fishery that has reliable observer science behind it. So obviously, there's some disagreement as to whether or not the observers are doing a good job on the gillnet fishery.

Concern about marine mammals, Sea Turtles, Red Drum, and the -- the gillnet fishery. The State of Georgia would still request 100% observer coverage, even if it's limited to strike net gear.

Fishermen, who don't understand why States are banning both longlines and gillnets, and why are we suggesting to ban gillnets and to allow them to use longline. Comments that making it strike net only fishery would supersede actions by the Large Whale Take Reduction Team and the Bottle Nose Dolphin Plan.

Interesting comment from my -- my perspective was that these Sharp Nosed Sharks can only be caught with a drift gillnet and that strike net gear only catches Large Coastal Sharks in the winter. That they don't catch Large Coastal Sharks in the summer.

Fishermen, gillnet fishermen who says that they've adapted their gear using corks to keep the -- the gear high in the water and allow any Sea Turtles that are caught to survive. And that the ones that are catching dead Sea Turtles are actually ones who are, what their calling rouge vessels, who really aren't in the fishery, but come down every once in a while to fish.

For VMS. Some of the gillnet fishermen have told us that they would prefer to have observers to the VMS. Fishermen have told us that if we do implement VMS, that we should hold the operators, not the vessel owners responsible for any violations. Because the owner doesn't have any say in what the operator does.

And also that the VMS should be

phased in to reduce any negative impacts for the fishermen. Potentially using an adaptation the Coast Guard is using this for Homeland Security instead of VMS.

For the other gear restrictions, generally, most people seem to support the alternatives we proposed for the ecological benefits, but some of them are noting that these are -- these measures are hard to enforce. People are saying that the -- the non-stainless steel corrodible hooks should be readily accepted by the industry, and most vessels already use the hooks. That moving one nautical mile shouldn't be a hardship because most vessels already move more than one mile after hauling their gear. There were -- there was support for the -- the recreational and commercial workshops. That people thought that theses would be a really good educational forum and a lot of good things could come out of them.

Once again, concerned that fishermen are looking over into Cuba and the Bahamas, and seeing fishermen kill Sea Turtles. And, why is the U.S. trying so hard to protect Sea Turtles?

That we may want to consider a variation of the -- the no discard proposal, well, it's not a proposal, but it was an alternative. Time Area Closures in general, a lot of people seemed to want. Time area closures of some sort in -- in the fishery, because it would reduce bycatch and potentially protect juvenile sharks.

Specific comments to the actual proposed time area closure includes, that North Carolina Fishermen are being treated unfairly. That a lot of the fishermen there have reported that they're not catching a significant number of pupping females. That most of the -- based on their fin data, that they're catching older sharks, not the juveniles, and that they don't see any pregnant females after mid-July.

A lot of concern that observers are mis-identifying the Dusky Sharks. Nursery grounds are in near shore areas not out in the area that we're proposing to close. Proposed close time is absurd. That it should be starting in April and not January 1st.

If the area is closed, landings should not be allowed in States adjacent to the area, no matter where the fish is harvested.

Obviously an enforcement concern there.

Concern that the time area closure will push vessels into other areas, such as the area off of the Florida East Coast.

Deep Water and Other Sharks. We pretty much got just a couple comments on those.

One for and one against the proposed removal from the management unit.

Prohibited Species. A lot of people feel very deeply about the prohibited species. Whether they should be removed or added. So, there was support for pretty much everything. But there did seem to be a lot of support for the mechanism, but confusion, as we discussed before, over how the

mechanism would actually be implemented, and what would happen.

EFPs. We pretty much got a range on those from supporting what we're proposing, to not issuing any more permits at all. Increasing the fines for EFPs.

We also asked for comments and are continuing to ask for Amendment 2 on other clarifications and ways of improving the EFP system. So, we did get some comments on that. Such as letting -- NFMS should let that a public know what final decisions we've made regards to Exempted Fishing Permits and what the environmental impacts are of that.

EFH Update. We haven't gotten too many comments on that. We got one from the EPA and one from other -- one other person. EPA asking us to take a look at the other fishery practices on Shark EFH. And the other comment, suggesting that we should be basing EFH on the entire range of the species and that would include some of the -- the areas for Sandbar Shark that are not included right now as EFH. And, maybe work with Mexico and Cuba to include their waters in Essential Fish Habitat.

The Stock Assessments and the status of the stocks. There's still a lot of uncertainty and, I don't know if I'd go so far as to say disbelief, but I can't think of another word. And what the stock assessment is saying and what the data is being used.

Basically, a lot of people are saying that we need more -- more data, better data. That the -- a lot of concern why Black Top -- Black Tip Sharks were overfished in 1998 and now we're saying that they're rebuilt. Misunderstanding over why a species can be over -- can have overfishing occurring, but not be overfished.

Comments based from the -- the peer report that came out, saying that sharks are in real bad shape and that NOAA fisheries can't be trusted when it says that Sandbar Sharks are no longer overfished.

Comments on the Menhaden Fishery and Shark bycatch. Concerned that we're not including enough bycatch in the stock assessment. Basically just a lot of concern over the -- the data that's being used.

Economic Impacts. Huge range on these. From, we shouldn't be focusing on economic or even considering economic impacts at all. We should just be focusing on the probability of extinction of sharks.

To, that we're putting people out of business and we shouldn't be proposing things that put things out of business -- put fishermen out of business.

Current quotas are good and the overall fishery's improving. NOAA fisheries should leave well enough alone. Regional quotas and estimates of catches are flawed and will put North Atlantic fishermen out of business.

The Trimester. We got a lot from saying that they can't support the trimester season, because it would hurt the market. The -- the

grocers new a large period of time in order to -- to set the market and figure out what's happening. To, fishermen who really like the trimester approach because it would keep the market open more throughout the year, and allow them to expand the time period.

Concern that having a trimester approach would mean that they'd have to change their gear types three times a year to fishermen who said, that's not a problem, because they use the same type of gear throughout the year. So, they're not going to be switching it.

The -- the banning of the -- the gillnet. That even the strike net fishermen would go out of business because they wouldn't be able to fish using strike net once the -- the winter fishery is over.

The time area closure, of course, that's comments that that will put fishermen out of business.

Concern that VMS is expensive and a violation of privacy. And whether or not NOAA fisheries is going to pay for it.

Comments that the -- the fuel to move one nautical mile is not significant.

That the fishing techniques to retrieve fishing gear will save fishermen money, because they won't have to replace any lost gear. And that the techniques that they learned to -- to take the hooks out and everything, will actually increase their ability to retrieve the gear. That if they're using the release equipment properly, that they could basically, start marketing their fish as Sea Turtle friendly.

Regarding the workshops. There's an idea that maybe private sector gear technologist or NGOs could help pay for fishermen to attend the workshops.

Comment that NOAA fisheries needs to be patient with the shark fishing community and minimize the potential for socio-economic impacts until further efforts to stabilize the fleet through better analysis, fishing quotas, buy back programs become more progressed. And that we shouldn't hurry to put people out of business. That we need to consider individual quotas for directed fishing, directed permit holders to reduce derby and seasonal market gluts.

An interesting comment was, that the SARs epidemic has hurt fin prices. I got that from one fisherman, I don't know if it's -- if it's true or not. I haven't heard it from anyone else.

Going into the general comments. On EPA thought that we didn't do a great job assessing the impacts of the NO Action Alternative. And refers back to the semi-annual seasons. Saying that a continued course of action, such as the semi-annual season has been causing the fishery to decline to an unsustainable level.

The EPA would like us to look at whether or not a no fishing alternative is reasonable or unreasonable. And add more tables and diagrams. They'd like to clarify the effects of other fisheries on the stock -- stocks and clearly

connect relevant information throughout the document.

Some of my favorite comments, personally, now that we've received a range of comments regarding who is influencing the agency decisions. Some people feel that we're -- we settled with commercial fishing industry and for fighting environmental groups tooth and nail to protect commercial fish profits. And other people feel that we're being overly influenced by the environmentalists.

Going on about how many permits we should have. That we should be working to reduce the number of shark deaths. All other purposes are secondary.

Obviously a big concern for the commercial fisherman, I need time to prepare for other fisheries and hire crew before notice of the final rule and implementation.

We continue to receive comments about where we should have held public hearings. That not everybody could make the public hearings.

More information, NOAA fisheries has the more money fishermen loose. We need to mail information about the public hearings to all permit holders. That we did a good job doing that for the proposed rule, but we should have done it for the scoping meetings as well.

And that NOAA fisheries should be relaying on an observer report from 1994 through 2002 and not the -- the recent years report that we have. Just an update on that, they are working on a -- a full, I think, 10 year report for the observer program. So, we hope to have that soon.

Those are pretty much what I saw coming out of the comments and obviously the -- the summary of all of them. This is in draft form. Things are likely to be rephrased, changed slightly to make them clearer, but I think pretty much everything we -- we've gotten written is included in here. Unless you handed it to me today.

UNIDENTIFIED WOMAN: You might want to clarify the one on Page 7. It says that -- (inaudible) --

KARYL BREWSTER-GEISZ: Yes, you -- you saw that?

UNIDENTIFIED WOMAN: The mortality of recreational --

KARYL BREWSTER-GEISZ: It was supposed to be by recreational fishermen.

UNIDENTIFIED WOMAN: Yes.

KARYL BREWSTER-GEISZ: That jumped out of the page at me this morning. I was like, whoops. I was wondering who would catch it.

UNIDENTIFIED: I don't know -- (inaudible) -- a lifeboat

KARYL BREWSTER-GEISZ: So, if you want any clarifications, let me know and I'll bring it up on the screen.

MODERATOR CHRISTOPHER ROGERS: Okay, thank you Karyl. Just to reminder, we're not prepared at this juncture to be responding to the comments. We just wanted to give you a -- a sense of the breaths and depths of comments received to

date, and we'll be taking the panel's comments after the lunch break. But any question and clarifications of -- of this document here? And certainly we did intend to paraphrase it to -- to summarize and make it a little bit more succinct for the panel review here. But, if there's any particular comment that you want to elaborate on or ask about, please do so at this time before we break for lunch.

KEN HINMAN: Yeah. Karyl, on Page 4, the second comment under authorized gear. I just want to clarify it and I assume it's the case that comment came from the State of Georgia, that strike net, gillnet, bycatch reduction has not been adequately investigated. Is that from the State of Georgia?

KARYL BREWSTER-GEISZ: Yes.

KEN HINMAN: Maybe Henry can answer that.

KARYL BREWSTER-GEISZ: My understanding, that's what Susan Shipman and Henry said at the -- the meeting in Jacksonville last week. And I think Henry wants to refer back to it.

HENRY ANSLEY: I think if you look at it, we're talking about strike net information in waters off of Georgia, have not been -- the data's limited on that. We weren't referring over all.

KARYL BREWSTER-GEISZ: Right, I haven't seen any written comments yet. So, --

HENRY ANSLEY: Well, I hadn't -- hadn't submitted it, written it --

KARYL BREWSTER-GEISZ: Okay.

HENRY ANSLEY: But basically, that's what it refers to is that the conditions are a little different off Georgia, and that the information on strike net gear is limited off Georgia, in Georgia conditions.

JOHN DEAN: Thank you. Just a -- this is a comment on the comments. And -- and I'm concerned with respect to our ability as a council to participate in this, in the formal sense. We received a request from y'all to be put on out agenda for the June meeting for the very last minute. And, we did rearrange the agenda and included you, and then, that -- you canceled out on that. And that would have, I think, been this presentation. Is that right, Karyl? Basically?

KARYL BREWSTER-GEISZ: We were actually scheduled to talk to the South Atlantic last -- last week, but Isabel --

JOHN DEAN: I'm going to get there.

KARYL BREWSTER-GEISZ: Okay.

JOHN DEAN: All right.

KARYL BREWSTER-GEISZ: We had actually requested to be put on the council meetings when we sent out the predraft back in April. So --

JOHN DEAN: Then you requested again to be on the agenda. We put you on the agenda for the September meeting for this presentation to council, and then we had to reschedule because we had a visit from Isabel. And learned after the fact, in fact that, you'd scheduled a public hearing at another location in South Carolina on the same night as we had a council activity scheduled on the

agenda. But, that was not communicated to us as a council. Of course, since we had to cancel the meeting, now you've scheduled a public hearing for this next, for this Thursday evening and comments close on Friday. And we will not have a council meeting until after the closure of the period. So, our council is pretty careful about following the rules of having full council and the committee and the full council act before we send letters. And, this is really taken us out of the play, to a great extent. Maybe that's my fault as a chairman of the HMS committee, that I haven't been more aggressive internally, but it -- it has been a problem with communications. And, I just would like to know is there any way that we can provide comment at a future date, because we're not going to be able to do it by Friday.

KARYL BREWSTER-GEISZ: Well, we are trying to work to improve our communication. We have tried very hard to get to all of the council meetings that we can. The Caribbean, we were not able to, their meeting was scheduled much sooner than we were able to -- to make it. We tried to get it on last moment and we're told we shouldn't because it does not give people enough time to make it. We did try the South Atlantic earlier and then this last one with Isabel coming was just bad timing on the hurricane part.

With the tight timeline that we're under, we needed to -- to set the end of the comment period. As we did extend it in order to reschedule those two meetings that we canceled.

I -- I don't know what to tell you, other than the fact that we have been working to provide people in the South Atlantic Council copies of --

(Tape Change)

KARYL BREWSTER-GEISZ: Consider them after the end of the comment period, but you're welcome to submit comments as a council.

MODERATOR CHRISTOPHER ROGERS: Well, it's -- it's not that -- that we couldn't consider them. We can always consider any input at any point in time, but the purpose of having a defined comment period is to -- to get on with it. And obviously with this management program, we need to get something in place to supplant the emergency rule which is expires at the end of the year.

So, to the extent that the council can deliberate and -- and comment as soon as possible, we'd certainly accept the -- the comments and -- and consider them as -- as best we can given -- given the timeframe.

It is very difficult, I understand your concern and we'll try to be more mindful of communications with the councils in the future. But, the HMS situation dictates that we have five councils to deal with and we do consult the -- the schedule frequently to see when they're meeting and somethings -- sometimes we -- we can't always accommodate as much as we would like.

Even trying to schedule an Advisory Panel meetings is -- is often very difficult. Since so many of the councils are -- are -- have their

meetings planned so far out in advance that by the time we -- we get our act together, with things to present, we're sort of scrambling to try to find -- find a window of opportunity. But, we will attempt to endeavor to do better in terms of communication. Bea, did you clarify what you needed?

And then I had Irby, and then Bob decided he does have something to say. So, we'll get back to him.

IRBY BASCO: Okay, thank you, Chris.

On Page 10, the -- on the comments about the Menhaden fishery, the Gulf of Mexico Fishers Management Council has a concern, I guess you might say, about -- about the bycatch on the Menhaden fishery. There's -- I know there's a -- there's some information in the document about it.

But at our HMS meeting that we -- before the council meeting, when we convened an HMS, we made a comment about -- one of the council members about it. But then, we had some of the Menhaden people show up, and to kind of explain their situation. And then at the council meeting, the same amount of people from Menhaden fisheries, there's only two Menhaden fisheries I think, but one real concern was in the Gulf of Mexico.

But any rate, so finally, what the council has done is had -- have Doctor Condry, who has written a recent paper about the Menhaden fishery, to come to the council, our next meeting, November. And, but our council does have a concern about this. We have a -- we'd like to be able to -- to see if -- how great the information is and a lot of things like that. But any rate, we -- that's one of the comments, I want of kind of expound on that to know that y'all that the Gulf Council is concerned.

MODERATOR CHRISTOPHER ROGERS: Okay.

We -- we did receive a copy of a rather lengthy response to the Gulf Council concern from the Gulf States Commission. I don't know if you've seen that, we can certainly make a copy of that available to you.

But, the Gulf States Commission, having been privy to the -- the comments and concerns raised at -- at the council meeting, did take it upon themselves to respond. It was a rather lengthy response. I believe it was over 10 pages. And, it did go into some details, summarizing past historical studies on the observed take rates. And the Menhaden, looking at the -- the fish pumps and - - and the excluding devices that have been used in recent in --in recent years.

So, we can certainly get a -- a copy of that response to you. To summarize it, several weeks ago that I read it. But basically, the contention was that the bycatch problem for, particularly for juvenile large coastals had largely been solved through excluding type devices. And that -- that amount had not been effectively excluded was, I guess you could say, I don't want to paraphrase the letters since I don't have in front of me. Insignificant relative to commercial end and -- and recreational catches in the Gulf of Mexico. But, we'll get a copy of that letter to you. I can't recall whether the letter was

written to the council or was it written to us?

UNIDENTIFIED: I think it was --

KARYL BREWSTER-GEISZ: It was written to Nancy Thompson.

MODERATOR CHRISTOPHER ROGERS: Nancy Thompson, okay. So, it was written to Nancy Thompson, because I guess the council had requested some input from the Southeast Science Center for their meeting.

IRBY BASCO: To that point I've read about a 10 page letter from Gulf Station Marine -- you know they came to us at our HMS meeting up -- AP meeting. And, it -- but it -- there were some -- there's some newer things out that, you know, in Condry that -- that, you know, kind of didn't exactly contradict that thing, but I kind of makes you wonder. And so, this is our concern, but what we have, but in -- in globe that it's, you know, it's everything like we say in our document. And, what they say.

And, we-- we just like to have a -- a some of the council members expressed a concern because they did not have access to a certain phase there of the Menhaden operations. You know, like you just couldn't walk on the dock. Well, may be it's insurance or safety reasons, but the -- the Menhaden fishery seem to be, how can I say it? Defensive, in both cases and I -- if they don't need to be, well fine.

So, we're just looking into it. And, we're hoping that it's just like our document says. But, if it's not, I think it needs to be addressed.

Thank you.

MODERATOR CHRISTOPHER ROGERS: Yeah, I -- I don't want to leave everybody with the impression that we're taking the letter on -- on face value. I'm -- I'm not even trying to suggest that the -- the letter doesn't have any -- any basis in fact. But, we have just summarized it, so to speak, here; and we will be taking more detailed look at the studies sited and -- and try to determine whether we think a problem exists that needs to be addressed.

Arguably, this would be one of the situations where it will take coordination with the States, since the fishery's predominately in -- in waters of -- under State jurisdiction. But we will consider the comments on both sides of the issues at length in our final deliberations and we'll have a formal response in the final -- the final plan.

I had Bob Pride, Rusty and then Merry.

BOB PRIDE: Thank you, Chris. John (inaudible) something to mind that I might want share with everyone. The Mid-Atlantic Council has a long history with sharks. They used to the lead council for the plan a hundred years ago before -- before HMS was formed.

So, what we were able to do was to go back and look at -- look at our record on sharks and comment based on what we'd already issued opinions on. So, we went back to our formal record and -- and -- and were able to issue a comment letter based upon our -- our existing positions.

However, there are some new things

that we have not been able to discuss as a council. And, what I would like to ask HSM to do is to look at those meeting dates. When -- when you make a presentation to us, we need to be able to have another meeting before the end of the comment period. You know, that's -- that would, of course, that's about a 60 day cycle for us. And, I think other councils have different cycles. So, I can appreciate how hard it is for you Chris, but really give that a lot of consideration.

If the councils are to be involved, they need to have a presentation from HMS, or the materials delivered to them, or whatever the formal process is. And then, have another meeting. So, the committees can work in the interim. Okay, and that's how what we've done.

And, our -- Carol, the other thing I wanted to ask is, when you go through these comments and you have absolutely conflicting opinions that are about 50-50, does that just kind of just negate those comments?

KARYL BREWSTER-GEISZ: No. I -- one of the things we pointed out before in Advisory Panel member -- meetings, the -- the comments themselves, we don't take a -- a running tally. Well, we got five votes for and six against, so we're going to go against. And, we're looking at the -- the actual quality of the comment. Are they saying that we shouldn't have a minimum size because of really good reasons, or they just saying no minimum size because they don't want a minimum size. You know, if -- if they explain why it is. And that's really what we want -- want to see and what we're really trying to aim for. But, if five people say no minimum size and six don't, then, that doesn't mean it's -- it's a don't.

BOB PRIDE: (No microphone, not audible.)

KARYL BREWSTER-GEISZ: Yes.

MODERATOR CHRISTOPHER ROGERS: To that point, what I personally like to -- to see in -- in terms of comments is alternatives. Have we correctly assessed the impacts and -- and if not, give us some more information. If there are alternatives that would be less restrictive but equally effective. That's in my view, a better comment than, I don't like what you proposed. Rusty and then Merry Camhi.

RUSTY HUDSON: On the Doctor Condry report on the Menhaden bycatch, we incorporated that into the Shark Evaluation Workshop Assessment last year. That 10,000 animals plus are generally neonates and juveniles.

Unfortunately at some point in the process, somebody multiplied them by an adult size shark. And, that's the only conflict we had with that, except for the fact that Doctor Condry only participated in observing the Menhaden fleet in Gulf of Mexico for two years in '94 and '95, and then he used estimates to go forward.

And we even brought up the estimates and went backwards, at the Shark Evaluation Workshop. So, we have 20 something years of Menhaden bycatch there. And, we also had the data

with the regards to -- or the information in regards to the excluding devices and stuff like that. We would like to see, you know, just how much reduction of the mortality has occurred. But, to think that we're not, and haven't considered the Menhaden bycatch is not true. We've -- it actually figured just like the Mexican catch, and like the other things, into our assessment last year.

MERRY CAMHI: I just want clarification that if you -- you're planning to look at this letter from, this 10 page letter and the look and then at this point you will determine what kind of additional provisions you might apply in this amendment? So, that it would be enacted for the 2004 fishing season?

KARYL BREWSTER-GEISZ: The letter -- I'm sorry Chris. The -- the letter actually was not a comment on what's actually proposed. So, it's not summarized in these comments. What the letter was, was basically an entire history of all the research that's been done on the Menhaden fishery and what sharks have been caught. So, that information we will be going through and including as appropriate in the EIS. And if we feel there are additional management measures need or suggested by it, then that would be included, probably in the Amendment 2.

MERRY CAMHI: Okay, so, it would not be until the next amendment. And, one of the questions I have is, that we have been talking about this Menhaden bycatch for a very long time and we don't see anything here in terms of what the options are, might be if indeed this is a -- plays out that this is a still a significant source of bycatch. Which we -- until we see the data, we -- we assume it is. What do you have in mind? Is there -- has there any kind of strategy, or any kind of plan but in place that would work with the States, and work with the fishery in order to help reduce this bycatch?

MODERATOR CHRISTOPHER ROGERS: Well, we certainly will work with the States. The way the Federal program works, is that we will try to account for all sources of mortality. So, if there is a significant source of mortality in the Menhaden fishery, that is outside the scope of our Federal management plan, we try to compensate for that in setting the commercial quotas. And, work with the - - the States and the Gulf States Commission to try to reduce that mortality.

Obviously if -- if we can work effectively with the States and the commission to reduce that source of mortality, then we can relax, so to speak, the Federal program. But we will continue the dialog with the Gulf States Commission. I guess we will request comment from -- from Nancy Thompson and Southeast Center, with respect to the - - the letter, as to what research might be recommended and how we can work with the States to get better access to that -- that fishery and get some -- some observations.

Any other comments? Bob Hueter, I'm sorry about that.

BOB HUETER: Okay, first I just

wanted to second what Rusty said about the -- the Menhaden fishery that -- that if you look in your phone book, on Page 375, the -- the landings across the board, you see what -- what -- how we have been, as he said, considering insignificant in the -- in the Shark Evaluation Workshop of 25,000 sharks per -- per year. And, the commercial landings are just under 100,000. So, that's -- that's a quarter of the number of animals that are -- that are brought in the commercial directed fishery. And, about a little bit under 15% of total landings. So, if something has changed in that fishery, then we need to connect with the -- the people in the Gulf that are reporting this information, because it's not getting to the -- to the assessment workshop.

The other question I had is that, in the past the aquarium industry and marine collectors have been very outspoken on the -- the permitting process. In the -- in these comments, are they -- do they seem to be fairly satisfied with the changes that are being made, or what? Or have you not received comments yet from them?

KARYL BREWSTER-GEISZ: I don't remember seeing any comments from the aquarium people, but since all we're doing really is a name change, I wouldn't think there'd be too much for them to comment on. And that none of the procedures are changing. It's just the name change. But, as I said I don't remember seeing any comment from them.

BOB HUETER: All right. Have the issues that were -- seemed to be kind of difficult a year or two ago about the process of -- of getting permits and the tagging of the animals, and all that. Has those been fairly resolved?

We as a -- as a -- as a Advisory Panel member, I've gotten copies of letters, you know, letter upon letter from -- from members of the -- the aquarium industry crying the blues about how difficult these -- these provisions have been. Has -- has that been resolved?

MODERATOR CHRISTOPHER ROGERS: Well, that was actually a separate rule making. That we did take comment on and in fact it was a very well attended meeting we had down at the Orlando, what -- what was the theme park, we were down there? There were so many of them in Orlando, I guess it was Sea World, or something that -- it was very well attended by all the major public aquaria in the States.

We are in the process of finalizing that rule. That rule itself was addressing more of the reporting and record keeping aspects of it. Although, we did have some provisions in that for tagging. We have proposed the use of the passive integrator transponder tags. There was a lot of concern expressed that those tags have not been proven reliable in sharks. So, that we should continue to offer the option of the -- the ribbon tags as well.

We are in the process of finalizing that rule. But as Karyl said, in -- in this amendment it was just a -- a switch between an exempted fishing procedure to a more affirmative display procedure here. So, between the two of

them, we will address several of the concerns that have been raised on the whole collection for public display issue, between those two actions.

RUSTY HUDSON: On clarification, Bob was correct, on 375 of course was the 25,100 animals and of course you'll see the difference that if you multiply that times an average adult weight verses an average juvenile or neonate weight, it makes for a bigger difference when it's used. But, you can see 20 years of 25,100 animals solid and that's all based on that '94/'95 work that Condry did, plus what we could incorporate, as far as using logic and some of the people we spoke with. So basically, I - - it would be nice to see if it's cleaned up a little bit with the -- with the ejecting devices and stuff.

MODERATOR CHRISTOPHER ROGERS: Any other comments about comments. Then I suggest we break for lunch. Be back here at one o'clock and then we'll be prepared to take comments of a substantive and quality nature from the Advisory Panel.

(Lunch Break 12:00 p.m. to 1:00 p.m.)

COMMENTS FROM PANEL MEMBERS

MODERATOR CHRISTOPHER ROGERS: Okay.

This point of our agenda, we invite comments from the panel members, with respect to the material presented this morning on the proposed rule and the proposed plan amendment. Again, we're looking for substantive input, quality input from the panel. That's why you've all been nominated and appointed, because of your experience with the -- the respective fisheries, the interest groups, the regions you represent. And, we look forward to a discussion. At some point we'll take a -- a quick break. And then, we'll open it up for public comment. I see there's several members of the public that are with us today.

So at this juncture, we'll just continue in our usual fashion. I guess we'll just be a little bit more organized this afternoon and we'll go around the table. I guess we'll start on my left hand side. If people want to pass, you can pass, and we'll just go through, around several times. Back and forth if we need to. Get as much conversation as we can this afternoon while we're together. Glen.

GLEN HOPKINS: Well, I've got a lot to say. I usually don't say much. I try to be quiet and listen. But this time area closure thing that's something that's seriously effecting a lot of folks and I somewhat agree with the concept, but the way it's been applied here, it is just doesn't work for a lot of folks.

I just want to start of with just a -
- a little story about most of the data that's driving this. I would venture to say that I'm 80% responsible for all the data that -- in this program. The -- when it was voluntary, it first started in '94. I had just gotten a new boat. I had a jacked up crew and jacked up observer. And, we went aboard and we were trying sets and all kind of areas. Any -- any day we could fish, we fished. Documented all this data. We had made over 200

longline sets. Documenting all this stuff. And, now I feel like the biggest chump in the world, because it's -- it's taken us data and -- and taken a wide -- wide sweep and just trying to close down the whole East Coast.

I care about sharks. I went to a (inaudible). I was going to get a VMS but I decided I wanted to be in the field more. So, I understand a little bit about the biology and -- and all that stuff.

While we were fishing, like I said we were trying all different areas and we learned a lot from doing this stuff. We learned where the small fish were. Where the concentration of Duskie were. And, all this data is back from '94 and '93 on. The majority of the numbers of fish that were used to figure out these total lengths and all -- all these lengths frequencies and everything. When we made the sets inside and we caught lots and lots of little sharks, that all went to the database. Which was good, we were documenting all this stuff.

Recent years, we've -- we've taken what we've learned. We've passed it on to other fishermen. And, I think if you look in the recent years, you'll find that the -- the total lengths of -- have increased, back to where they were initially.

At this time, also, Duskie were open game. You know, we'd target Duskie. We love -- love to catch Duskie. We caught a lot of Duskie, and we could still do it today. We'd -- we'd try to stay out of those areas. And, going along with the small sharks, we don't target them, because it's a lot of work. My crew would kill me. Because you don't make that much money off of them. So, we purposely try to avoid them.

I've done a lot of work. We've tagged thousands of sharks. One thing we learned in this in this was the State waters was where the biggest concentration of small Duskie and -- and juveniles were.

They had another guy actively pursued North Carolina to get them to close these State waters just for this conservation effort. We did that and I feel like it's worked. Along with some other States following suit.

I've got a copy from some of Georgia's work that shows the -- the total length main -- main fork length, back in '94 it took a drop, during those years where experimental fishing, and doing all this stuff. And, now in 2001, which is last point shows, that's all the way back up to there. Which shows that we learned from what we were doing and -- and we're using that to increase the size of the fish we're catching.

I'm not a speaker, so, please bear with me. That's kind of where -- where I'm coming from with this. I think if you look at the data in -- because I know it came from, mostly from my vessel, I -- I know where -- where it came from. How it was arrived at. And, like I said, we were doing it more of an experimental thing. And now, that we've learned from it and now we're using what we've learned. But, we're still being penalized for

what we did in the past. That's a main point I want to make on -- on that.

I have a few questions about the closure itself. Why is it just for longline fishing? I don't want to pick on the recreational fishermen, but if we look at Page 380, there's a table there. Recreational Harvest Estimates, year 2001. Dusky Sharks, 5703 Dusky sharks landed. Total for the year of 134,406. And I know there's a size limit on there, so surely you aren't taking any undersized sharks, I wouldn't think. But, it surely wouldn't be taking Dusky Sharks either.

If -- if you're going to go ahead with this closure, other than the political ramifications, why can't -- why wouldn't you -- why wouldn't you do it for recreational fishermen too. 5700 Dusky, my God, how many -- how many are we catching? Nowhere near that.

Like I said, we -- we were very adamant about getting North Carolina to close its State waters to fishing for the obvious reasons. Another State just north of us, Virginia, currently has fishing in State waters. And for one, I -- I can't for the life of me figure out why that State, because of some of the people that live in that State and participate in the State, why they haven't followed up. And, I think if you did encourage that State to follow along, that would make a dramatic impact too on the a -- on the small fish, especially the Dusky.

I have a -- from the observer program data back -- back in the years past, a few -- a few things that I thought were very interesting. Like I said I -- I can't stress to you the -- the fact that, you know, when we are in these schools the small fish, we're catching large numbers of fish. So, there is lots of measurements. The N factor was -- was really large. And, just one statement in the -- the '96 observer program, particularly, this is especially true for North Carolina as is pointed out in this report. Nearly 99% of all fish less than 120 centimeters fork length are taken in waters less than 10 fathoms deep.

My point is, you got this broad area, but really your main focus should be in its near shore waters. And -- and by closing these State waters, it's had a huge impact, I sure. And, if you can -- can get the rest of the States to do that it would make a difference.

Like I said, we've learned. We don't fish in those waters anymore. And, given that there's another one that was a report in '94 -- '97/'98 Shark Observer Program. Given that much of this catch inside 10 to 15 fathoms in the Atlantic is immature fish, pregnant females, etc. Continuing to fish a pressure initial waters by a substantial negative impacts on the stock.

Like I say, we do not do this anymore. We learned. We were experimenting back then. We learned. And we're doing it.

I just can't stress to you the fact that this -- I care about sharks more than anything. Probably more than anybody in this room. I depend on sharks to make my living. I also am fascinated

by sharks. That's the reason I got into it to start with.

I've always been a conservation minded, research minded, and right now I feel like the biggest chump in the world for the data we supplied has progressed this whole process probably 10 years, 8 years at least. Because of my voluntary participation in it, and now the data's been turned -- turned against us and just a broad scale closure, practically the entire East Coast for eight months out of the year. The only thing we have left is Florida and the Gulf Coast.

This going to put a lot of people out of business, which if I was being put out of business because there was no sharks, that would be one thing, but I'm being put out of business because, there are sharks, but we want, you know, just in case we want a few more. We're seeing a rebound and we're still going to cut -- cut our throats, that's -- that's really hard to take. It's not just me. I have a family to support, three children getting ready to go to college. And, I'm -- I have crew members that have families. I mean, just looking at this room, let's say all you guys are fired as of January 1st. Figure out what to do. The rest of you are okay for a while, but we're going to fire you all to start with. It does hit home to me and it's a -- it's just hard to take. I'm out in that water. I think about shark every day of my life. I -- I've handled more sharks. I've caught more sharks than any -- probably anybody else in this room. I know what they do and if you can come up with a better time area closure proposal, perhaps, you know, we could embrace that. But, the way it is right now, you -- we got to go with the no closure, go back to the drawing board and come up with something that's -- that's practical and is not going to effect just -- just -- just a few peoples lives, but it's important to my life. Thanks for bearing with me.

KIM NIX: Thank you Chris. Were as I look at this page, 952. Texas, we have it directly a permit only five. For the past two years, we just fall. We did not go for shark anymore, because so many rule and regulation change. So, my people just, you know, vanished. So, I'm going to yield my time to the rest of you today, on that one and thank you.

BOB MCAULIFFE: I'll pass it for now.

RANDY BLANKENSHIP: Thanks. Talking now from State of Texas, a kind of perspective here. We're talking earlier about State regulations and, you know, commercial regulations within State waters. I was just going to -- going to state where we are in Texas. Sharks are defined as -- as a sport fish in Texas and then therefore, can be only taken by rod and reel, or -- or hook and line, and -- pole and line rather. And, there's a bag limit of one fish per person, per day. Technically a fish could, you know, a shark could be sold, however, the commercial fisherman within State waters don't fish with a pole and line, and it wouldn't be economically feasible for him to do one fish per person, per day. So,

essentially there's no commercial fishery within State waters and that's out to nine nautical miles. Recreational fishery is a different story. We do have a -- a active recreational fishery. That operates under the -- the constraints I just mentioned. Except we have a minimum size limit of 24 inches for all species. The -- what I wanted to get to, and this is one that I -- that I commented in at the last meeting on. Is the issue referred to in the -- the draft Amendment 1, about compliance with recreational size and bag limits, regulations within Federal waters? And -- and that it's -- there -- there really is not good compliance. And, you know, there's a reason why there's not good compliance, and that's because -- well, there's two reasons. One is enforcement is not strong in Federal waters for recreational fishermen, they don't have a reason to know the regulations. And, secondly, outreach to the recreational fisherman is also not real strong. And, we threw some ideas out last meeting about how to go about fixing that. You know, I -- I understand that, you know, there are a lot of priorities, higher priorities regarding Federal enforcement agents. Especially with the Coast Guard and with the, you know, initiatives regarding Homeland Security and all of that. However, that still leaves us regarding shark management, in kind of a you know, a bad situation. In lieu of being able to greatly improve law enforcement, outreach, hopefully, could be stepped up. And, that's what I would encourage you to do.

A couple of ideas, and these I mentioned before. One is to, you know, through Internet, through web pages that NOAA has, be able to get the word out a little more -- a little bit better. A little more noticeably. And -- and perhaps have links from some of those web pages to how the migratory species regulations, Federal regulations in general. Like for instance, from the NOAA weather sites. The weather pages, which people go to on a regular basis. If there was a button there that said something about it, that might be helpful.

Also doing something as low tech as printing out flyers and posting them in marinas, and tackle shops, and bait shops would also be advantageous. And you might be able to use your Sea Grant folks for that, or your NFMS port agents. And I would also suggest that, just like the Texas parks law did in helping to pass out the Billfish flyers, that were produced this last year. We can help you as much as we possibly can to try and get flyers out in local bait shops and around with the Texas coast. So anyway, there's my suggestions for you.

RUSTY HUDSON: I don't know exactly how I want to start this because I have submitted a 13 page comment to the agency.

UNIDENTIFIED: It's supplement to the phone book. Right?

RUSTY HUDSON: Yes. And I well, to initially start, just run down through the industry preferences on the 13 categories. And you can just

write that down and you'll at least have the flow for what we're choosing.

On -- in the executive summary, every thing is A through M, that was to be considered. So, A4 - Species Specific. On the commercial shark classification is something that we choose as a priority, many years ago, to accomplish with this management regime. We're just about there.

Last year we actually did species specific assessment for two of the commercially, most important commercial animals, Sandbar and Black Tip. We've eliminated the concept of those animals being overfished. So, that's a good start. And, since those are the two target species out of the 22 Large Coastal Shark species that exist, the others are generally not as routinely targeted or seen in some cases, but as a bycatch, or may be not even seen at all. But, I'll elaborate on those animals later.

On the Commercial Quota Administration. I like the idea of being able to subdivide the years further and make for a -- a little bit more transition for the guys to be able to fish in times of the year when the animals are say, migrating back to the south in October, and stuff like that.

But, at the moment we think that it's like, you're in too big of a hurry to kind of shift things. So, I'm saying, not yet. Let's just stay with B1 and B2, which would keep us with the regional -- would keep us with one quota, and would give us a bi-annual season. It's a no action approach.

So, we would like to stay with that for a little while until we can see how everything evolves. We've got a buy back program that's a -- a year and something before it's completion. Before it's even submitted to Congress, it may be a way to eliminate some of the excess. Active effort is possibly also to change some of the laden efforts potential of cranking up.

In category for Commercial Quota Basis. We agree with the preferred alternative of MSY. This is something we've been seeking for many years in the science of sharks. And, I think that's made a big difference. And when you put the combination of A4 with C2, it generates roughly a three and a half million pound quota for Sandbar, a 3.3 million pound quota for Black Tips, and roughly a quarter million pounds for all 20 large coastal species that are on that list.

Now the problem is that those other 20 species have never been individually assessed. Not one of them. And, some of them will never be assessed because of radical data problems. Because either they're just not enough of that particular animal in the entire world, much less in the U.S. to ever, you know, get enough data on.

Commercial Minimum Size. We also agree with D2 preferred alternative of the government. And the reason was rather simple. When it was originally established in '99, the Sandbar Shark was used as the proxy for the other legal to catch Ridgebacks, which were only two. Tiger shark

and Silky Shark.

The difference in where the dorsal fin orients on a Silky and a Tiger, is more to the rear than a Sandbar. So, technically if you catch the same size Tiger and Silky, that's alive as a Sandbar. And, you dress it out. All of a sudden, you've made a criminal out of our fishermen, because that interdorsal ridge measurement will not be correct for Silky and a Tiger. And it became an illegal fish, if it was the same size at the minimum size live.

For Recreational Retention Limits.

We had supported back in '99 the idea of staying with one shark per vessel, per trip instead of going to zero. The commercial industry was on record for that. The Sharp Nose per person, per trip is easy to see because they're very common shark.

The Bonnet Head was also one that we agreed with. It being allowed with no minimum size. The reason -- and -- well, I should say allowing the Bonnet Head, but it has no minimum size involved like the Shape Nose.

And we get to F2 recreational minimum size. We do like the idea of staying with that for one simple reason. Two thirds of your recreational caught shark are usually caught in State waters. And, roughly two thirds of them are either juvenile large coastals, or else their small coastals. And a lot of the recreational component can't really tell the difference between certain species unless, you know, it's got a black tip, it's a Black Tip, no matter if it's a small Dusky, a Bull Shark, or whatever. You know it's got black on the underside. So, we're staying with that preferred alternative of the government.

G2 for Recreational Authorized Gear.

I do know that there are some people that recreationally use cast nets, sting nets, stuff like that, along the Mid-Atlantic coast and I believe that with sharks it would not really be a good thing to have them fishing nets in State waters and be catching a lot of juveniles again. So, we like the idea, the hand line, rod and reel because at least you can do a live release. We like the idea of removing the hook using tools and stuff, and that way. So, that's a further though.

H2 for the Deep Water and Other Sharks. To remove it from the management category, but to still collect information. That's a preferred alternative. We also support that. The very last shark on the list was the Smooth Dog Fish, though I believe and I think that is a little more commonly seen than some of the other deep water sharks. So, you might want to consider gathering a little more information on that species, but I didn't elaborate in my comment on that.

Prohibited Species. I was dead set against the 14 or actually the originally going to be 15 shark expansion back in '99. But, we got them to keep the Blue Shark off of there. But, at the same time you added on to five sharks that we did support in '97 for it being a prohibited species category. Because of the fact of the nature of those animals, they weren't commercially important

to us, basically. And so, those five, we still agree with keeping them there. Whale Shark, Basking Shark, Great White, Big Eye Sand Tiger, and Sand Tiger.

But, with I2 being our -- our choice, we do like the idea of the criteria part for I6. Although, I still look at the criteria and I still wrestle with it, because there really wasn't a good enough criteria for putting them on the list in the first place. So, you got that expansion taken -- having already took place when we were against it and it's caused a lot of regulatory dead discards of Dusky's and some other animals. And, it's just would be better to have the commercial guys utilize that instead of, you know, just throwing it away. And then you get better science also. Because then there's a monitoring of that composition.

So, we would like to take the caveat of the criteria from I6 and apply it to I2. Now I'm being realistic. I know that you all probably won't remove any of those animals and it's a shame. Because several of them need to be off of that list. Just an example, without even going to the large coastal and small coastal.

The Caribbean Sharp Nose, one of the most common sharks in the Caribbean. And virtually even the scientists can't tell the difference between that and Atlantic Sharp Nose. So, how is that ever going to get enforced? And that's making almost all the Virgin Island guys down there who probably do catch Caribbean Sharp Nose, become criminals, by the legal definition of identifying that animal. Whether you have to do a vertebrae thing or whatever in order to tell the difference between it and a -- and an Atlantic.

On Gear Restrictions. We support J1, J5, J8, parts of J4, which is a VMS whose definitely applies to the shark gillnet fleet and that is something that we've been in discussions for a couple year with both the Large Whale Take Reduction Team members, and now lately in the evolving Bottlenose Dolphin Take Reduction Team.

We would like to see VMS replace the 100% coverage -- observer coverage -- but we know that we can't have observers all the time. There's not enough money to do that. There's not enough time probably to do that. So, the idea of having the VMS is suitable with the owners of those boats. And yet, you're wanting to put VMS on a small sector of people that you're getting ready to economically impact on the shark bottom longline guys in the Mid-Atlantic area. And it's going to cost them several thousand dollars and automatically you're taking off maybe 50% or something, impacting them in a year. I don't even know if you've done the analysis yet, but the guys in Mid-Atlantic, like Glen, Dewey and stuff like that. How much are they going to loose in this first year of operation? \$50,000 off of their gross business and then you're going to have spend five or ten thousand dollars for equipment, and VMS, and dip nets, and dehookers, and everything else. It's not -- it's just not really analyzed right for the impact.

And I'll go into further details on

each of those categories. And we move on into -- and I did have a caveat about J7 also. We know it's not realistic to bring in every shark, but the idea of being able to utilize some of those sharks that we're having by law, throw away would be much nicer. Because then you have better science and we have better utilization. We feel like there's less waste. Less bycatch issue. It's a secondary harvest, if you wish to say.

On Time Area Closures. We chose K1.

We don't want the time area closure the way it's described. It is going to severely, economically impact those boys that fish anywhere between New Jersey and Georgia. And, it's -- it's just not right.

With a scaled down version of K2, time area closure, we potentially, like Glen said, could support that. Being that, we would like to see Virginia get on board with their State waters. Those fellows up there have 7500 pound trip limits. We're still abiding by 4,000 pound trip limit, from what I understand. There may be a lot of juvenile Sandbar sharks that are showing up as small coastal sharks. And, your North Atlantic group up there, just because they're small and all of a sudden they become a small coastal. One might need to look into that a little bit more.

But the closure, I do not believe needs to exceed 15 fathoms of depth, but I put 20 fathoms in my comment. The idea is, is that if you're able to get the main players, the guys that would be harvesting for food, outside that area. You'll reduce the numbers of animals that are juvenile that would potentially be dead when they came up after an 8 hour, or 10 hour soak time. And that, I would like to see you all work with the industry people that are mostly impacted. You know, to somehow evolve that. There -- there's no point in having things closed all the way out to -- to 200 fathoms or where ever. It -- it's just way too deep, too far for baby Sandbars and baby Duskie's. And so, that's the way we feel about that.

We chose L2 for Essential Fish

Habitat. And, our reason is rather simple. The animals that are most important to us, things like Sandbar, Black Tip, Dusky, Tiger, Silky, if you look at the 1990 NOAA technical under the Mexican report there. You'll find that there's huge numbers of all those animals landed by those fishermen down there. It's the same stock of animals that we have.

So, essentially whether it's a nursery ground or whether it's a sub-adult, or whether it's an adult, there is some part of that range that's necessary for us to incorporate when we're in the science workshops. Because the workshop is where we're going to really get our analysis done. It's where we're going to really have the academics, environmentalists, any recreationals the might show up and the commercial, to actually work together.

Last year was probably a better year than I'd seen in any of the previous Shark Evaluation Workshops. I was really up beat about it in that sense. And, the only problem was is that

there was a lack of transparency and we submitted a letter, we being the environmentalist, and academics, and commercial, to the agency about the having a workshop again in the summer of 2004. So, that we could purposely start looking at some of these other Large Coastal Sharks besides Sandbar and Black Tip.

And, we feel that we need to stay on pace for that two year sight. I know the court stuff and everything else, but it's on a four year delay from the '98 to the 2002. But, the big difference with the '98 was, it was a closed population approach. Now, it's an open population approach. Age structure. We're getting a lot of better demographics in there. There's a lot to be happy about as to how the agency has handled this. They've -- they've come a long ways.

On M2, Exempted Fishing Permits. I chose M2. And the idea -- and that's the preferred alternative of the -- to create a display permitting system. But, I have a further addition to that. I would like you to follow the animal until the death of the animal. No matter how many times it's been resold. Especially if it's a prohibited specie like a Sand Tiger, which happens to be a real popular animal for them to want to go out and catch and put into Sea World, and wherever.

The reason that I'm saying this is that, when they're going out and also getting Sandbars, and Dusky's, and Bull Sharks, and other stuff, and they're putting them into those aquarium conditions. Especially if they either start out small, neonates, or juveniles, or even if they're a full-grown animal. And let's say they give birth while they're in the aquarium and stuff. That's other information that we can carry to the Shark Evaluation Workshop, and lay beside the wild caught demographics. And be able to have a chance at -- at, you know, getting a realistic handle on stuff.

I mentioned earlier today, I was looking at sharks of the world by the FAO, and I saw where Dusky was referenced as averaging about six years to maturity around the world in most places. Yet, we're at 17 years here. We've tripled the age of maturity and I hate to think that we're doing something like what was attempted at to be done with Sandbar Shark in '94, when it went from the normal, what we always called eight to thirteen years in our mind for Sandbar. And then, they turn around and try to do 29-year maturity, and that's just wrong. You know, and that leaves Jack out up in '96 and said, yeah, that one animal that, you know, was most depended on in that one report was probably loused up by the tetracycline packing.

And going to an extreme in demographics is a way of building a lot of conservation into the modeling. It truly is. And, we need to have a better debate about all that. And, that's back to where we submitted the letter. We did not get to participate in the actual assessment. We got to participate in the reviewing the data that went into the assessment. We never got to sit down for a day or two, even though we requested it immediately after the workshop and

again earlier this year, to be part of that process instead of it being -- kind of like a sunshine law thing, let's say. But, you're not under that obligation. It would just be a -- a more fair way to deal with the steak holders. Because out of everyone that's involved, it doesn't matter if it's recreational, academics, environmentalist, or government people, none of you take the hit on your wallet. The commercial does every time. And, again we feel like there's this big target hung on their back, put us out of business, we're the bad guys, and that seems to be everybody's in a rush to get us out of business. And, it's a shame.

You know, it seems like after 10 years of management, we're -- we could be using our fishery as an example to the rest of the world, where I guess there's about a half a dozen nations that have a real serious shark management going, out of 125 nations that involve themselves in sharks somehow. I would be great to be able to see our government use our industry as an example on how to best manage. We'd love to see you get the Mexicans on board with us. And, we'd like to see their scientists at the workshop some time. Because they have a lot of data, and they have a huge catch of the same sharks. And, that's important to us.

Something that Glen brought up about avoiding small sharks, on Page -- Chapter 3, Page 11. Depending on the Burgos Morgan 2003 Time Series, which is a very short time series of analysis. It's only from 2000 to 2002. But, it looks like they've reduced the interaction down to Dusky's, down to one and a half percent of the catch. That's pretty good. And, I'd say that, well, 80% of that's supposed to be dead, but so, that becomes a regulatory discard. But, the fact is, that the guys are trying to avoid them based on the latest observer data. But we still know that guys like Glen, and Dewey, and others, have been historical participants. Their time on the water goes back before we started delimited access program, July 1st, 1999. Goes back into when we had the management plan starting. And, they have a lot of history, a lot of involvement, and we'd like to be able to see a lot more mix of that expertise.

So, that -- I told Greg and Heather, the other day, that many of us in the commercial fishing don't feel like we can really talk at -- to any of you and get a straight answer because, maybe it's not politically correct to give us a straight answer. And so, we feel like if we tell you something, it worries you and then you got to get on and huddle up and see, you know, what -- what to think about what we said.

But meanwhile, we're sitting here, sure, waiting sometimes for months to get an answer on certain things. We just learned recently that we can't change the shark fin ratio to carcass. And yet, if a guy catches nothing but adult Sandbars, you're going to be a criminal, because you're going to have a six percent ratio just with primary fins, not counting secondary fins, off of that same animal. You could take all eight vents, but we're taking the four and yet, we're still potentially

criminalizing the fleet. And some things like that, how do we go about changing all that. It's like the trip limits. We were hoping trip limits could get raised and yet, that got took off the table from the time we did the issues and options paper. And, here we are also dealing with Amendment 2 coming up and we still haven't got the issues and options paper and all that. And we're supposed to have some comments submitted by I guess November 30th, and then follow up with whatever comes next for Amendment 2.

You know, we could eliminate a lot of derby effect, by taking the 80 or 120 boats out of the 259 directed permits out there and be able to understand that those guys have been mostly relaying on this resource and not be trying to be in a hurry to put some or all of them out of business, as what we feel has been going on since '96 in particular. And, try to work with us to try to keep us around. Keep us involved. Because we're providing food. You know, each shark we bring to the beach is going to feed a lot of people and we feel that that's important. It has always been important to us. I've been in this business since I was; as far as I was providing seafood and teaching people how to fish, since I was a child back in the -- the early '60s. And I've seen a lot of things. It bothered me a lot in 1999 --

MODERATOR CHRISTOPHER ROGERS: We can come back to you, Rusty. We're just concerned we'll run out of time for getting around the table. We're only about one third of the way there.

RUSTY HUDSON: Okay. Well, the same thing happened the other night at the public hearing. After 17 minutes or so, I had to stop because essentially you all ran out of time. So, it's hard for us to get into the devil of the details by just skimming over the top. At least on the record, you know, each position that we've taken. But we would like to take the time to say, the A4, C2 combination puts us back with a quota. And puts us on a course of species specific that we have been seeking for a long time. And it gets us back to around '96 data. But if you remember what Pamela May said there at there at the OT meeting in August of '96. Rusty's right, 27 boats, one trip limit per week, 50 weeks out of the year. The whole quota's gone. Nobody else can play.

Now this is important as a distinction, because now we're operating under a 3.7 million pound quota this year using the Ridgeback, Non-ridgeback. But you're proposing for us to go down to 2.4 million for next year. And automatically we're going to loose a third of our catch compared to this year. We'll loose -- we're at 2.8 million starting back in '97 when you cut us in half and said the 50% cut wouldn't hurt. But it hurt. I lost my business. And so did all the people that worked for me including my brother, who is now dead. And I only bring that up because he was disabled and depended on my employment. And you can't bring him back. And you can't bring back the fishermen that are out of the business. So, be very cautious, as you're getting ready to show some more

of us out of business, early next year or by late next year. Either way.

Some of the guys are resilient. Some of them will travel. Some of them will go away from home. Some of them will challenge safety issues in the fishing but whether it's not good. But yes, we need you to be concerned about us. Because we're the only ones in this room that get impacted in the wallet. We lose our livelihood.

Now, I don't know when you'll be able to come back to me, but there are a few areas that I would like to get in specifics on particularly prohibited species and a few other areas.

MODERATOR CHRISTOPHER ROGERS: Once we get around the table --

BOB PRIDE: Thanks Chris. I'd like to share something with you and let you know that commercial fishermen aren't unique in being effected by the government regulations. In the late '90s, Bill Clinton signed a law called The North American Free Trade Act. And, I had about 30 small manufacturing clients that were -- that I consulted with since the early '80s. And, by -- by 2001 they were all gone. Completely out of business.

The impact on my business is -- is minimal compared to what it did to local communities where those plants existed. You know, where they were major employers, so, it's not -- it's not unique to fishing, believe me. These -- these whole -- whole families have been, you know, without jobs for two years now. So --

UNIDENTIFIED: Those were charter boat headboats --

BOB PRIDE: No. These are manufacturing companies. Manufacturing companies, had nothing to do with fishing. So, they made plastic injection molding parts, and stamped steel parts, and things like that. So, don't feel like you're put upon uniquely.

There's two comments Chris. The -- I found a letter that the council had written to you and turned it in to Karyl this morning, but she didn't have it when she summarized the comments. I'm going to try to run through them pretty quickly for you.

Rebuilding timeframe. The council really would like to see you consider looking at the -- the rebuilding timeframe considering the biology of the species involved individually. Now may be there could be sub groups within the complexes, but that's a very important issue. The council's been talking about individual management of the species for 15 years, so.

For the Shark Quota Administration.

Council's disappointed at the most recent three years are being used for the allocation issue. The council has consistently used data collected prior to management measures to set its allocation schemes. They would suggest that -- the council would suggest that you consider the -- the decade of the '80s rather than the -- the last three years of data that you have available.

And if you look at those data, from the '80s, you'll find that about half of the

landings came from the North Atlantic in some years. So, it's a -- it's a pretty dramatic dramatic change if you look at those last three years that you have habit.

The quota basis again. It's hard for the council to understand how the overfish complex can have a quota increase of 35%, given -- given the status of all the species within the complex.

Minimum Size Restrictions. The council has some confusion because on the stock assessment states -- the 2003 Stock Assessment, the yellow book we have. On Page 60 it says, juvenile survival is survival rate that most effects overall population growth rates . . . thus lending additional support to minimum sizes and protection of reproductive females as possibly important management measures.

It's hard for the council to accept the newest position detailed in the Federal register that the minimum size restriction should be discontinued for commercial, yet only two columns later, justify the minimum size to be maintained for recreational fishermen. This inconsistency is a logical disconnect especially when one considers the level of recreational landings as compared to commercial quotas.

Moreover this is a measure -- this measure has a potential to encourage -- encouraging commercial fishermen to direct on smaller sharks if they can develop a market.

The council, on the recreational size retention, council supports the one fish limit.

The VMS, the council encourages implementation of that measure. Would help us with some of our fisheries.

The time and area closure makes -- makes sense to the council. There are 13 permit holders in North Carolina, South Carolina, and Virginia who would be affected and actually report landings. However, we feel like an appropriate size closure would be important to protecting small sharks.

That concludes the council's formal remarks. I also have a couple of things that we gathered in an informal remarks, since there couldn't meet. We did poll the members and I get some things together. And I've grouped them into quota -- excuse me. The -- the species groupings, the area closure, quotas, and recreational measures. So, starting with the groupings. The complex groupings should be, if your going to continue with complex groupings, you should manage to protect the most vulnerable species not the least vulnerable. And, it seems like in this amendment, the -- the Black Tip recovery has kind of driven the -- the thoughts of how you're going to manage that complex. And they're not the least -- they're not the most vulnerable, they're actually the least vulnerable in the species in the complex.

Another suggestion was that you split the complex to allow sustainable harvest of the Black Tips but protect the others. So, there's kind of two ways of saying the same thing. And, I think that was one of the alternatives that you proposed.

Related to the area closures. The prudently size area should be established for protects of spawning, nursery areas. The justification of eastward boundaries for proposed areas is not very clear. We don't know why they extend so far eastward into the EZ.

The other area comment is the closures to protect the young will inconvenience South Carolina, North Carolina, Virginia fishermen. And basically, it seem it's to allow a directed fishery elsewhere and it seems unfair to the commenter that I gave you that comment.

On the quotas. Shark quotas should be set to allow incidental, recreational, and commercial landings only. That was a comment that we received. And the came from more than one person. So, in another words, use whatever available quota you have just for incidental catch. No quota increase can be justified based on the data provided publicly. Overfished, overfishing, unknown, there's continually completed, but yet, we're looking at a quota increase. The data used to justify this -- the increase should be made public and the comment period extended so that we can have a time to analyze that data. And, look -- look it over and give you comments based on the actual data. I think you told Tom Hoff, and me, and April, that you were going to provide that data and we haven't seen it. So --

Shark biology. Another quota comment. Shark biology is considered, and it's an argument for a quota decrease rather than an increase. It seems -- it seems that the F values in the safe report can be unreasonable for sharks and we can only look at a 0.4 for flounder. How can we look at a 0.4 for sharks? This makes no sense given the biology. And therefore, they argue for the quota decrease not an increase.

And then, the final one is the recreational measure. One comment there. Recreational fishery was the historical shark fishery. And until 1985 that's where the landings were. There were very few commercial landings. And from '85 on, there was a developing commercial fishery.

The ramp up in the 1980s basically pushed the recreational fishery to the background and it's the most incidental catch for smaller sharks. For example in Virginia Beach, we used to have a tournament every year. And that's where we couldn't catch any sharks in the early '90s. The whole club disbanded as a matter of fact. The Virginia Beach Sharkers is no longer around. And the economic impact of that tournament has been eliminated from -- from the Virginia oceanfront. But, the commenter that I talked to said that the active participation for the recreational fishermen has been discouraged, so that it appears -- so that NMFS can continue to direct the fishery in the commercial areas.

Those are the informal comments from council members.

MODERATOR CHRISTOPHER ROGERS: Bill Utley.

BILL UTLEY: Well, since the rec fishery on the coast of Maine is almost entirely for Pelagics, there's very little argument among the people I've talked with about any of the preferred options in the Amendment 1. I wish we had some of these species up our way to fish for, so, that we would have comments, but I don't mean to infer that our populations are in good shape because every year they seem to be fewer and fewer Pelagics that come in. But, you know that as well as I do. So, on that note, I'll pass.

MODERATOR CHRISTOPHER ROGERS: Ken Hinman.

KEN HINMAN: Thanks Chris. We sent in comments. So, I'll try to keep this -- this brief. At the beginning, when Karyl was summarizing the public comments, and near the end you mentioned your favorite -- favorites, which were two different opposing comments, one thinking that NMFS' shark management was unduly influenced by commercial fishermen, and another that thought it was unduly, or overly influenced by environmentalists. And, I think everybody thought that was probably kind of amusing, but I think it's pretty significant because I think NFMS -- I've been involved in the shark management since -- since the late '80s and I think NFMS has been walking right down the middle all the way on this one. And I think that's what you're -- you're doing here. And, I think you're trying to both protect the most vulnerable species in the LCS complex, as well as maintain a viable commercial fishery. And, I think in both cases it remains to be seen whether either of those will be achieved. But, it does seem to be the intent of these regulations.

I think that's why we and our comments supported the preferred alternatives that the National Marine Fishery Service has -- has identified. I think they are, in most cases the most reasonable and not coincidentally, the most conservative. And, I think that is the case, because as Bob said, when you're managing a -- a complex of Large Coastal Sharks like this, where some are improving, or maybe we're not off, or as bad off as we originally thought a few years ago. There are others that are severely depleted and we are obligated to -- to try to manage and protect the most depleted species.

The only thing that I would add to our comments is, just sort of, to emphasize there is throughout the -- the plan, there is linkage that I think is some -- between different alternatives that really has to be kept in mind. Because the quota basis, for example, that you choose is linked to the classification you choose. And, if you choose your preferred alternative in the quota basis, but decide to pick species specific management, it changes the whole total allowable catch. It actually triples the allowable catch. And, I think it would actually mean that there were twice the amount of effort than there has been in recent years, which I think would be devastating for the most vulnerable species in that complex.

The no minimum size, eliminating the

minimum size is -- is linked to the time and area closures. We've never been a proponent of the minimum size in this fishery, because of the same reason you're -- you're seeking to eliminate it. It does result in just -- in dead discards. But, if you eliminate it with out implementing effective time and area closure to protect juveniles as the 2002 Stock Assessment recommended, and have assessments recommended as long as I can remember, you will just increase fishing mortality. And the rebuilding probability of meeting your -- your targets and timetables is linked to the effectiveness of the non-quota based measures in the plan. Which I think are, for the very least, uncertain at this point. So that we -- we really need everything to work out as well as we hope in the areas of counting dead discards towards the quotas, monitoring all those things, counting those sources of mortality, getting time and area closures that are effective in protecting juveniles. All of those things have to work if we're really going to achieve that overall goal of 50% reduction in mortality.

So, I think again that brings us back to all of that supports what you have chosen as the most conservative options in -- in the plan. I think we could quibble about more that you could be doing. I think there's still some risks out there that we're not comfortable with, but I think recognizing what you're dealing with here, we're very supportive of -- of all the preferred options that you've outlined here.

And, there's only one exception, I think in our comments. Where we -- we do not agree with removing the deep water species from the prohibited list. I think that as far as we can tell there's really no practical effect one way or the other on these species from listing them in the management unit or not listing them in the management unit. So, we think it'd be much more prudent to leave them in the management unit. In the future, if they're -- something does change, where we need to do something to protect them, you know, you'll be able to do that under the plan without going through a whole plan amendment. And that's it.

MIKE LEECH: I have two very common sense recommendations pertaining to the recreational recommendations. The first one is on Black Nose Sharks. Small Coastal Shark, not overfished, overfishing is not occurring. And, as far as we can tell, no Black Nose recreational landing has ever been documented at four and a half feet. And, I don't understand why that wouldn't be put in the same category as the Bonnet Head, that also doesn't get to be four and a half feet.

We need to remove the size limit, and I'm not saying change the bag limit to allow for one additional Black Nose. But I am saying, at least remove the size limit, because they don't get that big. And that, in effect, says you can -- no recreational guy can ever land a Black Nose Shark. And there's no reason for it, because they're not overfished. So, we need to just remove that size

limit. It's just a common sense thing to do. The other one is on harpoons. The commercial guys, I guess, some time ago went to a harpoon in lieu of a gaff, for Tuna fish, and probably other species as well, for several reasons. One is, there's a safety issue when you bring a big fish up close to the boat. It's a lot safer to put a harpoon in it than it is to try and gaff it. And now you're attached to a very unhappy fish at close range. Particularly with sharks, where there's a safety issue. You do a lot less damage to the shark that you want to bring in boat and -- and keep for consumption, then you would with a gaff of any size. You reduce the risk of loosing a severely injured fish that you've tried to gaff, and it's thrashing around. Now it gets off the gaff, gets off the line. It's going to die, and you've lost it. With a harpoon, there is no bycatch. You would not use a harpoon on anything you can't see clearly and plainly. So, there shouldn't be any species ID problems, assuming that the recreational guy knows one species from another. And, if he doesn't, he shouldn't be out there harpooning it anyway. And, it would prevent a lot of recreational anglers that are now carrying harpoons in lieu of gaffs when they get something really big, they're harpooning it instead of when they get it up next to the boat, gaffing it. And if we prohibit harpoons, we're turning them into inadvertent lawbreakers. For -- for no conservation reason. There is not any adverse conservation affected by the use of -- of the gaff -- I -- I mean of the use of the harpoon. And it's basically what's being done in the -- in the commercial industry anyway. And it's -- it's not that recreational anglers are going to go out and mass and start harpooning free swimming fish. They just -- that's not what we do except probably in a few rare occasions. But, mainly as a safety issue and for something that's just traditional for recreational anglers, I think we should include harpoon as part of the recreational hand gear. That -- that -- those are the only two recommendations I have.

MODERATOR CHRISTOPHER ROGERS: Rich Ruais.

RICH RUAIS: Thanks Chris and I'll -- I'll be brief. I just want to align myself with or support the presentation from Glen Hopkins and Rusty. I think they were as heart felt as -- as I heard at an Advisory Panel in the past. Sincere, clearly from two guys that know the commercial fishery inside and out. Certainly know the issues. Rusty's 13 pages of comments, I think are -- are right on. They -- they're well thought out. They seem to be balanced. And he's given it a lot of thought and he represents a lot of people that was dependant upon this fishery for their life. I -- I hope that the expert advice that they're providing you, especially with regards to a modified time area closure, is something that the agency will really give serious consideration to. And, you can be sure that I won't ask for the mic again incase Rusty needs a little more

extra time later on. Please give it to him.

MODERATOR CHRISTOPHER ROGERS: Thank

you.

NELSON BEIDEMAN: Come on Chris. I probably -- Blue Water probably will not be submitting comments, so, you get -- you get me here. And that -- that's it. I got to go back to working for my partners in the NEDC Turtle program. But, I would also like to support Rusty's addendum to the -- the phone book. With the following additions and exceptions etc.

First off, I -- I agree with well, some of the comments that have been made as far as justification not being very clear.

Second off, I want to make it very clear that what my industry had supported in the past and continues to support is State pupping ground closures during the specific pupping season. And, that's all we've supported. We haven't supported 10 fathom, or 15 fathom, or 20 fathom.

What -- what we've supported is, you know, what our body, you know, this panel, you know, numerous times. Other panel, numerous times have virtuously unanimously supported, and that's closing the State pupping areas during the specific pupping seasons. And, if you're having problems communicating with the States, let's not take it out on the fishermen. And, a lot of the States already have, you know, closed and are we giving that enough time to see how it's working. It seems like some of this stuff is indeed coming back and that's some of the unclarity of that justification.

And, if there should be any time area closures, let's learn from the mistakes we've made in the past. Let's make it for all gear recreational and commercial. We know that, for instance, hook and line fishing kills sharks. Whether it be rod and reel, hand line, or longline, it kills sharks. And replacing one more mortality with another mortality, you know, is still dead sharks.

We continue to have a -- a growing out of hand situation in the Swordfish nursery areas. The commercial fishermen have been, you know, taken out of the equation, but the same hook and line is catching the same small fish, killing the same small fish and then, you know, fish after fish is going in the back doors of restaurants and the situation of many longlines continues to be a huge problem. And, it's growing. Enforcement needs to get on top of it. But, folks are -- are using garden spools and spooling up a mile of that gear, and putting out 20, 30, you know, up to 40, 50 hooks on -- on that mile gear. And coming in with six all Swordfish a night in the back door of restaurants and the dealers, you know, that continue to try to survive down there; go to their regular restaurant customers and -- and their customers say sorry, you know, hold up, hold up. Time after time.

It's prevalent. Everybody knows about it. Enforcement knows about it. It -- it really needs to be dealt with. And let's not make the same -- the same mistake on yet another species. Another thing, if there is any time area

closures, there needs to be exit strategies. These things should not be forever and forever. There should be a scientific justification for them, and there should be a scientific justification to exit. On the commercial quota administration, it's very important that we prevent one region from preventing another region from having its fair shot at the fishery. If remember, you know, Blue Fin Tuna, you know, one -- one area closed down another area. Eight out of ten years before a mechanism was put in place that each region would have their fair -- a fair shot.

I'll support separating the -- the Display Permits. That would be much less confusion as, you know, lots of us are getting into using EFPs for research purposes.

I'll support the safe handling and release, including the mitigation tools, such as the dehookers. We're -- we're finding in -- in the NED research that, you know, it's -- it's amazing how -- how, you know, well, you know, these tools can work with a little bit of training, you know, with the incentive, you know, the fishermen are -- are releasing things and so much better -- better condition.

Of course we support moving toward for utilization. On the minimal size, I notice that Bob Pride mentioned that it would be a illogical to treat recreational, commercial differently. Well that's true and I think that's also true for time area closures.

Enough quota for -- for year round incidental take. We've always maintained the position that, you know, we will have some inevitable secondary catch of -- of sharks. No matter how much, you know, we work at avoiding. We will have some incidental secondary catch. We need a incidental allowance so that dead discards are reduced or eliminated.

And, research, you know, one of the things that we've done in the NED is -- is develop some hooking time recorders and time depth recorders. And, we actually had a -- a company, you know, develop those, design them, develop them, and manufacture them, and we've been testing them up there. We need to test those in -- in all the areas that -- that U.S. Atlantic Pelagic longline fishes. If we can find, you know, temporal and special differences in -- in bycatch and target species when -- when they're hooked up, the depth they're hooked up, etc. It gives us more to -- to -- work with for avoiding unnecessary incidental catches.

And, that's -- that's it for now. You know, I thank you, Rusty and Glen for their comments. And well, this is a very important document directly from, you know, those -- those affected. Thank you.

GAIL JOHNSON: Thanks. As you know I'm one of your provincial outliers here and my bailiwick is Pelagic Sharks. So, I have to defer to Glen and Rusty. I agree that there are some serious issues that Rusty raised. And, it sounds like they need addressing and some answers.

Whatever you do with this, the ultimately. And I can't comment on specifics, 'cause it's not my fishery. You need to craft any closures, minimum sizes, and seasons, really carefully. Because even though you're building/not overfishing, it's SFAs trump card. You can't forget number eight of the National Standards.

At the risk of being seen as being disingenuous, I hope not to be, because I'm really serious. Commercial boat provide observer platforms. They provide the species identification that you need in all of this mass of data that you're getting. And you need the updated areas of catch. And, to do that, I just heard today, I wasn't aware of it, perhaps all of you are. That there's apparently some kind of temperature anomaly occurring in North Carolina and those areas. And, that could possibly have some skewing effect on this year and maybe subsequent years. So, keep that in mind as data comes in.

I noticed that in the Chapter 4, the document, well, you guys are considering a need for a recreational quota at some point. I know that won't go over well. So, perhaps falling on Randy's outreach thing would be for the people within the National Marine Fishing Service. I know you have some good people there to do outreach. See what you can do with the recreational industry, recreational community. And, try to raise the consciousness of not just the charter boat people, and the head boat people, because they probably already are well aware of it. But, raise the consciousness for the need for data on sharks. The species, the catches, the disposition of them, the value to the nation. Not just one segment or another, but the value of the data. So, thank you.

GEORGE LORENZO: Thank you Mr. Chairman. I think Glen and Rusty did a nice job. There are a couple specific comments and then a general one. I -- I think very highly of the benefits of VMS and for a lot of different reasons. It -- enforcement, etc., but it also turns what used to be anecdotal evidence into data in a lot of cases. But, there is a lot of side benefits as a communication tool with -- with market information, but also as for instance helping fishermen communicate turtle hot spots, things like that to each other. But get impact from the users when you pick a system, because they're the ones going to be stuck using it. And if it doesn't work, or if it has a lot of problems. And, make sure that they're really involved in the choices.

I'm a big fan of closed areas. I was the one -- that seems to be the preferred alternative seems a little bit blunt for what you're trying to do with it. Put it in perspective, it's 20% again as large as the State of Maine and I think it really needs to be more specific.

And finally the general comment is that, you know, in light of what Bob Pride said, especially since many of the jobs, manufacturing, etc., are being moved off shore, it's crucial that we keep in mind that what we're operating under here is a Sustainable Fisheries Act. And our goal is

sustainable fisheries and, you know, I -- it's clear to me that we're serious about fisheries management in this country. Commercially, environmental folks, recreational people, and the government. We've got a ways to go in a lot of species, but all our efforts are pointing towards, we're doing a much better job stewarding out resources, than anyone else in the world right now. And that's something that needs to get out a lot more. And I guess I'll yield the balance of my time to Mr. Hudson. Thanks.

HENRY ANSLEY: I know HMS staff, this probably comes as a shock, but Georgia, basically, our main focus is, we do not support the continued use of gillnet gear in the shark fishery, either in the drift net or the strike net mode. The main reason we -- the use of gillnets except for Shads, which is primarily in the rivers in Georgia's -- is prohibited under Georgia laws, and we continue to have problems with enforcement. And this gear coming into State waters is compromised our regulation and our enforcement efforts. And, we've also had other problems with it. We don't feel that it is consistent under the terms of consistency with State law and regulation. We've -- there's been numerous seizures of shark, drift gillnet vessels in State waters. Now, we're talking about a small fleet that's basically five vessels and probably we're talking about part time, off Georgia, probably one to two vessels each year. So, we're talking about a very small portion of the fishery and part time. Again we support the total prohibition of gillnet gear, whether in drift or strike mode. Mainly because the potential for illegal use of the gear, either way it's illegal in State waters and the potential use of the gear illegally still remains. So, that's one reason. The other reason we feel that that Georgia has a cooperative State/Federal enforcement agreement with the National Marine Fishery Service. We -- it -- it's difficult to imagine what the gears being so similar, how you're going to differentiate or make enforcement clear enough for the two modes, if the gear is so similar. And we're not sure of how you can do this.

As far as strike netting, we know that the bycatch in other waters have been shown to be clear. I mean it's clearly the bycatch is pretty minimal. As we understand, from talking to Doctor Carlston that although there's confidential issues in this, and he couldn't give us exact, that there's limited information on strike netting bycatch off Georgia.

And, that may sound like a trivial type of -- of distinction but, really once you get going for Florida you get into Georgia waters, as anybody's been there, it's not the blue clear waters that you find off Florida. It -- it turns into very turbulent waters and very tidally influenced. And, we're not real convinced on how strike netting would work in this. Even the strike netting behind trip boats, whether they would be potential bycatch, marine mammals, such as Dolphin around the net, or Turtles that even coming out of -- that may be

excluded out of the net.

So, we're just not -- we don't think that data exists there and we think it's more risk adverse to not allow this gear, at least up in this area until, you know, I would -- again for enforcement purposes we prefer that it just be gone. So, I don't think that comes as --

And also, one more thing. If you look at Fine Tooth catch. If you're looking at that as being a concern, I think you'll see that a lot of your Fine Tooth catches are in the drift net fishery. I gave Karyl some information on the troll fishery bycatch, that from Georgia, that was done over a couple years. I think it's ASMFC stuff.

And, I believe they had two -- two or three Fine -- Tooth in the troll catch over all those years. So, I don't know where the catch is coming from on that.

Possibly recreational needs to be better identification. I agree with much more increased education efforts. More publication, more outreach, and working with the States to try to get this out to -- to the fishermen. Working with the States on other efforts to get better assessment, like Rusty was talking about.

But basically, I think you know where we're coming from. We'll provide other comments on the other measures. We provided it in our written comments that we'll be submitting. Thank you.

MODERATOR CHRISTOPHER ROGERS:

Gentlemen I would have to apologize for that --

KENNY KEEN: Yes. I have to apologize too. I have been thrust into this less than a week ago. So, I'm playing -- I'm an information junkie right now. So, I'm going to have to pass.

MODERATOR CHRISTOPHER ROGERS: -- the State of Maryland.

KENNY KEEN: Yes, thank you.

MODERATOR CHRISTOPHER ROGERS:

(Inaudible.)

KENNY KEEN: Keen.

MODERATOR CHRISTOPHER ROGERS: Keen, Ken Keen.

KENNY KEEN: Kenny KEEN. Thank you.

MODERATOR CHRISTOPHER ROGERS: Liz Lauck

LIZ LAUCK: Thanks Chris. Generally we're very supportive of the amendment. Lots of good hard work in here. A couple of comments though. One thing that's -- that division rightfully was very proud of in the HMS FMP was taking a very precautionary stance on sharks. And there are a couple of places here where we want to make sure we continue that.

Specifically, the development of the criteria for the prohibited species list. I'm not sure that that's going to have the effect either from a regulatory point of view, or a shark management and protection point of view, for what you're trying to achieve. Those criteria and the way that they would be implemented aren't spelled out as clearly as one might hope in here and I think that takes -- that deserves a second look.

Also, removing deep water sharks from

the management unit doesn't seem particularly well justified or something that's actually needed from anyone's point of view at this point. And down the road, could be a move that we regretted.

A couple of people around the table have also made calls to engage Mexico more thoroughly in the process and more completely. And I would certainly like to add our voice to that. Anything that can be done to engage Mexican scientists to get that data would be most welcome, and I think would be good for the sharks that we're managing and for shark fishermen in the U.S., thanks.

MODERATOR CHRISTOPHER ROGERS: Just for the information of all parties, there is a bi-lateral with Mexico scheduled for the end of this month, I believe. So, we will be actively engaging them on shark management.

LIZ LAUCK: Actually, Chris, to just follow up on that. What are you -- what's planning to be covered in that bi-lateral?

MODERATOR CHRISTOPHER ROGERS: I don't have the agenda. Perhaps sure Jack can share some of that with us.

JOHN DUNNIGAN: It's an overall all fishery issues between the two countries. ICCAT, ITTC, Gulf of Mexico issues. We haven't talked to the Mexicans in about three years. The problem we're having right now is that about two weeks ago there was a major shake up in their administration, their natural resources administration. And, it affected all their senior's fishery people. So, we don't -- it may be that that will have to be postponed for a while, but we're still on hold. It's still on the schedule for the 23rd and 24th, of October.

VIRDIN BROWN: Thank you Chris. I just a couple of general comments. First of all the say that to the best of my knowledge there are no Federally permitted shark fishing operations in Puerto Rico or the Virgin Islands, but it does not mean that sharks are not caught. Because they are and they are prized. So, to the extent that they are caught to the best of the State or territorial regulations, Commonwealth and the territory. Those local laws that are enacted, applied, and they are fairly general, fairly broad and to that extent may have limitations.

I would suggest then, as we discussed, the comments were made earlier that there be a little bit more coordination, perhaps even some education as to the importance of this FMP and the FMP Amendment Number 1, and soon to come number 2. So, that these interests can be looked into and protected.

The concern that I would express is that, I aware of the fact that fishing activities move from one location to another and therefore, we are not immune to having relocations, and therefore, to the area.

The other thing that -- that comment that was made in the summary of the comments earlier about fish, Turtles, whatever being protected in U.S. waters and you go right across to the Bahamas

and they are being caught there. We experience that too. What's not caught or saved by U.S. law and treaties, that the U.S. sanction, may be in Puerto Rico, or the Virgin Islands, may be caught in Dominican Republic, of Haiti, or the British Virgin Islands is right next door, or some of the other Caribbean Islands. And, our people look at this so, -- to the extent that we can have better coordination and cooperation. Then, I think this will make this workable also in the U.S. Caribbean. I think we all support the efforts. I also want to make sure that I don't talk more than what I need to. I want to hear a little bit more from Rusty. That's why I think that part of the public has its day and need to get its just due as well. Thank you.

MODERATOR CHRISTOPHER ROGERS: Thank you. Merry?

MERRY CAMHI: Excuse me. I just want to start out by saying that it's not only the fishing industry or the manufacturing industry that gets effected by decisions and stuff, because I don't know how many of you know, but I was working for Audubon as a fishery and shark scientist as a Shannon Beamer. And it was the will and whim of Audubon, because of mission issues as well as funding, that they decide to totally eliminate their marine fish conservation program. So, I am now unemployed and I'm facing similar kinds of issues that hopefully you wont have to be in the next year or two.

So, anyway, I want to just say that I very thankful. First of all I'm -- I'm here on behalf of Sonya and was asked by her, while she's in the -- the European (inaudible) meeting, to speak on behalf of TOC. But, I'm also speaking on behalf of myself, as an unemployed environmentalist.

I think that you guys did a very -- it's a very amazing job, what you did here and I just want to just acknowledge how much work that I -- that went into this. It is -- it is good to see some of these things moving forward. In general, we will -- we will be submitting comments, written comments, a lot of specifics of things that we would like to address.

But, I'd just like to bring up a couple of the issues that we have some interest and concerns with. I'm just going to -- these are sort of random, so, I -- they're not in much of an order. One of the things that we are very much concerned about is how we're handling deep water sharks. We feel like as proposed here, we are moving in the wrong direction. We took the step to put these animals into a management unit, not only I -- I would say, to -- to address the issue of finning, but as it says in the HMS, HMS FMP, also to address problems with expanding fisheries, interests, market, potential markets, and also as it says in the National Plan of Action for Capacity, NMFS itself has acknowledged that deep water sharks are already over capitalized.

So, I think that it's very important that we don't just remove these animals. That we keep an eye, a close eye on them. Put them in the

position of possibly having management in a very rapid way should we see fisheries developing on them as we're seeing in deep water areas all over the world. And therefore, I would urge to keep them in the management unit. Even move them into the prohibited species category. Since, if they're not -- I -- I don't understand the down side of either economically or regulatory prospective on not doing that.

On the prohibited species issues. We very much -- we're very disturbed to see interest in moving Dusky sharks out of the prohibited species and we're glad that now it's considered to be in there as a preferred option.

There's -- we have a lot of concerns about still about what's happening with Dusky. The continued landing of Dusky Sharks in the winter fishery. I know that there are -- there are problems with -- as a bycatch species, but we are definitely concerned about enforcement and continued mortality in that fishery.

There are various ways that we would like to see these things looked at and addressed. We certainly are -- have been in the past minimally supportive of minimal size issues, but most of all we're very concerned about addressing mortality of juveniles. This is something that is virtually identified in the stock -- in every stock assessment we've seen in the last few years, in all scientific papers that we read, and in the peer reviews indicating that definitely we need to do something more to protect that sub-adult and juvenile age classes if we're going to have this -- these populations rebuilt.

And by eliminating minimum sizes by -- we are very concerned that we're again moving in the wrong direction. We would support the -- moving away from minimum sizes if we had a good time area closure that we felt confident would address the bycatch of these juvenile animals. Now, I agree with Nelson, that one of the way -- ways to get at this is to make sure that we don't have excess mortality in State waters in pupping grounds. But pups are one issue and juveniles and sub-adults are another issue. We're talking about these animals, you know five, ten years later and a lot of times, you know, these animals are moving from State waters off to North Carolina and some area where then they become vulnerable in those -- that winter fishery.

So, in addition to protecting the pups, I think we also need to do more to protect, to ensure that these juveniles are -- are -- are being protected. Whether it's though minimum size, or time area closures, it's got to be one of those.

And, I -- I -- I'm -- I want to feel confident. I think we need to feel confident that there'll be a -- a closure put in place before we would back off supporting something like minimum sizes.

Another concern in terms of the prohibited species is the issue of Fine Tooth. It's not clear. We know that we have an overfishing problem with them. It's not clear what the -- what NMFS is planning to do for these animals. We know a

lot of them are taken in gillnets, but apparently it's a very small percentage are taken in the gillnet -- the directed shark fishery gillnets. So, where are -- where are they being taken and what are we doing about that? I'd like to see the most considered for our prohibited species or else we need to do something to help protect these -- this species.

One of the things we offered as an option for addressing bycatch was pushing for soak times, reduction of soak times. And, this goes back to the Dusky Sharks.

Data out of VMS suggest that by reducing soak times, you can actually reduce the -- the catch of Dusky Sharks. I think that some of the VMS data indicated, according to the -- the amendment here, that with a 15 hour soak time, you've got a 57% mortality of Dusky. And if you can reduce that to below 10 hour soak time, you can get it down to 5% mortality. And I think that that's something that was given short shrift here. I -- I would like to at least see more discussion, or hear more discussion, as to why that was rejected outwardly.

Let's see. The other thing that I want to talk about is we're concerned about recreational compliance issues. We see that there's still very high catch of -- of small animals and compliance does not be -- there's just too many sharks being taken in rec. fishery. These no minimum size enforcement.

We agree with the need for workshops and training. Recognizing that workshops can be very expensive. We would support things like through Internet training and -- and additional tools that can be disseminated to the community. And we would even like to see consideration of linking the -- getting an HMS angling permit with some kind of, you know, passing an exam of at least showing a -- a minimal recognition of what the regulations are for -- in the recreational shark fishery.

Turtles. I mentioned those earlier. And, I know that according to the data on table 337, it does not look like there is a high mortality, at least of Turtles caught on the line. But, I would like it -- it would be nice to see these -- these data sort of stretched out, played out a little bit more. Because, from the information from the Turtle buy up, it looks like when you consider post release mortality, you actually end up with not just, for example, in -- not tens of Turtle being taken, but actually hundreds of Turtles being taken. Because a lot of these animals were taking the hook in their gut and not necessarily in their mouth. So, it would -- I would like to at least see a fuller analysis or a more complete analysis of the -- of the protected species that we have here.

And, I guess that's it for moment.

Thanks.

MODERATOR CHRISTOPHER ROGERS:
(Inaudible.)

IRBY BASCO: Thank you Chris. Rather than going back over a lot of the ground that's been

covered, I just thought what I'd do is just hit on a few things there that the Gulf Council has their concerns with. Number one, you know, we already discussed the Menhaden concerns about the bycatch of the shark. We went onto, Gulf Council would prefer in -- instead of -- of using the word hand gear, as defined by hand line, harpoon, and rod and reel. And then, we also wanted to take -- take banded gear out of that -- out of that mix.

We also had one of our comments to NMFS, we were trying to determine the -- what's special needs mean. It says, develop a legal definition of the term special needs. You all used that in, I think, in one place in the -- in the -- in the draft amendment.

Then also we had a little concern about not making the a -- the burdens -- the administrators are so burdened some of that -- that -- on the displaying of sharks. To where the people will have a problem doing that. But, I think that's cleared up in what you all told me.

And, any rate that's pretty well what -- about everything else covered. Thank you.

MODERATOR CHRISTOPHER ROGERS: Bob

Hueter

BOB HUETER: I want to reiterate what Merry said about the document. Generally, I -- I find it to be exceptional. It's not more of the same. It's -- it's a lot of new bold initiatives. I think we need that. We're -- we're dealing with animals that have been around for four hundred million years that have been, in some cases, depleted by 75% in our lifetimes. So, it's up to us to take some bold steps.

I -- I still find, and I -- I'm sort of echoing what Rusty says here. I still find that some of the -- the inclusions, or the justifications are kind of obtuse in the document. The calculations of -- of things like the quotas, the rebuilding time frame, although is explained, I'm -- I'm still unclear as to where the -- where the numbers are coming from. They talk about an average of 16 year generation time for some select number of species. I'm not sure what those are. And, I think this goes back to what Rusty said about making the -- the linkage between the assessment workshop and this process a little bit more transparent, a little bit clearer.

We did -- we did direct a letter to you Chris, and Gerry Scott, at the conclusion of the last AP meeting that was signed by the incredible collection of Ramone Bonfield, Willie Ethridge, Sonya Fordham, Glen Hopkins, Rusty Hudson, Glen Aldridge, and myself, on the same letter. And, we -- asking for this -- this process to be cleared up and -- and to be improved. And we're -- we're waiting for to see that. We don't see anything about that in the amendment.

The abandonment for now of a species specific approach, I think, knowing what I know about the data is probably realistic. And, knowing that the database is -- we can split hairs on different species but, we're probably chasing our tails and -- and really the data are not there. So,

I -- I can understand that strategy, but I wouldn't -- I would ask you to not abandon the objective toward a species specific management measure. A small thing. Interesting to me about the Bonnet Head provision, which I do support. I don't have a problem with that at all. I was wondering where that came from. Whether the -- the recreational fishermen asked for that themselves, or whether that was something that was concocted by the managers. But, but I -- I think it's -- it's certainly okay. And, along those lines, Mike, your comment about the Black Nose Shark; I think the -- the big problem there is identification. People cannot identify that species and there would be a -- a very large vulnerability to mistaking juvenile large coastals with that species. I know -- Black Nose is a very common shark in my area and none of the fishermen know -- know what it is. They -- they -- they cannot identify it. Although, it -- it -- I UNIDENTIFIED: It doesn't have a black nose?

BOB HUETER: It's very very difficult to see. And, they call them everything from lemons -- I've actually, believe it or not, I've heard them called Makos. So, it's -- that's the problem there. But, they probably are doing quite well. And they could probably support a recreational fishery.

I -- I support the adoption of the criteria for the prohibited species listing. I think that's really good. But, I am troubled about how they would be applied. I can imagine, at least hypothetically a scenario in which a species would be found through irrefutable scientific evidence that it's severely depleted and should be on the endangered species list. But, if it's a problem for the fishery, because they're working in the one last area where they still exist, then it only meets one of your four criteria and could be removed from the list. So, I -- I'm troubled by -- by that possibility.

The gillnet fishery, I'm so happy to see you do something about that. But, I still, for the life of me, cannot see the argument to -- to keep this fishery going. And I agree with my esteem colleague from Georgia on that. For six boats and major bycatch problems, I'd rather close that fishery and give their quota to Glen Hopkins. Time area closures. I'm very sensitive to Glen's concerns. You know, working with Glen all these years I know what a -- what a sincere honest guy he is. The thing I -- again is because of the lack of -- of complete transparency in the process, I am still, as a biologist, not sure exactly why this box was drawn. But, I reserve judgment, you know, when -- when that's explained better.

One of the things to keep in mind is, and -- and Merry alluded to this and Karyl knows about this because she actually studied it. The most vulnerable stage in most of these sharks' lives is that large juvenile stage. Not the newborns. Not -- not the -- what we call the young of the year, the -- the pups and their first year. Those young of the year animals experience a natural

mortality. We estimate some of our studied anywhere from 60 to 80%. So, a fishery removal in many cases, actually probably, substitutes for -- for a natural mortality.

So, I -- I would suggest, and it's the first time I've proposed this, and it may be a terrible idea, but; that we think about looking for protection of the neonates and the -- the young of the year in the pupping grounds, which are in State waters. So, focus in the State regulations on those animals, and that we focus, in terms of the Federal waters, in protecting these large juveniles. Look at the -- look at that particular aspect of the life stage. That's just before, just prior to adulthood. Because the modeling shows that when you fish that particular group hard, you really cut the legs out from the population. That -- we've invested all this -- these resources into -- into growing those animals out. They're the last that remain of -- of the young pups that were born anywhere from five, six to ten years before. The others have died. And, if you fish that one, it hasn't had a chance to reproduce, then -- then that's what really kills the population.

Mexico. Rusty, God love you. You're always bringing up Mexico. By the way we're doing satellite tagging now of Sandbars off the West Coast of Florida. So, pretty soon you and I will be able to sit down and look at where those sharks are really going. And Jack Music is doing it off Virginia as well.

And the Mexico situation is a mess.

And this is like the Supreme Court here compared to what the Mexicans deal with in terms of fishery management. We've been having real problems even doing research in Mexico for the last couple of years because of -- because of the lack of -- of discussion with the U.S.

And, Fine Tooth Sharks, one of our scientists at Mo did a parallel stock assessment of the small coastals. And, he feels that the -- the we're a -- we may be over reacting to the Fine Tooth situation. The database is -- is not that strong at all. So, it's nice to be -- nice to be proactive and -- and take a conservation minded approach.

But, we're really probably looking at an animal that has a very very limited distribution that, quite frankly, evolutionarily is probably on its way out anyway. It's only found in -- in certain pockets.

And the last thing I'll say is about EFH. I don't know what the -- what the mandate is in here to cover various EFH issues, but, I noticed that all of the -- the discussion about EFH and effects on it, deal with anthropogenic effects. Man -- man -- human impacts. And we ought to keep in mind that there are some natural impacts that can affect EFH and things like the pupping grounds. Where production is occurring. And that's going to hurt as much as -- as a human impact. For example, temperature rise, does -- does effect distribution. And, I can tell you in our part of the world, on the West Coast of Florida, Red Tide is really hurt the production out of some of our -- our nursery areas for Black Tips. So, that's something to keep in

mind as well. Thank you.

MODERATOR CHRISTOPHER ROGERS: Shanna Miller.

SHANNA MILLER: Shanna Miller. So now, not only this month do I speak as an unemployed environmentally conscious member of the general public, I also speak as -- as Shanna Miller. I was so devastated by Audubon, that I had to change my name.

UNIDENTIFIED: You got married?

SHANNA MILLER: Yeah, I did get married. So, since I'm last, pretty much every thing has been said. So, I'll just reiterate a couple of things.

First of all I agree with -- with Bob that, you know. Clearly the data for Large Coastal Sharks isn't very robust by any means. So, I certainly understand moving away from species specific management, but you know, I'd just really would like to emphasize that we can't lose sight of that. And, you know, I hope you guys are crafting some plan to move toward species specific management sometime down the road.

And then, just to -- I was kind of -- we were trying to work through the -- the quota basis and we were a little perplexed by, you know, how you figured that all these other management measures would account for 10% reductions, so you could take the 40% reduction from MSY versus the 50% recommended by the -- the peer review. So, I'd just like to throw that out there.

And then also, with your calculation of the time frame, you abandoned the -- abandoned 10 year rebuilding timeframe in Magnuson, because it only -- you only had a 68% chance of -- of achieving that. Yet, with the 27 year rebuilding timeframe, you calculated a 64% chance of achieving that. But the 64% was okay, versus the 68% of 10 years, so -- I mean I know these numbers are all vague and not exact, but I -- it just -- it just seemed odd.

And then, I'd also like to, you know, support what a lot of people have said about deep water sharks. As a member of the general public, I would be very devastated if they were removed from the management unit.

And -- and also for the -- the criteria for the adding and removing prohibited species. It seems like you may need to make a separate list of criteria to add versus criteria to remove. And, you know, like -- like Bob says, special circumstances, you know, there will be circumstances where a species should be removed or added and it's not going to fulfill two of those criteria. So, you know, I think that really needs to be worked with. And as Lou said as -- as probably, you know, premature at this point without further analysis.

So, that's it. Other than that I -- good job. Thank you.

MODERATOR CHRISTOPHER ROGERS: Just a point of clarification as Karyl said this morning. Any proposal to add or remove to the list would be by a separate rulemaking. So, we would have to articulate the -- the basis and offer up for public

comment, so it's not that the criteria embodied in this plan amendment would be the end of discussion, so to speak, on any additions or removals to the prohibited list.

Why don't we take a quick break? And then, we'll be back to hear from Rusty some more. As well as some others who passed on the first round.

(Break: 2:30 p.m. to 2:45 p.m.)

RUSTY HUDSON: Chris, I've got to leave at 4:00.

MODERATOR CHRISTOPHER ROGERS: At 4 o'clock.

RUSTY HUDSON: And catch a taxi, and

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MODERATOR CHRISTOPHER ROGERS: Uh-huh.

RUSTY HUDSON: And, make sure it gets me to the airport by 4:30.

MODERATOR CHRISTOPHER ROGERS: Okay.

RUSTY HUDSON: Or thereabouts.

MODERATOR CHRISTOPHER ROGERS: Uh-huh.

RUSTY HUDSON: And my flight's at 6:05

MODERATOR CHRISTOPHER ROGERS: Uh-huh.

RUSTY HUDSON: Is that about a reasonable way to do it?

MODERATOR CHRISTOPHER ROGERS: Okay.

RUSTY HUDSON: You know --

MODERATOR CHRISTOPHER ROGERS: So, we'll let -- let Bob go first since he passes his first time around I guess.

BOB MCAULIFFE: Do you want me to wait for them to sit down, or go ahead?

MODERATOR CHRISTOPHER ROGERS: It looks like we have a forum.

BOB MCAULIFFE: Okay, to start with.

I thank Rusty for bringing up taking the Caribbean Reef Shark off the prohibited list. That is our most common shark in the Caribbean. It's caught by virtually all fishermen that use hook and line. And I could never understand why that was a prohibitive species. It's the most common shark we have.

The other exemption -- exception that

I have is with deep water sharks. I'm very much in favor of taking them off the prohibited list.

Apparently, they must act differently in the Caribbean, than they do with all the rest of you, because we catch them in water from 80 to 250 fathoms deep. They're all bottom feeders. They're very popular. They're a bycatch of our deep water Snapper fishery. It's the only time that they're caught. There's no other fishery that we perform in the Caribbean, that I know of that produces deep water sharks.

They're favored for food because virtually all the deep water sharks are very low in urea and are much better eating than your surface sharks.

I don't know what that is. I don't know how they behave in your regions, but it's a very important food source for the fishermen. And,

I would encourage that we find some way to see that we get the data on them. And -- but, whether you outlaw it or not, the fishermen are -- are not throwing away any fish. So, they're going to continue to be caught and utilized. But, you're not getting, again, a lot of data because of a lot of the regulations that are in place and the lack of communication between State and -- and Federal. And the predominance of Federal permits that they're all against.

So, we -- we have a lot of work to do but, I'm very much in favor of taking all your deep water sharks off the prohibitive list because we do catch them a lot. And, they are a very important food source. No shark in the Caribbean is thrown away. There is no shark that is not eaten. Everything that is caught on hook and line that they can put in the boat is used for food. And you need to keep remembering that. We don't have regulatory discards because unless you go out there in a boat and put a gun to the fishermen's head. He's not going to throw it overboard.

RUSTY HUDSON: Basically, I've got just a couple subjects I'll touch on, because I'm a little short on time myself now.

I'd like to address the Fine Tooth Shark. I just -- for everybody's minds. In my comment, and I'll -- couch it in effect that NOAA's fishery's claims that overfishing is occurring for Fine Tooth Sharks because of bycatch, excessive bycatch. We only have about one boat that's directing on Fine Tooth, and that's with gillnet. The study that was done March 2002, by Doctor Henri Cortez of NOAA fisheries, for the stock assessment for Small Coastal Sharks. He remarked about both Fine Tooth and Black Nose Sharks on Page number 35, under the heading of General Discussion. He wrote the following statement:

Results for the Black Nose and Fine Tooth Shark were directly influenced by the catch series used, which did not include any bycatch estimates. Which in turn influenced the priors chosen for K. This explains the low values of MSY predicted for these two species.

That's why we're saying we need to go back to the workshop. We need to put the bycatch numbers in and have them reassessed. And then, I believe that you'll find that not only they're not overfished, there's probably not overfishing occurring. That is my summation on Fine Tooth.

As to my desire to stay with J1, where my gillnet boats can continue using their drift as well as strike net. The strike net is been observed very carefully and it had virtually no bycatch problem. It's a very clean approach. With the drift net there is self policing methods. There's way the guys are trying to make themselves more habitat friendly and I think that with the observer program and other stuff that can sort of be ratcheted down.

The problem with unilaterally going through this process of HMS and eliminating one or both of those particular gear types on a half a dozen boats, or a dozen boats in our sector is

wrong; because we have been working in good faith with both Large Whale Take Reduction Plan, and the Bottle Nose Dolphin Take Reduction Plan, in trying to come up with common sense ways to be able to continue to allow some nets to be fished in this country. The example set would be very bad because there's a large number of gillnets used in the Mid-Atlantic regions and stuff. And, those nets would be in some cases similar to the nets the fellows are using either for Small Coastal Sharks and there's tending requirements that's coming incase for those people and other types of stuff.

So, we would like to see some of the HMS people show up at the TRT meetings every day, every time that we have one. So that we can go ahead and sort of combine all the efforts.

I'm not trying to say that it, the drift gillnet's perfectly clean. I know that there's several problems. I would be the first one to admit it. But, at the same time it is a way to catch only certain types of animals. If you notice, if they went with the allocation issue of regional quotas, 83% of the Small Coastal Shark quota was going to go to the South Atlantic. For dominated by gillnet caught Small Coastal Sharks. I think that's a very important feature that you have to sort of understand that if we're going to make some changes, whether radical, or somewhere in the middle road, it may take another year or two, to really see how regional allocations could work out. That's just my feeling about that.

I also stress the idea of J5, which included common sense measures. Such as using dehooking devices, and the dip nets, and the line cutters, and stuff like that. But, that goes, and I believe very much needs to be tied in with J8, which is the idea of having workshops.

Workshops that should include both the commercial as well as any recreational component, like tournaments, charter boat, head boats, those type of people to get them, like Merry mentioned earlier, something I believe to get them up to snuff on those type of things. So, they can have some piece of paper says they've done it. So, it shouldn't be a one-time shot. It should be a process that HMS sort of folds into a yearly expectation of somehow working with these people. Going back to the minimum size on recreational. I have tried to point out time and again, that if our guys bring up a bunch of minimum size commercial sharks and then they're going to be dead, it becomes again another bycatch issue. A regulatory discard, when traditionally, we usually marketed almost everything we caught. And, we would like to continue to market everything we caught. And so, with the idea that most of the recreational hook and line caught sharks that are under a minimum size, usually juvenile, sub-adults that haven't had a chance to breed yet, or spawn, or whatever you wish to say. Those animals are going to be mostly alive. That are released from the recreational. I think that's a good thing. So, that minimum size is a workable. It's a doable. Particularly if you can let the animal go without a hook in its face.

The situation with the large coastal being overfished. The 22 species that are in there, 20 species are -- can now be considered still overfished. Of those 20 species, only nine of them are still legal to be caught. One of those nine, a Nurse Shark, is no market for the meat. The fins have no value. They are virtually 98.5% of the time, or something like that, alive when they are released at the side of the boat. Even after having been on a -- on a longline for eight or ten hours. There's a couple other species, pretty resilient like that. They need to continue that idea, that, you know, if we're not going to use it, let's, you know, go ahead and let it go. So, the Nurse Shark, in my mind, can't possibly be overfished, but it's never been assessed. So, we need to do that.

The same thing, you know, everybody's worried about Dusky and Night Sharks, and Sand Tigers, and putting them on a, you know, endangered species. Well, I'm hoping that ESA will, under the ESA Act, that they'll wind up doing an assessment on those individual species before they're in a hurry to go ahead and have all the collateral impact that goes with having a threatened or endangered status put on them. Particularly the Dusky and the Night Shark. The Night Shark is a component of the -- of the bycatch of the Pelagic longline and could -- could potentially still be a second revenue for those people when they're targeting their Swordfish. As far as the Dusky, the same thing.

Both are bycatch in the Pelagic as well as a bycatch in the -- in the directed. But, as you notice with the observer program, it looks like they've ratcheted down on the number of Dusky that are being interacted with the last couple of years since they were prohibited. That's a good thing. But sometimes you can't get away from some of the pups because there's some documents by Music and others that indicate that the Dusky Shark pups are doing rather well. There's a lot of them, so you know, they obviously had to have mothers. And so, it sort of fits in to my idea about that.

Going into the other animals that are still legal to be caught. The Silky Shark, the Scalloped Hammerhead, and the Tiger Shark, none of which NOAA fisheries claims that the CPUE of those animals is not in decline. That's a good thing. In fact, Tiger Shark is increasing. That's a good thing.

Hammerheads. They're virtually dead most of the time when they come up. We don't see a whole lot of Smooth Hammerheads in most of the areas that our guys are at. We see more Scalloped. And, the reality is, sometimes they can get into a lot of them quick. It's kind of hard to utilize some of the animals because something that Bob just mentioned was the urea problem.

Hammerheads have a terrible urea problem. It spoils the meat. And if you put it in the same brine or in the same ice hold, with a Sandbar or Black Tip, it's going to have a tendency to ammoniate the other animals. That's not good for market. Fresh caught, frozen, it doesn't matter. It is not good.

And with a Spinner, of course that looks like a Black Tip, and I believe that it's being off shore a lot. I don't believe it's overfished either. But it would take an assessment to say that. Right now, the status is overfished. That's what you tell Congress each and every year. The Narrow Tooth. I have never known of one ever being caught in the U.S. waters yet. And yet -- you know in the Atlantic U.S. But, the problem is we've managed it and protected it. We've managed it since '93. And, we protected it since '99. But, it's known as the Bronze Whaler or the Copper Shark over in the Pacific and is a very common shark there. It is an exotic that has come through the Suez Canals in the Eastern Mediterranean. That's a big deal too, because if we have some show up, they might be more of an exotic than anything else. If we ever did get one. But how can you target it. How can you ever assess it? Yet, we're still telling Congress it's overfished. The Big Eye Sand Tiger. An animal that's put on the '97 list. Two or three specimens, that I'm aware of, that have ever been caught. Usually it's caught on the bottom in very very deep water. And because it looks like a Sand Tiger, you know, it's a look-a-like problem. I have no problem with it being on the list, but it does not need to continue to be identified as overfished to the U.S. Congress. It's wrong. Because it sends the wrong message.

Certain other animals, Lemon Sharks, we need to take a look at a little bit. They're -- they got a component that's in our catch and we can't avoid them at times. So, you're going to catch them.

Bull sharks. I don't believe they're overfished and they have a quite a nasty reputation for a lot of our shark attacks. And, I believe that because a lot of State waters are closed, Bull sharks usually predominate inside State waters most of the time. Sometimes you'll find them off shore, but not as much as you'll find them inshore. And so, Bull Sharks again, is another one identified to Congress as overfished.

Dusky is still overfished to Congress, yet it's prohibited. But, out of the other ten of those eleven that are large coastals that are prohibited, many of them will never be assessed because they're such a small amount of data able to be retrieved in the U.S. Atlantic from either the directed guys or fishery dependant, or fishery independent efforts.

You know, we can't really go out and catch a Galapagos. Not unless we go down to Puerto Rico or over to Bermuda or something like that. The reality is, is overfished to Congress. And again this gives everybody the feeling in this room that all 20 species are overfished of that large coastal shark complex.

And, I believe they relied on Henri Cortez's study of many sharks of the world and the demographics involved with that in order to come up with a 16 year time series added on to the 11 year no rebuild in order to give us the 27 years that we

now have. I think maybe the 16 year mean average time is a little generous, but you know, it still puts you on track of a shorter rebuild plan than what you had back in '98 with a 40 year rebuilding plan. So, we've already carved off 13 years in some cases.

And, that's what I'm trying to say.

If you want to talk to us and work with us, you have the capacity to do that. If you want to talk at us and then just make rules that keep on putting us out of business, like I said, how are you going to ever going to get those people back. How are you going to get the marketplace infrastructure back? You're not. And, that's the type of thing, that we're in a situation right now. Again, we come to this table and we're representing families, little businesses that are trying to fight for their right to exist. And, we're wanting to work with y'all. Every one of you. And we want you all to work with us and understand where we're coming from. I could go into a bunch more details of things that bother me about some things, but there's a lot of things that make me happy with the way NOAA fisheries has changed their mindset since they didn't lose any of the HMS lawsuits, but they didn't win them all either. And, there was a certain component there that we sought to achieve. Better science. Fair proper management. The idea of a renewable resource. The idea of being able to accomplish that. So, that we're not overfishing. And I believe we're well on the way. We've done well in the last several years. I commend NOAA fisheries for having got us to this point. Just don't lose us in the next year or two. You know, we'd like to still be around. And I'm going to have to wrap it up, 'cause I have to go shortly. But, thank you very much.

MODERATOR CHRISTOPHER ROGERS: Any other Advisory Panel members for a final comment? Merry?

MERRY CAMHI: I can't believe I'm going to agree with Rusty, but I do also think that the generation time that is used for rebuilding is a bit on the -- generous side. And a little bit uncertain as to how that was -- why it was chosen that way. It seems to me that -- it's not exactly clear why 70% is good enough for one circumstance where we are talking about where we were building to, and then the other circumstance, we're talking about, well, it's not good enough for us to have a -- 10 -- a 10 year rebuilding time frame if it's only got a 68% probability of success. This is what Shanna was alluding to before. So, I -- I think we need a little bit more clarification on that. But, also the other concern we have is, why you choose a rebuilding plan predicated on adding to this mean generation time when you've already shown that you can almost rebuild in 10 years or less, which is required under Magnuson. A 16 year generation time. Here you are factoring or averaging in your -- some of your most vulnerable species rebuilding, regeneration times, the Dusky and the -- Dusky Shark for example is longer one. It skews your -- regeneration much longer and if you

eliminated your most vulnerable species, it's -- from that calculation, which would be a more precautionary approach, and only added 10 or 12 years, you'd end up with a like 22 year rebuilding time.

Another concern that we have about how you do this rebuilding, setting the rebuilding timeframe, is that it looks like we keep resetting the time clock when we start rebuilding from. You know, we -- we here we're now starting from 2002, we could have done it from 199 -- we should be doing it from -- it seems to me from 1999. You'd -- if you -- if we did that we're a little bit more conservative we would and used all the a 20 year rebuilding time, we'd be rebuilt hopefully in about 16 years. Without even having to do too much more with the quota, at least from the calculations that you seem to suggest here.

MODERATOR CHRISTOPHER ROGERS: Uh-huh.

MERRY CAMHI: So, that's something that I think we're -- we have some concern about. Another issue is, how -- where are the -- where are the data or the -- the information to support reduce -- going from the 50% quota reduction, which was recommended in the peer reviews, down to a 40% reduction in quota. Now, we know that that's going to be -- it's contingent on all these other factors. But, we've yet to see exactly which of these factor will end up being in the FM -- in the final rule. And, -- we also don't know actually how much of a gain we get. You know, we're assuming here it's 10%, because that's what you're telling us, but we have no calculations that seem to demonstrate, at least from what I can see. So, more information to that effect will be helpful. I agree with the comments that were said about the criteria for prohibited species. One concern I have is that if we put these four criteria into this draft amendment, what is the process by which we can go and change them later? Yes, we may take a proposed rule to, you know, go through rule making to add and change species, but what about changing those criteria if they find they don't work?

Having been involved in the criteria debates over listing things on the IUC and Red list -- Red List, or endangered -- threatened or endangered fishes, I know that is a very contentious process. It's not easy and I just don't think we should be jumping the gun and just sticking criteria in there before we've analyzed exactly what the quantitative effects might be.

The other thing I wanted to mention, I -- I would be remiss, since I'm here in Sonya's place, is to ask you about Sawfish. The Ray Sawfish is a protected species in here but there's nothing being proposed for Sawfish management.

And one question we have, I -- knowing that these animals are often caught in gillnets and in entanglement in -- in State waters, that's one thing. But, what about when they're in Federal waters? Is there nothing we can do to either identify critical habitat, an EFH, or some

kind of time area closure that might protect these animals, which are listed on the endangered species list?

And finally, I just want to reiterate that, we really would like to see some kind of specific plan for working with States on getting a -- pupping ground habitat protection. We've been talking about this for years, you know. We're aware that some States do it better than others. But, I do really think that it -- it behooves NMFS to take the lead in -- in pulling the States along and identifying a really clear plan for how we address that -- that mortality, as well as addressing the sub-adult and juvenile mortality off shore.

MODERATOR CHRISTOPHER ROGERS: Okay.

Thank you Merry. Just on the Sawfish issue, it's not been her view?

MERRY CAMHI: Yes. But it's in your

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MODERATOR CHRISTOPHER ROGERS: That is been handled under the Endangered Species Act now. And my understanding is that -- (inaudible) -- start taking a look at those issues. Excessive mortality -- (inaudible) -- mortality, identifying critical habitats, and the likes -- (inaudible). That we do this manage directly. Interaction Sawfish -- (inaudible) -- recovery plan.

KARYL BREWSTER-GEISZ: I also want to clarify that the Page 360 has pretty much all the information we have regarding Sawfish takes in the fisheries. They aren't caught in the gillnet fishery. But, there have been a few takes in the bottom longline fishery. All except one of them were released alive and that one, it's unknown whether it was alive or -- or dead. The observer didn't mark that off.

MODERATOR CHRISTOPHER ROGERS: We have one for Bob Pride.

BOB PRIDE: Actually this is some new information. The -- I'll just called to check on the Virginia law in -- on sharks and we have 58 inch minimum fork link size for commercial fish caught in State waters. We have a 31 inch dress weight size minimum for commercially caught fish. There's an exception for EEZ caught -- for territorial sea caught fish, that will allow 200 pounds fish under the 31 inch dress weight to come in a day.

KARYL BREWSTER-GEISZ: Uh-huh.

BOB PRIDE: So, that's allows for some incidental catches. I don't think there's a gillnet fishery off of Chincoteague. But, my question becomes now, if the Federal rule becomes no minimum size, would we, I would think our commission would tend to -- to take off minimum size commercially, which could be a problem, because we would loose our protection in pupping areas. So, give that some though when you're crafting that final rule. Thanks.

MODERATOR CHRISTOPHER ROGERS: Than you. At this point we can move into our public comment area of the agenda, but before doing so, Othel asked me to remind everybody that Federal Travel regulations require that vouchers be submitted within five days of completing your

travel. So, she's got some handouts for those who are not familiar with the procedures of what to do and who -- how to contact her. So, Othel, you can either distribute them at the table, pass them around, or stand at the door and block anyone from leaving who doesn't take a paper.

OTHEL FREEMAN: I'll pass them around.

MODERATOR CHRISTOPHER ROGERS: Did we have the sign in sheet for those members of the public?

OTHEL FREEMAN: Yeah, there's --

PUBLIC COMMENTS

MODERATOR CHRISTOPHER ROGERS: Thank you. As is required under the procedures for use of this Advisory Panel, it is always a public meeting and we do invite the public to participate in the process. We try to make some time available for general members of the public to comment during the course of the meeting. We have several folks who have signed up here. I'm not sure who exactly would like to speak, but we have Kristin Rob, Shawn Dick, and Dewey Hemilright.

You can -- anyplace where there's an open mic would be helpful.

KRISTIN RABY: Good afternoon HMS Advisory Panel. My name is Kristin Raby, with the Department of Education Outreach for Aquatic Release Conservation. Please accept these public comments from the Aquatic Release Conservation or ARC and make them a part of the public record.

ARC is making public comments on draft Amendment 1 to the Fishery Management Plan for Atlantic Tuna, Swordfish, and Sharks as private sector gear technologist, co-designing, and co-developing, ARC dehookers, Nola force line cutters, and dip nets, as a conservation organization. A historical participant in the HMS and commercial shark bottom longline fisheries and as a constituent.

ARC has been actively involved in the HMS fisheries and bycatch mortality reduction providing safe handling and release techniques and technologies for over two decades.

We're currently working as a fisheries partner in cooperation with NOAA fisheries, Southeast Fishery Science Center, Southwest Fishery Science Center, and Inner American Tropical Tuna Commission, ICCAT, Western Pacific Regional Fishery Management Council, the commercial sector, Blue Water Fishermen's Association, and Directed Shark Fishery, recreational sector, IGFA, RFA, Congress Recreational Fisheries, The American Fishery Society, and NGOs, in an effort to reduce bycatch mortality in the U.S. and international fishing communities.

Some of our comments are as follows:

ARC supports and endorses the following alternatives and preferred alternatives.

Alternative C2, D2, E2, F2, G2, and H2.

And under bycatch reduction measures ARC fully endorses and agrees with this entire preferred alternative J4 and J5 more specifically release

equipment, line cutters, dip nets, and when improved, dehooking devices.

Line cutters. The Southeast Fishery Science Center, Pascagoula Lab and Harvesting Team, has developed a line cutter that is safe and effective in removing mono from entangled marine mammals and Sea Turtles in the Atlantic Pelagic longline fishery as evidenced by the final analysis report from the 2001, 2002 Net Experimental Design Fishery. Line cutters have been extremely effective in the safe removal of trailing mono from numerous Leatherbacks as well as other species that cannot be avoided in that fishery.

Dip nets. NMFS approved and co-designed dip nets have proven to be extremely effective and safely boating smaller Loggerhead Sea Turtles for resuscitation and gear removal in the net experimental design fishery. Several dip net designs and models have been developed for this experiment.

Vessels that -- that can boat smaller Sea Turtles should boat them in order to better control their hook and gear removal procedures and resuscitation environment.

Dehooking devices. ARC has advocated the use of safe handling and release equipment, line cutters, dip nets, and dehooking devices for over 12 years. The safe removal of hooks and line before they're released can dramatically increase the chances of survival of a released bycatch as is evidenced by the 1993 Cooperative Oxford Lab Hook Retention Study, authored by Keith Lockwood and Eric May.

After this three year controlled study, Dean Armaryland determined hooks left in Stripped Bass reduced the fish's chance of survival and he recommended that all hooks be removed with dehookers.

The consensus of veterinarians' comments and NOAA Tech Memorandum 455 Appendix 4, indicates that removal of hooks and trailing mono from Sea Turtles can substantially reduce post release mortality of released Sea Turtles in most cases. The veterinarians' comments refer to hook location, hook wounding, post release hook and mono movement, trailing mono being ingested when possible occlusion of the gut, and an impairment of feeding and reproductive capabilities.

There's widespread belief among academia, managers, and industry, that proper and safe removal of hooks and mono would substantially increase post release survival. So, availability studies with sat. tags are currently ongoing and should produce encouraging results in the very near future.

Industry acceptance. The safe and effective removal of terminal gear, hooks, crimps, and mono, from marine mammals and Sea Turtles, as well as other bycatch species with line cutters and dehooking devices has been widely accepted and endorsed by not only the U.S. HMS fishing fleets, but also more recently by the international fishing community, ICCAT, and ITTC participating countries, and by various NGOs. The widespread use of

dehookers in the HMS fisheries was noted in the 1998 Shark Management Plan.

Most State quotas and the HMS fisheries believe that if hooks and line are safely removed from bycatch, post release hook landing, subsequent impaired feeding, and associated post release mortality would be dramatically reduced.

By safely removing hooks and line from bycatch, fishermen are releasing bycatch in a manner that ensures the maximum probability of survival consistent with the National Standard 9 of the MSA, ESA, MMPA, and other related fishery laws. This preferred alternative J5 will most likely receive the complete support from the industry as a wide and prudent mandated management measure that is not intrusive to their fishing operation, is economically feasible, and allows the fisherman to do their part for the conservation of their fishery also sustaining a viable fishery -- fishing operation.

These release technologies and equipment also remove hooks and line from juvenile target species. Thus providing an additional benefit to the fisheries and the conservation effort. Most of our HMS fishermen try to avoid regulatory and economic discards, but are more than willing and able to safely release those bycatch that cannot be avoided.

Economic. The retrieval of fishing gear, not only saves the fisherman money, but it also can save the fisherman time and effort of retying gear and removing hook and mono from bycatch, as well as target species. Dehooking and disentanglement techniques and tools in most cases would speed up their fishing operation and reduce catch per unit effort. The successful retrieval of expensive terminal fishing gear is evidence by the recent success and gear removal of 2001, 2002 Net Experimental Design. In addition NOAA approved line cutters, dip nets, and dehooking devices are relatively inexpensive and are a one time outfit.

Most commercial vessels could pay for the release equipment within one or two trips with a savings from retrieved hooks alone not to mention the time and effort these devices would save in remaking of terminal gear after loss.

An added economic incentive for HMS fishermen to properly use release equipment would be the credibility of having Sea Turtles friendly target species at the market place. This would allow for the market edge for the U.S. HMS fisheries over those imports that were not Sea Turtle friendly. Peer pressure from those fishermen who properly release bycatch would inspire others to do their part in conserving fisheries as well.

Transference of technology. The benefits associated with safe handling and release techniques and tools are numerous. And have positive long term implications in other fisheries with multiple bycatch species nationally and internationally.

The U.S. has always been on the leading edge of fishery conservation technology and this preferred alternative, J5 could easily be

transferred to the international HMS fishing community as well as other national and international fisheries with other target species and bycatch consistent with the stated policy, NOAA fisheries, ICCAT, regional fishery management councils and ITTC. The dehooking devices, line cutters and dip nets are relatively simple to use and techniques can be easily transferred from fishery to fishery and from nation to nation.

Enforcement. Enforcement of this alternative J5 as it relates to release equipment and their use onboard should be addressed. Dockside inspections could easily determine whether the devices were onboard, but not whether they were properly used at sea.

Alternative J8 would adequately address this problem and expense by offering workshops, literature, manuals, guidelines, and certifying that the effected permit holder has passed a training course on the proper safe handling and release guidelines and protocols.

These workshops and subsequent certification would insure that the permit holder passed the training course on the proper techniques. This would serve as a multiple benefit to management and to the permit holder. The permit holder could be issued a compliance sticker for vessel wheelhouse in order to make enforcement easier and more cost effective.

Under alternative J8. Although this alternative is not currently a preferred alternative, ARC is convinced that the educational enforcement benefits of this alternative warrant great consideration and review. Educational workshops and outreach programs that could inform, instruct, and certify permit holders, and fishermen, anglers on the proper safe handling and release procedures and techniques would provide multiple benefit -- benefits to the fishery.

1. Workshops would serve as an educational forum for fishermen to meet with researchers, other fishermen anglers, and management to keep apprized of the latest technologies and regulatory requirements in their particular fishery. The workshops could adequately address any attitudinal or informational constraints that may exist or that might hinder conservation efforts in the future.

2. Attending fishermen and anglers could share an innovative concepts for their particular fishery that could benefit other fisheries as well. Similar mandatory workshops in the Pacific have proven to be a valuable management tool and extremely successful.

3. Educational workshops and subsequent certifications would aid and compliment enforcement efforts dockside. Once certified and receiving a numbered or registered sticker for the vessel's wheelhouse enforcement would be enhanced by the verification of certification and sticker. This would dramatically reduce the cost of enforcement and free up critically needed homeland protection vessels and crew.

4. Through proper training and

certification, fishermen and anglers would have time to perfect dehooking and disentanglement techniques in a controlled environment with instructors present before they would be required to release larger more robust bycatch in the field or sea under adverse sea and weather conditions. This controlled environment training would instill confidence and a sense of duty in accomplishment in a participating fisherman, angler, or permit holder.

5. Workshop managers could poll and record the success rates as the program matures and grows. This census would give managers and instructors valuable insight to the reality to management measures in the field and in the fishing world, as fishermen, anglers, permit holders see it.

6. Private sector gear technologists, NGOs and other interested parties could help fund these educational workshops thus offsetting the expected expenses. Trainers could donate their time and expertise. Fishermen and anglers could absorb the travel and time as well as contribute assistance in funding if necessary and the benefits are derived. Educational grants could be applied for to offset expenses.

7. Educational videotapes, websites, and literature could be developed, promoted and distributed as a guide to further education while at sea or for home study.

The net experimental design observer training workshops, the mandatory captains, owner meetings, and workshops on HMS regulations, ESA requirements, safety at sea issues and net experimental fishery dehooking and disentanglement protocols and guidelines have proven that proper instruction and education on release techniques and tools greatly increase the success rates of those release procedures once at sea, and with larger more robust animals and bycatch. These workshops also serve to exchange valuable information and innovations in the field.

In closing, education, communication, cooperation, and recognition, are the fishery tools of the future. ARC recommends that alternative J8 be considered as a preferred alternative in this draft Amendment 1 to the Fishery Management Plan for Atlantic Tuna, Swordfish, and Sharks. Every mandate in this fishery is a viable management tool. ARC would like to thank NOAA Fisheries, Chief Rogers, HMSAP for allowing us to make public comments on these important HMS issues. Thank you.

MODERATOR CHRISTOPHER ROGERS:

Kristin, if you had an extra copy of the written testimony there that would be fine. Okay, great. That will help the transcriptionist. Shawn Dick, did you have any further comments?

SHAWN DICK: (No Microphone, Inaudible.)

MODERATOR CHRISTOPHER ROGERS: Okay.

SHAWN DICK: (No Microphone, Inaudible.)

MODERATOR CHRISTOPHER ROGERS: Okay.

Do -- Dewey Hemilright.

DEWEY HEMILRIGHT: My name is Dewey Hemilright and I'm a commercial fisherman from North

Carolina. I started shark fishing in 1993 when the management plan was coming into effect. Since 1993, we've watched our income decrease from regulations, regulatory regulations, and it appears that it might even decrease even more.

When I go to look at -- when Glen alluded to being probably 80% of the observed data. I participated in the observer program in 1996 and 1997, thinking it was the right thing to do. I still believe in it back then, but really don't believe in it now because I see the way the information gets distorted once it goes, instead of once it leaves this area, or this area. It gets put in different realms.

The time and area closures you have, I don't believe it needs to be there. I believe if you look at State waters where there's been closures already, and if you look at other State waters that are continued fishing right now, it might maybe alleviate or we could get some data from that. When you go to look at National Marine fisheries and the recording of the data, we still don't know what's being landed. What species are being taken?

Here's a -- and probably I ain't a good speaker, but I got my heart in it because it's my livelihood. And, when you sit there -- here -- here's a good instance; this year, National Marine Fisheries went to species -- species specific quotas for Ridgeback and Non-ridgeback.

If you land sharks in the State of Virginia, the dealer sends them, say 3,000 pounds of sharks. It's written down as sharks. The State of New Jersey, I talked to a dealer it's written down as sharks. The State of New York, it's written down as sharks. So, how can National Marine Fisheries tell the fishermen that they're doing, on the dealer reporting, specific things, when it's all sharks. Who decides? And this didn't just happening this year; this has been going on for years.

It's like since 1993, you made a management plan. You put a 4,000 pound trip limit into effect and you've done nothing else since that time. But boy, we've watched the world of things happen. We watched from seeing press releases that they're extinct. That we need a 50% cut, we need this, we need that. Various enviros saying this and that. And, authors writing articles on this and come find out, you do another stock assessment; the last one was just done. And sharks seemed -- looked a heck of a lot better than they used to be.

It seems like we always, in the shark fishery here, got the -- it's a never ending struggle. It seem -- the -- the State fishing, but every time you look about something you get a telephone book that sent out there like that. And you expect to go through it and here's all the answers.

Well when I -- I read that thing about four or five times and it's full of holes. Holes that just begging for questions to be asked, but there's never a time. You got 60 days, you got 5 hours, you got this and it's all of a sudden boom, it's done. You know, and -- and you all can sit back there and say, well, we're constrained by the

Sustainable Fisheries Act and da da da, da da da. Well, heck, they tell you to rebuild your engine and give you a hammer and chisel, think you gonna be able to do it? I -- I -- probably not.

These time and area closures, that are proposed is -- is going to effect a lot of people's livelihood and a great deal. I think you -- you will loose the rapport with the fishermen, because that's where the datas come from. It's come from putting our -- our sweat on the boats. Putting the -- the people out there fishing, the observers taking part. Taking part in this process, driving up to these meeting, going to a stock assessment. Which I don't all understand it, but I can tell you that this just -- it just don't pass the -- the right test when you look about it, but -- but that's here nor say.

I want to read you all something back from the 1994 Shark Evaluation Workshop. And I know that -- that government is slow. I watched nine years it take to get the incidental Blue Fin Tuna requirements changed around nine years. So, I realize what slowness is and how you -- how it works.

But in 1994, was one of the about the second year, may be that they started doing the stock assessments, getting the stuff together. And, everybody was new at this. We didn't have no data. We still ain't got no data probably, but -- but we're working better to improve it.

It says here in 1994, less data or landing by species improved substantially it would not be possible to produce credible species specific assessments. And -- and you still don't have the data. You look at the dealer reporting. You know, it -- it -- they're reporting the sharks, unlike the data in my log book, but why not go out there and build a rapport with the dealers. It's probably only 20 dealers, that -- that fill out that -- the -- the logbooks. I mean that land any majority of sharks. So, if you would go out there and there's no way you could, you know, you getting Small Coastal Sharks. You're getting the Smooth Dogs, like in the State of Virginia; I read something in 2001 there was 20 -- 4,000 -- 400,000 pounds of sharks landed. How was that classified as? Was it this or that?

Well, I mean when we come here and -- and when these -- these regulations the -- the -- the fishermen, whether it's commercial, recreation, but it -- it -- it's hits my pocketbook hard on the commercial side. So, I want to stick to that. These regulations that -- that is coming, it -- its' like all of a sudden are there. And, there is no way to get the question on how this works, or --? Oh, well, we're working with the States. I mean that's smoke. You -- you got to do better than that people. I -- I mean you -- your -- you're responsible for maintaining the resource or renewable resource, you're charged by that by your mandates and whatever. And, we're just ain't getting the bang for the buck. It just ain't happening.

You -- when you look at -- not only

that when you look at -- when you go to look at the -- I sat through a stock assessment this last year and you go look at the recreational side and you go look at the data that's there. I want to know why you even got the -- why not increase their limit -- why not give them five sharks a thing? Why not -- I mean, it's like anything that's not a -- it doesn't matter. Because it's got to be followed.

You look at the landing of Duskie's.

I mean, I don't believe their laying into Duskie's, myself, personally. But, you got data that says it is. And, you got the data that says I'm doing this and this one's doing that. You all got to clean up your data work. Somebody's got to get off their duff and -- and -- and work collectively. I think there's enough good people out there with the States that you -- you just can't go with this smoke screen for 20 years and keep on going and people being put out of business. And, oh, these -- here's the best available science -- well the science might be all right, but here's the best available data and the numbers. You could take a pile of numbers and put on this table and whoever collects them and puts them in there, they -- they show a lot of different stories. You're not getting the, you know when you go to -- you just don't have enough data to go species specific. I think you all need to put in place what you have since like '97, back up, get all -- work on the collection of the recreational data. Work on the collection of the commercials. Get the to where you dealing with the dealer's reporting. Hey, what have you been putting for the last five years? Well, I been reporting sharks. Well damn, it comes out here, well, well let's say 25% of them are Black Tip and 30% of them -- that ain't the way to do it. Why not work and -- and -- and do something constructive. The way you going out there to grab the -- the data's there. The dealers are reporting. Fishermens are filling out the logbooks, whether you believe them or not. So, somewhere between there we can work on this.

And so, once you got the data to what's being landed. Then you go with a management measures and the rest of the crowd that wants to hurry up and with a management measures, well, you can just put them on hold for a while.

Because if you don't have the data, and know what's take out that ocean, then you -- all the science and all the reproductive, and all this and that, don't make one hill of beans. You -- you go on there and when you looking up here like your landings and stuff, you always want to show percentages. People are well, percentage of what? You -- you look at here at the Large Coastal and the Small Coastal Landings Percent By Regions, Average 1999 to 2001. Why did you choose 1999 to 2001? Why not 1993 to 2001? Why them three years? Was it convenient? Does it have a agenda? I mean, why not put in the numbers?

When you go look at the shark observer data. I seen one thing where it showed the soak time in North Carolina was 24.4 hours. Well, that's just ain't the fact. You go adding the numbers up and it comes up to about 14 hours. So, I

mean -- I mean the whole thing about it -- and then when you go, our observer program, when -- when the observer program left, under the leadership of Steve Brandstader, at the Gulf South and Development Foundation, maybe not the data in, but the credibility in what the heck. It got lost, it's gone.

You look at the reports that been put out from this observer programs, back then. Good reports. You look at it now, there wasn't even a report for the stock assessment this past year, in 2002. Not even there. Here we were told that, hey, boys this observer data's important. You got to do it. It went from voluntary to mandatory. And then you have a person in charge that doesn't even put out a stock assessment.

I know I'm rambling on here, but it -
- it -- it's -- it's pertinent that all these measures you all are doing. Because all these measures got to have some numbers that come from somewhere before you can do that. I wish that you all, you know, you can't rebuild something that takes 10 or 15 years and expect to see it over night. Because you all got a hard time of convincing the people of how all of a sudden you went from extinct. I sit through a stock assessment, I was most mentally frustrated I had ever been in a week, sitting trough that stuff. And -- and how you come up with the numbers. How this and that.

And you know you got to start somewhere. I agree with that and different things, but how do you go from all of a sudden some thing to extinct. You know I was sitting in the law suit there and the -- the -- the attorney for you all were telling the judge, your honor, they'll be species extinct in two to five years if you don't do something. Well, look all of a sudden here in the year 2000; I ain't see too many things extinct yet. You know, I'm hearing a little bit more positive. But at the same time, you got to draconian closure that goes from here to here, and anywhere there was a Dusky pointed in, hey, we'll close it.

Well, you know that -- that might be work out with. Hey, and it very -- probably will -- will be. But -- but you all are loosing some credibility at people that sit there, Glen and myself, and all the others that took observers and we best to complain at don't you want not -- since they bitch and complain, but a -- but just you know of -- of stuff going on but -- but all of a sudden here you loosing the rapport.

And -- and you and -- and it -- and it should be somebody on the observer program who -- who is independent, not associated with this, or with this, or with this, because it gets the appearance of improprieties. Whether it is or isn't. And I have seen it first hand. Experience I probably studied the sharks more than, heck, what I studied this much in school or something. But just because it's my livelihood and -- and know the ins and outs.

And who says this, and I realize

government's slow. I -- I totally realize that so it ain't -- it don't happen over night. But, somewhere you all got to clean up on these numbers. And the numbers are out there to clean up on if somebody just take the initiative and go -- and go look for it. Or -- or, go do it. Or, listen. Don't say, well, we're working with the State. Well, we called the State the other day. That don't work people.

You -- I mean, you know, take pride in -- in -- in what you doing. Because it effects all of us. It effects, you know, the whole, the resource. Because if there ain't no sharks out there. I'm not going fishing. Recreationals aren't catching no fish. Environmentalist ain't having those sharks in their aquarium. Well, they might got the ones they still got in there, you know. But -- but as far as the other stuff, that you all got a chance to, you know, we come to a stock assessment and we reached a point where all of a sudden, well, maybe things ain't so bad after all. But, now all of a sudden, we -- well, let's just shut this down because so and so said we need to do this, or this, you know, it there any.

I looked at this closure as a failure. As a last resort because other things could probably be looked at. Maybe the -- what was the effect of closure of State waters in different places? How much of that is shown on the observer data? You know?

It -- it's just a lot of things that I -- I'll -- I'll finish up with on last thing here. I asked the National Marine Fisheries three months ago, for an answer to a question. And I've continued to ask that. We've experienced where the fin ratio is -- is a law was mandated, I believe in Congress, about 2001 or something. Does that sound right, or 2000? Of a five percent fin ratio. I've experienced five and a half, or six percent, on adult Sandbar Sharks of taking the fins off all the four primary, main ones and the other three ones. Which makes me five and a half percent, six percent, six and a quarter percent. And, I've asked for three months, you all, this is how -- this is what really -- well, it provokes you a little bit because you think it's -- we look at something in the working worlds, if something's broke you try to fix it in 'cause you got to -- you got to fix it to continue working. I know it's a different appearance in the government world.

But, I've asked a question is; where did this five percent come from? Where -- how do I clean my shark to stay within the five percent requirement? Because we've experienced some things with enforcement where it's -- it's -- it's kind of like a zero tolerance thing. We're -- we're -- we're seeing or something. And, it's -- some of us asking the questions, well, how is this it? I've asked for three months. And, I still haven't got an answer from you.

I sent a paper in the other day. If Congress passed a law of five percent, I would hope you all would have the information to show where it come from. And, it don't take three months to dig

up in files.

I probably got a lot more to say, and I'll leave it at that. But, -- but before you all -- before you all look at these time and area closures, go back and clean up the -- the, you know, you got the dealer stuff, like I say from Virginia to Maine reporting sharks. Well, who decides what's caught? I look at the small coastals; guys that are gillnet fishing, guys that are doing this today and nothing hard. You know once the dealer reports what it's, hell, he can sell it whatever he wants to, you know? That -- that's beside the point.

But you all know about this problem and you all say you're doing something. I get the air, you're doing something. But I just don't see it on paper. And if you cleaned the data up, just like was done at the workshop though the assessment, on different things. Where we sat through like the -- the -- the bycatch of the Menhaden industry got cleaned up. For, you know, different things like this. May be it would show it in other things and you wouldn't -- we could manage these sharks a little bit better. But -- but the quit -- and -- and I asked that National Marine Fishery, please take this shark observer program in-house, where something different than the path that has been taken since 1999. Because it has lost all credibility with me in -- in the process of who it's currently housed under. Because the work ethic there is from a fisherman's point of view, commercial, it's pathetic. The work ethic. Thank you.

MODERATOR CHRISTOPHER ROGERS: Thank you Dewey. Shawn Dick. And, we'll get back to you Nelson. And, just for completeness, did Colby go? Did you intend to speak at all?

COLBY DOLAN: (No Microphone, Inaudible.)

MODERATOR CHRISTOPHER ROGERS: Yeah, okay.

SHAWN DICK: (No Microphone, Inaudible.)

KARYL BREWSTER-GEISZ: Can you turn on the mic please.

SHAWN DICK: Thank you Chief Rogers, Mr. Dunnigan, HMSAP. I spoke with Dewey last night. I understand a little bit of his frustrations. I've been involved in the HMS Shark Plan for probably since the late '80s. I was involved with Jose' Castro, and Paul Leach, and I think, and Doctor Hughter. And, I go back quite a ways. And, I've seen this FMP grow quite a bit. And, I think that it's been a difficult fishery to manage because of its highly migratory nature of the species. And because we didn't have as much understanding about the fishery as we needed to have. But, I have seen some incredible accomplishments and some really good things that have happened throughout the years. And this is accomplished because a lot of the hard work of the AP. And it's been a result of a little bit of differences on the panel, but there's differences of like spawn some solutions that have really helped the fisheries.

There's some issues that I'd like to address. And, I'm going to do it quickly because I know it's been a really long day here.

As far as Mexico goes, I was working with Doc - Doctor Mark Teenhall, at the IATTC, and if the fishery management regime there has changed recently, this may not be true. But as of about a month ago, Mexico mandated some of our mitigation measures from the NED in their shark fishery. And so, I did see some sort of bending by Mexico.

Now, that could have changed in the last couple of weeks. But, we're actively working with about 13 different countries to employ some of the successful mitigation measures from the NED; such as, avoiding hot spots by vessel to vessel communication, by soak times, haul times, gangent links, dehooking devices.

So, there's been a lot that's been done recently, and I think it's been due to a cooperative effort. And, I've really seen NOAA fisheries and the commercial industry, the recreational industry, I've worked with IGFA, I've worked with RFA. I've seen a lot of people here recently really concerned about their fishery, and really concerned about how they manage their own fishery.

What I think the problem is, when we are working with highly migratory species is that, no matter what we do, if we don't get international compliance, the same -- everything that we do is going to just swim out of the waters, like the gentleman from the Caribbean said, and it's going to be caught by somebody else.

And I understand what Dewey is saying here. He's very frustrated over this time area closure. I think that Rusty may have a solution to that, if we could work with it. I know it's a preferred alternative. I know we're under time constraints right now, but there may be a way to, you know, compromise on that time area closure. Which I think is one of the largest grievances that I've heard from industry in the last couple of months.

Second, they seem to be totally dissatisfied with their observer program. I don't have the details on it, but, you know, that's something again, I think that maybe we could work a little harder to correct and get that credibility going again.

And, the same thing that happened when I was working with a hammer and the net, there was, you know, not a whole lot of credibility. They're afraid their fishery is going to shut down. They are afraid they couldn't bring their, you know, food home to feed their families. But, you know, the cooperative effort between NOAA fisheries, the NGOs, the researchers, it's really made a big difference. And -- and I've seen them turn the fishery around. I think they can turn the shark fishery around the same way. I think that we're going to, you know, have some, you know, people that are not totally satisfied with it. And understandably so.

But, I just want to leave this AP

with saying that, I -- I've noticed this thing over a long period of time and it's really taken some really positive steps for it. I want to compliment the AP. I think that's what the Secretary of Commerce, Evans, had intended for this group. Is to get together and to solve these problems. And to look at these issues.

We've got a much larger problem on our hands and that's the international community. We're starting to get some cooperation because they're starting to watch us. They're starting to see what we're doing with our successful mitigation measures. They're starting to -- starting to do a little bit more than what they had been doing. But, the only reason that they're doing this is because we put this tremendous pressure on them from the U.S. The U.S. has been this example.

If we don't have a fishery, and I'm not saying that we wouldn't, but if we didn't have a fishery like a shark fishery, we wouldn't have an example to show the international community how to do it correctly. And, they surly are not going to stop fishing if we stop fishing. So, I think it's really critical that we've got some probably, some of the best experts and some of the best minds in the fishery sitting right here at this table. And, I -- I -- I was here in 2001 and I've really seen it grow. And, I've seen a lot of good things coming from it, from the recreational industry. I mean, there's not much more the U.S. fisherman can do.

We're some of the most conservation minded people in the world. I mean, we have sacrificed our fishery. We've done every measure possible. The recreational industry's been catching and releasing voluntarily long before it became politically correct to do so. The commercial industry has now kind of boiled itself down to a -- a group of people, who really concern themselves with the fisheries and conservation efforts.

If we can take this with the combined energy and clout of the NGOs and focus it internationally, then we can really solve some of, I think, what are the largest problems in our fisheries and that's -- I think that would be a really good start.

And, I just want to say I think the AP's been doing a really good job. I think the commercial industry's been doing a fantastic job. I think the NGOs have been doing a fantastic job. And, I think the recreational fisheries have been doing a fantastic job. The resource managers and the researchers. And that's really all I want to say tonight. Thank you.

MODERATOR CHRISTOPHER ROGERS: Coby Dolan.

COBY DOLAN: Thank you. Chief Rodgers and -- and the AP Panel. Thank you for letting me speak this afternoon. My name is Coby Dolan and I work on program council for fish conservation with the Ocean Conservancy. I work with Sonya Fordham, who unfortunately couldn't be here today, and -- and I'm not going to be very long. I'll be brief because, Merry Camhi, in Sonya's place. I think has identified a lot of the

things that our organization is concerned about in the -- in -- in the draft. And, I do -- I do want to reiterate that we -- we think that everyone's done a really good job on this and that overall it's -- it's a -- it's a pretty good product. And -- and we're heading in the right direction.

You know, the Magnus -- the Magnuson-Stevens Act and the amendments that that we passed in 1996, you know, came about because we wanted to really make sure that what we're doing is having sustainable fisheries, and healthy fish populations for now and for future generations. And, that's why we put in measure, you know, to make sure that we're stopping overfishing. And I think that this amendment gets us to where we need to to stop overfishing and start rebuilding.

I -- a couple points I wanted to touch on. I think Merry and Shanna touched on. This -- this 70% probability, you know the rebuilding timeframe. I -- as an initial matter, I think, as I read Magnuson, what it requires is that when you have -- when you determine that a -- a species is overfished, and -- and here you got the complex. Is you've -- and it's just the way Magnuson is set up, is you determine whether that stock can be rebuilt within ten years. And, the simple answer here is, yes, it can. Zero mortality there's a 68% chance of rebuilding within 10 years. And so, the simple answer is, the rebuilding timeframe has to be 10 years.

Now, what the 2002 stock assessment said is that with a 50% catch reduction of the 2000 catch levels, which is, you know, for the most part, you know, for purpose of -- of the point I'm trying to make; is what this does. Because it's 40% and as I understand from Karyl, although I don't know exactly how we get there, the other 10% is made up through some other measures. So, you know, with a 50% catch reduction of the 2000 catch levels, there's a 50% chance of rebuilding within 10 years. That's what the 2002 stock assessment said.

I'm not a scientist, so, I will take that at face value. So, you know with what we're doing right now, there's a 50% chance of rebuilding within 10 years. Now, what the document says is, we set this 27 years and it says, I think on Page 4 -- 4.5 is that, you know, in 27 years there's a 64% chance of having rebuilt by that point with these measures. And so, when you look at 10 years at 50% and 27 years at -- at -- at 64%, it's just a question of, you know, which point you want to take. Now, as I understand the application of the 70%, you know, precautionary measure is, you've got a species, sharks generally are obviously are -- are a lot less productive, more long lived than most fish stocks. And so, you want to be more precautionary in their management. And -- and that's how that's in there. Now, you know, if I'm picking between 10 years at 50% and 27 years at 64%, it's really the same thing. It's the same management measures, just a long time line. I would take the 10% -- or the -- the 50% with 10 years.

(Tape Change.)

COBY DOLAN: -- in years that we're

getting the complex rebuilt. And so, between the two, I think, you know, I've -- I've given some testimony before the Mid-Atlantic Fishery Management Council, where I -- I -- I brought this point up and I just wanted to make it again and maybe be a little more clear.

Certainly our comments that -- that we'll submit on Friday, our written comments will go into that more thoroughly. But, I want to -- I just want to drive home that point, that I think as we read the law, the rebuilding timeframe has to be 10 years.

Another point I want to bring up is -
- is just on the bycatch. Merry mentioned the Turtle bycatch and that this document talks about the -- the amount of mortality specifically some -- some Turtle species like Loggerhead and -- and Leatherback, and, you know, I -- I did some number crunching just looking at the pages from the biological opinion, which go into -- it's not just the -- the mortality when they're brought up, but the release mortality. The mortality afterwards.

And, what that -- what that talks about is a mortality rate of 27 to 42%. And, even if you -- you apply that -- that -- that the lowest end of that. The 20 -- 27% mortality rate, when you look at the last eight years in the Pelagic longline, it lists 154, you know estimated, Loggerhead and Leatherback Turtles dying. But if you apply that 27% as a minimum, as a conservative estimate, it's really 3,848, you know as a -- as an approximation.

So, you know, I -- I think that you really need to explore how you're addressing the bycatch there. Because again, the bycatch requirements of Magnuson are that -- that, you know, first of all you -- you develop a -- a standardized methodology for determining how much bycatch you have. And I think you're taking some good steps with that with VMS and observers. But also, it's not -- I mean the first step is that you -- you after that you're supposed to minimize bycatch. Which means to try to avoid having these Turtles get hooked in the first place.

And then, the second part of that is that if you can't, you know, to the extent that you can't minimize bycatch any further, that you minimize the mortality. And so, that's where you get to the 27, 42% on mortality.

I think there's some measures in here that address that. The dehooking things that -- that are going to help address that mortality after the fact. But, I don't think that this document clearly addresses the mortality upfront. The -- the avoidance of -- of that. So, I'd like to see some more on that.

Some other items, I -- I certainly I agree that with what several people have said here about the minimum size for commercials should be put back in place. I also -- we have concerns about, obviously the deep water sharks. I object to that being removed from the management unit.

And, finally on State coordination.

I -- I think that really is important. I think some

people have, kind of, brought up the fact that we're not doing enough working with the States. Because, you know, certainly anything that swims in the ocean isn't going to recognize State lines, Federal lines, or International lines. And so, it's not just, you know, that we have to coordinate better with the States to make sure we're doing the right thing. We also have to do that with the international community.

It doesn't do us much good to reduce our -- or to sustainably manage the sharks that we have in -- in Federal waters and -- and also minimize the bycatch of other species, mammals, turtles, and other finfish. You know, but we also have to do, and it's not that we shouldn't be doing that just because others aren't doing it. But, we also have to take those further steps to work harder to coordinate with the States and coordinate internationally to make sure we're all working on the -- on the same page. Because these resources are really everyone's and it's just -- it's not just whether they're within the Federal waters or not. So, all in there. Thank you very much. I appreciate it.

MODERATOR CHRISTOPHER ROGERS:

Nelson's standing up there after Dewey was speaking. We have about two minutes before our published agenda comes to an adjournment.

NELSON BEIDEMAN: This is something that keeps falling, you know, between the cracks. What Dewey brought up as far as Virginia, and New Jersey, and New York, the dealers. Less than 20 people involved. Everybody in the business knows who they are. Each and every one of them certainly know how to identify the species. What is the problem? Is it the paperwork? That the paperwork doesn't call for species specific? Is it laziness? You know, what -- what exactly is -- is that problem because, I know all these people. You know all these people.

DEWEY HEMILRIGHT: What?

NELSON BEIDEMAN: Are we not asking them to do the right thing?

DEWEY HEMILRIGHT: The -- the question I asked because it was brought to me when I was fishing. I -- I was curious of how, you know, all of a sudden National Marine Fisheries were something that I just didn't believe could be done. Still don't believe how they could do, you know, specific quotas. I just don't believe in it. Don't believe it can be done like that. Don't have the information. So, I started asking some questions. I'm like how does my sharks get counted, you know. I fill out my logbook and I'm being told that, you know National Marine Fisheries decide that shark seasons going to start Jan -- July 1 and going to end September 15th. That's fascinating how they can decide that. That's beside the point.

But then, they decided that both Black Tips and Sandbars are going to shut down the same time. I'm like, you know, I'm -- so I start making some calls of people that I land my sharks with. And, I asked them, well, how do these sharks

being recorded? And, they say, well we just take our thing that shows that you, you know, your ticket that where you've unloaded your sharks and we send it right in to the port agent. Fax it in. I'm like well, that's all we do, you know. And we been doing this for years. It ain't just happening yesterday, day before, last year. It's been happening for years.

And -- and when I go looking at the numbers at the landings and I'm trying to figure out y'all, National Marine Fisheries is going to decide on what species of sharks are being counted. I'm like how the heck do they figure this out? They don't even know. You know, it's like you sit around a little ouija board and say, well, let's say this is Black Tip. I'm sure you all got a little better defined way of doing it, but that's my just little comical comment.

But -- but this is something that it's -- it's -- it's, you know, with a little bit of work it could be cleaned up. It -- I don't -- you know, it don't take no rocket scientist or -- or just a little bit of effort. Effort that could show something better may be in -- in what's being caught and this size waters, or closed, or State waters, or outside, just a little bit of effort.

And -- and I don't think this is new to you all. You know? I -- I don't -- maybe you had higher priorities but -- but this -- from what I've seen, it just, you sent in the ticket, the dealers, you know once the dealers -- this report let the dealers sell whatever he wants to. But just, you know, work with the fishermen, or -- or what ever being done, or you know, maybe the port agent ain't telling the people, hey, you -- you need to -- I don't know. I -- I just know it ain't being counted and there's no way that you all going to tell the public, and the fishermen, and whatever that we're deciding that this is Black Tips landed, or this is Sandbars. Yeah, you might come up with a number but it's a piece of the pie and, you know, would be like putting a bandanna on them and hitting a piñata, hoping you're going to get the lottery or something. I just don't see how you do it. But, I can just -- from what data whatever it seems.

NELSON BEIDEMAN: Thank -- thank you Dewey. It -- it just seems that, perhaps we're not asking the question on the paperwork proper or what have you. But if -- if we could make a note to find out specifically from the port agents exactly what that problem is. Because I would say that all these people are, you know, or most all of them, are Blue Water members. And, I know that all of them, you know, know how to identify the sharks. It seems like this is something that we could -- could get straightened out. You know, pretty easy.

Second, you know, I don't think that Shawn noticed Jack trying to tell him that as far as he knows, Mexico -- I don't know where Shawn went, but as -- as far as Jack knows, the Mexican measures are still on line. You know. And what Shawn is talking about, the technology transfer, there is something in the order of 17 countries that are being inquired for, you know, technology transfer,

and to -- to buy some of the mitigation tools, equipment all being developed at the NED. And, another, something like 30 have inquired. So you know, that part of things is way -- way ahead of schedule, which is, you know, a real good sign.

MODERATOR CHRISTOPHER ROGERS: Okay.

Thank you Nelson. Any final thoughts or comments for our Office Director?

DIRECTOR: (No microphone, inaudible.)

MODERATOR CHRISTOPHER ROGERS: Have you enjoyed your afternoon?

DIRECTOR: Absolutely. I've learned something.

MODERATOR CHRISTOPHER ROGERS: We certainly appreciate you all coming here. It was a rather quickly arranged meeting given the timeframe we had for this room. And, we do appreciate the -- the attendance. Not only of the panel members, but also the public. We hope that it was informative. We've heard a lot. And, we will look forward to renewing this discussion with Dewey and Willie tomorrow night in Manteo. And -- and for those that will be down in South Carolina as well, and then we a lot of work to do in terms of finalizing this -- this product and getting some final rule out, and final plan amendment out before the end of the year.

So, safe trip home. And thanks for your input.

WHEREUPON:

THE MEETING WAS CONCLUDED.

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF NORFOLK

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

and Notary Seal this 17th, day of December, 2003.

PAUL T. WALLACE. Notary Public
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October 3, 2008

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